



**NIGERIA**

**FINAL REPORT**

**GENERAL ELECTIONS**  
**APRIL 2011**

**EUROPEAN UNION**  
**ELECTION OBSERVATION MISSION**

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## **I. EXECUTIVE SUMMARY**

**The 2011 General Elections of the Federal Republic of Nigeria were the fourth elections since the country's return to democracy in 1999.** The original calendar for the elections foresaw three consecutive Saturdays from 2 to 16 April. However, these dates were subsequently modified for different reasons. Elections took place in the following order: on 9 April for the National Assembly (Senate and House of Representatives), on 16 April the Presidential office and on 26 and 28 April, and 6 May for Governorships and State Houses Assembly.

**The European Union Election Observation Mission (EU EOM) was deployed in Nigeria from 1 March to 21 May 2011 following an invitation of INEC.** The EU EOM was led by Chief Observer Alojz Peterle, a Member of the European Parliament and it comprised 141 observers who were deployed to all the States and the Federal Capital Territory (FCT). The observers originated from the 27 EU Member States, as well as from Norway and Switzerland. In total during election days, the EU observers made 1,684 visits to polling units in order to observe accreditation, voting and counting, and additionally they observed collation of results at 309 centres at ward, Local Government Area (LGA) and higher levels. The EU EOM findings and recommendations are based on its observations. The EU EOM is independent in its findings and conclusions, and operated autonomously under its specific mandate, in compliance with the Declaration of Principles for International Election Observers, commemorated at the United Nations in New York in October 2005.

**The death of President Umaru Yar'Adua in May 2010 determined the succession of Vice-President Goodluck Jonathan.** In June 2010, President Jonathan appointed Professor Attahiru Jega as the new Chairman of the Independent National Electoral Commission (INEC). He was selected on the basis of his reputation, and in recognition of the role he played in the Electoral Reform Committee (ERC) that was established to review the electoral process and the legal framework after the widely rigged and disputed 2007 elections.

**The 2011 General Elections marked an important step towards strengthening democratic elections in Nigeria, but challenges remain.** Overall, the legal framework for the 2011 General Elections provided an adequate basis for the conduct of democratic elections in accordance with international principles and with the international instruments ratified by the Federal Republic of Nigeria. Following the Electoral Reform Committee's (ERC) report of December 2008 that commented on several shortcomings affecting the quality and credibility of elections, such as the necessity to address the prevailing atmosphere of impunity with regard to electoral offences, in June 2010 the National Assembly and the State Houses of Assembly approved the first amendments to the 1999 Constitution. These brought significant improvements, concerning inter alia the financial autonomy of INEC and the introduction of the prerequisite for INEC's Chairperson and National Commissioners not to be members of a political party. Regrettably, the amendments failed to introduce some of the ERC's recommendations, such as the independent appointment of the Chair of INEC and the Resident Electoral Commissioners (REC), the establishment of an Electoral Offences Commission, a Political Parties Registration and Regulatory Commission, and provisions for independent candidates to run for office.

**INEC considered that producing a credible register was crucial to deliver transparent and genuine elections** and to build the confidence of the electorate in the system, despite the

tight schedule and logistical challenges to cover an estimated 70 million voters. The decision to focus significant efforts on this exercise was based on the 2007 experience and recommendations of the ERC. Voter registration started on 15 January 2011 in all 36 States and the FCT, and was initially planned to run for 15 days. Approximately 240,000 ad hoc staff was recruited and trained, mostly enrolled from the National Youth Service Corps (NYSC). Owing to logistical challenges, the registration was extended for another week. On 2 March, INEC released the certified register: 73,528,040 voters. Unresolved remained the overall problems of reconciling the voters' register held by INEC on Federal and State levels. The election administration admitted that there were inaccuracies regarding numbers of registered voters that were not corrected. Omissions of names on the list, a problem apparently widespread and that became patent during elections days, was more likely due to technical problems. Multiple registrations were a concern during the registration exercise and attempts were made to remove false and duplicated names. In all, INEC declared to have identified 870,612 duplicate entries. It is not known whether those duplicates are due to registration errors or deliberate illicit registration attempts. The high number of underage registered voters was a phenomenon that became clearly visible during the election days, particularly in the Northern areas of Nigeria. No doubt remains that some communities made certain to include non-eligible citizens on the roll, contrary to the Electoral Act 2010, as amended and INEC instructions. Furthermore, in many instances NYSC members conducting the registration exercise were put under pressure to allow for the inclusion of underage registrants. It was to no avail that INEC's Chairman repeatedly called on traditional leaders to help curb this problem. Stakeholders and the general public seemed not to have complete confidence in the voters' register, but generally conceded that it represented a considerable improvement in respect to what had been previously available.

**The pre-election environment was generally conducive to the election campaign.** The leading presidential candidates were President Goodluck Jonathan of the ruling Peoples Democratic Party (PDP), the former Head of the Economic and Financial Crimes Commission (EFCC) Nuhu Ribadu of the Action Congress of Nigeria (ACN), the former Head of State, retired General Muhammadu Buhari of the Congress for Progressive Change (CPC) and the Governor of Kano State Ibrahim Shekarau of the All Nigeria Peoples Party (ANPP). The campaign was vigorous and included the use of social media. All major political parties signed the INEC Code of Conduct that promoted best practices during the campaign period. However, there were reports of obstructions for opposition parties, such as denial of venues, and misuse of state resources both at Federal and State level, for example merging official duties with campaign activities. There were clashes among parties' supporters and attacks at campaign events, such as on 3 March the explosions at a PDP rally in Niger State when ten people were killed and 20 others injured.

**On 2 April, on the election day for the National Assembly during a live broadcast at around noon, the INEC Chairman, Professor Jega informed the public that due to the late arrival of the result sheets in many parts of the country, the National Assembly elections were postponed** to 4 April. On 3 April in another televised speech, Prof. Jega announced that after consultations with the political parties, all the elections were shifted by a week from the original schedule. The new dates were: 9 April National Assembly polls, 16 April Presidential elections and on 26 April, after Easter holiday the Governorship and State House of Assembly elections. The need to re-print a number of ballot papers was announced on 7 April and caused a third postponement for several Senatorial Districts and Federal Constituencies, which were to be held simultaneously with the Governorship elections.

Despite the explosion of a bomb on 8 April at the INEC office in Suleja, Niger State that killed eleven people, **the repeated National Assembly elections on 9 April proved that the decision to postpone the voting was favourable to a positive and peaceful conduct of the election day.** The distribution of essential material substantially improved from the 2 April attempt and the election process could be carried out, and completed in the majority of the Senatorial districts and House of Representatives constituencies. Voting was organised in separate phases: one in the morning for the accreditation of registered voters and another in the afternoon for voting. This procedure, called the modified open ballot system, was used during the Delta State re-run Gubernatorial elections in January 2011, and was inspired by a variation of this method used successfully in the 1993 elections. It was applauded by several local observer groups as a way to reduce the possibility for rigging.

**On 16 April, the Presidential elections were conducted in a generally peaceful and orderly manner with enthusiastic voters committed to patiently attend accreditation and voting from early in the morning.** If compared with the National Assembly elections held on 9 April, INEC managed to improve the overall organisation of the polling day, mainly during the accreditation and counting phases. If compared with all the other election days, it was during the Presidential polls that the procedures were the most strictly adhered to. The copies of the results were in general distributed to all party agents and the official results were posted outside in 87 percent of the observed polling units, which is a remarkable improvement over the National Assembly elections, when the procedure had been followed in only 54 percent. The results were posted outside the ward collation centres only in 49 percent, which is again a tangible improvement compared to the 9 April elections. However, at the LGA level results were posted outside only in 35 percent and at State level only in 40 percent of the observed cases. This was in contradiction with INEC's procedures and had a clearly negative impact on the transparency of the election process. The collation process was considered by INEC as the most fragile part of the process.

**After the Presidential elections on 18 April, violence erupted in the North and in the Middle-Belt of the country** including Kano, Kaduna, Gombe, Bauchi, Adamawa and Taraba States, probably triggered by the perception of the presidential results. Protesters burnt places of religious worship, public buildings and the houses of politicians from the ruling PDP and religious leaders considered to be related to the party, targeted INEC buildings and its personnel, including the NYSC members serving as INEC ad hoc staff and in Bauchi State ten of them were killed in a gruesome manner. Also the palace of the Sultan of Sokoto, the highest Muslim authority in the country was attacked. Protesters clashed with the security forces. All in total hundreds of persons were murdered and tens of thousands were displaced. The authorities imposed a curfew in the affected States until heavy military presence restored order in the following days. In the afternoon of 21 April, INEC Chairman Prof. Jega announced that due to the security situation, the gubernatorial elections in Bauchi and Kaduna States were postponed from 26 to 28 April.

**Despite the security concerns, the elections held on 26 and 28 April were generally calm and INEC managed to provide with an adequate technical process that allowed the electorate smooth accreditation and voting.** Nevertheless, in many respects the conduct of the Governorship and State House of Assembly elections represents a notable deterioration when compared to the Presidential elections. Even though INEC authorities further improved the distribution of essential election material, the process was marred by an overall increased

interference and undue influence of party agents, and underage persons were accredited in every fifth polling unit, which is an exacerbation compared to the Presidential elections. The number of used ballots did not equal the number of valid, spoiled and rejected ballots in almost every fifth polling unit, while in the Presidential elections these numbers matched after each observed counting. Due to irregularities at a number of polling units, INEC declared that the elections on 26 April for the Governorship and the State House of Assembly in four LGA's and in one ward in Imo State were inconclusive and supplementary elections were scheduled in the affected areas for 6 May. The EU EOM observed the supplementary elections, but in spite of INEC's undoubtedly genuine attempts to deliver exemplary elections, they did not manage to distribute polling material and staff on time.

In the face of stringent time constraints, hampering logistical and operational challenges and various adversities **INEC nevertheless managed to organise the 2011 elections guaranteeing overall effective exercise of voting rights to Nigerian citizens.** In April 2011, elections were held in 1,496 constituencies, specifically to the office of the Presidency, to 26 Governorship positions, to 109 members of the Senate, to 360 members of the House of Representatives and to 990 legislators in 36 State Houses of Assembly, and approximately 450 million ballots for all five elections were procured. INEC was fairly independent in its decision making process. Throughout the elections, and especially when faced with challenges, it widely consulted with political parties, civil society organisations and other stakeholders in an effort to promote inclusiveness of the decision making process and transparency of the elections. Regrettably, the Chairman's resolve to adhere to election regulations was not always supported by the performance of the remaining INEC structure. For instance, contrary to INEC instructions, simultaneous accreditation and voting was observed in numerous polling units throughout the country for all the election days. This confirmed the lack of control that INEC headquarters experienced in their efforts to implement electoral procedures consistently. However, Prof. Jega reiterated his intention to have all cases of alleged misconduct and dereliction of duty committed by its own staff investigated and prosecuted by the courts.

INEC took the leading role in **voter education**, working in close cooperation with civil society organisations and with the National Orientation Agency (NOA) to ensure that updated voting procedures were communicated to all the citizens, with particular attention to rural areas. However, few public outreach activities were observed in the States, especially in the remote areas. A week prior to elections, INEC initiated more visible programmes. This lacuna was reflected in the high number of rejected votes. Also lacking was a broader voter education programme targeting groups or citizens that might be least likely to participate, such as first time voters, minority groups and women. Seemingly, the majority of the voter information activities were left to different competing political parties.

**Nigeria has a vibrant and diverse media scene**, with a large number of broadcasters and press outlets offering a pluralistic political discourse to the electorate. Nevertheless, financial instability and to a certain extent, some cases of intimidation in certain parts of the country imposed constraints on editorial independence and quality journalism. The state-owned media dominated the broadcasting sector with the only exception of Lagos area, where commercial broadcasters capture the largest percentage of the audience. In the print media, privately owned press prevails. As in other sub-Saharan countries, radio is the most influential media. The freedom of speech was generally respected during the campaign period; however, some cases of intimidation, harassment and police questioning were noted. Nigeria has ratified a



number of international and regional instruments protecting freedom of expression. Nevertheless, the Freedom of Information Bill that aims to guarantee each and every citizen's right to freely access public records is pending in the legislature since 1998.

**The media coverage of the election period** was regulated primarily by the Electoral Act 2010, as amended, which states "media time shall be allocated equally among political parties or candidates". During the campaign period, the media provided an intense coverage of candidates and parties standing for the elections. The state-owned Nigeria Television Authority (NTA) lacked balance in the coverage allocated to the candidates and their parties: 80 percent of the coverage devoted to political actors was given to PDP, five to ACN and CPC each; 75 percent of the direct speech in the NTA's news was dedicated to the President Jonathan; Buhari received eight, Ribadu and Shekarau three percent each. The editorial policy of the government-owned Federal Radio Cooperation of Nigeria (FRCN) stations was better than the one of NTA: PDP was allotted 64 percent of the coverage in the Abuja-based Kapital FM and 61 percent in the Lagos-based Radio Unity. However, Jonathan was the only presidential candidate quoted on FRCN Kaduna. On Kapital, FM Jonathan received 85 percent of direct speech and 87 on Radio Unity.

**Freedoms of assembly and movement were overall respected during electoral process.** However, violence which broke out in many parts of the country before and after elections caused loss of lives and properties, and several thousand internally displaced persons (IDP). Undoubtedly, violence had a negative impact on the electorate and deterred some voters from casting ballots. Omissions of names in the voters' register and lack of provisions enabling polling workers and security personnel to vote, as well as incoherent practices regarding registration of inmates awaiting trial also disenfranchised a part of the electorate.

**Women** were well represented among the polling workers: for example, during the Presidential elections the EU EOM observed that 40 percent of the staff and 36 percent of the presiding officers were female, but the proportion of women was substantially lower among collation officers. Women are consistently under-represented in the legislature and within the leadership structure: they represented around nine percent of all candidates contesting to the National Assembly, 8.7 percent to the State Houses of Assembly, 3.7 percent for Governor and 17 percent for Deputy Governor positions. There was only one female presidential candidate out of twenty. The results of National Assembly elections show that only 7 women were elected as Senators (out of 109) and 19 as members of the House of Representatives (out of 360); in 2007, they were respectively 8 and 23. So far, no woman has been elected as Governor in Nigeria.

**Domestic civil society organisations (CSO)** were engaged in a positive dialogue with INEC, playing an important role in promoting the rule of law, the adherence to election regulations and encouraging an overall orderly electoral process. INEC published a list of accredited domestic organisations, 313 in total, by 23 March 2011. However, the deadline for the organisations to submit the individual accreditation forms for their members was set for 25 March. A number of organisations were challenged to abide by the deadline and criticism was voiced over INEC's lack of capability to timely organise the accreditation process.

The Electoral Act 2010, as amended, does not provide specific procedures for the submission and adjudication of **petitions prior to the elections**. These are treated as any other cases in ordinary civil litigation. Following the conduct of the primaries of the political parties,

aggrieved aspirants filed approximately 375 complaints directly with INEC and more than 400 petitions in different courts throughout the country; the vast majority of the cases concerned allegations of illegal substitution of candidates by the parties. Overall, the courts adjudicating pre-election cases functioned in a transparent manner and demonstrated a certain degree of impartiality in upholding the constitutional and legal framework with regard to elections, issuing a number of judgments in accordance with procedures and with a generally sound evidentiary and legal basis. The courts made commendable efforts to timely adjudicate the volume of petitions filed at the pre-election period. Nevertheless, the lack of deadlines for filing, consideration and determination of complaints prior to polling trailed the results of the primaries, producing a large number of judgments delivered by the courts only a few days before the polls or even after. The high number of pending petitions had a negative effect to the voters' awareness of the electoral contestants.

The channels for addressing **election-related petitions and appeals** appear to be clear. Nevertheless, the Electoral Act 2010, as amended, does not provide for voters to lodge a complaint when an infringement of their electoral rights has occurred. The Election Petitions Tribunals were established in line with the Constitution and they have original jurisdiction to hear or determine petitions as to whether any person has been validly elected. The time limits for the dispute-resolution process were significantly shortened, in order to ensure timely adjudication on cases so as to promptly resolve the legitimacy issues surrounding various elective positions. The EU EOM studied 128 petitions from different parties brought before the Election Petitions Tribunals in 18 States and the FCT, out of roughly 140 submitted throughout the country, contesting the National Assembly elections results. The grounds of petitions, common to all include that the respondent was not duly elected by majority of lawful votes cast; invalid results by reason of corrupt practices and non-compliance with the Act; and unlawful exclusion by omission of party symbol. Two petitions seeking the nullification of the presidential election results were also filed by the CPC and the Hope Democratic Party (HDP). The EU EOM finalised its activities in the field before the expiration of the deadline for the filing of petitions contesting the Governorship election results, so until the writing of this report no such petition was submitted to the Election Petitions Tribunals.

The 2011 General Elections laid the foundation for strengthened electoral procedures. However, **a comprehensive set of detailed recommendations** is included at the end of this report for consideration by the relevant authorities in order to further improve certain areas in the election process. Key recommendations that would need to be given priority over the short-medium term include:

1. Prompt prosecution of people involved in election-related violence should be pursued as well as prompt prosecution of people involved in election offences.
2. The Constitution should be amended to introduce a transparent, inclusive and accountable system so that the INEC's Chairperson, INEC's National Commissioners and Resident Electoral Commissioners would be nominated and appointed through an independent process as opposed to the current Presidential appointment.
3. The Constitution should be amended to allow for independent candidates to run for office, in conformity with international principles for democratic elections.



4. The Constitution should be amended to provide for the establishment of a Constituency Delimitation Commission, a Political Parties Registration and Regulatory Commission and an Electoral Offences Commission.
5. To further improve the transparency of the process, official results should be published broken down to polling unit level. The Electoral Act should include detailed provisions for the publication of results per polling unit, collation centres, wards and constituencies.
6. Improved and timely training should be put in place for all election staff.
7. INEC should ensure a much greater compliance with the elections procedures at all levels to prevent inconsistency in their implementation. Therefore, systems should be put in place to ensure institutional cohesion and sound intra-INEC communication to adequately, and timely inform all employees.
8. INEC should improve the quality of the voters' register by thoroughly crosschecking double registration entries and making necessary adjustments. Updating the register should be a continuous process, and sufficient staff and resources should be allocated at State and lower INEC levels.
9. INEC should revise and strengthen its voter and civic education programmes. It should develop an overall strategy that takes into account the focus of the educational campaign, the target groups, the development of the messages, their testing and the identification of the appropriate delivery mechanism.
10. In close cooperation with INEC, the National Broadcasting Commission (NBC) should establish efficient media monitoring units in all the States of the country and introduce a media monitoring system to ensure broadcasters' compliance with the legal provisions.
11. Federal and State government-owned broadcast media should increase prime-time transmissions of election debates. This could strengthen the culture of political debate.
12. In order to enforce the provisions for campaign expenditure detailed in the Electoral Act 2010, as amended, political parties should develop internal transparent bookkeeping procedures.
13. The Government should strengthen efforts to implement the National Gender Policy which provides for a minimum of 35 percent representation of women at all levels of political participation.
14. Reasonable, specific and adequate time limits should be included in the legal framework for the timely and effective filing, consideration and decision of petitions prior to elections.
15. The Electoral Act should be amended to allow voters, domestic observers or other national election domestic stakeholders to file election complaints and petitions in all areas of the election process.

16. Any future amendments to election legislation should be enacted sufficiently in advance of elections to provide political parties, candidates and voters adequate time to become informed of the rules of the election process, in accordance with the Protocol on Democracy and Good Governance of the Economic Community of West African States (ECOWAS).
17. An inclusive and transparent action plan for electoral reform should be agreed and implemented after assessing the 2011 electoral process. Domestic and international seminars and conferences should be considered in order to keep up the momentum.

## **II. INTRODUCTION**

The European Union Election Observation Mission (EU EOM) was present in Nigeria from 1 March to 21 May 2011 following an invitation of the Independent National Electoral Commission (INEC). The EU EOM was led by Chief Observer, Alojz Peterle, a Member of the European Parliament. It comprised a Core Team of nine analysts based in Abuja, 52 Long-Term Observers (LTO), 60 Short-Term Observers (STO) and 15 Locally-recruited Short-Term observers (LSTO) from the diplomatic missions of the EU Member States, and of Norway and Switzerland present in Nigeria. The observers originated from the 27 EU Member States, as well as from Norway and Switzerland.

For the National Assembly elections, the EU EOM deployed 137 observers to all the States and the Federal Capital Territory (FCT) of Nigeria. For the Presidential elections, the EU EOM was joined by a four-member delegation from the European Parliament, led by Mariya Nedelcheva. The delegation of the European Parliament endorsed the preliminary statement of the EU EOM issued on the occasion of the press conference held on 18 April. For the Presidential elections, the EU EOM deployed 141 observers to all the States and the FCT. For the Governorship and State House Assembly elections, the EU EOM deployed 61 observers to 26 States.

In total, during election days, the EU observers made 1,684 visits to polling units in order to observe accreditation, voting and counting, and additionally they observed collation of results at 309 centres at ward, Local Government Area (LGA) and higher levels. The EU EOM findings and recommendations are based on its observations. The EU EOM is independent in its findings and conclusions and operated autonomously under its specific mandate, and in compliance with the Declaration of Principles for International Election Observers, commemorated at the United Nations in New York in October 2005.

## **III. POLITICAL BACKGROUND**

Since the end of the six years of the military dictatorship of the Abacha Regime in 1998, Nigeria experienced a one-year interregnum under the Military Ruling Council (MRC) presided by Abdulsalam Abubakar, the handing-over of power to the elected government of Olusegun Obasanjo<sup>1</sup> in 1999, his re-election in 2003 and the election of a new President Umaru Yar'Adua in 2007. All the elected Presidents were members of the Peoples Democratic Party (PDP).

While the 2007 elections were seen as flawed due to significant evidence of fraud<sup>2</sup>, for some Nigerians the political change to a new President from the North showed that the agreement in the ruling PDP about a North-South change in the Presidency had worked.

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<sup>1</sup> Olusegun Obasanjo, a Southerner from the South West was former military Head of State between 1976 and 1979.

<sup>2</sup> See the EU EOM 2007 report <http://www.eucom.eu/nigeria2007> and two resolutions from the European Parliament <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2007-0086&language=EN&ring=B6-2007-0105> and <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2007-0210&language=EN&ring=B6-2007-0201>

Late Yar'Adua initiated the so-called Uwais Report<sup>3</sup>, which gave recommendations for improving the electoral process. Yar'Adua died in May 2010 and his Deputy Goodluck Jonathan<sup>4</sup> who succeeded him declared that he did not intend to run for the Presidency in 2011. This calmed the political atmosphere in the North since there was a general belief that the Presidency belonged to the North at least till 2015. Therefore, the intention of Goodluck Jonathan to run for the Presidency was quite a surprise for the Northern candidates in the PDP. However, when Jonathan won the primaries in January 2011 it was obvious that a large number of Northern delegates had voted for him.

The other main presidential competitors out of 20 parties, which presented candidates were Muhammadu Buhari of the Congress for Progressive Change (CPC), Nuhu Ribadu of the Action Congress of Nigeria (ACN) and the Governor of Kano State Ibrahim Shekarau of the All Nigeria Peoples Party (ANPP).

The main contender to the incumbent President was generally considered to be Major General Muhammadu Buhari retired (rtd). He had experience as Head of State (1983-85) after the 1983 coup ousting the second Republic, as Military Governor (1975-76 in Borno State), as chairman of the Nigerian National Petroleum Company in 1978, as Minister for Petroleum and Natural Resources (1976-78) and as a chairman of Petroleum Trust Fund (PTF) where he made a name for himself as not being corrupt. He lost the elections in 2003 against the incumbent President Olusegun Obasanjo and in 2007 against Umaru Yar'Adua hailing from the same home State Katsina, but not from the same Emirate. In his preparation for the 2011 elections, he contested and lost in the primaries of ANPP and founded his own political party, the CPC. Muhammadu Buhari's campaign in 2011 was geared for anti-corruption and removal of immunity protections for government officials.

Nuhu Ribadu, pioneer and former chairman of the Economic and Financial Crimes Commission (EFCC) between 2003 and 2007, returned to Nigeria in 2010, joined ACN and was elected as presidential candidate. Despite being a Northerner (Adamawa State), Ribadu got massive support from the South West where the party is traditionally based. A Northern candidate and the change in the party's name with an addendum<sup>5</sup> were actually demonstrating that the party has now a national perspective. In general, except the ruling PDP, any other political party is tribally or regionally based, for instance ACN has its roots among the Yoruba people of the South West, while the party All Progressive Grand Alliance (APGA) is based in the Igbo areas of South East.

The Governor of Kano State Ibrahim Shekarau was born in Kano State where he became Principal of a Government Secondary School. In 2001 he resigned from the civil service and went into private business. In 2003 he was elected Governor of Kano State and in 2007 he was re-elected. In 2011 Shekarau became one of the main contenders in the North under ANPP.

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<sup>3</sup> After the 2007 elections, late President Yar'Adua appointed in August 2008 an Electoral Reform Committee (ERC), presided by former Chief Justice Mohammed Uwais, to review the electoral process and the legal framework. In December 2008, the Electoral Reform Committee published its report that is known as the Uwais Report. See Chapter IV for more information.

<sup>4</sup> Goodluck Jonathan, a Southerner from the South South was a former Governor of Bayelsa State between 2005 and 2007.

<sup>5</sup> In August 2010 the Action Congress (AC) changed its name into Action Congress of Nigeria (ACN).

Political parties have programmes, but no ideologies and serve as platforms for personal political ambitions. As a result, there appears to be no loyalty of members towards any party. Members<sup>6</sup> do not necessarily vote for their party candidates and they defect from their party when they or their candidate lose the primaries in order to join other parties or found a new one. This lack of substance in political parties results in votes to persons rather than to parties, and swings of the electorate from one party to another in different elections.

Traditional title-holders, such as the Sultan of Sokoto, primarily play a role in socio-cultural and religious life, but form a politically neutral body. Usually, they are not involved in the political arena, but every political aspirant tries to get the blessings from the title-holders in the area she or he is campaigning for. They usually show via their behaviour allegiance towards a particular aspirant or party.

## **IV. LEGAL ISSUES**

### *A. Legal Framework*

Overall, the legal framework for the 2011 General Elections provides an adequate basis for the conduct of democratic elections in accordance with international principles and with the international instruments ratified by the Federal Republic of Nigeria. However, a number of key issues remain to be addressed as shortcomings, lacunae and ambiguities exist, while an exercise of political will by all stakeholders is required to ensure proper implementation. The conduct of the National Assembly, Presidential, Governorship and State House of Assembly elections is regulated primarily by the 1999 Constitution, as amended<sup>7</sup>, and the Electoral Act 2010, that underwent a series of revisions since its enactment. Other legal instruments such as the Criminal and Penal Code, the Criminal Procedure Act and the Civil Procedure Code, the Police Act and Guidelines for the Conduct of Police Officers on Electoral Duty, Guidelines by INEC as well as the Nigerian Code of Advertising Practice & Sales Promotion (APCON) and the Nigeria Broadcasting Code, inter alia, supplement the electoral provisions of the Constitution and the Electoral Act.

### *Electoral Reform*

After the widely rigged and disputed 2007 elections, late President Yar' Adua appointed a 22-member Electoral Reform Committee (ERC), presided by Hon. Justice Muhammadu Uwais (rtd) and mandated to "examine the entire electoral process with a view to ensuring that we raise the quality and standard of our general elections and thereby deepen our democracy<sup>8</sup>." In its final report of December 2008, the ERC commented on several shortcomings impacting on the quality and credibility of elections, such as, inter alia, the weaknesses of the constitutional and legal framework, the lack of financial autonomy and administrative independence of the Electoral Management Bodies, the need for revising the provision for independent candidature and establishing intra-party democracy, and the necessity to address the prevailing atmosphere of impunity with regard to electoral offences. The ERC also made additional proposals to improve the performance of the government,

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<sup>6</sup> No official figures about parties' membership were made available to the EU EOM.

<sup>7</sup> The 1999 Constitution of the Federal Republic of Nigeria was amended by the First Alteration Act in July 2010 and by the Second Alteration Act in December 2010, coming into force on 10 January 2011.

<sup>8</sup> Report of the Electoral Reform Committee, Volume 1 Main Report, Transmittal Letter.

security agencies, civil society organisations (CSO), the media and the general public and further suggested the establishment of three independent entities, a Constituency Delimitation Commission, a Political Parties Registration and Regulatory Commission and an Electoral Offences Commission. Among a series of important recommendations, the ERC prepared three draft bills to implement the constitutional, statutory, administrative and institutional changes, namely a bill to amend the 1999 Constitution, a bill to amend the 2006 Electoral Act and a bill to establish the Electoral Offences Commission. Generally, the ERC took on board the recommendations of the EU EOM 2007.

### *First Constitutional Amendment*

Following the ERC's report, the National Assembly and the State Houses of Assembly approved in June 2010 the first amendments to the 1999 Constitution through the First Alteration Act, which came into force on 16 July 2010. The amendments brought about significant improvements, in particular concerning the election timeline<sup>9</sup>, the financial autonomy of INEC, the National Assembly and the Judiciary<sup>10</sup>, the administrative independence of INEC from the executive<sup>11</sup>, the introduction of the prerequisite for INEC's Chairman and National Commissioners to not be members of a political party<sup>12</sup>, enhanced internal democracy of the political parties<sup>13</sup>, reduced quorums for Election Petitions Tribunals<sup>14</sup> and shortened deadlines for filing and adjudication of petitions and appeals after the declaration of results<sup>15</sup>.

Regrettably, the amendments failed to introduce some of the recommendations suggested by national and international stakeholders and by the Electoral Reform Committee, in particular regarding the appointment of INEC Chairperson and Commissioners who are still appointed by the President subject to confirmation by the Senate<sup>16</sup>, and the non-establishment of an

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<sup>9</sup> The amended Sections 76(1)(2), 116 (1)(2), 132 (1)(2), 142(2), 178 (1)(2) and 187(2) provide that elections to each House of the National Assembly, State House of Assembly, to the office of President and Vice-President and to the office of Governor and Deputy Governor of a State, "shall be held on a date to be appointed by the Independent National Electoral Commission in accordance with the Electoral Act" and that this date "shall not be earlier than one hundred and fifty days and not later than thirty days before the expiration of the term of office of the last holder of that office". While the First Amendment Act set the day of the polls not earlier than one hundred and fifty days and not later than one hundred and twenty days, which would have provided adequate time for resolution of election petitions before the elected candidates were sworn in, as recommended in the ERC's report, the late appointment of INEC's Chairman and his decision to conduct a new voters' registration necessitated the change of the day of polling until thirty days before the expiration of the tenure of the last holder of that office.

<sup>10</sup> Sections 81(3) and 84(8) of the 1999 Constitution, as amended.

<sup>11</sup> Section 160(1) stipulates that "[...] in the case of the Independent National Electoral Commission, its powers to make its own rules or otherwise regulate its own procedure shall not be subject to the approval or control of the President."

<sup>12</sup> Section 156 (10 (a) of the 1999 Constitution, as amended.

<sup>13</sup> The amended Section 228 introduced new powers of the National Assembly with respect to political parties, in particular the power to adopt guidelines and rules to ensure internal party democracy, including the conduct of primaries, and the conferment on INEC of powers to supervise the observation by political parties of the practices of internal democracy.

<sup>14</sup> Section 285(3)(4) and Sixth Schedule Sections 1(1) and 2(1) were amended in order to reduce the number of judges who sit on an Election Petitions Tribunal from five to three and the quorum from three to two, so as to achieve speedier resolution of electoral disputes.

<sup>15</sup> Section 285(5)(6)(7) of the 1999 Constitution, as amended.

<sup>16</sup> Section 154(1)(3) of the amended 1999 Constitution on the appointment of INEC Chairperson and Members does not sufficiently guarantee the independence of INEC.

Electoral Offences Commission<sup>17</sup> and a Political Parties Registration and Regulatory Commission. Moreover, the absence of provisions for independent candidates to run for office<sup>18</sup>, despite the Committee's recommendation, is not in conformity with international principles, as it restricts the effective right of individuals to stand for elections and limits the voters' choice of candidates.

Sections 135(2A) and 180(2A) of the 1999 Constitution, introduced with the First Amendment Act, hold that no elected President or Governor should enjoy an elongation of tenure because of re-run election. This amendment aims to resolve the problem posed by the issue of "fresh term" of an incumbent whose election was nullified by the court or tribunal, and who subsequently wins the re-run election<sup>19</sup>. The amendment presumes the conduct of flawed election process on the part of the beneficiary; however, it fails to bar from the re-run election a candidate whose election would have been considered by the courts or Tribunals as being fraudulent.

### *Second Constitutional Amendment*

On 20 September 2010, INEC suggested that the elections, initially scheduled for January 2011 through a timetable announced on 6 September 2010, be postponed to April 2011 (this being in accordance with the 1999 Constitution before the First Alteration Act), as the electoral umpire cited the need for more time to overhaul the country's electoral register. The polls were subsequently postponed to April 2011, in full respect of the 29 May date for the inauguration of the new National Assembly, President, Governors and State Houses of Assembly. This led to another constitutional amendment through the Second Alteration Act, approved by the National Assembly in October 2010 and coming into force on 10 January 2011, in order to, inter alia, provide for new timelines for the conduct of the national elections by INEC.

### *B. Election Legislation*

Following the first Constitutional amendment in June 2010, the Electoral Act 2006 was subsequently amended in August 2010, primarily to reflect the relevant revisions of the Constitution and to provide the legal background for the 2011 general elections. The Electoral Act 2010 was further amended on 29 December 2010 and on 24 January 2011, in order to provide adequate time to INEC following the extension of the timeline for the conduct of the registration and polling.

The Act regulates the electoral process including the nomination of candidates, political parties registration, primaries and activities, political party expenses and finances and electoral offences. Political parties are required to submit to INEC within six months after an election, a disclosure of their electoral expenses, while limitations for campaign expenditure exist for each election for political office.

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<sup>17</sup> The Nigerian Bar Association and Human Rights Watch jointly called on the National Assembly on 14 March 2011 to pass the Electoral Offences Commission Bill (presented to the National Assembly in April 2009) that would establish the Electoral Offences Commission for investigating and prosecuting electoral offences under the Act, stating that INEC does not have the resources or capacity to prosecute all election-related abuses.

<sup>18</sup> Sections 65(2)(b), 106(d), 131(c) and 177(c) of the 1999 Constitution, as amended, state that only a person who is a member of a political party and is sponsored by the party will be qualified for election.

<sup>19</sup> See Chapter IV, Section B. Election Legislation.



In accordance with the Constitutional provisions for enhanced intra-party democracy, the Electoral Act 2010, as amended, introduced detailed regulations for the primaries of the political parties. Under Section 87(9), an aggrieved aspirant alleging non-compliance during the primaries under the provisions of the Act and the guidelines of a political party may apply to the Federal or State High Courts for redress. Section 87(10) of the Act, nevertheless, disallows the courts from restraining the primaries or the general elections on the basis of a pending suit, thus ousting their jurisdiction in respect of conduct of primaries and general elections for failure to comply with the Act. This provision fetters exercise of relevant judicial discretion and appears contradictory with Section 87(9) of the Act and Section 4(8) of the 1999 Constitution, as amended, which stipulates that the exercise of legislative powers shall be subject to the jurisdiction of the courts of law and of judicial tribunals, hence rendering void any law that seeks to oust the jurisdiction of the courts.

INEC is mandated by the Electoral Act 2010, as amended, to monitor the political parties in order to ensure that all their activities are conducted in a democratic manner. However, with the 2010 amendments, INEC does not have the power any more to reject or disqualify for any reasons whatsoever an aspirant into a public office whose candidature is submitted by a political party, who can thus seek redress exclusively at the courts<sup>20</sup>. Furthermore, the new Electoral Act removed the power from the court, when it nullifies a disputed election, to declare the person with the second highest votes as elected, but stipulates that the court should order a fresh election<sup>21</sup>. This new clause introduced with the 2010 amendments has been criticised by a number of senior legal practitioners as an attempt of political interference in the provision of justice, maintaining that the courts and the election tribunals are sufficiently empowered by the Constitution to determine the winner of any election. However, Section 140(3) of the Electoral Act 2010 provides that if the tribunal determines that a winner was not validly elected on the grounds that he did not score the majority of votes cast, it can declare as elected the candidate who scored the highest number of valid votes at the election and satisfied the requirements of the Constitution and the Act.

While the new and comprehensive Electoral Act leaves room for further improvements, it can serve as a basis for democratic elections if implemented in good faith by State authorities and political parties. Even though the Act strengthened the electoral process, some concerns remain, particularly in regards to not providing for filing of complaints by voters on breaches of the law during polling and counting, and the absence of time limits for the filing, consideration and adjudication of election complaints and appeals prior to polling. Importantly, in relation to polling, counting and collation of results the Act did not establish deadlines and a clear mechanism for publication of results, nor did it provide a sufficient guarantee for exclusion of suspicious results.

### *C. Electoral System*

The legislature at the federal level is composed of a National Assembly with two chambers, the Senate with 109 members and the House of Representatives with 360 members. Delegates to both the Senate and House of Representatives are elected for a four-year term for a maximum of two terms. The Senate consists of three Senators from each of the 36 States plus one from the Federal Capital Territory. For the senatorial elections, the territory of each State

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<sup>20</sup> See Chapter VII.

<sup>21</sup> Section 140(2) of the Electoral Act 2010, as amended.

is divided into three senatorial districts. The House of Representatives is composed of 360 delegates, who are elected in 360 federal electoral constituencies into which the Federal Territory is divided.

Each of the 36 States has a Governor and a House of Assembly. The Governor is elected for a four-year mandate for a maximum of two terms. Each State House of Assembly consists of not less than 24 and not more than 40 members and has a four-year mandate. The territory of each State is divided into a number of constituencies equal to the number of delegates to its House of Assembly.

Candidates for legislative elections at the Federal, State and Local Government levels are elected using a plurality-majority system based on the principle of first-past-the-post (FPTP) or simple majority system. Recommendations by the ERC to increase the number of seats at the House of Representatives and the State Houses of Assembly by 30 percent, which should be allocated to political parties that reached a minimum threshold were not adopted. The Committee had suggested that these additional seats would be filled through the proportional representation system and parties should include on their candidate lists for these seats at least 30 percent female candidates and two percent physically challenged candidates<sup>22</sup>.

In regards to the Presidential and Governorship elections, the Constitution endorses a system that represents a departure from pure FPTP in favour of a majority run-off system. Based on this, if the highest-scoring candidate does not obtain at least one-quarter of the votes cast at the election in at least two-thirds of all the States of the Federation and the FCT (for Governorship elections, in at least two-thirds of all the Local Government Areas (LGA) of the relevant State) in the first round, a run-off takes place between the candidate who scored the highest number of votes and the candidate who has the majority of votes cast in the highest number of States (or, for Governorship elections, in the highest number of LGAs)<sup>23</sup>. In case none of the two candidates obtains at least a quarter of the votes cast in at least two thirds of the States at the run-off (or LGAs for Governorship elections), a second run-off between the same contenders takes place. At the second run-off, the highest-scoring candidate is elected. The Presidential and Governorship election candidates run on a ticket with their respective deputies are elected for a four-year period and maximum for two terms.

#### *D. International and Regional Commitments*

Nigeria follows the common law legal system and has ratified the key international and regional instruments relevant to the protection of civil and political rights related to elections. These include the Universal Declaration of Human Rights (UDHR), which provides for the fundamental rights essential to a genuine democratic process and is broadly accepted to form part of customary international law, the International Covenant on Civil and Political Rights (ICCPR), which is the main source of international legal rights in relation to elections, the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the African Charter on Human and Peoples' Rights (ACHPR). Nigeria has also signed the Protocol to the African Charter on Human and Peoples' Rights on the rights of women in Africa, which together with the ICCPR, prohibit discrimination against women in the exercise of their right to vote. Moreover, Nigeria has additional commitments to good governance,

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<sup>22</sup> Electoral Reform Committee "Final Report", p. 52-53.

<sup>23</sup> Sections 133(b), 134(3), 179 of the 1999 Constitution, as amended.

human rights, rule of law and democratic elections under the 2001 Protocol on Democracy and Good Governance of the Economic Community of West African States (ECOWAS), the strategic framework for the 2001 New Partnership for Africa Development (NEPAD) and the Harare Commonwealth Declaration of 1991.

## **V. ELECTION ADMINISTRATION**

### *A. Structure and Composition of the Election Administration*

The current leadership of the Independent National Electoral Commission (INEC), established in accordance with section 153(f) of the Constitution of the Federal Republic of Nigeria, was inaugurated on 30 June 2010 and is mandated to conduct all elections to the offices of the Republic<sup>24</sup>. Competent to register political parties and candidates, to monitor political campaigns and to audit party accounts, INEC is further responsible for the registration of voters, voter and civic education activities, the demarcation of constituency boundaries, and for the enacting of bylaws and guidelines.

INEC as a permanent body composed of twelve Commissioners<sup>25</sup> and the Chief Electoral Commissioner is independent of the direction or control of any authority or person in the exercise of its powers. Directly appointed by the President, after consultation with the Council of State and confirmation by the Senate, the Chairperson and Commissioners hold office for a five-year tenure<sup>26</sup>. INEC meetings are closed sessions. A third of Commissioners is required for a quorum and decisions are taken by majority. INEC's permanent staff comprises approximately 900 persons in Abuja Headquarters and about 9,000 in the States countrywide. Offices in all 36 States and in the Federal Capital Territory (FCT), headed by a Resident Electoral Commissioners (REC), manage Federal and State level administrative duties, as well as the area council elections in the FCT. Appointed for five years by the President and subject to confirmation by the Senate, a REC is accountable to the Commission and can only be removed by the President, acting on an address supported by a two-thirds majority of the Senate for inability to discharge the function of the office<sup>27</sup>. Lower level organisational structures include 774 Local Government Area (LGA) offices and further 8,809 wards, the latter without permanent structures.

In June 2010, President Goodluck Jonathan appointed Professor Attahiru Jega as the new Chairperson, as well as ten Commissioners and nineteen RECs. Prof. Jega's nomination

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<sup>24</sup> Elected offices are the President and Vice-President, the Governor and Vice-governor, to the membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation.

<sup>25</sup> Out of a total of twelve Commissioners, three are women, in charge of Political Party Monitoring, Staff Establishment (Employment and Posting) and Staff Welfare and Discipline. The remaining departments include Finance, Information and Communication Technology, Procurement and Tenders, Operations, Logistics and Transport, Boarding and Acquisitions of Properties and Assets, Building and Management, Information and Publicity, Electoral Institute, Election Monitoring, Legal Services, all under the direct supervision of a Commissioner. The Secretary of the Commission is the Accounting Officer and Head of Administration.

<sup>26</sup> The Council of State consists of the President and the Vice-President, all former Presidents and Heads of the Government, all former Chief Justices, the President of the Senate, the Speaker of the House of Representatives, all the Governors, and the Attorney-General of the Federation, (Part 1 (B)) of the Third Schedule of the Constitution, as amended.

<sup>27</sup> Section 6(3), Election Act, as amended, reads: "The resident electoral commissioner [...] that he be so removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or for misconduct."

resulted in a boost of confidence and increased expectations for the general elections. He repeatedly expressed his commitment to conduct credible elections and led INEC on this basis. The Constitution further provides for a State Independent Electoral Commission (SIEC) with powers to organise, undertake and supervise all elections to Local Government Councils within the State<sup>28</sup>.

### *B. The Administration of the 2011 General Elections*

In accordance with its mandate and international, and regional principles INEC managed to organise elections guaranteeing overall effective exercise of voting rights to the Nigerians citizens. Requirements such as the secrecy of the vote, the protection of the voter from any form of coercion and from unlawful interference with the voting process, the security of the ballot, the access of political agents and domestic observers to all phases of the process are comprised in the Electoral Act<sup>29</sup>. INEC was fairly independent in its decision making process. Throughout the elections, and especially when faced with challenges, it widely consulted with political parties, civil society organisations and other stakeholders in an effort to promote inclusiveness of the decision making process and transparency of the elections.

However, stringent time constraints in organising a full voters' register and five different elections in less than nine months, combined with the apparent lack of commitment by some electoral officers impacted adversely on the overall conduct of the polls. Hampering logistical and operational challenges, such as the late arrival of sensitive materials in country, were openly recognised by the Commission, while prompt decisions were taken in time to correct problems. During the three main rounds of elections, it was noticeable that the Chairperson's resolve to adhere to election regulations was not always corresponded by the performance of the remaining INEC structure. The performance, expertise and transparency of the different State Commissions differed strongly. Moreover, competing candidates and parties, government officials and security agents were often seen as a disturbing factor to the peaceful conduct of the elections, interfering with the process at all stages<sup>30</sup>. The Chairperson reiterated his intention to have all cases of alleged misconduct and dereliction of duty committed by its own staff investigated and prosecuted by the Courts. Also, political parties and candidates were encouraged to resort to legal means to address alleged electoral offenses and irregularities.

In April 2011, elections were held in 1,496 constituencies, specifically to the office of the Presidency, to 26 Governorship positions, to 109 members of the Senate, to 360 members of

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<sup>28</sup> Section 197(1), Constitution, as amended, establishes the State Independent Electoral Commission; its composition and powers are further described in Part II of the Third Schedule of the Constitution. The SIECs operate independently from INEC except for reliance on INEC for the voter registration, political party registration and candidate nomination. Local Government Council elections are due to take place in 2012.

<sup>29</sup> Article 25(a, b) The International Covenant on Civil and Political Rights, ICCPR, United Nations Human Rights Commission: "Every Citizen shall have the right [...] a) To take part in the conduct of public affairs, directly or through freely chosen representatives; b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot". Also, Article 3, Chapter IV, African Union Declaration on the Principles Governing Democratic Elections in Africa: "Every citizen has the right to fully participate in the electoral process of the country, including the right to vote or to be voted for."

<sup>30</sup> Article 25, General Comment (19), The International Covenant on Civil and Political Rights, ICCPR, United Nations Human Rights Commission: "Persons entitled to vote must be free to vote for any candidate for election [...] without undue influence or coercion of any kind which may distort or inhibit the free expression of the electors' will. Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind".

the House of Representatives, and to 990 legislators in 36 State Houses of Assembly. Originally, the electoral schedule was set for January 2011. The National Assembly, following a proposal submitted INEC, postponed the electoral timelines until 30 April 2011 thus providing the Commission with additional time to finalize the voter registration and to prepare for the elections. New dates were scheduled for 2 April for the National Assembly, for 9 April, for the Presidential elections, and 16 April, for the Governorship and State House of Assembly elections<sup>31</sup>. On 2 April INEC's Chairperson declared the nationwide cancellation of the National Assembly polls due to hampering logistical challenges, and set a new date for 4 April<sup>32</sup>. After consulting with major stakeholders, INEC decided to shift further all three polls by a week from the previous schedule. New dates were now 9 April (National Assembly), 16 April (Presidential) and 26 April (Governorship and State House of Assembly)<sup>33</sup>.

Although the Commission ordered an immediate nationwide halt of accreditation and voting at noon on 2 April, a number of polling units continued voting until late afternoon. It was noticeable that INEC could not efficiently disseminate this critical information to all State Offices, LGAs and polling units. Consequently, a number of ballot papers and other materials were used, which needed replacing in due time for the postponed date, 9 April. In addition, INEC verified that a number of ballots were misprinted, missing party symbols. Consequently, new delays were announced on 7 April for National Assembly elections in 15 Senatorial Districts and 48 Federal Constituencies, these now rescheduled for 26 April, simultaneously to the Governorship poll<sup>34</sup>.

On 21 April, due to the spate of violence that followed the announcement of results for the Presidential elections in a number of States in the North and the Middle-Belt of the country, the Commission decided to postpone Governorship and State House of Assembly elections in Bauchi and Kaduna from 26 April to 28 April. Moreover, a number of re-run elections were set for 5, 6 and 7 May for Bauchi, Delta, Anambra, Kogi and Imo States<sup>35</sup>.

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<sup>31</sup> INEC's Notice of Poll published on 18 March 2011, pursuant to Section 46, Electoral Act 2010, as amended.

<sup>32</sup> The postponement was due to the late arrival of the result sheets that were printed abroad. INEC's 2 April statement, postponing elections to 4 April 2011 reads: "The reason for this (postponement) is the unanticipated emergency we have experienced with the late arrival of results sheets in many parts of the country. The results sheets are central to the elections and their integrity." EC8 results sheets were to be completed at every level, from counting to the collation of final results, and are legally binding documents. States such as Lagos, Kaduna, Kebbi, Delta, Zamfara and Enugu received complete materials.

<sup>33</sup> INEC's press statement published 3 April 2011 re-scheduling general elections refers to requests from stakeholders to "consult more widely and to ensure that the two-day postponement is enough to address all the logistical issues that may mitigate against a successful conduct of the rescheduled elections".

<sup>34</sup> INEC offices verified that some ballots were misprinted. That was the case in Anambra for ACCORD, the CPC and DCD parties, in Bayelsa for the APGA logo, in Cross River for the DFPP and CPC, Edo and Ekiti for the NTP, Imo for the PPA, Lagos for the LP party, amongst others. Regarding the 15 Senatorial Districts and 48 Federal Constituencies, which were affected, it was noted that after the posting National Assembly results there was an indication that at least 20 Senatorial Districts, were to be postponed.

<sup>35</sup> Postponed elections in Kaduna were for the Senatorial District Kaduna North and five Federal Constituencies; for Bauchi Governorship, State House of Assembly elections and Senatorial District South. In Imo, Governorship and State House of Assembly elections in four LGAs and in one ward were not completed on 26 April due to irregularities at a number of units. Results were inconclusive since the margin of votes gathered by the governorship front-runner was not higher than the total number of registered voters of the polling units where the polls were cancelled or not held. The four affected LGAs accounted for over 250,000 voters. In Anambra State, two Federal and five State Constituencies polls took place; Delta held five State Constituency polls; Bauchi four State Constituencies; Kogi elections were re-run in two wards for State Constituencies.

INEC was provided with a budget grant of 107 billion Naira (approximately 535 million Euro) to conduct in 2011 the voter registration and the General Elections<sup>36</sup>. This represented an ample budget to manage the elections and covered the amount initially indicated by INEC<sup>37</sup>. In total 119,973 polling units were made operational; over 240,000 ad hoc polling staff was employed in addition to security agents, two per polling unit. Polling unit lists, with a breakdown of assigned voters to each unit, were made available to the EU observers in most of the States, but it is unclear if all 63 political parties and other stakeholders received a copy of the same lists<sup>38</sup>. INEC planned to allocate a maximum of 300 voters per unit, to allow for smooth processing of voters. This was to be achieved by subdividing large units into manageable voting points for accreditation and voting under the supervisory umbrella of the main polling unit<sup>39</sup>. However, INEC lacked overall capacity to consistently implement this procedure throughout the country, either because of late description of instructions, poor mechanisms of information dissemination within INEC, negligence or lack of capacity of its lower level staff to implement specific guidelines. According to best electoral practices, the number of polling units should be in proportion to the size of the electorate ensuring that all voters can be processed efficiently.

A Notice of Poll was published as prescribed in the Electoral Act. However, the Notice did not clarify the hour of closing of voting, but instead it stated that all accredited voters standing in queue were to be allowed to vote. An indication of a closing time for voting would have aided to the transparency of the process<sup>40</sup>. Voting was organised in separate periods throughout the election days, simultaneously around the country: one in the morning for the accreditation of registered voters and another in the afternoon for voting. The accreditation process consisted of identifying the voter in the official register for a particular polling unit. Voter's card details were checked against the register and the elector was asked to remain within the polling zone for the commencement of voting in the afternoon<sup>41</sup>. After the closing of accreditation, the Presiding Officer was to headcount and to note the number of accredited voters. Only then could voting commence while only duly accredited voters presenting a card were allowed to cast a ballot<sup>42</sup>.

Contrary to INEC instructions, simultaneous accreditation and voting was observed to be the case in numerous polling units throughout the country for all the election days. Again, it confirmed the lack of control INEC headquarters experienced in the consistent implementation of electoral procedures, while it was reason enough for the cancellation of

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<sup>36</sup> The cost for the 2 April postponement is not included in this amount.

<sup>37</sup> Supplementary Appropriation Bill, August 2010, National Assembly. Section 81(3) of the Constitution, as amended, clarifies that: "The amount standing to credit of the Independent National Electoral Commission in the Consolidate Revenue Fund of the Federation shall be paid directly to the said bodies respectively". The allocated budget for the 2007 elections was of Naira 54,5 billion.

<sup>38</sup> The Protocol on Democracy and Good Governance, from ECOWAS, Article 5 reads: "The voter's lists shall be prepared in a transparent and reliable manner, with the collaboration of the political parties and voters who may have access to them whenever the need arises".

<sup>39</sup> INEC planned to create around 269,600 voting points in addition to the existing units.

<sup>40</sup> Accreditation was to start at 08.00h and finish at 12.00h. Voting was to start at 12.30h and close when the last voter standing in queue voted. Also, Section 45(1), Election Act as amended, states that a Notice of Poll is to be made public 14 days before Election Day, specifying the day and hour of polling, the persons entitled to vote, and the location of polling units.

<sup>41</sup> The voters' card includes a picture, name, age, gender, address, profession and the voter identification number (VIN), which indicates the State, LGA, ward and polling unit that a voter is registered at.

<sup>42</sup> This system was used during the June 1993 elections and the Delta State re-run Governorship elections in January 2011, and was applauded by some local observer groups.

polling units. The “accreditation and voting” system, when properly implemented, fulfilled its main objective of curbing attempts at double voting. But it was also perceived as being too complex, cumbersome and time consuming. Crowd control was perceived as a possible problem, as voters were encouraged to “protect their vote”, and allowed to stay to observe the counting of ballots. Emphasis was given to the participatory responsibility of local communities to discourage instances of violence, intimidation, ballot box snatching and thumb printing during election days. Nevertheless, community control was often not enough as reported by national stakeholders, observers and corroborated by INEC.

Adequate, timely training and staffing of polling units was a considerable challenge<sup>43</sup>. In all, INEC planned to train approximately 325,000 polling workers, including replacement staff, mostly recruited from the NYSC and 1,497 Returning Officers. Cascade training was observed to be insufficient and poorly conducted, with overcrowded halls and lacking reading material, which greatly impacted on the staffs capacity to perform election duties. About 90 percent of the Youth Corps were to work in their own state of duty and served primarily as presiding officers because of their educational qualifications<sup>44</sup>. Their work was commendable and often performed under difficult circumstances. Especially in remote rural areas, Corps members were vulnerable to community pressure, instances of intimidation and victims of electoral violence<sup>45</sup>.

Securing sensitive election material, polling units and staffs is of paramount importance in the Nigerian electoral context. The Inter-agency Consultative Committee on Election Security (ICCES), established by INEC in December 2010, coordinated security plans in support of the electoral logistical and operational exercise<sup>46</sup>. Night travel restrictions were enforced before election days, and restriction of movement for all non-election related vehicles from 08.00hour to 16.00h on polling days meant that voters were to reach voting locations early in the morning if travelling by car<sup>47</sup>. These measures, although not always perceived by voters as creating an appropriate atmosphere for voting, probably prevented further instances of electoral violence. Nevertheless, reports from domestic observers and political party complaints refer to instances of interference with the voting process and intimidation of voters by security agents.

With the exception of the late delivery of EC8 results forms that prompted the first postponement, INEC’s pre-election preparations were overall timely. Operational and logistical aspects largely improved throughout the three main election days. Ballot printing was procured out-of-country, approximately 450 million ballots for all five elections, but information concerning ballot design and printing was not disclosed by INEC due to security concerns. Ballots were serialized in accordance with the registered numbers of voters per constituency, bearing the symbol and name of running political parties. A coding system identified each polling unit. Collapsible transparent ballot boxes were also coded accordingly

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<sup>43</sup> The training of trainers was conducted in Abuja on 8 and 9 March. Cascade training on State level took place between 15 and 25 March, just a week before the initially scheduled Election Day.

<sup>44</sup> National Youth Service Corps are university graduates serving in a one year scheme in a State different from that of their origin. Decree 1993, No. 51, Section 1 and 2, Establishment and Objectives of the NYSCs.

<sup>45</sup> Ten NYCS members lost their lives while discharging their functions in the State of Bauchi.

<sup>46</sup> The Inter-agency Consultative Committee on Election Security (ICCES), established both on Federal and States levels, included representatives of the armed forces, representatives from the office of the National Security Adviser, Police, the Immigration Service and the Federal Road and Safety Corps.

<sup>47</sup> Election day restricted vehicular movement of candidates and politicians on Election Days was introduced and armed escorts were banned.



as not to be interchangeable. These specific ballot requirements give an indication of the complexity of the logistical distribution of election materials. Contrary to best practises, security safeguards of ballot boxes were found to be lax, the zipper system of closing ballot boxes was inadequate, while security seals did not provide for proper tracking and transparency of the process.

Sensitive election material was delivered to different areas of the country by air and secured at premises of the Central Bank of Nigeria. Secure and suitable storage at the different administrative levels was sometimes deficient. The accurate verification and accountability of received materials, the proper record of handover procedures and storage, and full access of stakeholders to the process would have contributed to enhance the integrity of the elections.

Provisions for allowing election staff and security personnel to vote at their duty stations were absent. Lack of time to implement an all-inclusive formula, and concerns to fend off unlawful additions of voters to the new roll might have well dictated this disenfranchisement. A conservative estimate of 600,000 election-duty-bound Nigerians might have been affected by this procedural lacuna. Also, Diaspora voters were not able to participate.

Finalising and printing of polling unit lists with allocated number of voters was concluded at each State level, and, in most cases, were made readily available to stakeholders and international observers. However, some degree of inconsistency in printing schedules between State INEC's was patent. Clear overall instructions should guide all RECs and the electoral officers regarding the availability of election related information to stakeholders.

Despite repeated public appeals made by INEC's Chairperson, asking for the engagement of community leaders to prevent underage voting, the problem persisted during the three election days. The full extent of this phenomenon cannot be ascertained, but it was mostly observed in the Northern areas of the country. Underage participation stems from the voter registration exercise. INEC was not able to remove all underage registrants in time although it claims to have conducted inspections of the register. However, the voter identification safeguards, combined with the presiding officer's authority to remove any underage voter from the voting unit should have been a sufficient preventive measure.

Overall, the framework for counting and collation of results provided sufficient safeguards to allow for a transparent results process. A positive step was the recruitment of independent returning officers, selected from the academia, who were mandated to announce results. Nonetheless, INEC required more expertise and tested guidelines on the verification of results and rejection of bogus returns, in addition to attending to complaints forwarded by political parties and candidates during this stage of the process.

Results were mostly announced within 48 hours of voting, a time frame not permitting adequate verification of the same. Varying decisions on the cancellation of polling units and the Commissions failure to clearly communicate with stakeholders on this issue further contributed to a degree of uncertainty over the results announcement process. For the credibility of the elections, of INEC and the elected candidates, the Commission should have arranged for a system to allow for a random sample audit of ballots whenever deemed necessary, but especially in such cases where political parties alleged instances of rigging, thumb printing or ballot box stuffing.

The rule of providing a copy of results to party and security agents, the announcement of results at polling units and the public posting of results at all levels of counting and collation was paramount in improving on the transparency of the process<sup>48</sup>. However, especial attention should have been given to independent scrutiny of the counting and collation stages, in terms of full access of domestic observers to the process, so that electors could have confidence in the security of the ballot and vote outcome. Also, the many stages of collation, from ward to Federal levels, should have been complemented by a parallel electronic collation system for improved accuracy. During collation, INEC regulations were often not adhered to by the electoral officers. In other cases, instances of disorder and party interference at collation centres impacted negatively on the freedom to conduct the required tasks independently. Lacking were appropriate venues to conduct collation, especially adequate space to accommodate all participating actors.

Several complaints about the conduct of the elections were submitted by political parties and candidates to INEC at State and Federal level. These sought the cancellation of election results at polling units, entire wards or LGA's, for the verification of ballots and results, and for the prosecution of compromised INEC staff and electoral offenders. Complaints refer to instances of alleged collusion of INEC officials and security agents with political parties to change election results, lack of security on election days and overall poor conduct of the elections. More specifically, complaints related to the disenfranchisement of voters due to omissions on the voters' register, to alleged snatching of ballots boxes, thumb printing of ballots, vote buying, and fake results sheets. Intimidation, violence against voters, alleged threat to life and killings of party supporters were also mentioned. These complaints refer to the States of Akwa Ibom, Bayelsa, Benue, Delta, Jigawa, Kogi, Rivers, Sokoto, Taraba and Zamfara to mention a few. INEC stated that it intends to investigate these allegations.

The Commission manages a website where relevant electoral information could be accessed<sup>49</sup>. It was noted that during the month of April the design of the website was altered, to include social media features (e.g. Facebook and Twitter), while concrete information about INEC was deleted. By the time of departure of the EU EOM, INEC's website was lacking a comprehensive display of elections results for all five polls and re-runs, with a breakdown to the lowest level of the polling unit. Detailed results, although inconsistently available at State levels and in the media, should officially be publicised by INEC. This is a basic transparency requirement and in line with best electoral practices.

## **VI. VOTER REGISTRATION**

### *A. The Right to Vote*

Eligibility requirements and procedures for voter registration are consistent with the principle of universal suffrage and there are no unreasonable restrictions<sup>50</sup>. A person is required to be a citizen of Nigeria, 18 years of age and ordinary resident, working in and originating from an

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<sup>48</sup> Section 63(3) of the Electoral Act states that: "The Presiding Officer shall give to the Poling Agents and police officer where available a copy each of the completed forms after it has been duly signed".

<sup>49</sup> INEC's website included information such as official statements, free releases, voters and candidate information, polling unit locations and elections results. In addition, INEC operated hotlines and set up a call centre for election day incidents reporting, at [www.inecnigeria.com](http://www.inecnigeria.com)

<sup>50</sup> Voter registration procedures are detailed in Part III of the Electoral Act, as amended.

LGA, Council or Ward covered by the registration centre. Active registration required the presentation of a birth or a baptismal certificate, a national passport, identity card, driver's license or any other document that proves the identity, age and nationality of the applicant<sup>51</sup>. Double registration is an electoral offence, liable on conviction to a fine or imprisonment.

### *B. Voter Registration Procedures*

The Commission considered that producing a credible register was crucial to deliver transparent and genuine elections, despite the very tight schedule and logistical challenges to cover an estimated 70 million voters<sup>52</sup>. This decision is coherent with the recommendations of the ERC and the EU EOM 2007 and constituted an important change of approach in order to building the confidence of the voters in the elections. INEC made use of a registration system with Direct Data Capture (DDC) machines using the 2007 registration areas as a base for the exercise<sup>53</sup>. Voter registration started on 15 January 2011 in all 36 States and the FCT, and was initially planned to run for 15 days. Approximately 240,000 ad hoc staff was recruited and trained, mostly enrolled from the NYSC. In the first days of registration, INEC failed to deliver kits to registration units countrywide or delivered them late. Problems with the software in collecting fingerprints had to be adjusted and a number of citizens waited for hours to register. Over the first week INEC made progress, addressed the shortcomings and most data captures machines were made operational. Parliament amended the law allowing for an extended period of registration of another week and, in some instances, of an extra 48 hours<sup>54</sup>. By the end of the registration period on 7 February, INEC provisional registration figures were of 67,764,327 voters nationwide. The public display of the voters' register for submission of claims and objections was scheduled between 14 and 19 February. The window of time for the display of the voters' register was noticeably too short to allow stakeholders to conduct a comprehensive review of the roll, contrary to electoral best practices. A preliminary voters' register should be made available for wide public inspection, ensuring that voters can confirm the accuracy of their entry and request for corrections ahead of the elections. On 2 March INEC released the certified register: 73,528,040 voters.

Compared to the 2007 voters' register, a significant increase of registered electors of about 40 percent was noted in States such as Adamawa, Yobe, Zamfara, Niger, Nassarawa, Plateau, Lagos and Oyo, and conversely a decrease of voters in States as Enugu and Bayelsa as low as 36 and 40 percent respectively. It was believed that these elections attracted more citizens' interest as previous polls; however, the registration figures do not reflect this tendency.

A coalition of four Civil Society Organisations, under the 2011 Project Swift Count, issued an Interim Report on the registration exercise. It stated that underage registration appeared to be more pronounced in the North Central, East and West, that proxy registration was not observed, and that the registration process was overall incident and violent free<sup>55</sup>.

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<sup>51</sup> Voters' cards include a Voter Identification Number, the polling unit reference, name, age, gender, address, occupation, a picture, indication of number of fingerprints captured, and the date of issue.

<sup>52</sup> Amended on 24 January 2011, the Section 9(5) of the Electoral Act adjusts the official timeline for the registration, update and revision to the register to be finalized 30 days prior to any election covered by the Act.

<sup>53</sup> For the registration exercise approximately a 120,000 Direct Data Capturing machines (laptop computers) were purchased to cover a total of around 120,000 registration areas throughout the country.

<sup>54</sup> This was the case in Bauchi, Borno, Delta, Ekiti, Enugu, Kebbi, Kogi, Ogun, Nassarawa, Zamfara States and in the FCT.

<sup>55</sup> 2011 Swift Count Project, Interim Reports of 24 January and 1 February 2011, [www.scnigeria.com](http://www.scnigeria.com)

Unresolved were the overall problems of reconciling the voters' register held by INEC on Federal and State levels<sup>56</sup>. The election administration admitted that there were inaccuracies regarding numbers of registered voters that were not corrected. Omissions of names on the list, a problem apparently widespread and that became patent during elections days, was more likely due to technical problems rather than a deliberate disenfranchisement effort. The Electoral Act provision of closing the update and revision of the register 30 days before the election date should have been strictly adhered to<sup>57</sup>.

Multiple registrations were a concern during the registration exercise and attempts were made to remove false and duplicated names<sup>58</sup>. In all, INEC declared to have identified 870,612 duplicate entries (less than one percent of the registered voters). Whether duplicates are due to registration errors or deliberate illicit registration attempts should be publicized, in addition to clear INEC guidelines for deciding upon such cases. Also, electors should be informed about the nature of registration, the purpose and use of voters' cards, since apparently some of the population registered to primarily obtain an identification document.

The high number of underage registered voters was a phenomenon that became clearly visible during the election days particularly in the Northern areas of Nigeria. No doubt remains that some communities made certain to include non-eligible citizens on the roll, contrary to the Electoral Act and INEC instructions. Furthermore, in many instances Corps members conducting the registration exercise referred to have been put under pressure to allow for the inclusion of underage registrants. It was to no avail that INEC's Chairperson repeatedly referred to this issue calling for traditional leaders to help curb this problem. Stakeholders and the general public seemed not to have complete confidence in the voters' register, but generally conceded that it represented a considerable improvement on what had been available previously. INEC plans to roll out a continuous voter registration after the April elections to enable eligible voters who missed out to register.

## **VII. REGISTRATION OF CANDIDATES AND POLITICAL PARTIES**

The 1999 Constitution, as amended, provides the required qualifications for a person to stand for the various elections<sup>59</sup>. Candidates should be Nigerian citizens and in the case of

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<sup>56</sup> In Niger State it was noted that numbers of LGA registered voters announced by the State INEC during the 17 April collation process rarely matched those announced by INEC Headquarters. According to the Niger REC, 2.4 million voters were properly registered in Niger State, although a figure of 2.1 million was announced by INEC in Abuja. The REC expressed frustration that such unresolved and apparently unexplained discrepancies were cause of misunderstanding and suspicion amongst stakeholders, and had the potential to fuel election related violence. In Kano State, and despite the necessary corrections to the registers undertaken between elections, INEC was not able to explain the large difference in the final number of registered voters between the Presidential and Governorship elections, namely from 5,137,327 to 5,190,382.

<sup>57</sup> INEC allowed for updating of the voters' register during the month of April. It is arguable that only registered voters with a valid card and not found on the registered were added. However, allowing for late updates of any kind opens the possibility for misuse of the register. Section 9(5), Electoral Act, as amended reads: "The registration of voters, updating and revision of the register of voters [...] shall stop not later than 30 days before any election covered by this act".

<sup>58</sup> The de-duplication process involved matching registration data across LGAs, States and National level. To this end INEC stated to have used specific software, the Automatic Finger Identification System (AFIS). The Mission was not able to fully ascertain the capacity of the AFIS to conduct a pre-election broad de-duplication exercise, as well as to determine at which levels the system was effective.

<sup>59</sup> Sections 65, 66, 106, 107, 131, 137, 142(2), 177, 182, 187(2) of the 1999 Constitution, as amended.

Presidential and Governorship elections, Nigerians citizens by birth. The age prerequisite is 30 years for the House of Representatives, the State Houses of Assembly and Governorship elections; 35 for the Senate and 40 years for the Presidential elections.

Candidates are required to be educated up to at least the School Certificate<sup>60</sup> level or its equivalent for State Houses of Assembly elections, and, at least up to tertiary level and obtained the relevant certificates to stand for presidential and Governorship elections. In addition, candidates should be members of a political party and sponsored by that party, this requirement not being in accordance with international commitments for elections. A candidate is disqualified if s/he is “lunatic” or of unsound mind, has been under sentence of death, imprisonment or fine for an offence involving dishonesty or fraud, been bankrupt, holds any public office, is member of a secret society or has presented a forged certificate to INEC. Furthermore, a candidate is disqualified for election to the office of President or Governor, if s/he has been elected to such office at any two previous elections.

Section 87(1) of the Electoral Act 2010, as amended, makes it mandatory for all political parties to conduct either direct or indirect primary elections in order to nominate candidates and inform INEC at least 21 days in advance; INEC monitors all activities of political parties including the conduct of primaries. Section 31(1) of the Act states that every political party will submit to INEC, no later than 60 days before polling, the list of candidates that the party proposes to sponsor, “[...] provided that the Commission shall not reject or disqualify candidates for any reason whatsoever.” Under the previous Act, INEC was empowered to exclude candidates of political parties that failed to comply with the provisions of the Act in the conduct of their primaries, but this provision was expunged with the 2010 amendments<sup>61</sup>, so INEC’s role in the internal party procedures is limited to monitor whether party regulations have been abided by and are not in conflict with the 1999 Constitution, as amended.

Sections 31(5) and (6) appear to enlarge the scope of pre-election cases that can be initiated at the courts, as they provide for the right of any person who alleges that a candidate gave false information in the affidavit or any other document, to file a suit at the Federal or State High Courts, which, if they verify the substance of the allegations, shall issue an order disqualifying the candidate from contesting the election. Section 87(9) of the Electoral Act 2010, as amended, introduced the possibility for aggrieved aspirants to seek redress at the courts over the conduct of primaries<sup>62</sup>. Following the primaries of the political parties and until the polling, aggrieved aspirants filed approximately 375 petitions directly with INEC and more than 400 others in Federal and State High Courts throughout the country, mostly alleging illegal substitution by their respective political parties, while some of these pre-election matters were appealed to the Court of Appeal and the Supreme Court<sup>63</sup>.

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<sup>60</sup> The PDP Governorship candidate in Benue State, Gabriel Torwua Suswam elected for his second term on 26 April will face trial at the end of May 2011 for allegedly manipulated his school certificates. This is not the only case of allegedly falsification of documents.

<sup>61</sup> In particular, this provision was in contradiction with Sections 65,66,106,107, 131,137, 177 and 182 of the 1999 Constitution, which cover the field in relation to qualification and disqualification of candidates.

<sup>62</sup> See Chapter XII, Section C. Pre-election Petitions.

<sup>63</sup> See Chapter XII, Section C. Pre-election Petitions.

## VIII. ELECTION CAMPAIGN AND PRE-ELECTION ENVIRONMENT

### A. Legal Framework of the Election Campaign

The Electoral Act 2010, as amended, contains detailed regulations on the election campaign<sup>64</sup>. The campaign period commences 90 days before polling and ends 24 hours prior to that day. The Act establishes basic principles such as the right of equal access to public places to hold rallies and processions, as well as equitable access to the media. It also prohibits the use of abusive, intemperate or slanderous language or incitement to public disorder, violence or coercion. In terms of campaign rallies, the Act stipulates that the police should provide adequate security of such events. There are also legal provisions prohibiting the use of offensive weapons during political rallies, as well as the retaining, training and equipment by political parties of persons to be employed for the use or display of physical force or coercion in promoting their political objectives or interests.

### B. Overview of the Election Campaign and Pre-election Environment

Presidential and Governorship candidates of the main political parties actively canvassed for votes all over the country, or within the relevant State, conducting a campaign at the grass roots and rallies or street parades at State and LGA level. The presidential campaigns were used to introduce and support all the candidates of the parties for the different elections. The spouses of the political stakeholders were involved in campaigning, targeting the female electorate. With the growth of Internet accessibility<sup>65</sup>, also the on-line media were used as a tool to reach youth electorate and all major presidential candidates had their Facebook pages and Twitter accounts.

The political parties who were engaged the most in the campaign were the ruling PDP, ACN, CPC, ANPP, but at state level other parties were also active, such as the Labour Party (LP) in Adamawa, Lagos, Ondo and Bayelsa States. However in general, in the Nigerian context, personalities have more significance than ideologies and the political parties per se. This was well reflected during the gubernatorial elections when for example, in Kano State both ANPP and CPC lost thanks to the popularity of the PDP candidate despite the fact that the ANPP presidential candidate Ibrahim Shekarau was the Governor of Kano State, and despite the high number of votes for CPC during the presidential elections<sup>66</sup>.

In order to promote its authority and to promote best practices during the campaign period INEC asked the 63 registered parties to sign a Code of Conduct. These rules were meant to regulate both inter-party and intra-party relations during the campaign. All major chairpersons signed the Code of Conduct on 8 March and on 14 March also the ruling PDP did, but the lower party ranks hardly knew it.

The pre-election environment was generally conducive to the election campaign. However, there were reports of obstructions for opposition parties, such as denial of venues. For example in Zamfara and in Oyo States, ACN and CPC respectively claimed that public places

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<sup>64</sup> Sections 94-102, Electoral Act 2010, as amended.

<sup>65</sup> According to Internetworldstats, over 40 million of Nigerians have access to Internet.

<sup>66</sup> Presidential elections in Kano State: CPC 1,624, 543 votes (60.77 percent); ANPP 526,310 (19.69 percent); PDP 440,666 (16.48 percent). Gubernatorial elections in Kano State: PDP 1,108,345 (46 percent); ANPP 1,048,317 (43.5 percent); CPC 175,143 (7.27 percent). Source: [www.inecnigeria.org](http://www.inecnigeria.org)



were booked in advance. Destruction of campaign posters and offices, and use of violence on political opponents were noted. For example on 3 March, the explosions at a PDP rally for senatorial campaign in the town of Suleja, Niger State killed ten persons and injured several others. Violent confrontations among supporters of different parties were reported, for example in, Benue State, between ACN and PDP. In Akwa Ibom State the growing dissent against the State Government, considered responsible for obstructing the campaign of the opposition arose at the end March in widespread protests immediately stifled by the police.

On the eve of the National Assembly elections, on 8 April in Suleja, Niger State, a bomb exploded at the INEC office killing eleven people and injuring thirty. After the Presidential elections on 18 April, violence erupted in the North and in the Middle-Belt of the country including Kano, Kaduna, Gombe, Bauchi, Adamawa and Taraba States, probably triggered by the perception of the presidential results. Protesters burnt places of religious worship, public buildings and the houses of politicians from the ruling PDP, targeted INEC buildings and its personnel, including the NYSC members serving as INEC ad hoc staff and in Bauchi State ten of them were killed in a gruesome manner. Also the palace of the Sultan of Sokoto, the highest Muslim authority in the country was attacked. Protesters clashed with the security forces. All in total some hundreds persons were murdered and tens of thousands were displaced. The authorities imposed a curfew in the affected States until heavy military presence restored order in the following days. In the afternoon of 21 April, INEC Chairman Prof. Jega announced that due to the security situation, the gubernatorial elections in Bauchi and Kaduna States were postponed from 26 to 28 April.

The attack against the palace of the Sultan of Sokoto, the head of the Muslim community in Nigeria could be a consequence of the statement of the Sultan who described Jonathan as a son of the Sultanate. PDP used this statement in a nationwide advertisement to boost their standing in the Nigerian Islamic setup. A few days later the Sultan pointed out his neutrality in an interview, but his image was compromised. There were also demonstrations outside the Palace of the Emir of Zazzau in Zaria as he was seen as the one behind mobilising the traditional Northern elite for Jonathan. In the end, the authority of the traditional title-holders came under criticism and suffered a setback.

### *C. Use of State Resources*

Abuse of state resources by political parties and candidates during the election period is strongly discouraged by the Electoral Act as amended, which states: “State apparatus including media shall not be employed to the advantage to any political party”<sup>67</sup>. Nevertheless, the EU observers reported on misuse of state resources. For example during the election period the incumbent President and State Governors frequently merged their official duties with campaign activities. Opening and inauguration ceremonies were used to strengthen the incumbent’s campaign messages, which mostly dealt with social policy issues and state-owned mass media allotted a substantial amount of time and space to expose these institutional activities. Furthermore, there were reports of campaign advertisements praising President Jonathan prior to or after his visit in the different States, allegedly financed by the respective Governor's office. The most visible party, the PDP was often accused of the use of state resources, mainly vehicles and some reports indicated restriction for opposition parties on accessing state-owned spaces and assets. It should be noted that the line between the ruling

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<sup>67</sup> Section 100(2) of the Electoral Act 2010, as amended



party and the State is often blurred. This lack of a clear distinction may have led to an uneven playing field for the opposition.

#### *D. Campaign Finance*

National party headquarters, donations and fund-raising, and membership fees finance the campaign of the political parties. The pre-condition for a presidential candidate is to campaign in all 36 States and in the FCT. The Nigeria Television Authority (NTA) broadcast paid rallies, the longest one, five hours of live transmission was televised on 26 March on the occasion of the final rally of President Jonathan. Mobile phones and pre-paid cards, and gadgets were distributed during rallies<sup>68</sup>. Local communities were reported to receive from candidates, carloads of goods, such as oil and rice, water pumps and gifts in general. Therefore, it can be assessed that canvassing in Nigeria can be very expensive. The Electoral Act 2010, as amended, contains detailed provisions for campaign expenditure incurred by a political party within the period from the day of notice of the election and up to polling day<sup>69</sup>. However, INEC did not have the capacity to enforce the legal provisions. In 2008 INEC published an Executive Summary of External Auditors Report, which showed that any meaningful audit is hardly possible because of the absence of internal bookkeeping procedures in nearly all the parties.

#### *E. Voter Education*

In pursuance of Section 154 of the Electoral Act 2010, as amended, INEC took the leading role in civic and voter education activities, working in close cooperation with civic society organisations and with the National Orientation Agency (NOA) to ensure that updated voting procedures were communicated to all citizens, with particular attention to rural areas<sup>70</sup>. Voter information and education activities are crucial to ensure that all eligible citizens are aware of their political rights to vote, more so in a society with such high levels of illiteracy and good governance deficits. However, the majority of the voter information activities were left to different competing political parties. Few public outreach activities were observed in the States, especially in the remote areas. This lacuna was reflected in the high number of rejected votes and impacted negatively on the overall integrity of the process. Also lacking was a broader voter education programme targeting groups or citizens that might be least likely to participate, such as first time voters, minority groups and women.

INEC voter education activities were planned to be decentralised to community level engaging traditional leaders, religious groups, non-governmental organisations and also making use of town hall meetings and public spaces such as markets. A week prior to elections, INEC initiated more visible programmes. Official INEC announcements on front pages of national dailies encouraged voters to cast their ballots, at the same time as flyers and posters were distributed at State level electoral offices. Recurring themes were the accreditation and voting procedures, as well as messages encouraging to peaceful polls.

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<sup>68</sup> For instance, it was widely published that the presidential aspirant of ANPP, Ibrahim Shekarau distributed GSM credits worth 1,500 Naira.

<sup>69</sup> Section 91(2) of the Electoral Act 2010, as amended, reads: “The maximum election expenses to be incurred by a candidate at a Presidential election shall be Naira 1,000,000,000” (approximately 5,000,000 Euro)

<sup>70</sup> Section 154 of the Electoral Act 2010, as amended, reads: “The Commission shall have the power to conduct Civic education and enlightenment in the print and electronic media to enhance its functions”.

Voter education campaign in the mass media was primarily carried out by INEC, the NOA, the Ministry of Information and several local CSOs. A substantial proportion of public service announcements (PSA) were sponsored by the international community. Radio was the most frequently used communication channel<sup>71</sup>; on the privately owned Freedom Radio 12 percent of the entire political communication was allotted to voter education. All in total 347 PSA's were aired on the radio, 98 spots were broadcasted on TV and 17 PSA's were printed in the press monitored by the EU EOM. INEC broadcasted its announcements in English and four local languages in line with electoral best practises<sup>72</sup>. The messages presented the voting procedures, discouraged violence and urged people to go out and vote. All PSA's in the mass media were considered as ordinary paid advertisements. Since in several cases INEC failed to pre-pay the airtime, some stations were reluctant to broadcast PSA's, or were bound to sponsor the spots to some extent from their own budget, which was the case in the state-owned NTA.

## **IX. MEDIA AND THE ELECTIONS**

### *A. Media Landscape*

Nigeria has a vibrant and diverse media scene, with a large number of broadcasters and press outlets offering a pluralistic political discourse to the electorate. Nevertheless, financial instability, legal shortcomings and an intimidating atmosphere in certain parts of the country imposed constraints on editorial independence and quality journalism.

Since the government monopoly in audiovisual media was broken in 1992, the broadcast sector has grown extensively. In April 2011 there were 187 radio, 109 TV, 35 cable and 4 satellite broadcast stations<sup>73</sup> on air. All of them operate either at Federal or State level. Even though more than a half of the households have access to television<sup>74</sup>, radio remains the key medium in Nigeria.

Broadcasting sector is dominated by the state-owned media, with the only exception being Lagos area, where commercial broadcasters capture 73 percent of the audience<sup>75</sup>. In the North West the leader with its 28 percent of share is an independent, indigenous station, the Kano based Freedom Radio. The country's largest TV network, the Nigerian Television Authority (NTA) and the most voluminous radio house, the Federal Radio Cooperation of Nigeria<sup>76</sup> (FRCN) are owned by the Federal Government, and both of them have nationwide coverage. Among commercial broadcasters only African Independent Television (AIT) and radio Ray Power have countrywide coverage. The role of cable television has strengthened in the context of 2011 election campaign. In particular, NN24<sup>77</sup>, the country's first 24-hour news and political talk oriented TV channel clearly elucidated the scattered and politicised nature of

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<sup>71</sup> See relevant table in the Annexes.

<sup>72</sup> Pidgin English, Hausa, Yoruba and Ibo.

<sup>73</sup> April 2011, National Broadcasting Commission.

<sup>74</sup> 88 percent of households have access to radio; 57 percent to the television, source National Bureau of Statistics 2009.

<sup>75</sup> Silverbird TV, AIT Lagos and Galaxy TV together have 73 percent of TV audience share; Ray Power, Star FM, Brilla FM, Cool FM and Rhythm FM 72 percent of radio audience share: Open Society Foundations survey "Public broadcasting in Africa. Nigeria", published 2010.

<sup>76</sup> FRCN has a network of 37 FM/MW/SW stations and broadcasts in 15 languages.

<sup>77</sup> Established in May 2010; in affiliate partnership with CNN.

Nigeria's media landscape with its pre-election coverage. In total 63 companies are licensed for commercial broadcasting services.

Contrary to the situation in the broadcasting sector, in the print media privately owned press prevails. Out of 427<sup>78</sup> press titles around a hundred focus on news and infotainment. Although there is no subscription practice and reliable circulation figures are not available, it is unlikely that the average readership of any daily would exceed 350,000<sup>79</sup>. The seven largest dailies have their on-line editions, which alongside with citizen journalists' reports posted on-line became a meaningful source of information during the elections. Different types of social media (like Twitter and Facebook) were broadly used by both electorate and politicians, since more than 40 million Nigerians have access to the Internet<sup>80</sup>.

Editorial independence of media houses is curbed by legal provisions and financial standing. In particular, the ability of state-owned broadcasters NTA and FRCN to report freely is marred by the fact that their Director Generals and Boards are appointed by the President of the Republic without any public discussion, and broadcasters' annual budget is conditioned on the Federal Government's decision. Moreover, special privileges granted for journalists (all NTA and FRCN employees are civil servants) may induce self-censorship. The same refers to the broadcasters owned by States, since their status is even more narrowly tailored to serve local government's interests, regardless the Governors' political affiliation. The fragility of the system was proven in northern Zamfara State where one day before the Presidential elections the FRCN radio station Pride FM was closed down<sup>81</sup>, and after the gubernatorial elections the incumbent Governor's security officers detained the editor-in-chief of the Zamfara State-owned radio station, in order to announce election results that were not in line with the INEC ones. Another explicit example was reported from the eastern Middle Belt, where 200 state-employed TV and radio staff went on strike during the election period due to delayed wage payments. As a result, Taraba TV's broadcast was reduced to daily 30 minutes, and the radio transmission to two hours.

The freedom of speech was generally respected during the campaign period; however, some cases<sup>82</sup> of intimidation, harassment and police questioning were reported. The Nigerian Union of Journalists was taking a firm stand on this matter by filing petitions<sup>83</sup>. An emerging tendency was the organisation of special training sessions for political reporters, conducted by State Security Service (SSS) officials. In one case<sup>84</sup> the absence of a journalist at the instruction session led to his detention. Another case of stretch of authority was recorded in

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<sup>78</sup> April 2011, Nigerian Press Council (NPC).

<sup>79</sup> According to the NPC, the most popular newspapers have a readership from 100 to 125 thousand; newspapers claim to sell around 70 thousand copies per day with an average of five readers per copy.

<sup>80</sup> <http://www.internetworldstats.com/stats1.htm>

<sup>81</sup> The state-owned, Zamfara based Radio Pride FM was closed on 15 April 2011, allegedly for "technical problems". However, the broadcaster's staff members confirmed to the EU EOM that the closure was provoked by the editor's decision to invite an opposition opinion leader, the former governor Ahmed Sani Yerima to the political talk/voter mobilisation programme. Station was not re-opened until the 4 May 2011.

<sup>82</sup> Reports on 14 cases involving journalists for being of attacked, assaulted, arrested and questioned by security forces in Gombe, Plateau, Niger, Taraba, Osun, Kogi, Lagos, Nassarawa, Kaduna, Kano, Zamfara and Akwa Ibom States.

<sup>83</sup> On 28 March 2011 a complaint was filed to INEC against Osun State REC who humiliated a Leadership reporter; another complaint on 7 April 2011 was filed to the Nassarawa State Police on the armed attack on a correspondent of the Daily Trust in Lafia.

<sup>84</sup> On 3 April 2011 in Kaduna SSS arrested a Punch reporter, and held him in the SSS premises for at least seven hours.

the southern Akwa Ibom State, where one day before the Governorship elections the police raided two printing houses in Uyo town, and arrested six journalists allegedly for spreading seditious and alarming news. In the Middle Belt's Kwara State the respected, non-profitable radio Okin FM received threats to face closedown due to critical reports on the State government.

### *B. Legal Framework for the Media*

The universal principles of freedom of expression are enshrined in the 1999 Constitution, as amended, and elaborated in the legal framework for the media coverage of the pre-election period. Notwithstanding, several legal deficiencies, over-regulated political broadcasting and a regulatory body lacking efficiency manifest that some sectors of media, namely the state-owned broadcasters, have not met international and regional standards<sup>85</sup>.

Nigeria has ratified a number of international and regional instruments protecting freedom of expression. Nevertheless, at least one of the fundamental components, “freedom to seek, receive and impart information [...] regardless of frontiers<sup>86</sup>” is not fully incorporated in the national legislation. Particularly, the Freedom of Information Bill that aims to guarantee each and every citizen's right to freely access public records is pending in the legislature since 1998. Furthermore, the criminalisation of the vaguely defined “false news” and “sedition” together with the empowerment of the Minister of Justice to prohibit any publication “contrary to the public interest”<sup>87</sup> opens space for unnecessary limitations. The same applies to the legally not binding, but publicly exposed admonitory guidelines from Police, SSS, Election Petition Tribunal and INEC, warning journalists against “false, alarming and sensational” reporting.

The media coverage of the election period is administered primarily by the Electoral Act as amended, which elevates equal access to media above other campaign coverage elements and states “media time shall be allocated equally among political parties or candidates”<sup>88</sup>. More specific obligations are stipulated in the Nigerian Broadcasting Code that declares prerequisites for balanced, accurate and fairly equitable political reporting. Subsequent in-house standards were established at all major media houses. Specifically, NTA issued a Political Broadcast Manual that gives a detailed description of formats (news, debate, press conference, documentary and live coverage) and content that should be delivered to the audience. In some parts, namely regarding political debate and talk<sup>89</sup>, the document undermines the right to criticise.

The regulatory body for the broadcast media is the National Broadcasting Commission (NBC). In the election context its primary obligation is to ensure the broadcasters' compliance with legal requirements and ethical standards. For this purpose a 90-day archival requirement

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<sup>85</sup> “State parties shall [...] ensure fair and equitable access by contesting parties to state controlled media.” Art. 17 (3), African Charter on Democracy, Elections and Governance (2007); “No one shall be subject of arbitrary interference with his or her freedom of expression.” Art. II Declaration of principles on Freedom of Expression in Africa (2002); “Every individual shall have right to receive information” Art. 9, The African Charter on Human and Peoples' Rights (1981).

<sup>86</sup> Art.19, International Covenant on Civil and Political Rights.

<sup>87</sup> Sections 50, 58 and 59, Criminal Code.

<sup>88</sup> Section 100(3), Electoral Act 2010, as amended.

<sup>89</sup> For example, in the debate the host “shall not summarise any of the points raised and refrain totally from interfering”; in talk “there shall be no moderator, questions, etc.”.

for all broadcasters was issued. Yet, the media monitoring methodology used by NBC, “randomly recorded problematic programmes”<sup>90</sup> did not provide the regulatory body with legitimate information whether the law is respected. As a consequence of stakeholders’ mistrust in the impartiality and efficiency of NBC, the complaints on state-owned broadcasters were publicly discussed, but not examined through the two-level election-related conflict resolution mechanism established by NBC. The only exception was recorded in Plateau State, where Labour Party (LP) filed a complaint to the regional NBC on the Plateau State-owned broadcaster PRTVC’s coverage. The case was resolved in favour of LP. Media coverage-related disputes can also be adjudicated in the civil courts, but since these cases are treated as ordinary civil litigation, this legal instrument is rarely used as the lengthy timeline for the consideration of the cases discourages potential plaintiffs<sup>91</sup>. There was only one court hearing dealing with campaign coverage.

Whilst political parties and candidates are not entitled to free airtime or space, they can place advertisements in print and broadcast media. Although the legal framework includes fair and detailed provisions for the political advertisement including both exposure and content, lack of credible identification of the sponsoring organisation was a common practice. This downscaled the transparency of the campaign expenditures, as well as confined INEC’s ability to control compliance of parties’ expenses with the limitations stated in the Electoral Act. Furthermore, consecutive elections and NBC’s negligence towards its mandate led to an uneven playing field for political contesters. The NBC’s only constructive step to alter the habitual practice of political advertisement was the decision to fine 33 broadcasters<sup>92</sup> for the breach of the 24-hour campaign silence.

### *C. Monitoring of Media Coverage*<sup>93</sup>

During the campaign period media provided an intense coverage of candidates and parties standing for the elections. On average, television devoted 18 percent of their prime-time programmes to political communication and radio six percent. In the press 11 percent of total space was given to political actors. In the broadcast media 30 percent of the political communication was granted for news<sup>94</sup>, while in the print this proportion varies from 22 percent (in the privately owned *The Guardian* and *This Day*) to 41 percent (in the state-owned

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<sup>90</sup> Explanation given by NBC; no written guidelines are available.

<sup>91</sup> One of the few cases was revised on 18 March 2011 at Kano State High Court Ibrahim Shekarau v. Weekly Magazine “The Business Eye”. The court ruled that the publication accusing Ibrahim Shekarau of corruption was untrue. The magazine had to publish a written apology to Shekarau, and pay a moral recovery of 10 million Naira (approximately 50,000 Euro).

<sup>92</sup> 25 broadcasters were fined on 2 April 2011 prior to the first Election day; 9 other broadcasters were fined on 14 April prior National Assembly polls.

<sup>93</sup> The EU EOM monitored fourteen media outlets from 7 March to 27 April 2011 using a specific methodology designed for analysis of political communication during election campaigns. All the EU EOM’s use this same methodology. The monitored media were: three television channels, (1) the state-owned Nigerian Television Authority (NTA), (2) the privately owned African Independent Television, (3) the privately owned Lagos-based Channels TV; two nation-wide radio stations, (4) the state-owned Kapital FM, (5) the privately owned Ray Power; five regional radio stations (6) the partly privately, partly state-owned Abuja-based Aso FM, (7) the state-owned FRCN Kaduna, (8) the privately owned Kano-based Freedom Radio, (9) the Kano State owned Radio Kano, (10) the state-owned Lagos-based Radio Unity; four newspapers, (11) the privately owned national daily *The Guardian*, (12) the privately owned national daily *This Day*, (13) the privately owned national daily *Daily Trust* and (14) the state-owned, Kaduna based daily *New Nigerian*. For details on the media monitoring findings, see the relevant graphs and tables in the Annexes.

<sup>94</sup> See relevant table in the Annexes.

New Nigerian). From 25 to 50 percent of the time or space allotted to the political communication was granted for political advertisement.

The state-owned NTA lacked balance towards the candidates and their parties, since only 21 out of 63 parties contesting on the elections were mentioned during the NTA prime time. 80 percent of the coverage allocated to political actors was devoted to PDP, five to ACN and CPC each. Twelve out of the 20 presidential aspirants were referred to during the NTA prime time. Jonathan gained 81 percent of the total coverage devoted to the presidential aspirants. 75 percent of the direct speech in the NTA's news was dedicated to the President Jonathan; Buhari gained eight, Ribadu and Shekarau three percent each. The tone in the news on NTA during the entire election period remained positive, which is explainable by the fact that 21 percent of Jonathan's, 25 percent of Buhari's and 23 percent of Ribadu's news coverage consisted of direct speech.

Similarly, the "paid for" live telecasting of political rallies<sup>95</sup> calls for scrutiny, since the Nigeria Broadcasting Code states that political advertisement cannot exceed 60 seconds.

AIT followed a scheme similar to that of NTA: 70 percent of the coverage was devoted to PDP. The lack of proportionality was more obvious in the coverage allocated to the presidential candidates: Jonathan gained 82 percent, Buhari nine, Ribadu and Shekarau less than five. With regard to direct speech in the news, 64 percent was granted to Jonathan and 14 percent to Buhari.

Channels TV offered the most equitable coverage to political parties and presidential aspirants. 36 percent of the political communication was devoted to PDP, 26 to ACN, nine to ANPP and seven to CPC. In the news Jonathan gained 55, Buhari 19, Okotie Christopher from FRESH party ten, Ribadu six and Shekarau five percent of direct speech.

The editorial policy of the federal government-owned FRCN stations was better than the one of NTA: PDP gained 64 percent of the coverage in the Abuja-based Kapital FM and 61 percent in the Lagos-based Radio Unity. However, nationwide ten presidential candidates only were mentioned during the examined period. Jonathan received the largest share of coverage; furthermore, he was the only presidential candidate quoted on FRCN Kaduna; on Kapital FM Jonathan gained 85 percent of direct speech, on Radio Unity 87. The tone of the coverage was mainly positive or neutral with the exception of Radio Unity, which was equally critical towards Ribadu and Shekarau (16 percent of negative tone for each).

Likewise FRCN stations, privately owned Ray Power and Aso FM radios were clearly favouring PDP<sup>96</sup>. Furthermore, on Aso FM Jonathan's share of direct speech during the news was the largest among privately owned media outlets monitored by the EU EOM: 91 percent.

Shekarau and other ANPP representatives were the most exposed political actors on the Kano State-owned Radio Kano. ANPP gained more than half of the total coverage devoted to the political actors; Shekarau gleaned 64 percent of the coverage granted for presidential candidates. The allocation of direct speech was also for Shekarau's benefit (66 percent). Other

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<sup>95</sup> During the time of observation NTA broadcasted six PDP, three ACN, two CPC and one ANPP rallies. The longest live transmission of Goodluck Jonathan's final rally lasted five hours, and was broadcast on NTA and AIT on 26 March 2011.

<sup>96</sup> See relevant table in the Annexes.

opposition candidates, Buhari and Ribadu were barely present in the political communication on Radio Kano. Moreover, one third of the coverage given to Buhari's cover was negative.

The privately-owned Freedom Radio offered the most equitable coverage to the political parties and their candidates: 35 percent went for CPC, 33 percent for PDP, 21 for ANPP and nine percent for ACN. Freedom was the only radio station where presidential candidates from opposition parties gained more airtime than the incumbent President<sup>97</sup>, and it was the only station not quoting Jonathan in the news: 85 percent of the direct speech was granted to Buhari and 13 to Shekarau.

A promising, but deficient initiative to broaden political diversity in broadcast media was the presidential debate organised by the Nigeria Elections Debate Group (NDG)<sup>98</sup>. Since Jonathan refused to participate in a debate conducted by NN24, Buhari, Ribadu and Shekarau ignored the NDG's debate. The debates commanded by regional broadcasters were more fortunate. Namely, Freedom Radio carried out a live debate with gubernatorial candidates from PDP, ACN ANPP and CPC (though they only agreed to participate upon the Emir of Kano's public call for respect towards electorate's common interests). In Lagos two debates with gubernatorial candidates were conducted.

Print media offered a profound analysis and an equitable political discourse with a slight preference towards PDP and the incumbent President. All in total, on average PDP gained 55 percent of the total space allocated to the political actors<sup>99</sup>. The coverage granted to the presidential aspirants is characterised by a similar proportion, which is explainable by the solid number of reports devoted to the President's institutional activities. The most equitable coverage of the presidential candidates in the news was provided by Daily Trust. Shekarau was less exposed in This Day (three percent), while Ribadu was hardly visible in The Guardian (four percent). The visual coverage given to the aspirants was also fairly equitable, with the exception of This Day, where Shekarau's campaign images were seldom printed (five percent). The tone in the print media was mainly positive or neutral towards candidates until the week before the Presidential Polls, when critical reports on ACN and CPC appeared in This Day and Daily Trust. Daily Trust was also the most critical newspaper towards the President's records in the office; twelve percent of the news devoted to Jonathan was in negative tone.

An awry development in the print media was the anonymous, merely offensive paid-for campaign targeting Ribadu (31 percent of negative advertisement in Daily Trust attacked the candidate of ACN) and Buhari (26 percent in Daily Trust, 26 in The Guardian and 20 in This Day targeted the CPC presidential candidate).

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<sup>97</sup> See relevant table in the Annexes.

<sup>98</sup> For presidential and vice-presidential aspirants from PDP, ACN, ANPP, CPC, MPP, SDMP, UNPD and NTP.

<sup>99</sup> See relevant table in the Annexes.

## X. HUMAN RIGHTS AND THE PARTICIPATION OF WOMEN

### A. Human Rights

Respect for fundamental civil and political rights is established in the Nigerian Constitution<sup>100</sup>. Nigeria also acceded and ratified the most prominent international instruments on human rights related to elections. It is noteworthy that the National Action Plan for the Promotion and Protection of Human Rights (2009-2013) and the Nigerian Commitments at the UN Universal Periodic Review conducted in 2008 identified the areas, which need to be improved for human rights advancement in Nigeria. It is also commendable that Amendment Bill to the National Human Rights Commission Act, provided for an independence of the Commission from executive interference<sup>101</sup>. Nevertheless, at this stage, decisions regarding composition of a Counselling Board and appointment of Executive Secretary would be crucial to guarantee a fully independent status of the Commission.

Freedoms of expression, assembly and movement were overall respected during electoral process. However, violence which broke out in many parts of the country before and after elections caused loss of lives and properties and brought about several thousand internally displaced persons (IDP)<sup>102</sup>. Tragic incidents, including killings of 10 members of the NYSC and bomb explosions that INEC's offices in Niger and Borno States, showed that security agencies failed to provide proper protection of the electoral process, while security of people and materials are essential components of democratic elections. Undoubtedly, violence had negative impact on the electorate and deterred some voters from casting ballots. Omissions of names in voters register and lack of provisions enabling polling workers and security personnel to vote, as well as incoherent practices regarding registration of inmates awaiting trial also disenfranchised a part of electorate. It was contrary to international standards, which stipulates that states effective measures to ensure that all persons entitled to vote are able to exercise that right<sup>103</sup>.

At the time this report was written, perpetrators of election-related violence were prosecuted. A panel of inquiry to investigate the pre-election violence in Akwa Ibom State and the unrest in some States in the Northern part of Nigeria was set up on 11 May by President Jonathan. The main task of this panel was to ascertain the number of people who lost lives or were injured, to assess the extent of damages and make appropriate recommendations, and to investigate sources of weapons used in the unrest. Formation of the panel was presumed by some civil society groups as a tool to stop prevalent impunity in Nigeria, despite some concerns on the panel's effectiveness. However, there were also some reservations regarding

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<sup>100</sup> Chapter IV (Fundamental Rights) of the 1999 Constitution, as amended.

<sup>101</sup> The National Human Rights Commission (Amended) Bill, was signed by President Goodluck Jonathan on 25 February 2011. It provides with inter alia: the independence in the conduct of the affairs of the Commissions, the funds to be direct charged on the Consolidated Revenue Fund of the Federation, establishment of the Human Rights Fund and recognition of an enforcement of the awards and recommendations of the Commission as decisions of the High Court.

<sup>102</sup> On 25 April 2011, the Director General of National Emergency Management Agency (NEMA) estimated that the post-election violence in Kaduna led to displacement of around 26,000 people and 65,000 in total were displaced in other parts of the country. About 200 people were killed according to initial figures of Nigerian Red Cross. Human Rights Watch estimated the toll of deaths at 800 <http://www.hrw.org/en/features/post-election-violence-northern-nigeria>

<sup>103</sup> ICCPR, United Nations Human Rights Commission, General Comment No 25, paragraph 11: "States must take effective measures to ensure that all persons entitled to vote are able to exercise that right".



the competence of Federal Government to set up investigation panel on incidents that happened outside of the FCT.

### *B. Participation of Women in the Electoral Process*

The Constitution of Nigeria confers equality of all its citizens irrespective of ethnic group, place of origin, sex, religion and political opinion<sup>104</sup>. Although Nigerian women constitute about a half of the population and contribute to the economic development of the country, they are consistently under-represented in the legislature and within the leadership structure<sup>105</sup>. A National Gender Policy<sup>106</sup> aimed to build a society devoid of discrimination and to promote 35 percent affirmative action for women in all governance processes has not been implemented yet. Also the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has not been incorporated into the domestic legislation.

Nigerian women are not easily attuned to politics because of socio-cultural, religious and economic limitations. Among the factors affecting women's aspirations and involvement in public life are patriarchal society, poverty, high level of illiteracy, conflict of domestic tasks and professional obligations. Despite the fact that some political parties' constitutions and manifestos showed the inclusion of gender-friendly provisions<sup>107</sup>, they were not respected. In party primaries women were not able to compete on a level playing field with their male counterparts. Women seek the main reasons of their failure in a lack of internal democracy within the parties and in deficiency of financial resources. Indeed, some candidates from different political parties were beneficiaries of the Nigerian Women Trust Fund<sup>108</sup>, which was established to provide women with technical and financial support. Nevertheless, money doled out through the Trust Fund did not reach many of the female candidates<sup>109</sup>. Another factor disfranchising women to electoral process was violence against female candidates. Some of them were pressured to step down in favour of a male candidate and were victims of threats and physical violence. The largest number of incidents took place during political campaigns or rallies. The perpetrators were identified as primarily party supporters or agents<sup>110</sup>.

Women represented 9.2 percent of all candidates contesting to the National Assembly, 8.7 percent to the State Houses of Assembly, 3.7 percent of candidates for Governor and 16.5 percent for deputy Governor positions. There was only one female presidential candidate out of twenty<sup>111</sup>. The results of National Assembly elections show that only 7 women were

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<sup>104</sup> Section 42(1), Chapter IV (Fundamental Right) of the 199 Constitution, as amended.

<sup>105</sup> After 2007 elections women constituted: 3.2 percent in State Houses of Assembly, 8.2 in Senate, 7.7 in House of Representatives, 16.6 percent Deputy Governors.

<sup>106</sup> The National Gender Policy was finalized and adopted by the Federal Government of Nigeria on 15 August 2008, largely due to the efforts of a part of NGOs and civil society groups.

<sup>107</sup> Source: "Review of the Constitutions and Manifestoes of Political Parties in Nigeria for Gender Sensitivity", by Gender and Affirmative Action (GAA), September 2010.

<sup>108</sup> The Nigerian Women Trust Fund, an initiative of the Ministry of Women Affairs and Social Development, was launched on 24 March 2011 in Abuja.

<sup>109</sup> Minister of Women Affairs and Social Development announced on 24 March 2011 that about 230 female candidates of all political parties, running for various positions would benefit from the 100-million fund.

<sup>110</sup> Preliminary statement of a coalition of civil society in Nigeria with support of UN Women and UNDP/DGD on Violence Against Women in Politics (VAWiP), issued on 1 April.

<sup>111</sup> The presidential candidate Ebiti Ndok of the United Nigerian Party for Development (UNPD) obtained 21,203 votes.

elected as senators (out of 109) and 19 as members of the House of Representatives (out of 360)<sup>112</sup>. This is a downward trend in comparison to 2007 elections when, respectively, 9 and 23 women were elected to the National Assembly. So far, no woman has been elected as Governor in Nigeria<sup>113</sup>. Women were generally well represented as voters and among polling workers; however numbers differed in various parts of the country. Within election administration 3 out of 12 Commissioners were women and gender balance was reached at the lower level of administration.

## **XI. PARTICIPATION OF CIVIL SOCIETY**

Domestic Civil Society Organisations (CSO) were engaged in a positive dialogue with INEC, playing an important role in promoting the rule of law, the adherence to election regulations, and encouraging an overall orderly electoral process. CSO's dialogue platforms brought to public attention among other issues, logistical and operational challenges during the registration and voting processes, voters' lists shortcomings, instances of electoral malpractices, the need for enhanced civic education on voting procedures, concerns about the security of the ballot and voters, and called for the establishment of INEC Election Day hotlines<sup>114</sup>.

Worth mentioning is the Election Situation Room, a joint platform of 28 CSO's, actively engaged in cooperation with the electoral authorities. Its main concerns were the performance of the law enforcement agencies and political parties, and the role of the judiciary in the electoral process. The Election Situation Room identified security hotspots ahead of the polls and widely called on political parties to condemn and refrain from violence. The 2011 Project Swift Count, a partnership of four well-established CSO's, observed the general election in all 774 LGA's, and provided stakeholders with real-time information on the conduct of the polls<sup>115</sup>. Swift Count also conducted parallel vote counting for the Presidential election, presenting their findings in a timely and professional manner. The National Elections Incident Centre (NEIC) managed an Internet based map on incidents with popular participation<sup>116</sup>. The Independent Republican Institute (IRI) in partnership with INEC and political stakeholders, contributed to the signing of the Code of Conduct for political parties, while the Centre for Democracy and Development (CDD) in collaboration with the Open Society Initiative for West Africa (OSIWA) produced information on the voters mandate protection. Also the CLEEN Foundation published guidelines for the conduct of Police Officers on Electoral Duty<sup>117</sup>. The CSO "Enough is enough" established a platform to track information on social

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<sup>112</sup> Party affiliation: among 7 Senators: 5 of PDP, 1 ACN, 1 APGA; among 19 members of House of Representatives: 13 of PDP, 4 ACN, 1 ANPP and 1 APGA.

<sup>113</sup> There only female governor in Nigeria, who functioned for 6 months in Anambra State, Virgy Etiab stepped in a Governor's position only after the impeachment (on November 2006) of her boss, Governor Peter Obi.

<sup>114</sup> Election related reports by the CSOs and Human Rights Agencies Working Party on Security and the 2011 Elections; The 2011 Nigeria Election Situation Room; 2011 Project Swift Count; the Nigeria Watch 2011; the West Africa Network for Peacebuilding Nigeria; the CLEEN Foundation; The Election Monitor Online.

<sup>115</sup> Project 2011 Swift Count is a partnership between the Federation of Muslim Women's Associations in Nigeria (FOMWAN), the Justice, Development and Peace/Caritas (JDPC), the Nigerian Bar Association (NBA) and the Transition Monitoring Group (TMG). Funded by the Department for International Development, it received technical assistance from the National Democratic Institute (NDI).

<sup>116</sup> Incidents from the registration period were displayed at <http://nigeriawatch2011.org/>

<sup>117</sup> The Mandate Protection Booklet focused on three protection stages, the likely problems to be encountered and suggested actions for citizens. Centre for Democracy and Development, Abuja, [www.cddwestafrica.org](http://www.cddwestafrica.org). The CLEEN Foundation published the Guidelines for the conduct of police officers on electoral duty in collaboration

media that allowed to monitor the conduct of elections and violence, and to interact constructively with INEC and security agencies. A number of State based and regional CSO's were also noted to observe the electoral process throughout the country. Domestic observation capacity and expertise was sometimes assessed as questionable, and different sources reported that some observers were used for political purposes. Appropriate training in electoral observation principles and funding for observer deployment seemed to be overall lacking.

Domestic observation can make a vital contribution to the public confidence in the elections outcome, greatly enhancing the transparency of the process. INEC's framework for domestic observation draws from the African Union Principles and from the ECOWAS Guidelines and Declaration of Principles for International Observers<sup>118</sup>. National CSO's intending to observe elections had to be accredited by INEC through its Election Monitoring and Observation Unit (EMOU) centrally based at Abuja headquarters. INEC published a list of accredited domestic organisations, 313 in total, by 23 March 2011. The deadline for the accredited organisations to submit the individual accreditation forms for their members was set by INEC for 25 March. A number of organisations were challenged to abide by the deadline and criticism was voiced over INEC's lack of capacity to timely organise the accreditation process<sup>119</sup>.

The electoral commission received technical assistance from the International Foundation for Electoral Systems (IFES) in the areas of voters' registration, voter and civic education, training of staff, election dispute resolution systems, and in the capacity building of judges and lawyers to administer and facilitate the election dispute resolution (EDR) process. Also the UK based Department for International Development (DFID) provided direct technical assistance. The United Nations Development Programme (UNDP) mainly contributed to the Election Observation and Monitoring Unit (EOMU)<sup>120</sup>, through the Joint Donor Basket Fund, where the EU contributed significantly.

In addition to the EU EOM, other international observation groups present in Nigeria derived from the African Union (AU), Economic Community of West African States (ECOWAS), the Commonwealth, the National Democratic Institute (NDI), the International Republican Institute (IRI) and the Organisation of the Islamic Conference (OIC).

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with OSIWA. Guidelines refer to alertness and approachability of officers, professionalism, impartiality, fairness of treatment, use of force, communication with superiors, awareness of electoral regulations, reporting and cooperation with other stakeholder's and ensuring fair elections. CLEEN Foundation, Abuja, [www.cleen.org](http://www.cleen.org)

<sup>118</sup> Part III (i) and IV, African Union Declaration on the Principles Governing Democratic Elections in Africa.

<sup>119</sup> In line with international principles governing democratic elections, INEC should "ensure the transparency and integrity of the entire electoral process by facilitating the deployment of representatives of political parties [...] at polling and counting stations and by accrediting national and/other observers or monitors", Chapter III, Article i, African Union Declaration on the Principles Governing Democratic Elections in Africa.

<sup>120</sup> The United Nations Development Programme (UNDP) managed a Joint Donor Basket Fund (JDBF) for a four-year electoral cycle in support of the General 2011 elections. Approximately USD 80 Million were allocated to six priority areas: Political Parties, Electoral Administration, Civil Society Organisations, Voter Education activities, Gender mainstreaming, and the support to the National Assembly.

## **XII. PETITIONS AND APPEALS**

### *A. The Judiciary*

During the pre-election period, the judiciary faced a major crisis in which the two highest-ranked judges were involved, the Chief Justice of Nigeria (CJN) and President of the Supreme Court, Hon. Justice Aloysius Katsina-Alu, and the President of the Court of Appeal (PCA), Hon. Justice Ayo Salami. The dispute started when the President of the Court of Appeal declined the offer of promotion to the Supreme Court Bench extended to him under the directive of the Chief Justice of Nigeria, claiming that the motive for his promotion was hinged on mischievous reasons or malicious intents, as this appointment would pave the way for an amenable Court of Appeal President who would accept politicians' requests following anticipated petitions after the April elections; he further submitted an affidavit to the Federal High Court against the Chief Justice<sup>121</sup> which he later withdrew. The National Judicial Council (NJC) set up a panel, headed by the former President of the Court of Appeal, Justice Umaru Abdulahi, which commenced on 9 March 2011 its investigation over the allegations of massive corruption and misconduct against the CJN and the PCA, as well as other justices of the Court of Appeal mentioned in the allegations of fraud by politicians, especially from Osun, Ekiti and Sokoto States. The Nigerian Bar Association also set up a Special Committee to examine the allegations and to report to the President of the Bar Association<sup>122</sup>.

It is noteworthy that the outcome of the investigation of the NJC might have a negative impact on the legality of the Election Petitions Tribunals, which are appointed and supervised by the Court of Appeal. Importantly, a suit filed by PDP<sup>123</sup> is currently pending, challenging the propriety of the PCA to perform his statutory functions such as the setting up of the Election and Appeal Tribunals and supervision of judges<sup>124</sup>, and requesting that the PCA is restrained from carrying out his duties and responsibilities, particularly as it relates to the establishment of Election and Appeal Tribunals, pending the conclusion of investigation against him by the NJC, and the final determination of the case.

### *B. Electoral Offences*

The Electoral Act 2010, as amended, includes a comprehensive list of electoral offences, which are considered criminal acts, and mandates INEC to initiate the prosecution of offenders in court, without, though, setting specific procedures for this. As reported by various interlocutors and in the media, INEC has been cooperating with the leadership of the Nigerian Bar Association to ensure that everybody who is arrested on account of electoral offences will be taken to court. Following the post-election violence erupted after the Presidential elections in some northern States, the Federal Government set up a 22-member

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<sup>121</sup> In the affidavit, submitted in January 2011, the President of the Court of Appeal alleged that the Chief Justice asked him to compromise the Court of Appeal's verdict on the protracted Sokoto Governorship case by either disbanding the original panel or direct the panel to give a judgment in the governor's favour.

<sup>122</sup> The Special Committee held its inaugural meeting on 25 February 2011.

<sup>123</sup> Suit No. FHC/ABJ/CS/375/2011, Federal High Court, Abuja Judicial Division, Originating Summons of 21 March 2011. The PDP named as defendants the President of the Court of Appeal, the Attorney General, the National Judicial Council and the Federal Judicial Service Commission.

<sup>124</sup> The 210 judges who served at the Election Petition Tribunals received a two-day training organised by the Court of Appeal and were sworn in on 21-22 March 2011. The inauguration took place less than 2 weeks before the commencement of the polls; according to the Electoral Act, the judges are expected to assume their duties seven days before the elections, i.e. on 28 March 2011.

Investigation Panel on 2011 Election Violence and Civil Disturbances, inaugurated in May 2011, mandated, inter alia, to investigate the causes of the violence, to ascertain the number of casualties, to identify the spread and extent of loss and damage and to examine any other matter relevant to the unrest<sup>125</sup>.

Pursuant to the publicly expressed commitment of INEC's Chairman to the prosecution of electoral offences, two persons found guilty in the pre-election period of multiple registration in Adamawa State were sentenced to imprisonment, while the REC's in Rivers<sup>126</sup> and Bauchi<sup>127</sup> States announced that they would prosecute those involved in multiple registration. Several arraignments took place after the elections for various electoral offences, such as criminal conspiracy, ballot box snatching, disrupt of the voting process, public disturbance, stuffing ballot boxes, being in possession of offensive weapons, unlawful possession of thumb-printed ballot papers, printing specimen of ballot papers, printing voters' cards with Direct Data Capturing machine, multiple voting, impersonation of party agents, diversion of electoral materials, detonation of bombs, pouring of ink into the ballot box, engaging in actions likely to cause a breach of peace, in numerous States<sup>128</sup>. Among the persons brought to justice were many ad hoc INEC electoral officers accused of having connived with politicians to manipulate results, and also some NYSC members.

### *C. Pre-election Petitions*

The Electoral Act 2010, as amended, does not provide specific procedures for the submission and adjudication of petitions prior to the elections. These are treated as any other cases in ordinary civil litigation; therefore they are filed at the Federal and State High Courts. Following the conduct of the primaries of the political parties, aggrieved aspirants filed approximately 375 complaints directly with INEC<sup>129</sup> and more than 400 petitions in different courts throughout the country; the vast majority of the cases concerned allegations of illegal substitution of candidates by the parties. The law does not foresee the submission of complaints to INEC, which is not mandated to impose any administrative measures; therefore, after the examination of the complaint by a committee, INEC may only advise the aggrieved party to seek redress at the courts.

Some complaints related to the electoral process were filed with the courts. In a notable case, a Federal High Court in Abuja ruled on 3 March, on a petition submitted by the Labour Party (LP), that Section 25(1) of the Electoral Act is illegal, unconstitutional, null and void and subsequently nullified the National Assembly's amendment of the Act, which places the

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<sup>125</sup> The CPC declared that the Panel illegal, stating that the Federal Government lacks the power to set up a panel to probe any crisis outside the FCT.

<sup>126</sup> In Rivers State, INEC's REC stated on 23 March that 48,000 persons involved in multiple registrations have been blacklisted and will be prosecuted after the elections.

<sup>127</sup> The REC of Bauchi State threatened to prosecute more than 7,000 people discovered to have registered twice in the State, saying on 15 March that those involved would be arrested when found and would be made to pay a fine or spend two years in prison, or both.

<sup>128</sup> More specifically in Adamawa, Anambra, Akwa Ibom, Bayelsa, Bauchi, Borno, Benin, Benue, Edo, Ekiti, Enugu, Ebonyi, FCT, Katsina, Kwara, Jigawa, Imo, Ibadan, Lagos, Kebbi, Nassarawa, Niger, Oyo, Ogun, Osun, Zaria, Plateau and Sokoto States.

<sup>129</sup> The complaints submitted to INEC involved: disqualification, ex-convicts contesting contrary to the law, parties forwarded names of candidates who did not contest any primaries, exclusion of names after winning the primaries, no primaries held yet parties forwarded fictitious names, illegal nullification of primaries' results, wrongful publication of names, wrongful imposition of names, forced letters of withdrawal.

Presidential election before the Governorship elections<sup>130</sup>. The Court held that the National Assembly lacks the mandate to determine the order of the elections and that INEC is the only body empowered to schedule the elections in the order it deems fit; INEC announced on 18 March that it was too late to alter the sequence of the polling which remained as initially scheduled. Also LP filed in March 2011 a suit at a Federal High Court in Abuja against INEC and the Attorney General of the Federation (AGF) over the amended Electoral Act, which removes the power from the court to declare a candidate as winner of a disputed election<sup>131</sup>. The LP asked the court to determine the constitutionality of Sections 140(2) and 141 of the Electoral Act 2010, as amended, which seeks to remove the power of the court or tribunals to declare the winner of an election and requested an order of injunction restraining INEC from failing, refusing or neglecting to accept any candidate declared by a court or tribunal as the winner of any election into any office prescribed by the 1999 Constitution<sup>132</sup>.

In the run-up to the polls, much legal and public attention was drawn to the tenure elongation case of the Governors of five States<sup>133</sup>, whose tenure, according to a judgment of an Abuja Federal High Court of 23 February 2011<sup>134</sup>, only began after they won the run-off in their States, so it should not be terminated in April 2011<sup>135</sup>. The ruling stated that the tenure of the plaintiffs legally started in 2008 and 2009, when they took the Oath of Allegiance and the Oath of Office after they won the fresh election pursuant the nullification of their 2007 election by the Court of Appeal for electoral irregularities, therefore they would not have to contest the 2011 Gubernatorial elections. Moreover, it held that the First Alteration Act 2010 of the 1999 Constitution cannot and does not apply retrospectively to affect the re-run elections of the plaintiffs. INEC appealed on 9 March, requesting the Court of Appeal to overturn the lower court's verdict<sup>136</sup>. The appellate court delivered its judgment on 15 April, upholding the lower court's ruling and dismissing INEC's appeal on lack of merit. Both judgments of the Federal High Court and of the Court of Appeal raised controversy among senior legal professionals, some asserting that a stricto sensu interpretation of the Electoral Act was faulty and that the Governors should not have been allowed to profit from a flawed election process and stay in office for seven years.

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<sup>130</sup> According to the petition, Section 25(1) of the Electoral Act 2010 as amended that specifies the order of the elections based on which INEC developed the sequence of the elections is in contradiction with Section 40 of the Constitution that provides for the freedom of assembly and association, as well as with the Sections of the Constitution regulating political parties' formation and existence.

<sup>131</sup> See Chapter IV, Section B. Election Legislation.

<sup>132</sup> Furthermore, the National Action Council (NAC) filed a suit in January 2011 at a Federal High Court in Ikeja, Lagos State, against INEC, asking the court to determine whether the timetable released by INEC on 23 November 2010 for the April elections was valid, considering that the amended 1999 Constitution was signed into law on 10 January 2011 and that the Electoral Act 2010 was still being amended by the National Assembly as at 10 December 2010. The court ruled on 10 May 2011 that it was the constitutional duty of INEC to fix the dates for the conduct of elections and dismissed the suit for lack of merit.

<sup>133</sup> Kogi, Adamawa, Cross Rivers, Sokoto and Bayelsa States.

<sup>134</sup> Suit No. FHC/ABJ/CS/651/10, Federal High Court, Abuja Judicial Division, Hon. Justice Adamu Bello.

<sup>135</sup> The five Governors filed suits to the Federal High Court, naming as defendants INEC, the Attorney General of the Federation and the PDP, and challenging the decision of INEC to conduct governorship elections in their States in April 2011. In their suits, they claimed that they were entitled to tenure elongation, relying on the 2007 judgment of the Supreme Court of Peter Obi vs. INEC & Ors in its interpretation of Section 180 of the Constitution.

<sup>136</sup> INEC asserted that the reference point for calculating the four-year term should be from the time the plaintiffs were in de facto occupation of the offices of Governors of their respective States pursuant to their initial elections before the annulments, i.e. from May 2007, more so in view of and by virtue of Section 180(2A) of the amended 1999 Constitution.

In another judgment also examining tenure elongation, a Federal High Court in Asaba, Delta State, ruled on 15 March<sup>137</sup> that the tenure of the Governor will end on 29 May 2011 and subsequently, ordered that Gubernatorial election must be conducted in the State. The Court rejected the Governor's argument that his tenure should start counting from 10 January 2011, when he was sworn in after winning the re-run Governorship elections, and not from 29 May 2007, when he first took oath of office<sup>138</sup>. Distinguishing this case from the case of the five other Governors, the Judge held that the amendment to Section 180(2A) of the Constitution had taken effect before the Delta State Governor won the re-run election and was sworn in.

Overall, and as verified by a research conducted by the EU EOM through some 112 judgments obtained from Federal and State High Courts of all States of the Federation and the FCT<sup>139</sup>, and with parallel verification through INEC's published list of candidates, INEC complied with the courts' judgments restraining the electoral umpire to recognise, accept or deal with aspirants that the parties nominated as candidates to represent them in the various types of elections, and directing INEC to recognise, accept and deal with the plaintiffs as the flag bearers of the political parties, which were defendants, together with INEC, in cases of unlawful substitution<sup>140</sup>.

The absence of time limits for the resolution of electoral disputes by the courts before the polling delayed legal redress during a time-sensitive period and made it difficult for INEC to keep pace with the barrage of ex-parte orders<sup>141</sup> issued by the courts - that restrained the electoral umpire from accepting purportedly nominated candidates - and judgments to which it was a defendant. Overall, the courts functioned in a transparent manner and demonstrated a considerable degree of impartiality in upholding the constitutional and legal framework with regard to elections, issuing a number of judgments in accordance with procedures and with a generally sound evidentiary and legal basis. The courts made commendable efforts to timely adjudicate the volume of petitions filed at the pre-election period, the majority of which received accelerated hearing. Nevertheless, the lack of deadlines for filing, consideration and determination of complaints prior to polling trailed the results of the primaries<sup>142</sup>, producing a large number of judgments delivered by the courts only a few days before the polls<sup>143</sup>. The

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<sup>137</sup> Suit No. FHC/ASB/CS/20/2011, Federal High Court Asaba Judicial Division, Hon. Justice I.N. Buba.

<sup>138</sup> The governor of Delta State had petitioned the court to determine whether his tenure would terminate in 2015 by virtue of the fact that he took a new oath of office in January 2011 following the nullification of his initial election and oath of office taken in 2007 by the Court of Appeal in Benin City on 19 November 2010.

<sup>139</sup> See relevant table, Pre-election Petitions, in the Annexes.

<sup>140</sup> There were a few cases, though, in which it is alleged that INEC did not comply with the Federal High Courts orders, as asserted in post-election petition No. KN/EPT/HR/01/2011 filed at the Election Petitions Tribunal in Kano, petition No. EPT/NASE/PH/1/2011 filed at the Election Petitions Tribunal in Port Harcourt-Rivers State, petition No. EPT/KG/NASEN/2/2011 filed at the Election Petitions Tribunal in Lokoja-Kogi State, and petitions No. EPT/OG/FH/01/2011, No. EPT/OG/FH/02/2011, No. EPT/OG/FH/03/2011, No. EPT/OG/FH/04/2011, No. EPT/OG/FH/05/2011, No. EPT/OG/FH/06/2011, these latest filed at the Election Petitions Tribunal in Abeokuta-Ogun State.

<sup>141</sup> An ex-parte order is an order granted by a court upon the application of one party in an action without notice to the other party.

<sup>142</sup> For instance, a Federal High Court in Kogi State ruled on 4 April 2011 (Suit No. FHC/LKJ/CS/16/2011) for a fresh primary to select the PDP candidate for the Western Senatorial District, invalidating the primaries held on 28 January 2011, which produced Senator Smart Adeyemi. The new primary was held only one day before the polls, on 8 April, and Senator Adeyemi won the PDP ticket. A petition for this case has been filed against Senator Adeyemi, PDP and INEC, following the 9 April 2011 elections, at the Election Tribunal in Kogi (Petition No. EPT/KG/NASEN/2/2011).

<sup>143</sup> In regards to the National Assembly elections, the Court of Appeal, Abuja Division, declared on 8 April Alhaji Usman as the PDP candidate for Kogi Central Senatorial District in 9 April's elections, affirming the

high number of pending - before the polling days - petitions had a negative effect to the voters' awareness over the electoral contestants; this is problematic as it lessens the certainty among voters concerning the translation of their votes into mandates being allocated according to transparent criteria.

#### *D. Post-election Petitions*

The Election Petitions Tribunals were established in line with Section 285 of the 1999 Constitution, as amended, and they had original jurisdiction, to the exclusion of any court or tribunal, to hear or determine petitions as to whether any person has been validly elected. The Electoral Act 2010, as amended, includes detailed provisions for petitions against results and places particular emphasis on front-loading during litigation procedures in order to afford an effective and speedy conclusion. The time limits for the dispute-resolution process are significantly shortened, in order to ensure timely adjudication on cases so as to promptly resolve the legitimacy issues surrounding various elective positions.

Under the provisions of the Act, election petitions can only be filed by candidates and political parties, which participated in the elections, within 21 days of the declaration of results<sup>144</sup>. Voters, observers or other interested parties are not allowed to file election petitions. Petitions concerning the Presidential election must be submitted to the Court of Appeal. For petitions concerning National Assembly and State Houses of Assembly elections, the Act provides for the establishment of National and State Houses Election Tribunals to be constituted ad hoc no later than 14 days before the elections<sup>145</sup>. The pre-hearing session can only take 14 days and a new amendment allows to petitioners 14 days for proving their case<sup>146</sup>. The Constitution and the Act provide that an Election Petitions Tribunal will deliver its judgment in writing within 180 days from the date of filing the petition and an appeal to a decision of an electoral tribunal or court shall be heard and disposed of within 60 days from the date of the delivery of judgment of the tribunal<sup>147</sup>.

The Election Tribunal and Court Practice Direction 2011, issued by the President of the Court of Appeal on 1 April 2011 and aiming to regulate the practice and procedure of the Election Tribunals so as to ensure quick dispensation of justice, order the deposit of the sum of

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decision of an Abuja Federal High Court. In Taraba State, a Federal High Court in Yola affirmed on 1 April, Alil Tutare (Suit No. FHC/YL/CS/17/2011) as the PDP senatorial candidate for Taraba Central Senatorial District and El-Sudi (Suit No. FHC/YL/CS/16/2011) as the House of Representatives candidate for Gassol constituency in the National Assembly elections. In Sokoto, a Federal High Court (Suit No. FHC/S/CS/8/2011) declared on 7 April Halima Tukur as the lawful PDP candidate for Yauri/Shanga/Ngaski Federal constituency of Kebbi State in the National Assembly elections. In Lagos State, a Federal High Court issued on 21 April an order on a suit (Suit No. M/360/2011) brought on 18 April 2011 by Frank Eke against PDP, Ibrahim Obanikoro and INEC, declaring illegal, unlawful, unconstitutional and immoral the nomination of the 2<sup>nd</sup> respondent and forwarding his name to the 3<sup>rd</sup> respondent as the party's candidate for the 26 April election into the Lagos State House of Assembly, on the grounds that the 2<sup>nd</sup> respondent was under 30 years of age. The Court granted the applicant for Substituted Service of the Originating Summons and all other accompanying court processes in this suit on the 2<sup>nd</sup> respondent, and set as return date the 3<sup>rd</sup> of May 2011.

<sup>144</sup> Section 137(1), Electoral Act 2010, as amended.

<sup>145</sup> Section 133(1)(2), Electoral Act 2010, as amended.

<sup>146</sup> First Schedule, Para. 18(9) and Para. 41(10), Electoral Act 2010, as amended.

<sup>147</sup> No deadlines were included neither in the Constitution before the 2010 amendment nor in the 2006 Electoral Act.



400,000 Naira (approximately 2,000 Euro) by the petitioner as security for costs<sup>148</sup>. This sum is considered by many legal practitioners, and by the EU EOM, as being too high; although the purpose acknowledged behind this the discouragement of frivolous petitions, it might lead to the negation of the right of access to justice for many aggrieved candidates.

Following the National Assembly elections, numerous complaints alleging serious irregularities in various States were submitted to INEC, despite the fact that under the Electoral Act 2010, as amended, any election return made by the returning officer can only be challenged in court or tribunal. This might be attributed to a gradual loss of confidence in the judiciary, perceptible in the allegations of corruption against the two highest-ranking judges<sup>149</sup> or ignorance of the law. For instance, in Taraba State complaints were submitted to INEC by CPC and ACN, while ACN filed complaints with the REC alleging electoral malpractices and requesting invalidation of results in various LGA's in Benue and Jigawa States. The DPP contested the results in two wards in Delta State through a complaint to the REC, while the ACN, the Labour Party and the ANPP alleged irregularities during the National Assembly elections in many LGAs and wards in Bayelsa State. In Rivers State, the ACN and APGA submitted complaints to INEC and to the Inspector General of Police, alleging not only electoral fraud but also police brutality and intimidation in many wards during the National Assembly elections. Also, the CPC in Gombe and in Sokoto States filed a complaint with INEC alleging various malpractices during the 9 April elections. APGA also submitted a complaint to INEC alleging, among others, intimidation, police brutality, ballot boxes snatching, material and financial inducement of voters, non-provision of results sheets and falsification of results during the Governorship elections of 26 April in Abia State and nullification of results. In Plateau State, the Labour Party filed a complaint with the REC alleging multiple thumb printing, ballot box stuffing and intimidation of voters and party agents in some wards during the Governorship elections. The ACN, CPC and ANPP also submitted complaints to INEC and REC in Niger State, alleging irregularities, electoral violence, military intimidation of voters, chasing away of opposition party agents and multiple voting in several LGAs and wards during the 26 April gubernatorial elections.

The EU EOM studied 128 petitions from different parties brought before the Election Petitions Tribunals in 18 States and the FCT, out of roughly 140 submitted throughout the country, contesting the National Assembly elections results<sup>150</sup>. The grounds of petitions, common to all include that the respondent was not duly elected by majority of lawful votes cast; invalid results by reason of corrupt practices and non-compliance with the Electoral Act 2010; and unlawful exclusion by omission of logo/symbol of party and name of petitioner. Common demands in all petitions include requests for court orders declaring that the respondent is not the lawful winner, nullification or cancellation of the election, a court order for fresh elections and to declare the petitioner as winner and to order INEC to issue to the petitioner with certificate of return. It is noteworthy that in many cases the petitioners are requesting from the courts to issue an Order directing that evidence relating to Electro-Mechanical Optical Scanning of ballot papers used and the examination and analysis of voters' finger prints captured in INEC's database is given at the hearing.

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<sup>148</sup> The balance of this sum will be returned to the petitioner upon the finalisation of the adjudication process, and after the deduction of all relevant expenses.

<sup>149</sup> See Chapter XII, Section A. The Judiciary.

<sup>150</sup> See relevant table: Post-Election Petitions in the Annexes.

Two petitions seeking the nullification of the presidential election results were filed by the CPC and the Hope Democratic Party (HDP) before the Court of Appeal in Abuja Judicial Division. The CPC is contesting the results in all the 36 States of the Federation and the FCT, and requesting the court to organise a fresh election between the CPC and the PDP candidates. The petition was submitted at the Court of Appeal in Abuja on 8 May 2011<sup>151</sup>; it is based on two grounds of appeal, the non-compliance with the provision of the Electoral Act and various malpractices and irregularities, and it includes affidavits from 151 witnesses.

In its petition, the HDP<sup>152</sup> is alleging that the conduct of the Presidential election did not comply with the Electoral Act 2010 and the 1999 Constitution, as amended. The party claimed that its presidential candidate, Chief Ambrose Owuru had over 30 million votes allegedly cast for him, which were diverted to the PDP. The HDP is claiming that INEC did not comply with the provisions of the Constitution and the Act which required that election be held on a stipulated date and argued that for INEC to select another date other than the 9 April for which the Presidential election was originally scheduled, it ought to request from the National Assembly to effect necessary changes in the dates, and further argued that for the shift in the date of the election to be valid, there must be evidence of crisis, breach of peace or any natural disaster.

The EU EOM finalised its activities in the field before the expiration of the deadline for the filing of petitions contesting the Governorship election results, so until the writing of this report no such petition was submitted to the Election Petitions Tribunals.

### **XIII. OVERVIEW OF THE ELECTION DAYS**

#### *A. Election Day on 9 April*

During the flawed election of 2 April, when INEC authorities failed to deliver essential election material to polling units in most parts of the country, EU EOM observers reported on-going accreditation in the morning hours only from the North West, some parts of the South West and North Central zones. Shortly after noon INEC decided to postpone the polls.

The repeated National Assembly elections on 9 April proved that the courageous decision to cancel and postpone the voting on 2 April was fortunate. The distribution of essential material substantially improved and the election process could be carried out and completed in most Senatorial districts and House of Representatives constituencies<sup>153</sup>. The EU EOM observers visited in total 698 Polling Units and 160 collation centres of different levels.

Overall, around two fifths of the polling staff were women, while the share of female presiding officers reached 35 percent. Party agents were present in 95 and domestic observers in 29 percent of the polling units visited.

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<sup>151</sup> Petition No. CA/A/EPT/PRES/1/2011.

<sup>152</sup> Petition No. CA/EPT/PRES/2/2011.

<sup>153</sup> In at least 15 Senatorial districts and 48 Federal constituencies the National Assembly elections were not held and they were postponed to 26 April, see Chapter IV. Section B, The Administration of the 2011 General Elections.

Around 20 percent of polling units could not open on time mainly due to missing polling staff and/or material. Even though over 90 percent of the polling units visited during accreditation was functional, the EU EOM observers noted also several shortcomings. Only 18 percent of polling units were split into voting points. INEC authorities continued to supply essential material to polling units during on-going accreditation, as observers noted missing results sheets in 13 percent and ballot papers in 21 percent of the polling units, and these difficulties were apparently overcome in the course of the day. However, the reported deficiencies also include botched ticking off the names in the Voters' register, omitted or incorrect application of ink, disorder at the polling unit, interference of party agents with the process, accreditation of noticeably underage voters and accreditation and voting conducted at the same time (especially in Kaduna, Katsina and Plateau States). Nevertheless, the accreditation was viewed as good or very good in 83 percent of the polling units monitored.

Although the transition from accreditation to voting was marked by some confusion, voting began by 14:00 hours in over 90 percent of the observed polling units. In almost a half of polling units the ballot box was not sealed, and thus did not provide sufficient protection against potential tampering with the ballots. Important safeguards against multiple voting such as checking and applying ink (in one third of the cases) and presenting voters cards (2.5 percent) were not followed consistently. Likewise, in four percent of polling units individuals were allowed to vote without having been accredited. Evidently underage persons were seen voting in 12 percent of the polling units, especially in the northern parts of the country. Secrecy of voting was not respected in a third of the cases and in eight percent attempts at influencing voters while making their choice were reported. Moreover, party agents were actively interfering in voting procedures in every eight polling unit. Still, voting in the observed polling units was evaluated by the EU observers positively in 68 percent of cases.

Despite the ambiguous INEC's instructions concerning the closing time for voting, no significant problems were reported, and the observed polling units closed on average around 16:30 hours (while according to the EU observers a number of polling unit closed even earlier) with all voters in the queue being allowed to vote. The mandatory manual counting and reconciliation of the unused and spoilt ballots were not followed appropriately in every fourth polling unit, which could open doors for their potentially illegitimate usage. Although the procedures for the determination of the validity of the votes are commendably inclusive, the share of polling units in which observers reported instances of ballots incorrectly rejected reached 25 percent. In 17 percent of polling units party agents objected the rejection of ballots. Regrettably, there are no further provisions related to scrutinising or reconsideration of such rejected and objected ballots. While the copies of the results sheets were generally offered to all party agents, the official results were posted outside the polling unit only in 54 percent of cases. Even more importantly, in many polling units the results sheets were not completed by the presiding officers who instead chose to fill them out at the ward collation centre, as the results could not be established on site. That was one of the reasons why one third of polling units the official results sheets were not packed in tamper-proof envelopes<sup>154</sup>. The counting procedures were evaluated positively in 83 percent of the observed polling units.

Disorder was reported in 18 percent of the ward collation centres. In over 70 percent of the ward collation centres observers witnessed polling unit result forms with arithmetic errors.

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<sup>154</sup> In addition, EU observers witnessed an attempt to snatch the ballot box during the counting in the Akinyele LGA, Oyo State.

However, the results from the polling units observed by the EU EOM were generally transferred correctly to the respective ward results sheets. The results were posted outside the collation centres only in 30 percent of cases, which is contrary to the procedures established by INEC aimed at increasing transparency of the election process.

The situation was reportedly similar at collation centres of higher levels, as the share of LGA collation centres with arithmetic errors reached almost 80 percent, and in every fifth of them the corrections entailed also modifications of results received by individual parties. This demonstrates an insufficiency in the training of the Collation Officers as well as a lack of clear procedures for handling the not uncommon computation errors. The results were posted outside in only a quarter of LGA collation centres and a third of Senatorial district, and House of Representatives constituency collation centres. In spite of these shortcomings the collation process was rated positively in over 80 percent of the collation centres observed.

### *B. Election Day on 16 April*

For the Presidential elections, the EU EOM observers visited in total 633 polling units in all 36 States and the FCT covering both urban and rural areas. The observation indicated that the Presidential elections held on 16 April were conducted in a generally calm and peaceful atmosphere and the polling procedures were most strictly adhered to from among all election processes observed.

Voters demonstrated genuine commitment and patience, having to queue throughout the morning accreditation process and once again during the afternoon voting. INEC's logistical preparations had substantially improved since the National Assembly elections and only a limited number of polling units opened late due to a shortage of essential material or absence of polling staff. Only 14 percent of the observed polling units were split into the so-called voting points, even though the average number of voters in the visited polling unit was 860, which is in contradiction to the objectives declared by INEC.

Women were again well represented among the polling workers: in total 40 percent of the staff and 36 percent of the presiding officers were female. However, the proportion of women was substantially lower among collation officers. Party agents were present in 96 percent and domestic observers in 35 percent of the sampled polling units.

The presence of voters on the voters' register was generally well checked: their names ticked off in the register and fingers marked. However, in a few polling units, voters were allowed to be accredited either without being on the voters' register or without holding their voters' cards.

While the shift from accreditation to voting was smooth and carried out in a timely manner, shortcomings were noted during voting. In 17 percent of the sampled polling units, attempts to influence voters were observed; in 26 percent there were instances of interference by party agents in the process and in 47 percent the secrecy of vote was not respected. General lack of organisation was noticed in 19 percent. These figures indicate deterioration since the National Assembly elections. The share of underage voting remained unchanged at 12 percent, while in a few cases serious malpractices, such as double voting and ballot snatching were observed.

The observed polling units closed on average around 16:00 hours, leaving enough time for the counting to be conducted during daylight. In a sixth of the observed polling units, the unused ballots were not properly accounted for and their number was not recorded. The copies of the results were in general distributed to all party agents and the official results were posted outside the polling unit in 87 percent of the cases, which is a remarkable improvement over the National Assembly elections (when the procedure had been followed in only 54 percent). Nevertheless, the results forms were packed in tamper-proof envelopes only in two-thirds of the observed polling units. In spite of some procedural deficiencies, counting was overall evaluated positively in 91 percent.

Arithmetic errors were noted in 70 percent of the visited ward collation centres, in 87 percent of the LGA collation centres and in 70 percent of the State collation centres observed. This demonstrated insufficient training of the collation officers. The results were posted outside the ward collation centres only in 49 percent, which is still a tangible improvement compared to the 9 April elections. However, at the LGA level results were posted outside only in 35 percent and at State level only in 40 percent of the cases. This had a clearly negative impact on the transparency of the election process. Nevertheless, the collation and tabulation processes were regarded positively in almost all collation centres.

### *C. Election Days on 26 and 28 April, and on 6 May*

In many respects the conduct of the Governorship and State Houses of Assembly elections represents a notable deterioration when compared to the Presidential elections. Even though INEC authorities further improved the distribution of essential election material, the process was marred by occasional defections of NYSC staff and an overall increased interference and undue influence of party agents.

For the Governorship and State House Assembly elections, the EU EOM deployed 61 observers to 26 States and observed 290 polling units and 10 collation centres.

Even though approximately one third of the original polling staff was reshuffled between different areas, a vast majority of the polling units opened on time and was operational throughout accreditation and voting. A general increase of disorder outside the polling premises was reported. Party agents were present in over 95 percent, while domestic observers were noticed only in 23 percent during accreditation and 19 percent of the cases during voting, which is a remarkable decrease in comparison to the Presidential elections when they were seen in 35 percent of the polling units. The share of female polling staff and presiding officers remained largely unchanged.

A very similar, albeit even more pronounced, pattern of an inconsistent application of procedures as in the previous elections was observed again. Ticking off the names in the Voters' register was omitted in every tenth polling unit. Similarly, fingers were not properly inked in every fifth polling unit and in three percent of the polling units voters were accredited without being on the voters' register. Moreover, underage persons were accredited in every fifth polling unit, which was a notable increase compared to the Presidential elections. Lamentably, party agents were seen interfering with the process in 16 percent of the cases. Still, the accreditation was evaluated positively in four out five polling units observed.



Although the passage between the accreditation and voting was carried out generally on time, the EU observers reported somewhat higher levels of disorder and tension. Again they reported a number of shortcomings. Most noteworthy were omissions in sealing the ballot box (73 percent) and checking and application of ink (44 percent and 30 percent respectively). Furthermore, in 15 percent of the polling units, electors were seen voting without being previously accredited and the EU observers reported once again underage voters from 17 percent of the observed polling units. The incidences of attempts to influence voters in their choice rose to 21 percent, and party agents were interfering in a quarter of the polling units observed. The voting in the Governorship elections was evaluated in 40 percent negatively, which makes it the worst rated procedure by the EU observers from among all observed processes in the 2011 General Elections.

The closing and counting procedures were accompanied by remarkably higher incidence of intimidation (six percent, while in the Presidential elections 0 percent) and disorder (17 percent compared to seven percent) outside the polling unit, which might indicate greater interest and growing impatience among party affiliates during their expectation of results. The occurrence of properly reconciled unused and spoilt ballots went back to the National Assembly elections levels (i.e. in three quarters of the cases). Disturbingly, the number of used ballots did not equal the number of valid, spoilt and rejected ballots in almost every fifth polling unit, while in the Presidential elections these numbers matched after each observed counting. Similarly, a copy of the results sheet was given to all party agents in almost every visited polling unit in the Presidential election; however, this laudable practice was this time not followed in one of five polling units. The results were posted outside the polling unit in three quarters of the cases, and the results were packed in tamper-proof envelopes in only 44 percent of the observed polling units. Notwithstanding, the process was evaluated positively in 80 percent of the polling units observed.

The EU EOM observed the supplementary elections in all affected LGA's of the Imo State on 6 May. Despite INEC's undoubtedly genuine attempts to deliver exemplary elections, they did not manage to distribute polling material and staff on time. Regrettably, accreditation started with considerable delays of several hours and in the Oguta LGA the elections had to be cancelled completely.

#### **XIV. RESULTS**

According to the official election results announced by INEC, out of the 109 seats to the Senate, PDP won 71 Senatorial Districts (65.2 percent), ACN 18 (16.2 percent), ANPP and CPC each 7 seats (6.4 percent), the Labour Party 4 seats (3.7 percent) APGA and Democratic Peoples Party (DPP) one seat each (0.9 percent). Comparatively to the 2007 Senatorial results, PDP lost 14 seats. Throughout the country PDP won in the majority of the districts, with the only exception in the South West, where PDP lost to ACN, which gained 14 seats and LP 3; PDP won in only one senatorial district.

For the 360 seats to the House of Representatives, PDP received the majority of the votes winning 199 seats (55.1 percent), followed by ACN with 69 seats (19.1 percent), CPC with 37 seats (10.3 percent), ANPP with 27 seats (7.5 percent), LP with eight (2.2 percent), APGA with six seats (1.7 percent), ACCORD with five (1.4 percent), DPP two seats (0.6 percent) and Peoples Party of Nigeria (PPN) with one elected seat (0.3 percent).

Countrywide, PDP won in the majority of constituencies, with the only exception of the South West, where PDP lost to ACN, which won 53 seats, LP eight, followed by PDP with six seats. By the time the EU EOM finalised its observation in the country, the results in six constituencies were still not published.

The Presidential results, announced by INEC's Chairman in a live television broadcast on NTA after 48 hours from the close of voting, showed as the winner the incumbent PDP candidate with 22,295,187 valid votes cast, i.e. a total of 58.9 percent. The runner up, the CPC candidate, received a total of 12,214,833 valid votes or 31.9 percent. The ACN candidate followed with 5.4 percent and the ANPP candidate with 2.4 percent. All the other presidential candidates received a total of 1.3 percent. In South South and South East the incumbent President gained between 87 percent and 99.6 percent of valid votes. The overall turnout in these zones reached 71 percent i.e. 20 percentage points higher than the nationwide average, despite the very low turnout in Edo State (38 percent).

According to INEC's website, in 33 States President Jonathan gained more than 25 percent of the total votes cast. In 24 States and in the FCT, the incumbent President won the majority of total votes. In three States in the North East and North West, he received less than 25 percent. President Jonathan's closest rival, Muhammadu Buhari, won in twelve States and past the 25 percent threshold in additional five States. The third most successful presidential aspirant, Nuhu Ribadu, only won in Osun State. The largest proportion of votes cast for the fourth most popular presidential candidate, Ibrahim Shekarau, was recorded in Yobe State with 23 percent.

A total of 38,209,978 valid votes were cast making an average national turnout of 54 percent, with 1,259,506 invalid ballots (3.2 percent). The highest turnout was recorded in the Southern Bayelsa State (86 percent); the lowest in the North West, in Yobe State were only 23 percent of registered voters cast their ballots.

For the Governorship elections, out of 36 seats, only 26 were contested in the April polls<sup>155</sup>. PDP won 18 seats, ANPP and ACN each won three, and CPC, and APGA each one seat. PDP lost the Governorship elections to CPC in Nassarawa State, to ACN in Oyo and Ogun, to ANPP in Yobe and Zamfara, and to APGA in Imo State. PDP Governors were re-elected in 17 States, and ANPP was re-elected in Borno State, but lost Kano State to PDP. The South West is the only zone where none of the newly elected Governors belongs to PDP.

It appears that historically the Governorship elections tend to be the most attended ones. However, in 2011 the Presidential elections showed the highest turnout from among all five polls. Namely, the overall turnout in the Presidential elections was 54 percent while the Governorship and State House of Assembly elections saw a turnout lower by around 10 percentage points throughout the country. In the South South and South East, the difference between the Presidential and the State House of Assembly elections was around 30 percentage points.

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<sup>155</sup> States with off-cycle Governorship elections include Adamawa, Anambra, Bayelsa, Cross River, Edo, Ekiti, Kogi, Ondo, Osun and Sokoto. In the Federal Capital Territory there are no elections for the Governorship and State House of Assembly.

The national average of the turnout in the Governorship elections was higher than the turnout in the State House of Assembly polls held on the same day. A difference higher than 10 percent was noted in the following States of Benue, Borno, Ebonyi, Kebbi, Kwara, Lagos, Oyo and Yobe. Contrary to this trend, in Bauchi State the turnout for the Governorship elections was approximately 10 percent lower than the one of the State House of Assembly.

At the time the EU EOM wrote this report, INEC has not publicised comprehensive results for all House of Representatives' constituencies and therefore the Mission was not in the position to compare the turnouts between all the election days.

## **XV. RECOMMENDATIONS**

The 2011 General Elections laid the foundation for strengthened electoral procedures. A number of reforms and improvements will need to be put in place before the next elections in order to consolidate the achievements. The following recommendations to improve the electoral process and related areas are offered for consideration and possible action by the Government of the Federal Republic of Nigeria, INEC, political parties, the media, civil society and any other relevant stakeholder.

### **Legal Framework**

1. The Constitution should be amended to introduce a transparent, inclusive and accountable system so that the INEC's Chairperson, INEC's National Commissioners and Resident Electoral Commissioners would be nominated and appointed through an independent process as opposed to the current Presidential appointment. Such a process could be led for instance by the National Judicial Council, by the National Assembly or by a ad hoc committee.
2. The Constitution should be amended to allow for independent candidates to run for office, in conformity with international principles for democratic elections.
3. The Constitution should be amended to provide for the establishment of a Constituency Delimitation Commission, a Political Parties Registration and Regulatory Commission and an Electoral Offences Commission.
4. Any future amendments to election legislation should be enacted sufficiently in advance of elections to provide political parties, candidates and voters adequate time to become informed of the rules of the election process. Electoral legal framework adopted shortly before the elections undermines the legitimacy of the legislation and prevents related stakeholders from becoming informed in a timely manner of the rules of the election process, in accordance with the Protocol on Democracy and Good Governance of the Economic Community of West African States (ECOWAS).
5. The authority and responsibility of each level of election administration should be explicitly defined in the Constitution and the Electoral Act. The law should stipulate on how INEC operates; it should state quorum requirements, voting rules for decisions, the



manner of publication of decisions and include clear provisions for transparency so that the work of INEC can be observed and monitored.

6. Section 180(2A) of the 1999 Constitution, as amended, should be revised in order to disallow any candidate whose role at the election has been adjudged by the courts/tribunals as fraudulent to take part in the re-run election.
7. Section 87(10) of the Electoral Act 2010, as amended, should be expunged or revised, as it is in contradiction with Section 87(9) of the Act and it ousts the jurisdiction of the courts in relation to political party primaries and general elections for failure to comply with provisions of the Act.
8. The Electoral Act should provide specifically for Alternative Dispute Resolution (ADR) that would address the issue of voluminous and protracted litigation. The constitutions of political parties should include the ADR procedure clearly to avoid emasculation of party members.

### **Election Administration**

9. To further improve the transparency of the process, official results should be published broken down to polling unit level. The Electoral Act should include provisions for the publication of results per polling unit, collation centres, wards and constituencies. From the proclamation of the winners, such results should be available to the public, by using among other means the INEC website.
10. The demarcation of electoral boundaries has not been updated since 1996. Therefore, proper analysis of the recent population growth and a review of electoral constituencies should be planned and implemented for the 2015 elections.
11. INEC should timely inform on the details of postponed and cancelled elections, both at Federal and State level. This should be a priority for the electoral management body.
12. INEC should devise a more robust and swifter internal results verification mechanism to be put in place before the official proclamation of the winners.
13. An independent audit should be undertaken of INEC staff performance at all levels. The Commission should be able to reward professionalism and commitment. It should also review appointment policies, removing underperforming employees and legally prosecuting those who committed electoral offenses. INEC could consider retaining NYSC staff who gained considerable experience and expertise during these past elections.
14. Improved learning programmes should be put in place for timely training of all election staff. INEC should design and implement mock election exercise to practice procedures, such as exercise in filling out results sheets. Manuals and guidelines should be designed in such a way to be easily followed during election days, procedures should be explained in a broader manner as to include the rationale behind the different steps to be taken. Manuals should be widely available to staff and stakeholders. Additionally, INEC should be able to provide training assistance for party agents and security personnel.

15. As a learning exercise, an independent audit of election results should be undertaken. Randomly chosen polling units, ballot papers, results and collation forms should be reviewed to identify errors, deficiencies and malpractice, if any. The audit could be of use for future regulations and training, and act as a deterrent against malpractice.
16. INEC should ensure a much greater compliance with the elections procedures at all levels to minimise inconsistency in their implementation. Therefore, systems should be put in place to ensure institutional cohesion and sound intra-INEC communication to adequately and timely informed all employees.
17. Strengthening of procurement, logistics and operational capacity, and thorough planning should be a priority for INEC. The setup of an operational plan with input from the different areas and strong internal coordination needs to be further developed. Additionally, procurement should be transparently publicised.
18. INEC both at Federal and State level should continue with the positive trend of holding official periodical consultative meetings with stakeholders, particularly with political parties, candidates and CSO's. However, more efforts should be undertake to involve representatives of domestic and international observers.
19. Taking into account that only INEC headquarters deals with accreditation, it is necessary that timely and clear procedures for accrediting domestic observers and journalists are developed and implemented for smooth distribution of the accreditation badges to the field.
20. INEC should consider designing and implementing special voting mechanisms to allow election officials, security and other staff drafted for election responsibilities to register and vote in future elections.
21. Through a proper and long-term planning, it would be advisable to reassess the cost of elections and possibly reduce it, while keeping adequate resources to INEC to organise the elections.

### **Voter Registration**

22. INEC should envisage improving the quality of the voters' register by eliminating double registration entries and making adjustments. Updating the register should be a continuous process. The Electoral Act provision of closing the update of the register 30 days before the election date should be adhered to. The voters' register should be made readily available to political parties, other stakeholders as well as the public at large.

### **Political Parties**

23. In order to enforce the provisions for campaign expenditure detailed in the Electoral Act 2010, as amended, political parties should develop internal transparent bookkeeping procedures.

## **Voter Education**

24. INEC should revise and strengthen its voter and civic education programmes. INEC should develop an overall strategy that takes into account the focus of the educational campaign and the target groups, including special designed programmes for first time voters and women. The strategy should also include the development of the messages, their testing and the identification of the appropriate delivery mechanism. In case INEC would not have adequate internal resources, it could partner with well-established CSO's, which are experienced in conducting literacy and awareness programmes.

## **The Media**

25. With regard to state-owned broadcasters, it would be advisable neither the President of the Federation nor the Governors are entitled to appoint the Director General and the Board.
26. Additionally financial independence of the state-owned broadcasters from the State and Federal Governments should be sustained and capacity building for editors-in-chief would be needed prior to the election period, following the lines of best journalism practice and the international, and regional standards.
27. In close cooperation with INEC, NBC should establish efficient media monitoring units in all the States and introduce a media monitoring system that meets international standards, and allows controlling broadcasters' compliance with the legal provisions. Similarly, NBC's law enforcement capacity should be strengthened by the creation of a capable legal department within the institution. Furthermore, NBC's independence should be amplified, by making public the appointment procedure of the Director General and the Board.
28. NBC should share information on paid advertisements with INEC in order for the latter to foster its control on the compliance of political parties' expenditures with the legal provisions, since the paid advertisements in the mass media are among the most costly campaign elements.
29. It would be advisable to prohibit "paid-for" live transmissions of campaign rallies in the broadcast media, and in general the political debate culture should be strengthened. It would also be advisable that Federal and State government-owned broadcasters allocate a significant proportion of their prime-time programmes to election debates and comparative analysis of political parties' programmes.
30. The Freedom of Information Bill should be passed and duly implemented to provide a higher degree of transparency, and accountability of the public sector.
31. In order to broaden the diversity of the information sources available to the electorate, it would be advisable to facilitate the licensing of community radios, especially in the rural areas.

32. A Federal government-oriented programme for the promotion of print and e-media should be initiated, facilitating the distribution of newspapers and access to Internet in public places, such as libraries. Such programme should be in the major local languages alongside with English.

### **Human Rights**

33. Prompt prosecution of people involved in election violence should be pursued.
34. Internally Displaced Persons should be provided sufficient protection and assistance, and should be allowed to make a free choice on whether to return to their original locations, integrate locally or relocate.
35. The strategy formulated the National Action Plan for the Promotion and Protection of Human Rights should be developed and implemented.
36. The members of Counselling Board and Executive Secretary of the National Human Rights Commission should be appointed free from political interference.

### **Women Participation in the Electoral Process**

37. The Government should strengthen efforts to implement the National Gender Policy which provides for a minimum of 35 percent representation of women at all levels of political participation.
38. Political parties should address the problem of violence and internal democracy within the parties, as this constitutes a hindrance to women's participation in politics.
39. Political parties should consider financial support for female aspirants in order to empower them to compete on a level playing field with their male counterparts.
40. INEC should continue to ensure that women are well represented among election officials at all levels throughout the country.

### **Petitions and Appeals**

41. Reasonable, specific and adequate time limits should be included in the Constitution for the timely and effective filing, hearing and determination of pre-election petitions. The EU EOM is aware that the trend in judicial pronouncement holds the practice of establishing time limits for the adjudication of election petitions as being in conflict with the 1999 Constitution, as amended; however, it is necessary to reduce the length of time it takes to conclude pre-election petitions in order to avoid the situation where candidates' nominations are pending a few days prior or even after the polling.

42. The law should ensure that the complaints system is transparent and publicly accountable. Consolidated records of complaints, responses, decisions and outcomes should be made available by INEC or the Judiciary for public scrutiny.
43. The Electoral Act should provide a process for political parties, candidates and voters to lodge complaints and appeals arising from the adoption and implementation of INEC guidelines. This process should also allow for complaints and appeals arising from the violation by INEC of electoral legislation.
44. The Electoral Act should be amended to allow voters, domestic observers or other national election stakeholders to file election complaints and petitions in all areas of the election process.

### **Polling and Collation**

45. The protection of ballots in ballot boxes should be enhanced by mandatory use of serialised seals. Moreover, ballot boxes made of less flexible material should be considered in order to render an easy extraction of ballots from the box impossible.
46. Political parties should be allowed to accredit only one agent per polling unit and this would help to reduce the widespread interference of party agents in the voting process.
47. While the provisions for tendered ballots and objections to rejected ballots are certainly effective conflict mitigation measures at polling units, it would be worthwhile to elaborate further procedures related to the scrutiny and re-examination of such ballots at higher collation levels.
48. Clear instructions regarding the closing time for the voting should be issued by INEC in order to make the election process more predictable for voters.
49. Clear instructions for Collation Officers related to the correction of arithmetic errors should be elaborated. This would rule out the arbitrary approach to handling frequent numeric inconsistencies in the result sheets without affecting the number of votes received by individual parties or candidates.

### **Follow-up and public support**

50. Authorities at all level should make clear their commitment to continue electoral reform through an inclusive and transparent process. They should make all efforts to communicate and involve all stakeholders including political parties, civil society and the media. An action plan should be agreed after assessing the 2011 electoral process in order to sustain the gains of these elections and prepare the 2012 Governorship elections and the 2015 General Elections. Seminars and international conferences should be considered in order to keep up the momentum.

## **ANNEX A: LIST OF ACRONYMS**

<b>ACHPR</b>	African Charter on Human and Peoples' Rights
<b>ACN</b>	Action Congress of Nigeria
<b>ADR</b>	Alternative Dispute Resolution
<b>AFIS</b>	Automatic Finger Identification System
<b>AGF</b>	Attorney General of the Federation
<b>AIT</b>	African Independent Television
<b>ANPP</b>	All Nigeria Peoples Party
<b>APCON</b>	Nigerian Code of Advertising Practice & Sales Promotion
<b>APGA</b>	All Progressive Grand Alliance
<b>AU</b>	African Union
<b>CDD</b>	Centre for Democracy and Development
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CERD</b>	Convention on the Elimination of All Forms of Racial Discrimination
<b>CJN</b>	Chief Justice of Nigeria
<b>CPC</b>	Congress for Progressive Change
<b>CSO</b>	Civil Society Organisation
<b>DDC</b>	Direct Data Capture machines
<b>DFID</b>	UK Department for International Development
<b>DPP</b>	Democratic Peoples Party
<b>ECOWAS</b>	Economic Community of West African States
<b>EDR</b>	Election dispute resolution
<b>EFCC</b>	Economic and Financial Crimes Commission
<b>EMOU</b>	Election Monitoring and Observation Unit
<b>EOM</b>	Election Observation Mission
<b>ERC</b>	Electoral Reform Committee
<b>EU</b>	European Union
<b>FCT</b>	Federal Capital Territory
<b>FOMWAN</b>	Federation of Muslim Women's Associations in Nigeria ()
<b>FPTP</b>	First past the post
<b>FRCN</b>	Federal Radio Cooperation of Nigeria
<b>GAA</b>	Gender and Affirmative Action
<b>HDP</b>	Hope Democratic Party
<b>ICCES</b>	Inter-agency Consultative Committee on Election Security
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>IDP</b>	Internally displaced persons
<b>IFES</b>	International Foundation for Electoral Systems
<b>INEC</b>	Independent National Electoral Commission
<b>IRI</b>	International Republican Institute
<b>JDBF</b>	Joint Donor Basket Fund
<b>JDPC</b>	Justice, Development and Peace/Caritas
<b>LGA</b>	Local Government Areas
<b>LP</b>	Labour Party
<b>LSTO</b>	Locally recruited Short-Term Observer
<b>LTO</b>	Long-Term Observer
<b>MEP</b>	Member of the European Parliament
<b>MRC</b>	Military Ruling Council

<b>NAC</b>	National Action Council
<b>NBA</b>	Nigerian Bar Association
<b>NBC</b>	Nigerian Broadcasting Commission
<b>NDG</b>	Nigeria Elections Debate Group
<b>NDI</b>	National Democratic Institute
<b>NEIC</b>	National Elections Incident Centre
<b>NEMA</b>	National Emergency Management Agency
<b>NEPAD</b>	New Partnership for Africa Development
<b>NGO</b>	Non-Governmental Organisation
<b>NJC</b>	National Judicial Council
<b>NOA</b>	National Orientation Agency
<b>NPC</b>	Nigeria Press Council
<b>NTA</b>	Nigerian Television Authority
<b>NYSC</b>	National Youth Service Corps
<b>OIC</b>	Organisation of the Islamic Conference
<b>ORS</b>	Others
<b>OSIWA</b>	Open Society Initiative for West Africa
<b>PCA</b>	President of the Court of Appeal
<b>PDP</b>	Peoples Democratic Party
<b>PPN</b>	Peoples Party of Nigeria
<b>PSA</b>	Public service announcement
<b>PTF</b>	Petroleum Trust Fund
<b>REC</b>	Resident Electoral Commissioner
<b>RTD</b>	Retired
<b>SIEC</b>	State Independent Electoral Commission
<b>SSS</b>	State Security Service
<b>STO</b>	Short-Term Observer
<b>TMG</b>	Transition Monitoring Group
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UNDP</b>	United Nations Development Programme
<b>UNPD</b>	United National Party for Development
<b>VAWiP</b>	Violence Against Women in Politics
<b>VIN</b>	Voter identification number

## **ANNEX B: MEDIA MONITORING FINDINGS**

The EU EOM monitored fourteen media outlets from 7 March to 27 April 2011 using a specific methodology designed for analysis of political communication during election campaigns. All the EU EOM's use this same methodology.

The monitored media were: three television channels, (1) the state-owned Nigerian Television Authority (NTA), (2) the privately owned African Independent Television, (3) the privately owned Lagos-based Channels TV; two nation-wide radio stations, (4) the state-owned Kapital FM, (5) the privately owned Ray Power; five regional radio stations (6) the partly privately, partly state-owned Aso FM based in Abuja, (7) the state-owned FRCN Kaduna, (8) the privately owned Freedom Radio based in Kano, (9) the Kano State owned Radio Kano, (10) the state-owned Lagos-based Radio Unity; four newspapers, (11) the privately owned national daily The Guardian, (12) the privately owned national daily This Day, (13) the privately owned national daily Daily Trust and (14) the state-owned, Kaduna based daily New Nigerian.

All TV broadcasts were monitored in Abuja on a daily basis from 17:30 hours to 23:30 hours. The total TV time monitored was equal to 775 hours and 30 minutes. Three radio stations' (Kapital FM, Ray Power and Aso FM) broadcasts were monitored in Abuja on a daily basis from 6:00 hours to 8:00 hours and from 17:00 to 22:00. The total radio time monitored in Abuja counted for 882 hours. Additionally, three LTO teams recorded four regional radio stations' broadcasts on a daily basis from 6:00 hours to 8:00 hours, and from 17:00 hours to 22:00 hours. The total regional radio time monitored was equal to 1,036 hours. All newspapers were monitored on daily bases. The total monitored newspaper space counted for 12,116,246 cm<sup>2</sup> (i.e. 1,200 m<sup>2</sup>).



### Media Monitoring Results - Radio

Monitoring period - from 11 March to 27 April (Kapital FM, Aso FM and Ray Power).

Monitoring period - from 22 March to 27 April

(FRCN Kaduna, Kano Radio, Freedom Radio, Radio Unity).

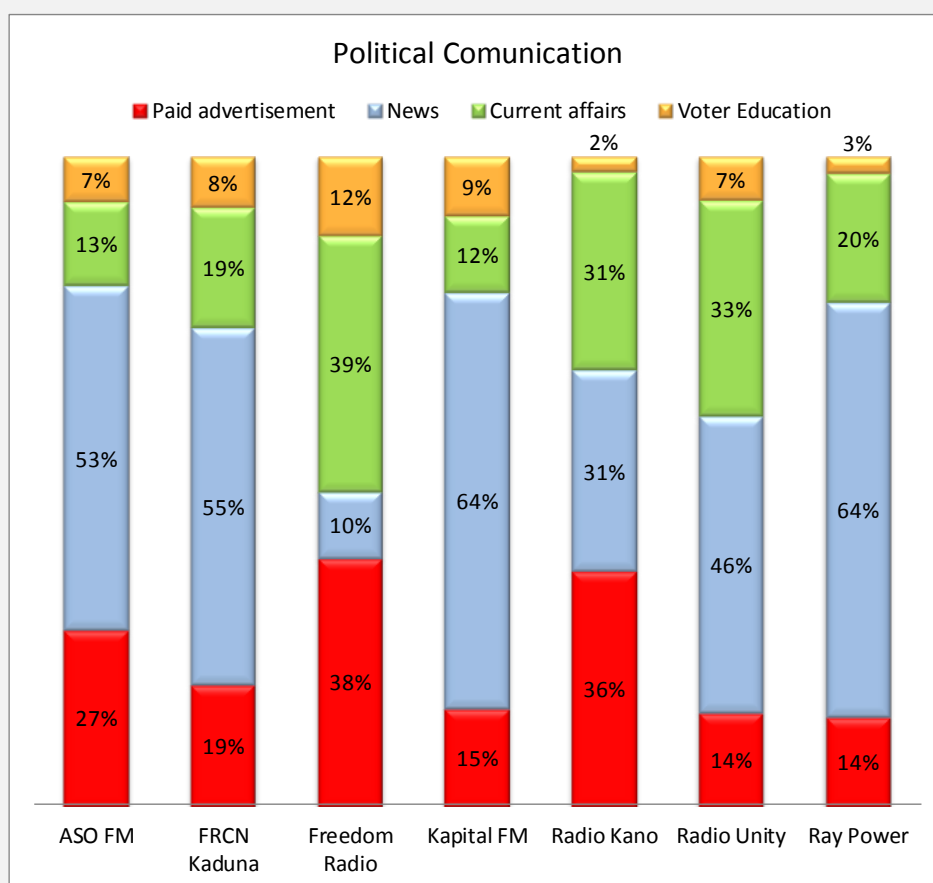
Total time measured - 1,918 hours.

Total time allocated to the political communication - 110 hours.

#### Political communication

	Percent	Time
ASO FM	4.75%	13h 56min
Freedom Radio	11.39%	29h 51min
Kapital FM	4.85%	14h 30min
Radio Kano	6.98%	18h 27min
Radio Unity	5.80%	15h 7min
Ray Power	4.09%	12h 32min
FRCN Kaduna*	2.30%	6h 35min

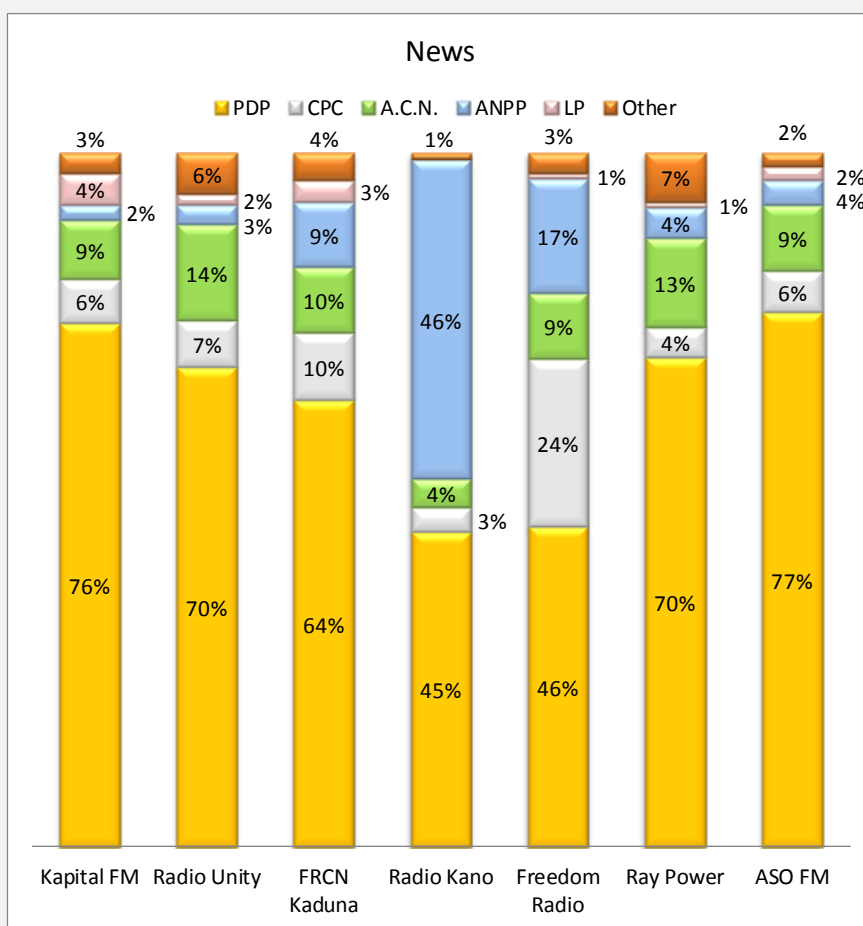
\*due to the post-electoral violence radio was not on air for 2 days



Total time allocated to the political actors (without paid advertisement)

	ASO FM	Kapital FM	Ray Power	FRCN Kaduna	Radio Unity	Radio Kano	Freedom Radio
PDP	79.71%	64.05%	61.94%	53.52%	61.66%	34.34%	33.20%
ANPP	3.44%	1.27%	6.84%	17.97%	1.53%	56.02%	21.46%
CPC	5.34%	4.81%	7.21%	13.05%	7.08%	4.98%	35.21%
A.C.N.	8.17%	4.93%	14.07%	6.86%	7.10%	3.79%	9.10%
NTP	0.27%	7.41%	0.37%	0.00%	7.15%	0.00%	0.07%
UNPD	0.09%	7.02%	0.00%	0.00%	7.05%	0.00%	0.00%
SDMP	0.38%	5.36%	0.88%	0.53%	5.21%	0.48%	0.11%
LP	1.55%	2.56%	1.24%	2.20%	0.84%	0.27%	0.15%
APGA	0.29%	1.31%	1.34%	0.00%	1.69%	0.00%	0.28%
Other	0.78%	1.28%	6.12%	5.88%	0.69%	0.12%	0.42%
base	9h 20min	10h 57min	10h 45min	4h 58min	11h 52min	10h 56min	14h 49min

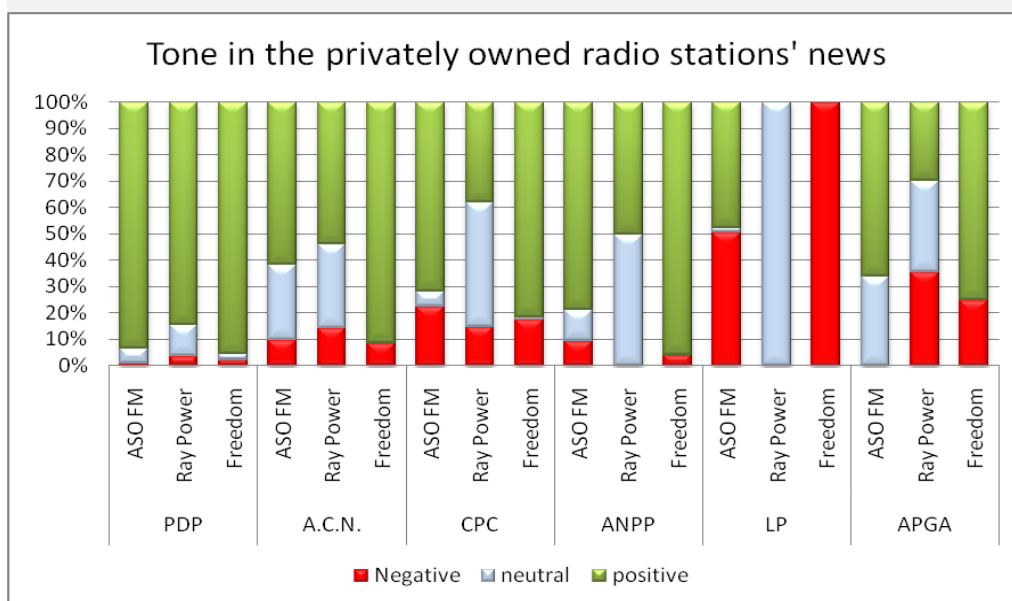
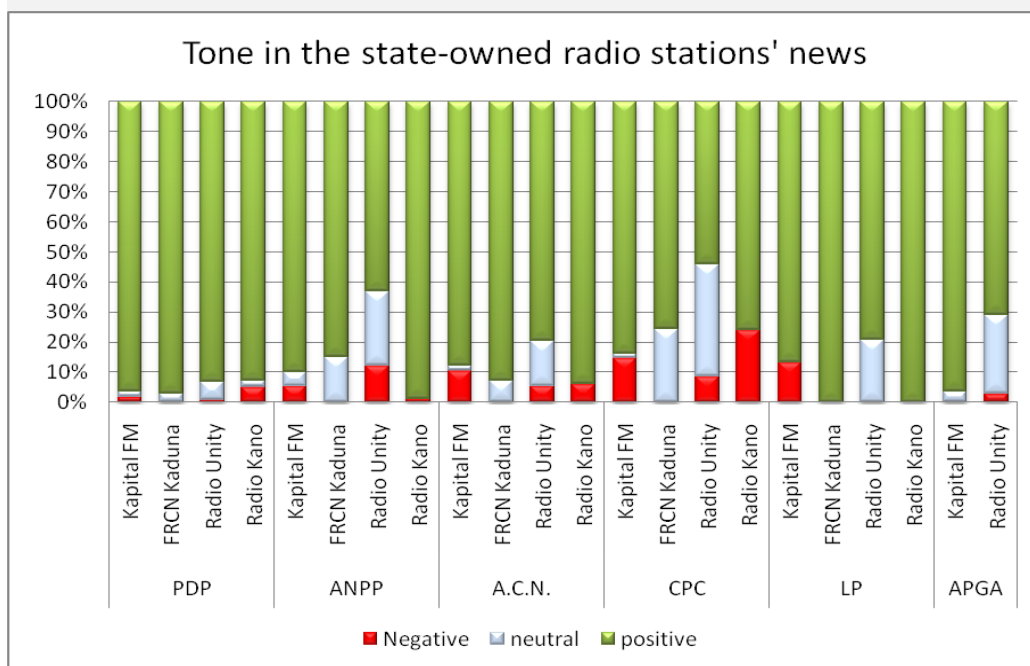
Total time allocated to the political actors in the news



	Kapital FM	Radio Unity	FRCN Kaduna	Radio Kano	Freedom Radio	Ray Power	ASO FM
base	9h 16min	6h 57min	3h 37min	6h 2min	2h 59min	8h 1min	7h 20min

<b>Tone towards political actors</b>			
	<b>Negative</b>	<b>Neutral</b>	<b>Positive</b>
<b>PDP</b>	<b>4%</b>	<b>3%</b>	<b>93%</b>
ASO FM	1%	4%	95%
Kapital FM	1%	1%	97%
Ray Power	8%	12%	80%
FRCN Kaduna	0%	2%	98%
Radio Unity	0%	4%	96%
Radio Kano	25%	1%	74%
Freedom Radio	3%	1%	97%
<b>ANPP</b>	<b>2%</b>	<b>2%</b>	<b>96%</b>
ASO FM	7%	10%	83%
Kapital FM	5%	5%	90%
Ray Power	0%	33%	67%
FRCN Kaduna	0%	6%	94%
Radio Unity	9%	34%	57%
Radio Kano	1%	0%	99%
Freedom Radio	2%	0%	98%
<b>CPC</b>	<b>6%</b>	<b>5%</b>	<b>89%</b>
ASO FM	20%	5%	75%
Kapital FM	11%	1%	88%
Ray Power	7%	29%	64%
FRCN Kaduna	0%	13%	87%
Radio Unity	3%	16%	81%
Radio Kano	21%	0%	79%
Freedom Radio	4%	1%	96%
<b>A.C.N.</b>	<b>6%</b>	<b>12%</b>	<b>82%</b>
ASO FM	9%	26%	65%
Kapital FM	10%	2%	88%
Ray Power	10%	28%	62%
FRCN Kaduna	0%	7%	93%
Radio Unity	4%	18%	77%
Radio Kano	3%	0%	97%
Freedom Radio	4%	1%	95%
<b>LP</b>	<b>17%</b>	<b>13%</b>	<b>70%</b>
ASO FM	50%	2%	48%
Kapital FM	13%	0%	87%
Ray Power	0%	100%	0%
FRCN Kaduna	0%	0%	100%
Radio Unity	0%	38%	62%
Radio Kano	0%	0%	100%
Freedom Radio	100%	0%	0%
<b>APGA</b>	<b>13%</b>	<b>22%</b>	<b>65%</b>
ASO FM	0%	34%	66%
Kapital FM	23%	2%	76%
Ray Power	31%	44%	26%
Radio Unity	2%	31%	66%
Freedom Radio	21%	26%	53%

Tone towards political actors in the news



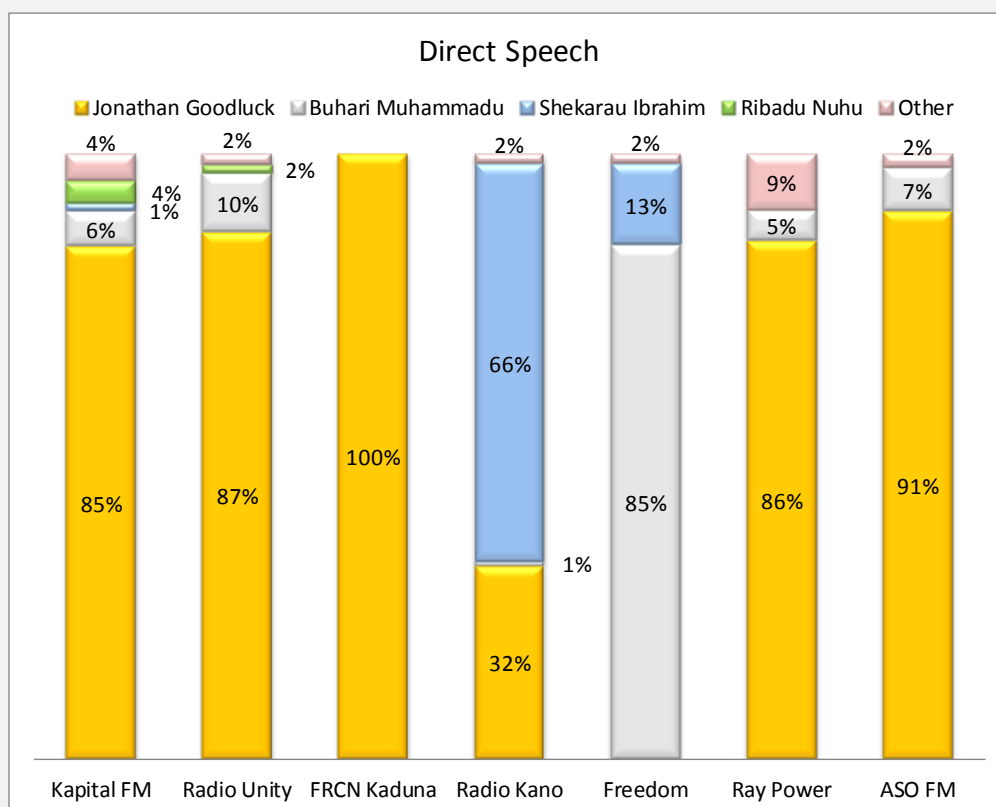
Total time allocated to the presidential candidates

	ASO FM	Freedom Radio	Kapital FM	Radio Kano	Radio Unity	Ray Power	FRCN Kaduna
Jonathan Goodluck	90%	18%	54%	32%	62%	65%	69%
Shekarau Ibrahim	3%	34%	2%	64%	1%	10%	25%
Buhari Muhammadu	5%	34%	5%	2%	10%	11%	3%
Dara Omoniyi John	1%	0%	12%	0%	9%	0%	0%
Utomi Patrick Okedinachi	0%	0%	11%	1%	9%	0%	0%
Onoyom Ndok Ebiu	0%	0%	11%	0%	9%	0%	0%
Ribadu Nuhu	2%	13%	5%	0%	1%	10%	2%
Other	0%	0%	0%	0%	0%	5%	0%
base	3h 52min	3h 50min	7h 36min	5h 14min	9h 21min	1h 29min	40min

Total time allocated to the presidential candidates in the news

	ASO FM	Freedom Radio	Kapital FM	Radio Kano	Radio Unity	Ray Power	FRCN Kaduna
Jonathan Goodluck	88%	43%	74%	41%	83%	84%	82%
Shekarau Ibrahim	3%	25%	3%	54%	3%	3%	9%
Buhari Muhammadu	6%	22%	8%	4%	10%	3%	5%
Ribadu Nuhu	1%	8%	12%	1%	3%	2%	4%
Dara Omoniyi John	1%	0%	2%	0%	0%	0%	0%
Nwangwu Peter Uchenna	0%	0%	0%	0%	0%	8%	0%
Other	1%	2%	0%	1%	1%	0%	0%
base	2h 15min	1h 8min	25min	2h 35min	2h 19min	56min	26min

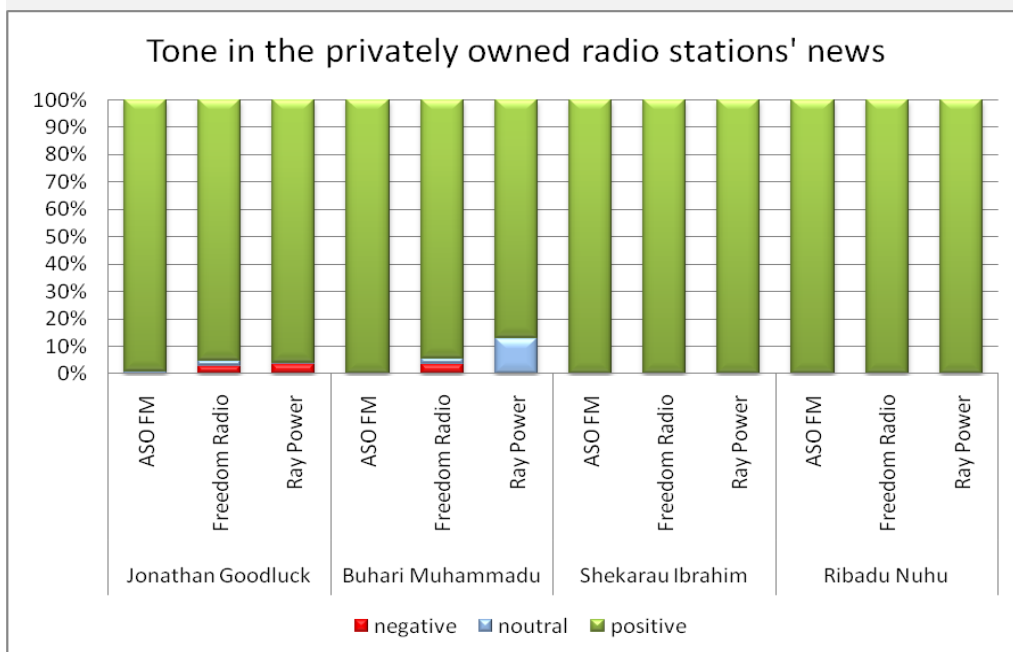
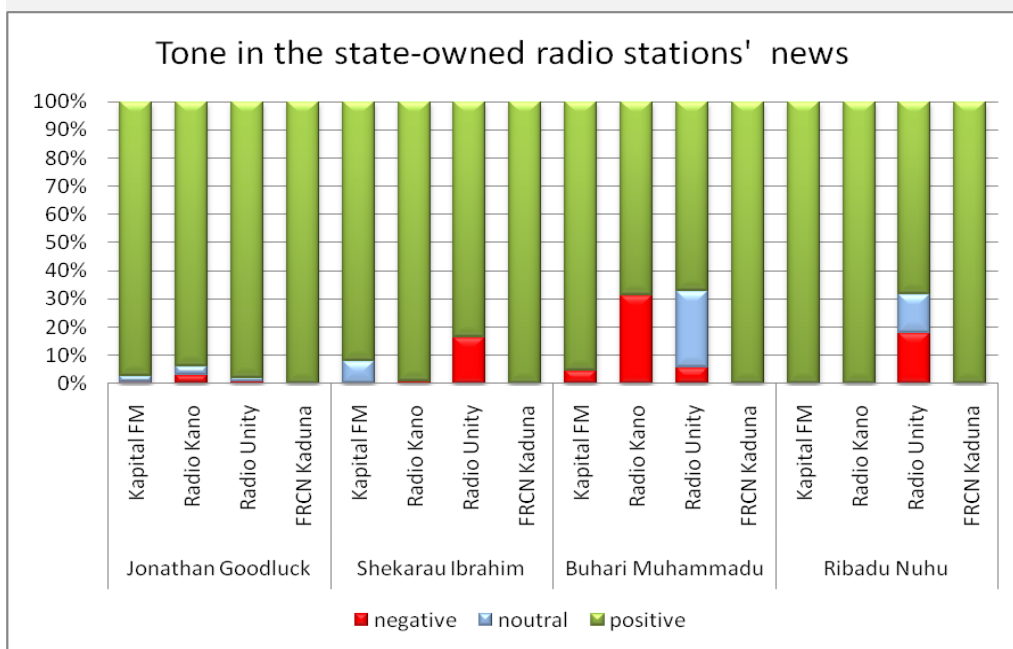
Direct speech of the presidential candidates during the news



	Kapital FM	Radio Unity	FRCN Kaduna	Radio Kano	Freedom Radio	Ray Power	ASO FM
base	37min	27min	5min	21min	12min	14min	25min

Tone towards presidential candidates			
	Negative	Neutral	Positive
<b>Jonathan Goodluck</b>	<b>4%</b>	<b>1%</b>	<b>95%</b>
ASO FM	1%	0%	99%
Freedom Radio	4%	1%	95%
Kapital FM	0%	1%	98%
Radio Kano	24%	2%	74%
Radio Unity	0%	0%	99%
Ray Power	15%	0%	85%
FRCN Kaduna	0%	0%	100%
<b>Shekarau Ibrahim</b>	<b>1%</b>	<b>0%</b>	<b>99%</b>
ASO FM	0%	0%	100%
Freedom Radio	1%	0%	99%
Kapital FM	0%	8%	92%
Radio Kano	1%	0%	99%
Radio Unity	16%	0%	84%
Ray Power	0%	0%	100%
FRCN Kaduna	0%	0%	100%
<b>Buhari Muhammadu</b>	<b>2%</b>	<b>2%</b>	<b>96%</b>
ASO FM	0%	0%	100%
Freedom Radio	1%	0%	99%
Kapital FM	3%	0%	97%
Radio Kano	23%	0%	77%
Radio Unity	1%	7%	92%
Ray Power	0%	2%	98%
FRCN Kaduna	0%	0%	100%
<b>Ribadu Nuhu</b>	<b>1%</b>	<b>1%</b>	<b>98%</b>
ASO FM	0%	0%	100%
Freedom Radio	0%	0%	100%
Kapital FM	0%	0%	100%
Radio Kano	0%	0%	100%
Radio Unity	17%	13%	69%
Ray Power	0%	0%	100%
FRCN Kaduna	0%	0%	100%

Tone towards presidential candidates in the news



### Media Monitoring Results - Television

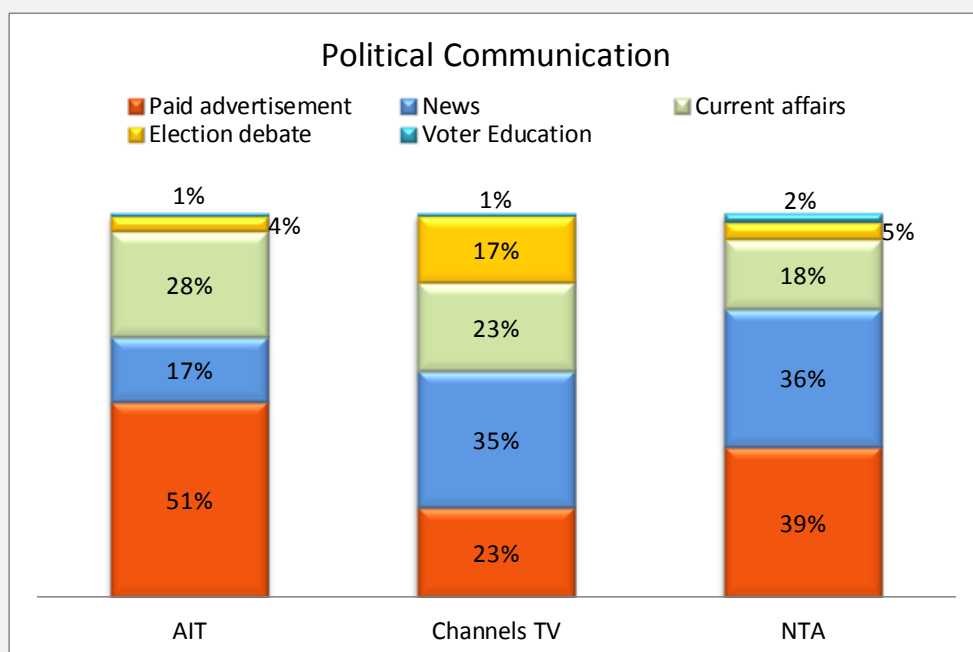
Monitoring period - from 11 March to 27 April.

Total time measured - 775 hours 30 minutes.

Total time allocated to the political communication - 143 hours 45 minutes.

#### Political communication

	Percent	Time
NTA	19,4%	50h 29min
AIT	18,8%	48h 45min
Channels TV	17,3%	44h 31min

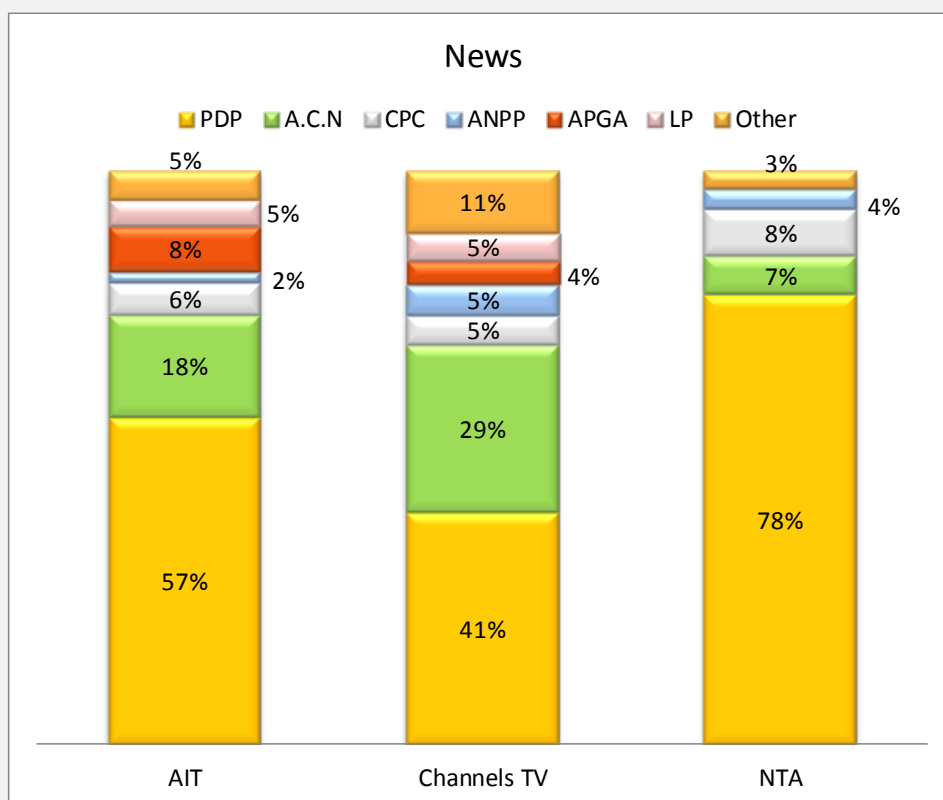




Total time allocated to the political actors (without paid advertisement)

	<b>AIT</b>	<b>Channels TV</b>	<b>NTA</b>
PDP	70.21%	36.20%	80.51%
A.C.N.	12.33%	26.23%	5.20%
CPC	3.64%	7.70%	5.94%
ANPP	1.21%	9.96%	2.91%
LP	5.93%	3.64%	0.39%
NCP	0.44%	6.36%	0.39%
APGA	3.04%	2.98%	0.48%
FRESH	0.79%	1.02%	0.68%
Other	2.23%	4.41%	3.45%
<i>base</i>	<i>23h 48min</i>	<i>34h 32min</i>	<i>31h 38min</i>

Time allocated to the political actors in the news

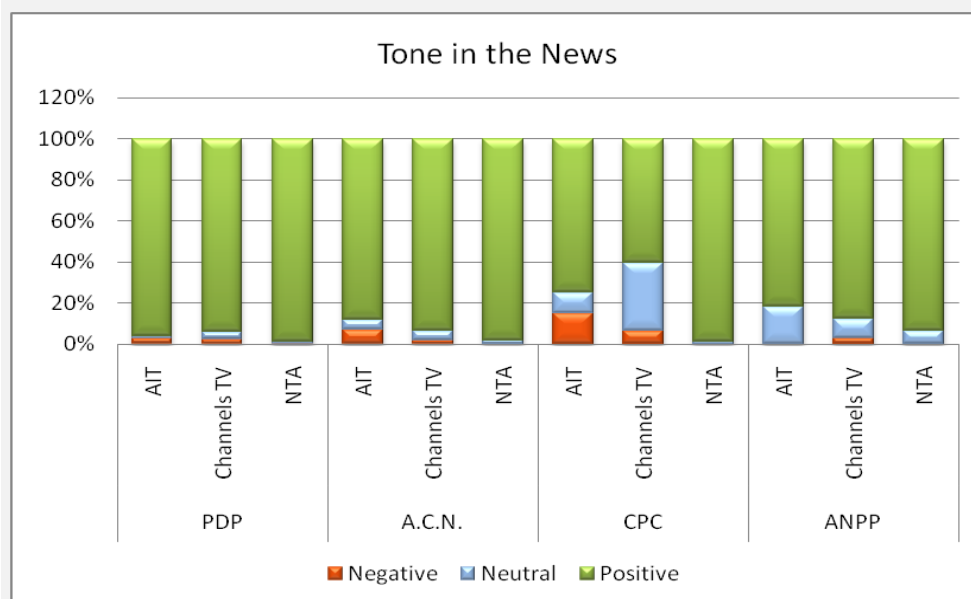


	<b>AIT</b>	<b>Channels TV</b>	<b>NTA</b>
<i>base</i>	<i>8h 23min</i>	<i>15h 54min</i>	<i>16h 51min</i>

Tone towards political actors

	Negative	Neutral	Positive
<b>PDP</b>	<b>1%</b>	<b>2%</b>	<b>97%</b>
AIT	3%	1%	96%
Channels TV	2%	4%	94%
NTA	0%	1%	99%
<b>A.C.N.</b>	<b>3%</b>	<b>4%</b>	<b>93%</b>
AIT	7%	5%	88%
Channels TV	2%	5%	94%
NTA	0%	2%	98%
<b>CPC</b>	<b>6%</b>	<b>19%</b>	<b>75%</b>
AIT	15%	10%	75%
Channels TV	6%	33%	60%
NTA	0%	1%	99%
<b>ANPP</b>	<b>2%</b>	<b>9%</b>	<b>88%</b>
AIT	0%	18%	82%
Channels TV	3%	9%	88%
NTA	0%	7%	93%
<b>LP</b>	<b>9%</b>	<b>4%</b>	<b>88%</b>
AIT	9%	1%	89%
Channels TV	7%	6%	88%
NTA	18%	9%	72%
<b>NCP</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>
AIT	2%	0%	98%
Channels TV	0%	0%	100%
NTA	0%	4%	96%
<b>APGA</b>	<b>9%</b>	<b>3%</b>	<b>88%</b>
AIT	0%	3%	97%
Channels TV	17%	2%	81%
NTA	0%	4%	96%

Tone towards political actors in the news



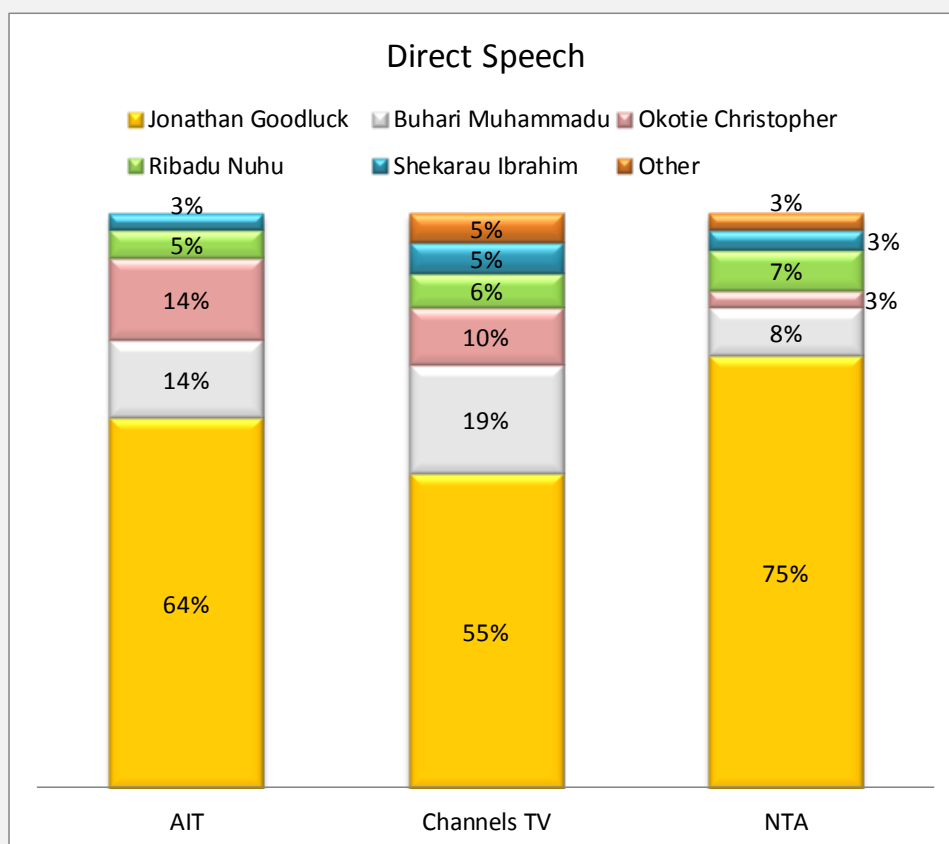
Total time allocated to the presidential candidates

	<b>AIT</b>	<b>Channels TV</b>	<b>NTA</b>
Jonathan Goodluck	82.69%	34.90%	81.87%
Ribadu Nuhu	3.03%	18.58%	4.75%
Shekarau Ibrahim	1.23%	19.77%	3.57%
Buhari Muhammadu	9.21%	7.73%	5.18%
Momodu Dele	0.14%	16.18%	0.57%
Other	3.71%	2.85%	0.20%
<i>base</i>	<i>5h 2min</i>	<i>13h 48min</i>	<i>15h 49min</i>

Total time allocated to the presidential candidates in the news

	<b>AIT</b>	<b>Channels TV</b>	<b>NTA</b>
Jonathan Goodluck	77.89%	54.25%	77.38%
Buhari Muhammadu	8.11%	13.09%	7.29%
Ribadu Nuhu	3.37%	10.12%	6.84%
Shekarau Ibrahim	1.89%	9.33%	4.76%
Okotie Christopher	8.74%	8.43%	1.85%
Other	0.00%	4.78%	1.88%
<i>base</i>	<i>2h 3min</i>	<i>3h 38min</i>	<i>10h 1min</i>

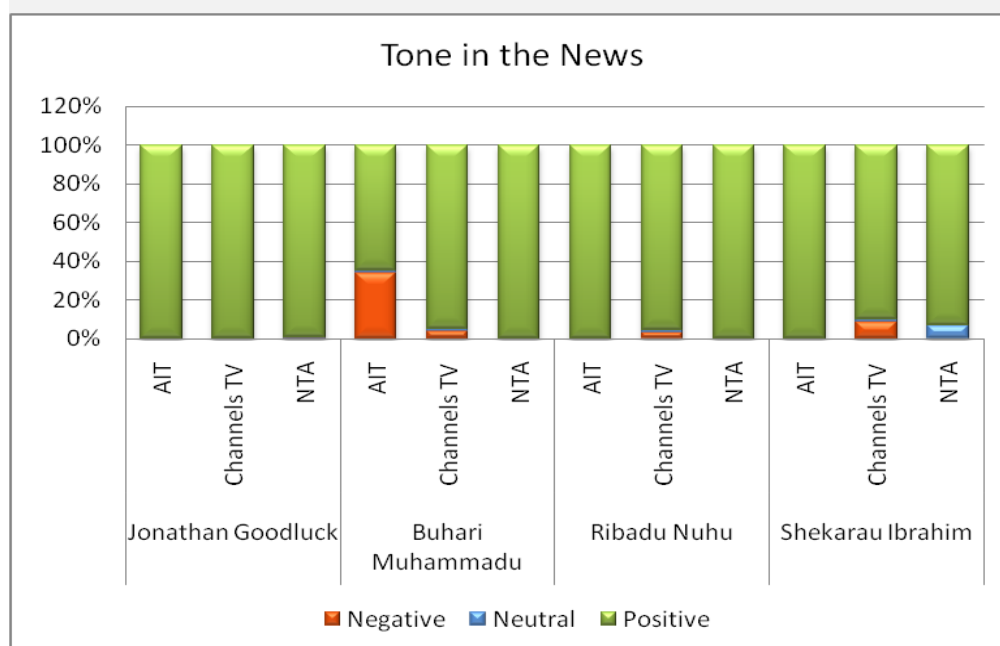
Direct speech of the presidential candidates during the news



	<b>AIT</b>	<b>Channels TV</b>	<b>NTA</b>
<i>base</i>	<i>31 min</i>	<i>1h 29min</i>	<i>2h 35min</i>

<u>Tone towards presidential candidates</u>			
	<b>Negative</b>	<b>Neutral</b>	<b>Positive</b>
<b>Jonathan Goodluck</b>	<b>0%</b>	<b>1%</b>	<b>99%</b>
AIT	0%	2%	98%
Channels TV	0%	2%	98%
NTA	0%	0%	100%
<b>Buhari Muhammadu</b>	<b>3%</b>	<b>7%</b>	<b>90%</b>
AIT	12%	7%	81%
Channels TV	2%	13%	85%
NTA	0%	0%	100%
<b>Ribadu Nuhu</b>	<b>1%</b>	<b>4%</b>	<b>95%</b>
AIT	0%	0%	100%
Channels TV	2%	11%	87%
NTA	0%	0%	100%
<b>Shekarau Ibrahim</b>	<b>2%</b>	<b>8%</b>	<b>90%</b>
AIT	0%	23%	77%
Channels TV	4%	9%	87%
NTA	0%	6%	94%

Tone towards presidential candidates in the news



### Media Monitoring Results - Newspapers

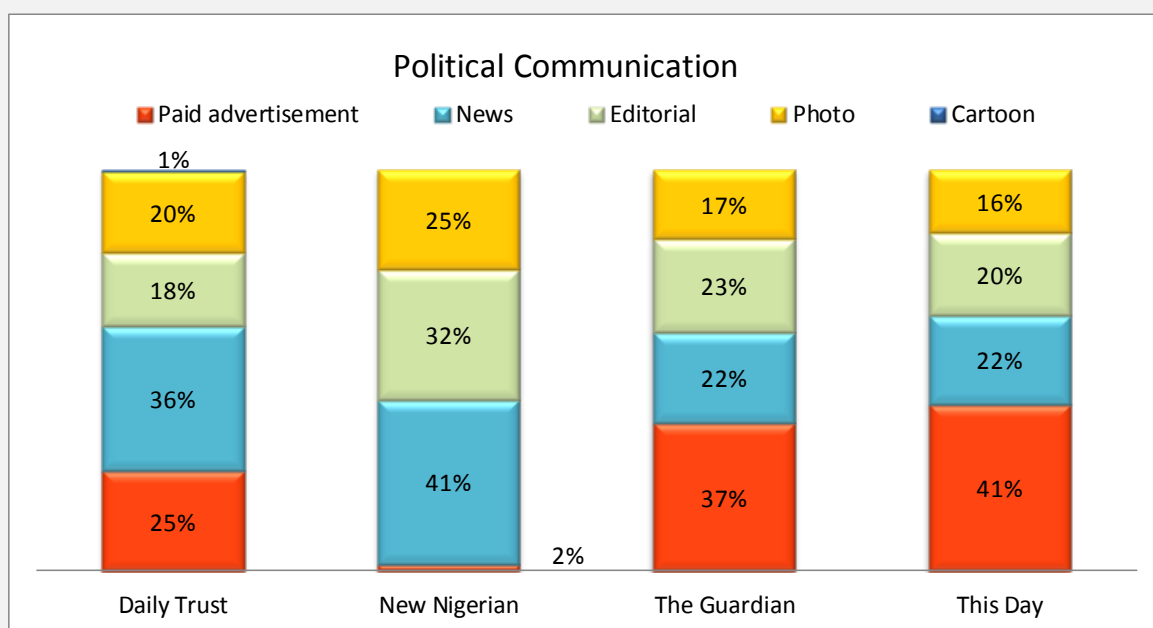
Monitoring period - from 7 March to 27 April.

Total space measured - 12 116 246 cm<sup>2</sup>.

Total space allocated to the political communication - 953 988 cm<sup>2</sup>.

#### Political communication

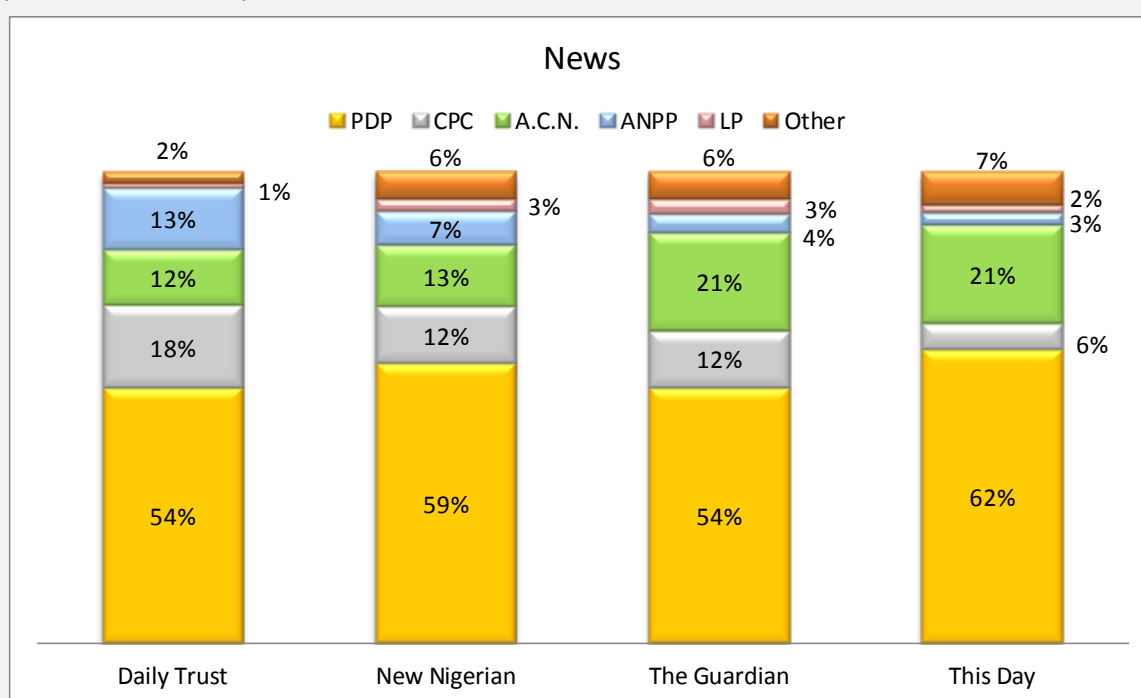
	Percent	cm <sup>2</sup>
Daily Trust	11.09%	239,500
New Nigerian	11.60%	207,096
The Guardian	8.48%	182,044
This Day	14.36%	325,348



Total space allocated to the political actors (without paid advertisement)

	Daily Trust	New Nigerian	The Guardian	This Day
PDP	53.33%	59.31%	54.79%	60.11%
A.C.N.	12.80%	12.49%	21.71%	20.27%
CPC	18.82%	12.58%	10.04%	6.84%
ANPP	11.56%	8.22%	4.65%	3.22%
APGA	0.58%	2.74%	1.67%	2.52%
LP	0.89%	2.55%	2.45%	1.42%
SDMP	0.23%	0.17%	0.59%	1.59%
Other	1.79%	1.95%	4.11%	4.03%
<i>base</i>	239,500 cm <sup>2</sup>	207,096 cm <sup>2</sup>	182,044 cm <sup>2</sup>	325,348 cm <sup>2</sup>

Space allocated to the political actors in the news

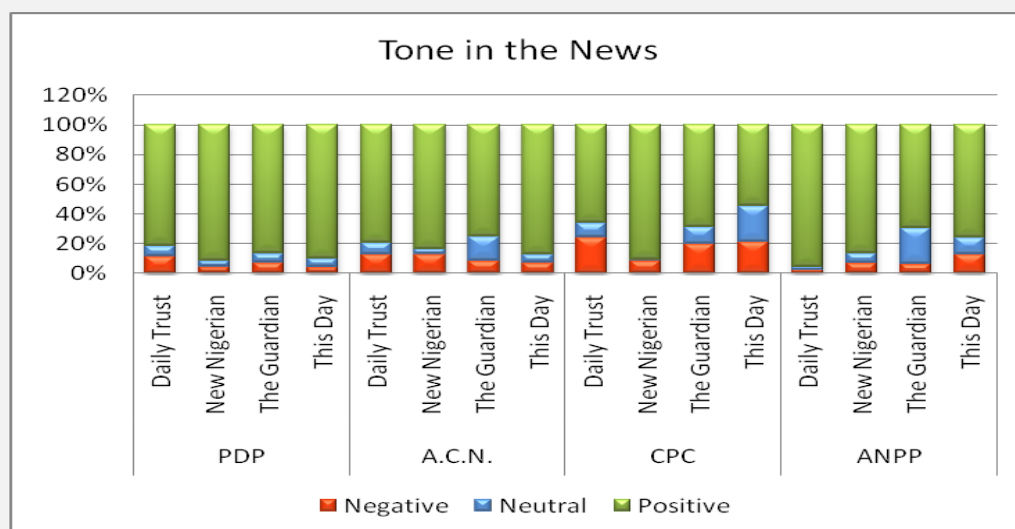


	Daily Trust	New Nigerian	The Guardian	This Day
<i>base</i>	115,265 cm <sup>2</sup>	207,096 cm <sup>2</sup>	182,044 cm <sup>2</sup>	325,348 cm <sup>2</sup>

Tone towards political actors

	Negative	Neutral	Positive
<b>PDP</b>	<b>6%</b>	<b>8%</b>	<b>87%</b>
Daily Trust	10%	8%	82%
New Nigerian	5%	5%	90%
The Guardian	4%	12%	84%
This Day	4%	8%	88%
<b>A.C.N</b>	<b>8%</b>	<b>8%</b>	<b>84%</b>
Daily Trust	13%	7%	80%
New Nigerian	7%	8%	84%
The Guardian	4%	10%	86%
This Day	8%	8%	84%
<b>CPC</b>	<b>12%</b>	<b>11%</b>	<b>77%</b>
Daily Trust	13%	8%	79%
New Nigerian	10%	3%	87%
The Guardian	13%	15%	73%
This Day	11%	24%	66%
<b>ANPP</b>	<b>4%</b>	<b>7%</b>	<b>89%</b>
Daily Trust	4%	3%	94%
New Nigerian	4%	7%	89%
The Guardian	2%	14%	83%
This Day	4%	12%	84%
<b>APGA</b>	<b>2%</b>	<b>6%</b>	<b>91%</b>
Daily Trust	0%	32%	68%
New Nigerian	0%	0%	100%
The Guardian	3%	8%	89%
This Day	4%	6%	90%
<b>LP</b>	<b>5%</b>	<b>7%</b>	<b>88%</b>
Daily Trust	5%	10%	85%
New Nigerian	3%	1%	95%
The Guardian	6%	7%	88%
This Day	7%	12%	81%

Tone towards political actors in the news



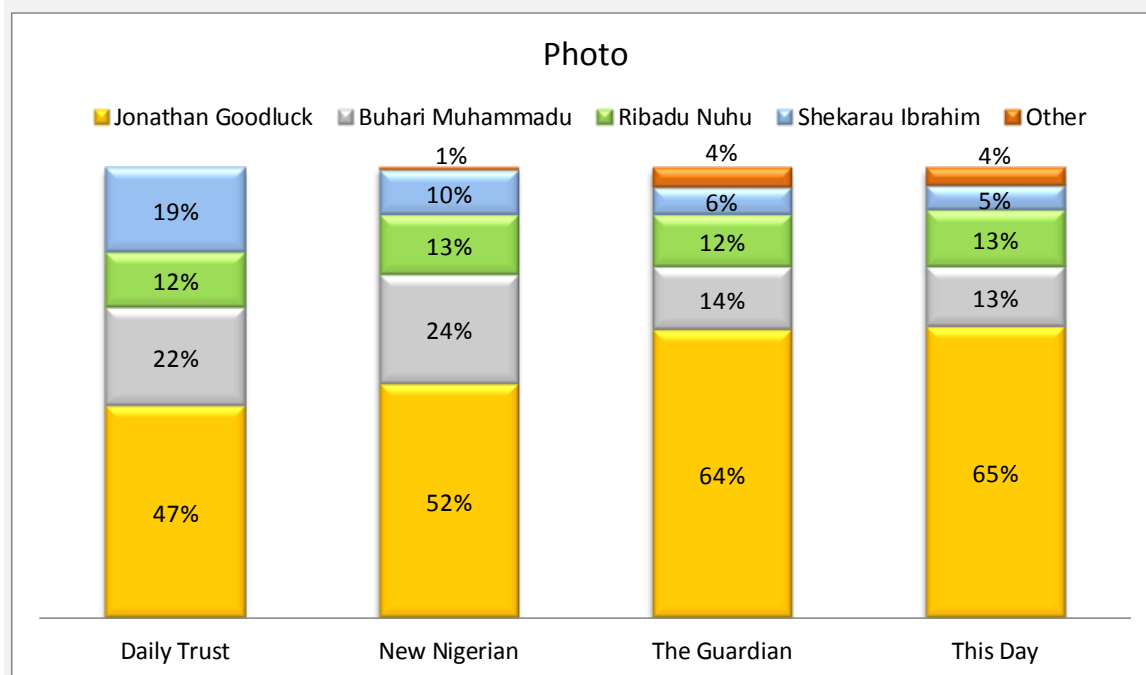
Total space allocated to the presidential candidates

	Daily Trust	New Nigerian	The Guardian	This Day
Jonathan Goodluck	47%	52%	63%	62%
Buhari Muhammadu	23%	27%	18%	13%
Ribadu Nuhu	11%	7%	7%	16%
Shekarau Ibrahim	18%	12%	9%	5%
Other	1%	2%	2%	3%
<i>base</i>	<i>114,246 cm2</i>	<i>56,175 cm2</i>	<i>59,670 cm2</i>	<i>122,380 cm2</i>

Total space allocated to the presidential candidates in the news

	Daily Trust	New Nigerian	The Guardian	This Day
Jonathan Goodluck	47%	60%	70%	68%
Buhari Muhammadu	19%	21%	18%	9%
Ribadu Nuhu	11%	5%	4%	18%
Shekarau Ibrahim	22%	12%	6%	3%
Other	1%	3%	2%	2%
<i>base</i>	<i>53,934 cm2</i>	<i>22,200 cm2</i>	<i>19,772 cm2</i>	<i>53,039cm2</i>

Space allocated to the presidential candidates' in the photographs

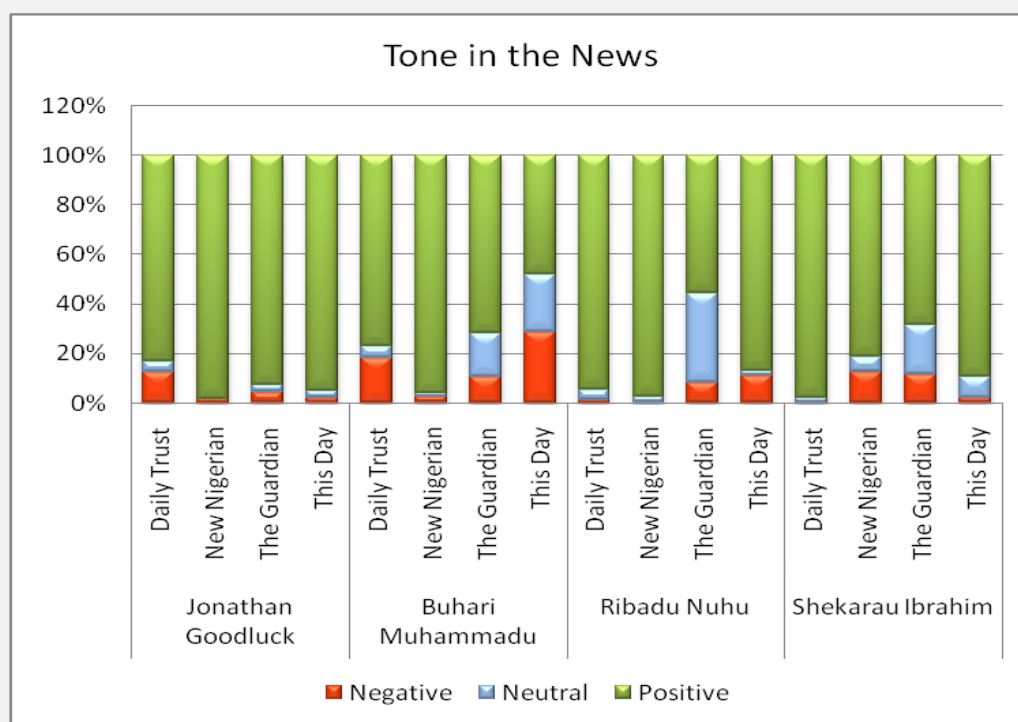


	Daily Trust	New Nigerian	The Guardian	This Day
<i>base</i>	<i>28,280 cm2</i>	<i>15,590 cm2</i>	<i>16,138 cm2</i>	<i>29,021 cm2</i>



Tone towards presidential candidates			
	Negative	Neutral	Positive
<b>Jonathan Goodluck</b>	<b>4%</b>	<b>9%</b>	<b>87%</b>
Daily Trust	10%	8%	82%
New Nigerian	1%	3%	96%
The Guardian	3%	17%	81%
This Day	2%	8%	90%
<b>Buhari Muhammadu</b>	<b>10%</b>	<b>12%</b>	<b>78%</b>
Daily Trust	9%	6%	85%
New Nigerian	9%	2%	88%
The Guardian	10%	19%	71%
This Day	12%	25%	63%
<b>Ribadu Nuhu</b>	<b>12%</b>	<b>7%</b>	<b>81%</b>
Daily Trust	11%	3%	86%
New Nigerian	5%	32%	64%
The Guardian	3%	9%	88%
This Day	16%	4%	80%
<b>Shekarau Ibrahim</b>	<b>3%</b>	<b>5%</b>	<b>92%</b>
Daily Trust	2%	1%	97%
New Nigerian	5%	9%	86%
The Guardian	3%	9%	88%
This Day	1%	12%	88%

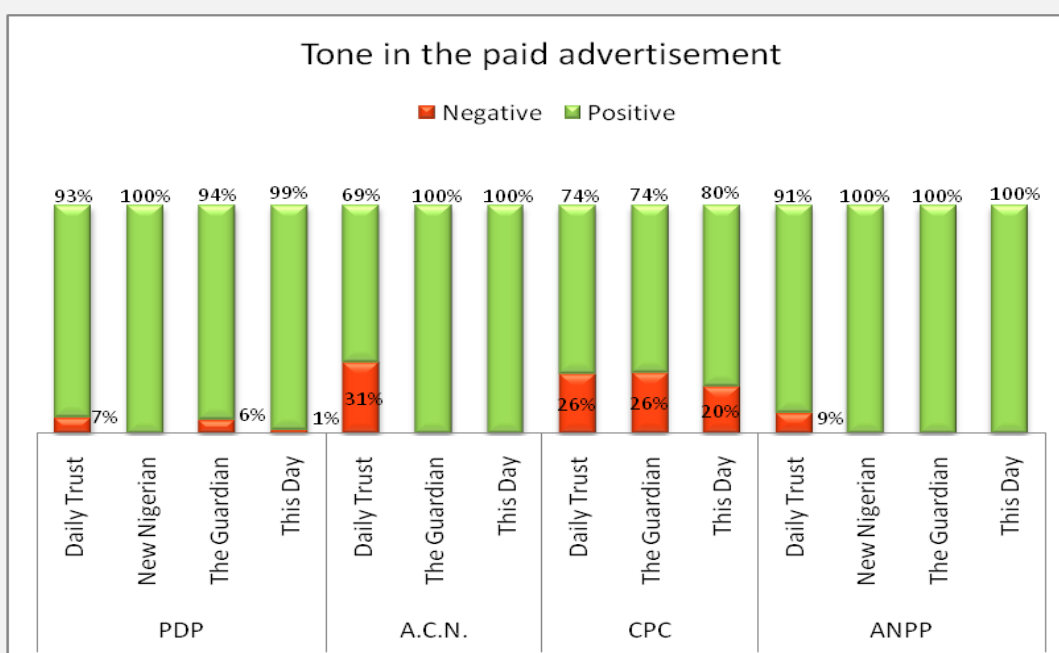
Tone towards presidential candidates in the news



Space allocated to the political actors in the paid advertisement

	Daily Trust	The Guardian	This Day	New Nigerian
PDP	40%	60%	60%	28%
A.C.N.	11%	23%	28%	0%
CPC	26%	14%	8%	0%
ANPP	24%	3%	1%	72%
Other	0%	1%	3%	0%
base	78,863 cm2	107,405 cm2	232,170 cm2	3,880 cm2

Tone towards political actors in the paid advertisement



**ANNEX C: TABLE ON THE PRE-ELECTION PETITIONS**

<b>S/N</b>	<b>COURT LODGED</b>	<b>PETITIONER</b>	<b>RESPONDENT</b>	<b>SUIT No./DATE LODGED</b>	<b>PRAYERS</b>	<b>DECISION/COMMENTS</b>
1	Federal High Court, Abuja, FCT	Chief Timpre Sylva	INEC, AGF,PDP	FHC/ABJ/CS/651/2011	Stay of execution	No date fixed for hearing the appeal
2	Federal High Court, Abuja, FCT	Labour Party	INEC & ORS	Not stated	Order to reverse elections timetable.	S.25 Electoral Act illegal/contradictory with S.76(1),132(1),78(1) of the 1999 Constitution/Filed Appeal
3	Federal High Court, Abuja, FCT	Jude Azekwoh	INEC	Not stated	Interlocutory injunction restraining a failed aspirant from election on the platform of DPP and to direct INEC to enter his name	Not stated
4	Fed High Court, Asaba, DELTA	Emmanuel Uduaghan	1. INEC, 2. Chief Ogboru (DPP) 3.Chief Omo Agege(A.CN)	Not stated	Uduaghan asking court to stop INEC from conducting election in Delta State in April 2011	Judgment of 15 March 2011, FHC ruled that plaintiff's tenure will end in April 2011
5	Court of Appeal, Abuja, FCT	Celestine Omehia	Rotimi Amechi	Not stated	Challenging the decision of the Fed High Court, Abuja that the tenure of the governor ends on May 2011	
6	Federal High Court, Abuja, FCT	Eseme Eyiboh	INEC	Not stated	Court to set aside the 'primary election' held in his constituency	Adjourned for hearing on March 18, 2011
7	Federal High Court, Abuja, FCT	Danladi S.Yebu(PDP)	Joseph Shazin (ANPP)	Not stated	Election tribunal to nullify election of respondent	Upheld victory of respondent
8	Federal High Court, Abuja, FCT	PDP, INEC	Sani Aminu Dutsinma	Not stated	Court to dismiss suit seeking the court to stop President Goodluck Jonathan from running for President in 2011 election	Adjourned for hearing, March 17, 2011

S/N	COURT LODGED	PETITIONER	RESPONDENT	SUIT No./DATE LODGED	PRAYERS	DECISION/COMMENTS
9	Federal High Court, Abuja, FCT	Governors of Adamawa, Cross Rivers, Bayelsa, Kogi and Sokoto	INEC	23 Feb 2011	Court to restrain INEC from conducting election in their states in April 2011.	Court ordered INEC not to conduct election in the states since amended constitution came after their victory. Court of Appeal upheld the FHC judgment
10	Court of Appeal, Ado-Ekiti, EKITI.	Segun Oni	Fayemi	14 March 2011	Judicial Review of Appeal Tribunal	Pending/Court may order accelerated hearing.
12	Federal High Court, Abuja, FCT	NDP	INEC	February, 2011	Court to cancel INEC election time-table	Pending
13	Federal High Court, Abuja, FCT	Sani Aminu Dutsinma	PDP, INEC.		Court to stop President Jonathan from running for President under PDP ticket.	Pending
14	Federal High Court, Lokoja, KOGI	Ibrahim Abdulyaqueen	INEC & Ors	FHC/LKJ/CS/09/2011	Substitution after primaries	At Preliminary stage - Hearing of Motion
15	Federal High Court, Lokoja, KOGI	Alh. Tanko & Ors	INEC & Ors	FHC/LKJ/CS/27/2011	Complain against party congress	Pending/Plaintiffs to reply preliminary objection.
16	Federal High Court, Lokoja, KOGI	Hon. Dangana Ocheja & 10 Ors	INEC & 14 Ors	FHC/LKJ/CS/12/2011	Complain against party candidates that cross carpet	Pending/Court to hear motions for preliminary objection
17	Federal High Court, Lokoja, KOGI	Godwin Osuyi	INEC & Ors	FHC/LKJ/CS/2011	Complain that PDP candidate was indicted for embezzlement.	Court to hear motions for preliminary objection/Adjourned.
18	Federal High Court, Lokoja, KOGI	Mrs Aminat Zakari	INEC & 2 Ors	FHC/LKJ/CS/10/2011	Complain of Substitution after primaries	Pending/Court listed case for hearing
19	Fed. High Court, Lokoja, KOGI	Hon. Musa Gwatana	INEC & Ors	FHC/LKJ/CS/2011	Complain against decampees	Pending/Court process just served on INEC
20	Fed. High Court, Lokoja, KOGI	T.J. Faniyi	INEC & Ors	FHC/LKJ/CS/2011	Not disclosed	Pending/For Hearing

S/N	COURT LODGED	PETITIONER	RESPONDENT	SUIT No./DATE LODGED	PRAYERS	DECISION/COMMENTS
21	Fed. High Court, Lokoja, KOGI	Victor Oveze Gaius & Ors	INEC & Ors	FHC/B/CS/31/2011	Complain against INEC's new national register of voters that it repudiates the voters register of 2007 for the fresh election ordered by court of appeal	Pending/For Hearing
22	Fed. High Court, Lokoja, KOGI	Hon. Ikponmosa Etinosa Ogbeiwi	A.CN, INEC Edo State, & 2 Ors	FHC/B/CS/22/2011	Complain against Dep. Gov for ordering re-run of primaries having won the primaries	Pending/Pre-election petition filed for hearing in court/Awaiting outcome.
23	Court of Appeal, Abuja, FCT	Gen Marwa & INEC	5 Governors	Court of Appeal, Abuja	Application to join Marwa as an interested party/Case dismissed.	Case dismissed.
24	Federal High Court, Abuja, FCT	Ach. Muhd Abdullahi Dewu	Hon. Yusuf M.Tuggar, INEC.	15 March 2011	Suit challenging the candidacy of Hon. Yusuf for April election/ substituted service	Pending/For Hearing and injunction
25	Federal High Court, Oshogbo, OSUN	PDP/CNPP	INEC Osun State.	Not stated	Allegation of bias against INEC/REC Osun State citing S.14 3rd schedule 1999 constitution	Case adjourned.
26	Federal High Court, Abuja, FCT	Chief Obioma & Anor	INEC & Anor	Not stated	Complain of fraud against Nwoke on the basis of a letter and affidavit of 1998 that he committed a criminal offence and should be disqualified	Pending/No details of court pronouncement or adjourned date
27	Fed. High Court, Oshogbo, OSUN	Court stops Osun REC	PDP, Osun state	29 March 2011	Court to restrain the Resident Electoral Commissioner from conducting election in the state and appoint another REC	Pending/Court restrained INEC and the REC.
28	Fed. High Court, Lokoja, KOGI	Hon.Obaro A.S. Pedro	PDP, INEC, Hon. Eric Fiki	28 March 2011	Illegal substitution of complainants	Court granted their prayers and ordered that applicants be presented as the lawful candidates.

<b>S/N</b>	<b>COURT LODGED</b>	<b>PETITIONER</b>	<b>RESPONDENT</b>	<b>SUIT No./DATE LODGED</b>	<b>PRAYERS</b>	<b>DECISION/COMMENTS</b>
29	Court of Appeal, Abuja, FCT	Balarabe Musa	Dan Agundi, INEC	22 March 2011	Appeals against FHC Abuja order to INEC to replace Musa's name with that Dan Agundi as candidate for Kumbotso constituency	Appeal yet to be heard
30	Fed. High Court, Abuja, FCT	Anayo Onwuegbu	Chime, INEC	30 March 2011	Challenged the Sitting Gov's candidature	Court said the suit was an abuse of court process since applicant has filed a similar suit in Enugu/Court vacated order against Chime.
31	Fed. High Court, Abuja, FCT	Aminu Bello Masari	Sen Lado, INEC	30 March 2011	Seeking stay of execution of a judgment which held that senator Lado is the authentic gubernatorial candidate of CPC for Katsina State	Court struck out the application as lacking merit
32	Fed. High Court, Abuja, FCT	Labour Party	INEC, National Ass, FG.	Not stated	Asking court to determine the constitutionality of S.140(2) and S.(141) of the Electoral Act removing the power of court/tribunal to declare winner of election.	Case pending
33	Court of Appeal, Ibadan, OYO	Elder Wole Oyelese & Ors	INEC, PDP, The Executive Governor Oyo State	CA/I/M.36/2011	Seeking nullification of the congress that produced Akala and other candidates of the PDP	Court order vacated by lower court challenged.
34	Fed. High Court, Abuja, FCT	Babafemi Ojudu	INEC & Ors	31 March 2011	Asking court to vacate it's order against Ojudu	Prayer granted by court
35	Fed. High Court, Abuja, FCT	Sen Eme Ufot Ekaette	Helen Esuene	31 March 2011	Challenging the eligibility of former Minister of Environment, Helen Esuene to run as candidate of the PDP due to false certificates presented.	

S/N	COURT LODGED	PETITIONER	RESPONDENT	SUIT No./DATE LODGED	PRAYERS	DECISION/COMMENTS
36	Fed. High Court, Abuja, FCT	Mr Anthony Nwadike	Andy Uba	31 March 2011	Seeking to invalidate the candidature of defendant	Court held suit an abuse of court process as it was not commenced properly
37	Fed. High Court, Abuja, FCT	PDP & Ors	Prince Gboyega Isiaka, INEC & Ors	31 March 2011	PDP asked court for an order to stop PPN governorship candidate Prince Gboyega Isiaka from contesting the election/ restrain INEC from pub name	Court held it lacks jurisdiction to hear matter and transferred it to Abeokuta, FHC
38	Fed. High Court, Kaduna, KADUNA	Suleiman Hunkuyi	Patrick Yakowa	31 March 2011	Challenged the legality of Gov Yakowa's decision to raise fund of N500m as it contravenes Electoral Act 2010 as amended which limits it N200m	Court dismissed suit on ground that the Gov enjoyed immunity from both civil/criminal proc while in office
39	Court of Appeal, Ado-Ekiti, EKITI	Segun Oni	Fayemi	29 March 2011	Challenging his ouster from office as governor of Ekiti State	Case adjourned indefinitely till investigations of unethical practices against PCA
40	Fed. High Court, Yola, ADAMAWA	Muhammad Bello Mustapha	Afukonyo	29 March 2011	Seeking order to restrain INEC and others from recognising Afukonyo as the CPC candidate in Taraba for Gov elections.	Court ordered INEC to recognise and accept and deal with Mustapha as flagbearer for CPC
41	Fed. High Court, Ikeja, LAGOS	Hon. Ganiyu Olukolu	Mrs. Susan Olley, A.CN, INEC.	31 March 2011	Challenging the submission of the name of Mrs. Susan Olley as winner of A.CN primaries held on Jan 2010. Joined in the suit are CAN/INEC	Court ordered both INEC and ACN to recognise Olukolu as the legitimate candidate of the party for election/matter settled.
42	Fed. High Court, Sokoto, SOKOTO	PDP	APGA & 9 Or Parties, INEC.	Not stated	Alleged flouting of the Electoral Act by APGA,ADP,APP, CPP,LP,MPP,N MPP,NSDP,UNPP and NTP	Matter determined.

S/N	COURT LODGED	PETITIONER	RESPONDENT	SUIT No./DATE LODGED	PRAYERS	DECISION/COMMENTS
43	Fed. High Court, Bauchi, BAUCHI	Faruk Mustafa	A.CN, INEC	Not stated	To vacate ex-parte order restraining former Deputy Gov from parading himself as A.CN candidate for Bauchi North senatorial seat	Court order vacated
44	Fed. High Court, Abuja, FCT	Ali Danladi	Albishir	1 April 2011	Court ruled that Petitioners lacked locus standi to institute action	Case dismissed
45	Fed. High Court, Yola, ADAMAWA	Sen Tutare/El Sudi (2 Different cases)	PDP, INEC	1 April 2011	Court ordered INEC to recognise the petitioners as party flag bearers	Judgment delivered
46	Fed. High Court, Lokoja, KOGI	Joseph Faniyi (Court Nullifies Smart Adeyemi's primary)	Smart Adeyemi & Ors	4 April 2011	Challenged the purported victory of Adeyemi during the party primaries.	Court nullified the primaries and ordered a fresh one
47	Court of Appeal, Abuja, FCT	Masari	Lado	4 April 2011	Asking Court of Appeal to restrain Lado from contesting the April election	Judgment delivered.
48	Court of Appeal, Abuja, FCT	INEC	5 Governors	4 April 2011	Court to consolidate suits	Adjourned to 07/04/11
49	Court of Appeal, Ibadan, OYO	Ishola & Ors	PDP, INEC & Exec Gov, Oyo State.	4 April 2011	Challenging the candidacy of Alao-Akala as Gov candidate of Oyo state	Adjourned to 13/04/11
50	Court of Appeal, Abuja, FCT	Chief Hope Uzodinma	Izunaso	5 April 2011	Challenging the judgment of the FHC, Abuja on the grounds that he was not cleared by PDP to contest its primaries	Court upheld the decision of Justice Kafarati of FHC, Abuja/Appeal to Supreme Court.
51	Magistrates' Court, Uyo, AKWA IBOM	STATE	Akpan Udoedehe	5 April 2011	9-Count charge of alleged Arson and Murder against A.CN candidate.	Pending/Magistrate to hear matter and decide whether charge defective on Wednesday/6/4/11



S/N	COURT LODGED	PETITIONER	RESPONDENT	SUIT No./DATE LODGED	PRAYERS	DECISION/COMMENTS
52	Fed.High Court, Abuja, FCT	STATE (Treason: Judge orders release of A.CN candidate)	John Akpan Udoedehe	6 April 2011	Motion for unconditional release of the ACN Gov candidate (JUDGE ORDERS RELEASE OF ACCUSED).	Application for bail granted
53	Court of Appeal, Enugu, ENUGU	Hope Democratic Party	Peter Obi & Ors	6 April 2011	Asking the court to set aside its initial judgment upholding the election of Peter Obi as Anambra State Gov polls	Adjourned
54	The Supreme Court, Abuja, FCT.	Alh Muhammadu Dingyadi	Alh Wammako & Ors	8 April 2011	Challenging earlier judgment which dismissed appeal challenging Wammako's election in Sokoto State	Court dismissed appeal
55	State High Court, Uyo, AKWA IBOM	State	Akpan Udoedehe	8 April 2011	Bail and Enforcement	Bail granted and accused released
56	Fed. High Court, Ilorin, KWARA.	Chief Samuel Adedayo	Ahmed & Ors	7 April 2011	Asking for nullification of Ahmed's candidacy as gov candidate of PDP for Kwara State	Case dismissed
57	Court of Appeal, Abuja, FCT.	Ahmed Ogembe	Alh Nurudeen Abatemi Usman	8 April 2011	Challenging FHC, Abuja decision, which declared Alh. Nurudeen Abatemi Usman winner of primaries	Appeal dismissed
58	Fed. High Court, Benin, EDO.	Idiake Patrick Akhimien(Deacon)	A.CN & 4 Ors	20 January 2011	Originating Summons challenging the disqualification and or exclusion of plaintiff from participating in the defendant's for primaries Fed Constituency	Summons seen but decision not known
59	State High Court, Ibadan, OYO.	Mr. Lukman Olakunle Ishola & Ors	Labour Party, INEC & Ors	Suit No. I/87/2011	Ruling on Originating Summons brought under S. 87(1)(2) etc. to declare votes lawful	Court held that it lacks jurisdiction to entertain suit therefore case dismissed
60	Fed.High Court, Ibadan, OYO.	Prof. Wale Oyemakinde & 2 Ors	Sen ABIOLA Ajimobi, INEC & Ors	Suit No. FHC/IB/CS/2011	Originating Summons seeking declaration that 1st def was not validly or lawfully nominated, etc	Summons seen but decision not known

S/N	COURT LODGED	PETITIONER	RESPONDENT	SUIT No./DATE LODGED	PRAYERS	DECISION/COMMENTS
61	Fed.High Court, Ibadan, OYO	Chief M.A.F. Oderinde & Anor	INEC & 4 Ors	Suit FHC/IB/16/2011	Application to restrain first respondent from recognising any list presented by CPC in Oyo State other than the list submitted by the fist applicant	Summons seen but decision not known
62	Fed.High Court, Ibadan, OYO	Adewale Adeyemo	Chief Bisi Akande, INEC & Ors	FHC/IB/CS/16/2011	For a declaration that INEC is bound under the Electoral Act and constitution of A.CN to hold primaries for all aspirants seeking elective positions	Summons seen but decision not known.
63	Court of Appeal, Ibadan, OYO	Elder Wole Oyelese & 36 Ors	INEC & 2 Ors	CA/I/M.36B/2011	Application for court of appeal to depart from its rules	Application refused for want of jurisdiction
64	Court of Appeal, Ibadan, OYO	Elder Wole Oyelese & 36 Ors	INEC & 2 Ors	CA/I/M.36/2011	Application for striking out name of 3rd respondent	Application premature, lacks merit and struck out
65	Court of Appeal, Ibadan, OYO	Elder Wole Oyelese & 36 Ors	INEC & 2 Ors	CA/I/M.36/2011	Application for court of appeal to depart from its rules, leave and deeming order	Application refused
66	Fed. High Court, Owerri, IMO	Chief George Egu	Chief Jude Agbaso, INEC, APGA & Anor	FHC/OW/CS/109/2011	Application for substituted service, accelerated hearing, declaration and injunctions	Court granted order for substituted service and accelerated hearing
67	Fed. High Court, Abeokuta, OGUN	PDP	Isiaka	7 April 2011	Application to stop Isiaka from contesting the gov election on the platform of PDP	Case struck out /the application lacking merit.
68	Fed. High Court, Yola, ADAMAWA	Alh. Abubakar Umar Tutare	PDP, INEC, Sen Dahiru Bako Gassol	FHC/YL/CS/17/2011	Declaration that Plaintiff is entitled to have his name submitted and deemed to have been presented and sponsored by 1st def to 3rd def etc	Court granted application

S/N	COURT LODGED	PETITIONER	RESPONDENT	SUIT No./DATE LODGED	PRAYERS	DECISION/COMMENTS
69	Fed. High Court, Lagos, LAGOS	Saula Wasiu Adeniji & 8 Ors	PDP, INEC & 29 Ors	FHC/L/CS/1120/2011	Application for Ex Parte order restraining 2nd def from recognising 3rd - 30th defendants as exec and or officers of PDP Ogun State pending case, etc	Court refused to grant order on the ground that order made in suit no FHC/L/CS/1139/10 are similar with this case.
70	Fed. High Court, P/H, RIVERS	Sunday Johnson & 2 Ors	AG Rivers State	FHC/PH/149/2011	Motion Ex parte for injunctions, accelerated hearing	Accelerated hearing granted/court notice to serve on the other party.
71	Fed. High Court, P/H, RIVERS	Mr. Suleman Atago	Mr. Ibiso Nwuche & Ors	FHC/PH/196/2011	Case transferred from Abuja, ex parte order for substituted service and suit slated for judgment as at when due	Court granted application, reserved judgment
72	Fed. High Court, P/H, RIVERS	Dr. Onyemachi M. Miller	Okpokiri Nwanaka Okpojiri & Anor	FHC/PH/CS/03/2011	Matter fixed for mention but no legal rep, assumed abandoned due to absence of counsel on both sides	Adjourned to 13/07/2011/court order substituted service.
73	Fed. High Court, P/H, RIVERS	Mr.Promise Jacob	Okpokiri Nwanaka Okpojiri & Anor	FHC/PH/CS/21/2011	Case struck out due to notice of discontinuance filed by plaintiff	Case struck out.
74	Fed. High Court, P/H, RIVERS	Hon. Dickson Sermke Henry	PDP	FHC/PH/CS/01/2011	Suit struck out 7/3/11 due to notice of discontinuance	Case struck out
75	Fed. High Court, P/H, RIVERS	Mr. Asukewe Ikoawaji	ANPP	FHC/PH/CS/95/2011	Suit struck out 7/3/11 due to notice of discontinuance	Case struck out
76	Fed. High Court, P/H, RIVERS	Barr. Nwankwoala Paul	A.CN & Anor	FHC/PH/CS/113/2011	Judgment delivered in favour of 2nd def on 9th March, 2011	Judgment delivered in favour of 2nd Def
77	Fed. High Court, P/H, RIVERS	PDP, INEC	Sani Aminu Dutsinma	FHC/PH/CS/103/2011	Judgment delivered in favour of 3rd def on 29/3/11, suit lacks merit and therefore dismissed, interim order made in favour of plaintiff discharged	Case adjudicated.
78	Fed. High Court, P/H, RIVERS	Dr. Chigbo Sam Eligwe	Okpokiri Nwanaka Okpojiri & Anor	FHC/PH/CS/114/2011	Suit adjourned to 11/04/11 for hearing	Pending

S/N	COURT LODGED	PETITIONER	RESPONDENT	SUIT No./DATE LODGED	PRAYERS	DECISION/COMMENTS
79	Fed. High Court, P/H, RIVERS	Mr. Tuku A. Ogbogene		FHC/PH/CS/140/2011	Leave granted to serve writ	Pending
80	Fed. High Court, P/H, RIVERS	Sir (DR) Innocent Ahoada Masi	Sen Wilson Ake & 2 Ors	FHC/PH/CS/141/2011	Application for ex parte order struck out on 22/3/11, evidence taken, matter adjourned to 12th April, 2011 for defence	Adjourned
81	Fed. High Court, Lokoja, KOGI	Hon. Obaro A.S. Pedro	PDP, INEC & Anor	FHC/LKJ/S/20/2011	Challenge of PDP party primaries, declarative prayers, injunctive application, etc	Judgment delivered in favour of Applicant
82	Fed. High Court, Lokoja, KOGI	Hon. Stephen Ropo Asala	PDP, INEC & Anor	FHC/LKJ/CS/22/2011	Challenge of PDP party primaries, declarative prayers, injunctive application, etc	Matter heard and determined.
83	Fed. High Court, Uyo, AKWA IBOM	Hon. Emmanuel Akpan Ebe	Paul Akpan Owo & 2 Ors	FHC/UY/CS/90/2011	An order of court directing the substitution of the plaintiff as the only qualified candidate of the PDP in Ini Constituency of Akwa Ibom State, House of Ass	Case transferred from Abuja FHC because jurisdiction is vested in FHC, Uyo
84	Fed. High Court, Uyo, AKWA IBOM	Prince Idongesit Ituen	PDP, INEC & Anor	FHC/UY/CS/91/2011		Transfer.
85	Fed. High Court, Uyo, AKWA IBOM	Hon. (Prince) Basse Akpan Willie	Hon Godwin Oton Charlie & 2 Ors	FHC/UY/CS/92/11		
86	Fed. High Court, Uyo, AKWA IBOM	Hon. Party Etete Ineme	PDP, INEC & Anor	FHC/UY/CS/93/11	Transferred from Abuja to Uyo	
87	Fed. High Court, Uyo, AKWA IBOM	Bar. Ime Nya Asanga & Anor	INEC & 4 Ors	FHC/UY/CS/94/11	Transferred from Abuja to Uyo	
88	Fed. High Court, Uyo, AKWA IBOM	Hon. Brenard Ambrose Udoh	Mr Akpan Micah Umoh & Anor	FHC/UY/CS/105/11	Transferred from Abuja to Uyo	
89	Fed. High Court, Uyo, AKWA IBOM	Dr. Michael Okon Enyong	INEC & Anor	FHC/UY/CS/109/11	Transferred from Abuja to Uyo	

<b>S/N</b>	<b>COURT LODGED</b>	<b>PETITIONER</b>	<b>RESPONDENT</b>	<b>SUIT No./DATE LODGED</b>	<b>PRAYERS</b>	<b>DECISION/COMMENTS</b>
90	Fed. High Court, Uyo, AKWA IBOM	Dominic Bassey Akpan	Hon Nsihak Okon Ekong, INEC & Anor	FHC/UY/CS/124/11	Transferred Back to Abuja	
91	Fed. High Court, Uyo, AKWA IBOM	Hon. (Engr) Akanimo Ernest Edet	Emmanuel Ekon, INEC & Anor	FHC/UY/CS/123/11	Transferred from Abuja to Uyo	
92	Fed.High Court, Uyo, AKWA IBOM	Hon. Asukwo Idiong & 3 Ors	Effiong Etor Antigha, INEC & Anor	FHC/UY/CS/122/11	Transferred from Abuja to Uyo	
93	Fed. High Court, Uyo, AKWA IBOM	Rt. Hon. Ekperikpe Ekpo	INEC & 2 Ors	FHC/UY/CS/139/11	Transferred from Abuja to Uyo	
94	Fed. High Court, Uyo, AKWA IBOM	Hon. Emah A. Bassey	PDP, INEC & Anor	FHC/UY/CS/137/11	Transferred from Abuja to Uyo	
95	Fed. High Court, Uyo, AKWA IBOM	Hon. (Prince) Bassey Akpan Willie	PDP, INEC & 2 Ors	FHC/UY/CS/117/11	Transferred from Abuja to Uyo	
96	Fed. High Court, Uyo, AKWA IBOM	Hon. Michael James Akpan	INEC & 2 Ors	FHC/UY/CS/101/11	Transferred from Abuja to Uyo	
97	Fed. High Court, Uyo, AKWA IBOM	Hon. Ekere Afia	PDP, INEC & Anor	FHC/UY/CS/11/11	Transferred from Abuja to Uyo	
98	Fed. High Court, Uyo, AKWA IBOM	Efiok Bassey Etim	Idongesit Udokpoh, INEC & Anor	FHC/UY/CS/96/11	Transferred from Abuja to Uyo	
99	Fed. High Court, Uyo, AKWA IBOM	Hon. Okuku Mbuotidem Akpan Idut	PDP, INEC & Anor	FHC/UY/CS/5/11	Transferred from Abuja to Uyo	
100	Fed. High Court, Uyo, AKWA IBOM	Rt. (Hon) Uno Etim Uno & 6 Ors	Barr. Basey Okon Etienam, INEC & 2 Ors	FHC/UY/CS/143/11	Transferred from Abuja to Uyo	
101	Fed. High Court, Uyo, AKWA IBOM	A.CN & Anor	PDP, INEC & 2 Ors	FHC/UY/CS/131/11	Transferred from Abuja to Uyo	

S/N	COURT LODGED	PETITIONER	RESPONDENT	SUIT No./DATE LODGED	PRAYERS	DECISION/COMMENTS
102	Fed. High Court, Calabar, CROSS RIVER	Richard Ogbeche ESQ	INEC & 3 Ors	FHC/CA/CS/13/2011	Challenging the submission of the name of the 2nd def on the ground that he is not qualified to contest election under any political party.	Case was struck out for commencing by wrong procedure
103	Fed. High Court, Calabar, CROSS RIVER	Dr. Vincent Ele Asor		FHC/CA/CS/11/2011	Challenging the wrongful submission of 2nd def as candidate for CR Central Senatorial constituency	Case dismissed/ injunction reversed
104	Fed. High Court, Calabar, CROSS RIVER	Sen Liyel Imoke & 37 Ors	INEC	FHC/CA/CS/17/2011	Challenging INEC's power to disqualify plaintiffs who are candidates for 2011 election	Court held that INEC lacks the legal power and authority to reject the plaintiffs
105	Fed. High Court, Abuja, FCT	Alh. Muhammed Sani Abachi	INEC, CPC & Anor	FHC/ABJ/CS/114/2011	Seeking court's declaration that plaintiff is the rightful candidate for election having won party primaries	Court granted prayers of plaintiff and declared that it has jurisdiction to hear the matter
106	Fed. High Court, Abuja, FCT	Sani Idris & 3 Ors	INEC, Labour Party & Ors	FHC/ABJ/CS/144/2011	Challenging the submission of defendant's name without compliance with Electoral Act and party guidelines	Court dismissed the suit
107	Fed. High Court, Abuja, FCT.	Abdulrazak Isa Kutepa	PDP, INEC & 2 Ors	FHC/ABJ/CS/80/2011	Challenging INEC's power to order a re-run election and asked court to restrain defendant's and order a re-run	Court held that case lacks merit and dismissed it accordingly
108	Fed. High Court, Abuja, FCT	Chief Ikechi Emenike	PDP, INEC & 2 Ors	FHC/ABJ/CS/98/2011	Seeking court order restraining 1st 2nd defendants from recognising 3rd def. Instead court should recognise plaintiff	Plaintiff's case dismissed
109	Fed. High Court, Abuja, FCT	Sen Yakubu Garba Lado & 44 Ors	CPC, INEC & 4 Ors	FHC/ABJ/CS/126/2011	Challenging the disqualification of the plaintiff's candidature for CPC in Katsina State.	Court held that the practice of substitution under electoral Act is not permissible

S/N	COURT LODGED	PETITIONER	RESPONDENT	SUIT No./DATE LODGED	PRAYERS	DECISION/COMMENTS
110	Fed. High Court, Benin, EDO	Alh. Adjoto Kabiru	Anslem Agabi, INEC & Anor	FHC/B/CS/46/2011	Challenging the illegal withdrawal of plaintiff	Court held withdrawal illegal and granted all reliefs sought by plaintiff
111	Fed. High Court, Abuja, FCT	Anthony Iju Nwabunike	INEC & 5 Ors	FHC/ABJ/CS/65/2011	Seeking a restraining order against the PDP from recognising any other name other than the ones emerging from lawful primaries of the party.	Court dismissed case on the ground that it was an abuse of court process
112	Fed. High Court, Abuja, FCT	Sen Mohammed Mana	PDP	FHC/ABJ/CS/148/2011	Challenging the victory of 3rd def in the party primaries	Court dismissed the suit on the ground that it lacks merit
113	Fed. High Court, Abuja, FCT	Engr. Frank Okon Daniel	INEC, PDP & Anor	FHC/ABJ/CS/21/2011	Seeking declaration that plaintiff was legally entitled to participate in the Gov election primaries	Case dismissed, preliminary objection succeed
114	Fed. High Court, Abuja, FCT	Sen F.J. Grace Bent	Hon Ahmed Hassan Barata, PDP, INEC.	FHC/ABJ/CS/143/2011	Challenging PDP election primaries in Adamawa State, injunctive prayers, etc	Case dismissed for lacking merit and plaintiff unable to prove case
115	Fed. High Court, Abuja, FCT	Hon. James J. Idochaba	Hon. Ismaila Inah Hussein, INEC & Anor	FHC/ABJ/CS/185/2011	Substitution after primaries	Pending
116	Fed. High Court, Abuja, FCT	Aare Olufemi Dehinsilu & 2 Ors	INEC & 3 Ors	FHC/ABJ/CS/319/2011	Challenging election primaries	Pending
117	Fed. High Court, Abuja, FCT	Sen Abubakar Umar Gada	PDP	FHC/ABJ/CS/149/2011	Complain against party congress.	Pending
118	Fed. High Court, Abuja, FCT	Mr. Michael Aristotle Ighohose	INEC	FHC/ABJ/CS/90/2011	Substitution after primaries	Pending
119	Fed. High Court, Abuja, FCT	Sen Emmanuel Onwe C & Ors	PDP, INEC & Ors	FHC/ABJ/CS/880/2011	Complain against party primaries	Pending
120	Fed. High Court, Abuja, FCT	Sen Satty Davies Godwin & Ors	PDP, INEC, Anor	FHC/ABJ/CS/362/2011	Complain against party primaries.	Pending
121	Fed. High Court, Abuja, FCT	Hon. Nkachie N. Amaechi	INEC & Ors	FHC/ABJ/CS/136/2011	Substitution after primaries	Pending

S/N	COURT LODGED	PETITIONER	RESPONDENT	SUIT No./DATE LODGED	PRAYERS	DECISION/COMMENTS
122	Fed. High Court, Abuja, FCT	Action Congress	INEC	FHC/ABJ/CS/361/2011	Complain against some candidates	Pending
123	Fed. High Court, Abuja, FCT	Hon. George U. Timinimi & 19 Ors	INEC	FHC/ABJ/CS/857/2011	Complain against party primaries	Pending
124	Fed. High Court, Abuja, FCT	Hope Democratic Party	Prince Nicholas Ukachukwu	FHC/ABJ/CS/863/2011	Complain against candidate	Pending
125	Fed. High Court, Abuja, FCT	Michael Seweolo Fasinu & 28 Ors	INEC	FHC/ABJ/CS/59/2011	Complain against party congress	Pending
126	Fed. High Court, Abuja, FCT	Mr. Francis Chukwuma Ibeam	INEC	FHC/ABJ/CS/107/2011	Substitution after primaries	Pending
127	Fed. High Court, Abuja, FCT	Sir Celestine Omehia	PDP	FHC/ABJ/CS/878/2011	Challenging party nomination	Pending
128	Fed. High Court, Abuja, FCT	Dr. Obigwe Chukwuma	Dr. Ifeanyi Arthur Okowe, INEC & Anor.	FHC/ABJ/CS/351/2011	Substitution after primaries	Pending
129	Fed. High Court, Abuja, FCT	Barrister Bello Umar	INEC	FHC/ABJ/CS/607/2011	Complain against party primaries	Pending
130	Fed. High Court, Abuja, FCT	Hon. Eseni Eyiboh	INEC & 2 Ors	FHC/ABJ/CS/177/2011	Complain against party primaries	Pending
131	Fed. High Court, Abuja, FCT	Sylver O Nwaogu	A.CN	FHC/ABJ/CS/283/2011	Substitution after primaries	Pending
132	Fed. High Court, Abuja, FCT	Sen Chris Anyanwu & Anor	INEC	FHC/ABJ/CS/251/11	Challenging party nomination	Case struck out
133	Fed. High Court, Abuja, FCT	Dahiru Yabo	CPC, INEC & 2 Ors	FHC/ABJ/CS/257/11	Challenging party nomination	Transferred
134	Fed. High Court, Abuja, FCT	Sen Joy Emodi	Hon Alphonsus Igbeke	FCH/ABJ/CS/726/11	Challenging party nomination	For mention/ No appearance for parties
135	Fed. High Court, Abuja, FCT	Hon Mustapha Ahmed	INEC & 2 Ors	FHC/ABJ/CS/214/11	Substitution after primaries	Motion for amendment



**ANNEX D: TABLE ON THE POST-ELECTION PETITIONS FILED AT THE ELECTION TRIBUNALS**

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
1.	PRESIDENTIAL	CPC	<ol style="list-style-type: none"> <li>1. INEC</li> <li>2. Chief National Electoral Commissioner</li> <li>3. Dr Goodluck Ebele Jonathan</li> <li>4. Arc Mohammed Namadi Sambo</li> <li>5. PDP</li> <li>6. 39 Others</li> </ol>	Presidential	<p>Pet.No. CA/A/EPT/PRES/1/2011</p> <p>Petition is against 42 respondents including the Resident Electoral Commissioners of all 36 States and FCT; that the figures stated by INEC are not a true reflection of the lawful votes cast; that the votes were unlawfully assigned to the candidates by the 1<sup>st</sup> resp or agents acting on behalf of 1<sup>st</sup> resp; that the figures collated by 2<sup>nd</sup> resp were done in breach of EA 2010 and that the election was invalid by reason of substantial non-compliance with EA 2010, CORRUPT PRACTICES, VIOLENCE and various MALPRACTICES/ that 3<sup>rd</sup> and 4<sup>th</sup> respondents were not duly elected by majority lawful votes cast.</p> <p>Petition is supported by 2 Applications:</p> <ol style="list-style-type: none"> <li>1. Ex Parte motion under S.77(1), 151 EA 2010 and Order 26 Rule 8 FHC Civil Procedure rules.</li> <li>2. Motion on Notice under Paragraph 41 (5) Election Petition Procedure Rules 2010 as amended.</li> </ol>	<p>Petitioner cited the following sections of the Electoral Act: SS.12(2),27(1),28(1) and (2),43(3) and (4),46,47, 48(1) and (2),52(4), 53(1),57,58,63,74.</p> <p><b>PRAYERS.</b></p> <ol style="list-style-type: none"> <li>1 Election/return of 3<sup>rd</sup>/4<sup>th</sup> resp be voided for non-compliance with EA 2010.</li> <li>2. Not duly elected in 18 states and FCT;</li> <li>3. 3<sup>rd</sup> resp did not fulfil S.134(2) of 1999 Constitution;</li> <li>4. Result declared by 2<sup>nd</sup> resp is wrongful, invalid and unlawful;</li> <li>5. Declaration that the election did not produce a winner;</li> <li>6. Arrange another election in conformity with S.134(4) of 1999 Constitution</li> </ol>

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
2.	PRESIDENTIAL	Hope Democratic Party (HDP)	<ol style="list-style-type: none"> <li>1. Dr Goodluck Ebele Jonathan</li> <li>2. Arc Namadi Sambo</li> <li>3. INEC</li> </ol>	Presidential	<p>Pet.No. CA/A/EPT/PRES/2/2011</p> <p>That the unilateral postponement of the election by the 2nd resp embarked upon without any recourse to the national assembly was void as no cogent or verifiable reason was adduced from 9<sup>th</sup> to 16<sup>th</sup> April contrary to the EA 2010; Non-compliance with relevant laws; invalid by reason that the only official time-table is the one dated 23<sup>rd</sup> November 2010 as reflected in the EA 2010; Table of votes invalid by reason of non-compliance with 1999 CFRN and EA 2010 due to questionable ascription of votes scored and swapped; being invalid no result was countersigned by the agents of the parties including the petitioner's agent</p>	<p>Determine the election invalid by reason of non-compliance; an order refusing recognition to any certificate issued and suspending any return made in an unlawfully postponed with unilaterally substituted date for Presidential election contrary to EA 2010/2011 CFRN as amended; OR an order Nullifying the election; that Petitioner ought to be returned as elected President; an order restoring the Petitioner to its leading votes and returned as elected thereat.</p>
3.	FCT	<ol style="list-style-type: none"> <li>1. Hon. Musa Tanko Abari</li> <li>2. CPC</li> </ol>	<ol style="list-style-type: none"> <li>1. Hon. T. Philip Aduda</li> <li>2. PDP</li> <li>3. INEC</li> </ol>	Senate	<p>Pet.No. EPT/NASS/SEN/ABJ/IA/2011</p> <p>Non-qualification pursuant to S. 65 (1)(2) EA 2010, and S. 66(1)(a) CFRN/Corrupt practices and non-compliance with EA 2010</p>	<p>Petition No. EPT/SEN NASS/ABJ/1/2011 filed on 29/4/11 was withdrawn and replaced with the instant Petition No. EPT/NASS/SEN/ABJ/1A/2011 dated 3/5/11</p>

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
4.	FCT	1. Hon. Yakubu Muhd. Adamu 2. CPC	1. Mr. Zaphanieh Jisalo 2. PDP 3. INEC 4. Returning Officer AMAC/BWARI	House of Reps	Pet.No. EPT/NASS/HR/ABJ/2/2011 Election invalid due to Corrupt practices/non-compliance with EA 2010/irregularities/malpractices/falsification of results/disenfranchisement of voters/etc	1 <sup>st</sup> Petitioner to be declared winner/ or fresh election
5.	FCT	1. Engr Nwosu Emmanuel Butches 2. African Liberation Party (ALP)	1. INEC 2. Jisalo Bitrus Zephaniah	House of Reps	Pet.No. EPT/NASS/HR/ABJ/3/2011 That election was invalid by reason of corrupt practices and non-compliance with EA 2010/2 <sup>nd</sup> resp not duly elected by majority lawful votes/petitioner's name was unlawfully excluded from the list of the 1 <sup>st</sup> resp's validly nominated candidates for the election, etc.	Election be declared unconstitutional, illegal, void, etc/order fresh election
6.	KOGI	1. Hon. Joseph T. Faniyi 2. CPC	1. Senator Smart Adeyemi 2. PDP 3. INEC	Senate	Pet. No.EPT/KG/NASEN/1/2011 Winner not qualified to contest having been invalidated by Court of competent jurisdiction/election invalid by reason of corrupt practices and non-compliance with EA 2011	Nullify election of 1 <sup>st</sup> resp/declare petitioner as winner
7.	KOGI	Alh. Hassan Yakubu	1. INEC 2. REC Kogi 3. Ocheja E. Dangana 4. PDP 5. 2 Others	Senate	Pet. No.EPT/KG/NASEN/3/2011 Unlawful Exclusion by ANPP during the election and fielding 5 <sup>th</sup> resp contrary to restraining order obtained by the 5 <sup>th</sup> resp that he was a member of the PDP in Suit No. FHC/ABJ/CS/67/2011	Election be declared unconstitutional, illegal, void,etc/order fresh election.

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
8.	KOGI	1. Hon. Atai Aidoko Ali Usman 2. ANPP	1. Ocheja Emmanuel Dangana 2. PDP 3. INEC 4. RO	Senate	Pet. No.EPT/KG/NASEN/1/2011 Corrupt practices/substantial non-compliance with EA 2010, as amended	
9.	KOGI	1. Hon. Dino Melaye 2. ANPP	1. Yusuf Ayo Tajudeen 2. PDP 3. INEC 4. RO	House of Reps	Pet. No.EPT/KG/NAHOR/1/2011 Election Invalid due to corrupt practices/ non-compliance with EA 2010, as amended	
10.	KOGI	Hon. Abdul Samson Ihiabe	1. Hon. Tom Ogijo Zakari 2. PDP 3. INEC 4. RO	House of Reps	Pet. No.EPT/KG/NAHOR/4/2011 Election Invalid by reason of non-compliance with EA 2010, as amended	
11.	KOGI	Ibrahim Abdulahi Ali	1. Muhd Ibrahim Idris 2. PDP 3. INEC 4. RO	House of Reps	Pet.No.EPT/KG/NAHOR/ Election Void by reason of non-compliance with EA 2010, as amended	
12.	KOGI	Alh. Ozovehe U. Sadiq	1. Hon. Sadiq Asema Muhd 2. INEC 3. 4 Ors	House of Reps	Pet. No.EPT/KG/NAHOR/3/2011 Election Invalid by reason of non-compliance with EA 2010, as amended	
13.	KOGI	1. Sam Adejoh Okedi 2. ANPP	1. INEC 2. PDP 3. 4 Others	House of Reps	Pet. No.EPT/KG/NAHOR/2/2011 Winner not duly elected/invalid due to non-compliance	

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
14	ADAMAWA	1. Boni Haruna 2. ACN	1. Alh. Bindowo Jibrilla 2. PDP 3. INEC 4. REC 5. RO	Senate	Pet. No.EPT/ADS/NASEN/ Invalid return of winner	
15.	ADAMAWA	Hon. Gidado Ibrahim Sajoh	1. Alh. Abubakar Mahmud Wambai 2. INEC	House of Reqs	Pet. No.EPT/ADS/NA/HR/2/2011 Winner not duly elected by the majority of lawful votes	
16.	ADAMAWA	Pithon Peno Power	1. Anthony Madwatte 2. PDP 3. INEC 4. 29 Others	House of Reqs	Pet. No.EPT/ADS/NA/HR/1/2011 Election Invalid by reason of corrupt practices/substantial non-compliance with the EA 2010, as amended	
17.	JIGAWA	Muhd Sanni Zorro	1. Muhd Ibrahim G. 2. INEC 3. PDP	House of Reqs	Pet. No.JS/EPT/NA/1/2011 Undue election of 1 <sup>st</sup> respondent due to corrupt practices/ mutilation of figures etc.	
18.	JIGAWA	1. Sulaiman Ibrahim Adamu 2. ACN	1. Yusuf Sale Dunari 2. PDP 3. INEC 4. 2 Ors	House of Reqs	Pet. No. JS/EPT/NA/ Election Invalid by reason of non-compliance with EA 2010, as amended	
19.	JIGAWA	1. Yakubu Muhd Dutse 2. ACN	1. Tijjani Ibrahim Kiyawa 2. PDP 3. INEC 4. Anor	House of Reqs	Pet. No.JS/EPT/NA/ 1 <sup>st</sup> respondent not validly elected based on false information/false declaration as to institutions attended/forged certificates, etc	

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
20.	JIGAWA	1. Isa Alkassim Karkarna 2. ACN	1. Adamu Bashir 2. PDP 3. INEC 4. Returning Officer	House of Reps	Pet. No.JS/EPT/NA/2/2011 Invalid election by reason of non-compliance with EA 2010/corrupt practices	
21.	JIGAWA	1. Sen. Ibrahim Saminu Turaki 2. ACN	1. Alh. Danladi Abdullahi Sankara 2. PDP 3. INEC 4. Presiding Officer 5. Returning Officer	Senate	Pet. No.JS/EPT/NA/3/2011 1 <sup>st</sup> respondent not qualified to contest as at the time of election/non-compliance/corrupt practices, etc.	
22.	JIGAWA	1. Kabiru Hassan Sugungun 2. ACN	1. Wada Usman Garki 2. PDP 3. INEC 4. Presiding Officer 5. RO	House of Reps	Pet. No.JS/EPT/NA Invalid for non-compliance with EA 2010/corrupt practices	
23.	ENUGU	1. Hon Arch Paul Okwudili Eze 2. PDC (People for Democratic Change)	1. Princess Stella U.O. Ugwu 2. PDP 3. INEC	House of Reps	Pet. No.EPT/EN/NASS/HR/03/2011 Non-qualification to contest the election on the ground that 1 <sup>st</sup> Respondent did not resign her appointment before the election; asking for fresh election	

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
24.	ENUGU	1. Chief Obinna Moses Ezeofor	1. Barr. Ike Ekweremadu 2. INEC 3. PDP	Senate	Pet. No.EPT/EN/NASS/SN/05/2011 1 <sup>st</sup> Respondent's election void because he was not duly nominated by his party/PDP did not have a candidate in the NASS election for Enugu West Senatorial District/Irregularities/non-compliance with EA 2011	
25.	ENUGU	1. Dr. Michael E. Ajogwu (SAN) 2. Labour Party	1. Sen Ayogu Eze 2. PDP 3. INEC	Senate	Pet. No.EPT/EN/NASS/ That 1 <sup>st</sup> /2 <sup>nd</sup> Respondents are not qualified to contest/ order fresh election pursuant to S.140 EA 2010	
26.	ENUGU	1. Mr. Emeka Eya 2. Labour Party	1. Hon Ifeanyi Ugwuanyi 2. PDP 3. INEC	Senate	Pet. No.EPT/EN/NASS/HR/06/11 Seeking nullification of election because 1 <sup>st</sup> /2 <sup>nd</sup> Respondents are not qualified to contest/order fresh election	
27.	ENUGU	1. Victor Offordi Nwankwo 2. A.CN	1. Toby Okechukwu 2. PDP 3. INEC 4. Returning Officer 5. Nigerian Police, Awgu.	House of Reps	Pet. No. EPT/EN/NASS/HR/07/2011. That 1 <sup>st</sup> resp was not qualified to contest at the time he did/corrupt practices and non-compliance with EA 2010,not duly elected by lawful majority votes cast/1 <sup>st</sup> petitioner unlawfully excluded even though validly nominated, etc.	Nullify and conduct a new election.
28.	ENUGU	Mr. Harford Jerry Chijoke	1. Mr Tobias Okechukwu 2. INEC 3. PDP	House of Reps	Pet. No.EPT/EN/NASS/HR/04/2011 That INEC did not comply with S.85(1) EA 2010 and name of 1 <sup>st</sup> resp should not have been accepted, corrupt practices, non-compliance with EA 2010.	Determine the election void and 1 <sup>st</sup> resp not duly elected/declare 1 <sup>st</sup> petitioner winner/order fresh election.

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
29.	ENUGU	1. Barr Peter Chigozie Okonkwo 2. Labour Party	1. Hon Patrick Asadu 2. PDP 3. INEC	House of Reps	Pet. No.EPT/EN/NASS/HR/02/11 1 <sup>st</sup> resp not qualified to contest at the time he did/non-compliance with EA 2010 and Guidelines.	Declare 1 <sup>st</sup> resp not qualified/nullify and order fresh election.
30.	AKWA IBOM	Idongesit Godwin Akpan Udokpo	1. Kenneth Edet Archibong 2. PDP 3. INEC	House of Reps	Pet. No. EPT/AKS/HR/1/2011 That 1 <sup>st</sup> Respondent not duly elected/ that Petitioner be declared winner	
31.	AKWA IBOM	1. Engr Uduakobong Willie Okpo 2. ACN	1. Emmanuel Ekon 2. PDP 3. INEC	House of Reps	Pet. No.EPT/AKS/HR/05/11 That 1 <sup>st</sup> Respondent not qualified to contest because he did not denounce his American citizenship/non-compliance, etc	
32.	AKWA IBOM	1. Dr Michael Enyong 2. PDP	1. Hon Emmanuel Etim Ekpenyong 2. ACN 3. INEC	House of Reps	Pet. No.EPT/AKS/HR/06/2011 That 1 <sup>st</sup> Respondent not qualified to contest the election because he was in breach of Code of Conduct for public officers under the CFRN 1999/Corrupt practices/non-compliance, etc	
33.	AKWA IBOM	1. Hon Ekere Afia 2. PDP	1. Hon Emmanuel Ekpenyong 2. ACN 3. REC INEC 4. INEC	House of Reps	Pet. No.EPT/AKS/HR/07/2011 Undue election S.133 EA/violence/corrupt practices/undue return/invalid election/etc	
34.	AKWA INOM	Dr Christopher Akpan Enoch	1. Hon Dan Akpan 2. PDP 3. INEC	House of Reps	Pet. No.EPT/AKS/HR/03/2011 Election invalid by reason of corrupt practices/non-compliance/etc	



S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
35.	AKWA IBOM	1. Dr Anny Asikpo 2. CPC	1. Sen Aloysius Akpan Etok 2. PDP 3. INEC	Senate	Pet. No.EPT/AKS/ 3 <sup>rd</sup> Respondent invalidly returned/no valid election held/non-compliance/corrupt practices/etc	
36.	AKWA IBOM	1. Barr Joseph Ukpong 2. ACN	1. Sen Aloysius Etok 2. PDP 3. INEC	Senate	Pet. No.EPT/AKS/SEN/04/2011 Accreditation of voters not done/number of registered voters not announced/results of election were not announced at the polling units/agents of petitioners not allowed at the Pus nor signed the results/voting not done at the PUs/1 <sup>st</sup> Respondent not duly elected	
37.	CROSS RIVER	Polycarp Asuquo Efiom	1. Daniel Effiong Asuquo 2. REC 3. INEC 4. PDP	House of Reps	Pet. No.EPT/CR/NA/1/2011 Invalid election on ground of non-compliance/1 <sup>st</sup> respondent not qualified to contest/petitioner scored highest votes but 1 <sup>st</sup> respondent declared winner/order fresh election	
38.	CROSS RIVER	Mr Wabilly Nyiam	1. Dr Mrs Rose Oko 2. INEC 3. PDP	House of Reps	Pet. No.EPT/CR/NA/6/2011 Seeking Disqualification of 1 <sup>st</sup> respondent/cancellation of result pursuant to sS140(1)(2)/substantial irregularities/corrupt practices/non-compliance	
39.	CROSS RIVER	Mr William Ballantyne	1. Hon Essien Ekpenyong Ayi 2. REC 3. INEC 4. PDP	House of Reps	Pet. No.EPT/CR/NA/2/2011 Election invalid for reason of non-compliance/1 <sup>st</sup> Respondent not qualified to contest/petitioner scored highest votes	

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
40.	CROSS RIVER	Eyo Nsa Ekpo	1. Nkoyo Esu Toyo 2. REC 3. INEC 4. PDP	House of Reps	Pet. No.EPT/CR/NA/3/2011 Election invalid for non-compliance with EA 2010/1 <sup>st</sup> Respondent not qualified to contest/petitioner scored highest votes/etc	
41.	CROSS RIVER	Ciyegu Ojong	1. Christopher Sunny Eta 2. INEC 3. REC	House of Reps	Pet. No.EPT/CR/NA/5/2011 Massive rigging because civil servants were threatened with dismissal/govt officials used their vehicles to carry election materials/materials delayed before arriving petitioner's area/irreconcilable figures/etc	
42.	CROSS RIVER	Patrick Agbe	1. Benedict Ayade 2. INEC 3. PDP	Senate	Pet. No.EPT/CR/NA/4/2011 Massive rigging because govt officials were threatened with dismissal/bribery/govt officials carrying election materials/delayed arrival of election materials	
43.	OSUN	Busayo Oluwole Oke	1. Nathaniel Agunbiade 2. A.CN 3. INEC 4. 5 Others	House of Reps	Pet. No.EPT/OS/HR/01/2011 Result of the area are not correct/invalid/non-compliance/1 <sup>st</sup> Respondent not duly elected/corrupt practices/widespread irregularities/etc	
44.	OYO	1. Chief Lawrence Olujide Adewale 2. ACN	1. Dr Ibrahim Olaifa 2. ACCORD Party 3. INEC	House of Reps	Pet. No.EPT/OY/NA/1/2011 1 <sup>st</sup> Respondent not qualified to contest because at the time of election he was still a staff of Lagos State and did not resign his appointment/1 <sup>st</sup> Respondent did not meet the majority votes/non-compliance with EA 2010/1 <sup>st</sup> Respondent not a tax payer/etc	

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
45.	OYO	1. Yinusa Kazeem Ayandoye 2. DPP	1. Afeez Adelowo Jimoh 2. INEC 3. REC 4. Returning Officer	House of Reps	Pet. No.EPT/OY/NA/5/2011 By reason of non-inclusion of 2 <sup>nd</sup> petitioner's logo petitioner was excluded in the ballot papers/discrimination/that DPP would have won but for the non-inclusion of the party logo/etc	
46.	OYO	Dr Wale Okediran	1. Agboola Hosea Ayoola 2. PDP 3. INEC	Senate	Pet. No.EPT/OY/NA/4/2011 That 1 <sup>st</sup> Respondent was not validly sponsored by the 2 <sup>nd</sup> Respondent in accordance with s.65(2)(b)/s.228 of CFRN 1999/1 <sup>st</sup> Respondent not duly elected by majority of lawful votes cast/non-compliance/etc	
47.	OYO	Oyetunji Omotayo	1. Muritala Kayode Adewole 2. INEC	House of Reps	Pet. No.EPT/OY/NA/3/2011 That 1 <sup>st</sup> Respondent was not validly elected/order nullifying election result/fresh election/etc	
48.	OYO	1. Agoro Lanre Adeniran 2. ACN	1. Azeez Adelowo Jimoh 2. PDP 3. INEC 4. 13 Ors	House of Reps	Pet. No.EPT/OY/NA/6/2011 That 1 <sup>st</sup> Respondent was not qualified to contest not been validly sponsored by the 2 <sup>nd</sup> Respondent/order nullifying the election of 1 <sup>st</sup> Respondent/violation of the EA 2010/etc	
49.	OYO	1. Chief Luqman Oyebisi Ilaka 2. ACCORD PARTY	1. Mr Ayo Adeseun 2. ACN 3. INEC	Senate	Pet. No.EPT/OY/NA/2/2011 That the return, declaration or announcement of the 1 <sup>st</sup> Respondent is wrong and unlawful/malpractices/non-compliance/etc	

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
50.	OYO	1. Tunde Anifowoshe-Kelani 2. Action Alliance & 13 Ors	1. INEC 2. 14 Ors	Senate	Pet. No.EPT/OY/NA/7/2011 Unlawful exclusion/nullification/fresh election/etc	
51.	BAUCHI	1. Ahmed Nana 2. ACN	1. PDP 2. INEC	House of Reps	That the Court should nullify the result and order INEC to organise fresh election	
52.	BAUCHI	1. Tata Umar 2. ACN	1. PDP 2. INEC	House of Reps	Challenges validity of results and asking Tribunal to order INEC to conduct fresh election	
53.	BAUCHI	1. Alh Garba Dahiru 2. PDP	1. CPC 2. INEC	House of Reps	Nullify election and order INEC to conduct new election	
54.	BAUCHI	1. Huseini Al Haji Umar 2. PDP	1. Returned CPC candidate 2. CPC 3. INEC	House of Reps	Nullify election and order INEC to conduct new election	
55.	BAUCHI	1. Awahi Abdu 2. PDP	1. Returned CPC candidate 2. CPC 3. INEC	House of Reps	Nullify the election/order INEC to declare the Petitioner winner	
56.	BAUCHI	1. Farok Mustafa 2. ACN	1. PDP 2. INEC 3. Deputy Governor	Senate	None	

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
57.	BAUCHI	CPC Candidate	1. PDP 2. INEC	House of Reps	Nullify election	
58.	BAUCHI	Usman Abubakar Tugar	1. Returned Candidate of PDP 2. INEC	House of Reps	Nullify election	
59.	BAUCHI	Samallah Ahmed Ilali	1. Returned PDP Candidate 2. INEC	House of Reps	Nullify the election result	
60.	BAUCHI	1. Isa Hama Misau 2. ACN	1. Returned candidate of PDP 2. INEC	Senate	INEC to declare the Petitioner as winner	
61.	BAUCHI	1. MD E Mohammed 2. ANPP	1. Returned candidate PDP 2. INEC	Senate	Nullify the election result	
62.	NIGER	1. Muhammed Nura Umar 2. CPC	1. Ahmed Ibrahim Bichi 2. PDP 3. INEC	State House of Assembly	Pet. No.EPT/NGS/HR/2/2011 For a Declaration that 1 <sup>st</sup> Respondent not eligible to contest for failure to comply with S.31(2) EA 2010/1 <sup>st</sup> Respondent not validly submitted to INEC/Non-compliance with S.35(c)(e)(g)(h)/(i)electoral guidelines of PDP	
63.	RIVERS	Dr Abraham Igwe-Eke (PMP Rivers Candidate)	1. Sen Wilson Asinobi Ake 2. INEC 3. PDP 4. Returning Officer	Senate	Pet. No.EPT/NASE/PH/14/2011 Election invalid by reason of corrupt practices/non-compliance with EA 2011/Resp not duly elected by lawful majority votes cast at the election	

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
64.	RIVERS	Chief Dighobo Obaghama	1. Sen Wilson A. Ake 2. PDP 3. INEC	Senate	Pet. No.EPT/NASE/PH/13/2011 1 <sup>st</sup> resp did not lawfully win the votes assigned to him/non-compliance with EA, hijack of electoral materials to unknown place/unconstitutional involvement of armed soldiers and policemen/thumb-printing, etc.	
65.	RIVERS	1. Opunabo C. Inko-Tariah 2. ACN	1. Dawari I. George 2. PDP 3. INEC	House of Reps	Pet. No.EPT/NAHR/PH/12/2011 1 <sup>st</sup> resp not validly elected by majority of the lawful or valid votes/corrupt practices/non-compliance with the provisions of the EA, etc	
66.	RIVERS	1. Grace Bell-Gam 2. ACN	1. Dakuku A. Peterside 2. PDP 3. INEC	House of Reps	Pet. No.EPT/NAHR/PH/11/2011 1 <sup>st</sup> resp not duly elected by majority of the lawful or valid votes cast at the election	
67.	RIVERS	1. Prince Cletus Kpekon 2. ACN	1. Maurice Pronen 2. PDP 3. INEC	House of Reps	Pet. No.EPT/EPT/NAHR/PH/10/2011 1 <sup>st</sup> resp not duly elected by majority votes cast at the election	
68.	RIVERS	1. Ovievai Onisokumeni Zudonu 2. APGA	1. INEC 2. REC 3. Electoral Officer 4. Asita Honourable E.O. 5. PDP	House of Reps	Pet. No.EPT/NAHR/PH/9/2011 Claim that the election was vitiated by fraud and substantial non-compliance with EA 2011/Irregularities/none of the candidates was entitled to be returned as winner/Scores arbitrarily assigned to each candidate and declared by the National Returning officer	Among other prayers, petitioner wants Fresh election alternatively

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69.	RIVERS	1. Hon Pastor Mrs. Nancy Chidi Nwankwo 2. ACN	1. Hon Barry Mpigi 2. PDP 3. INEC	House of Reps	Pet. No.EPT/NAHR/PH/8/2011 1 <sup>st</sup> resp not duly elected or returned by majority of lawful votes	Nullify the election or declare petitioner winner after deduction of the number of irregular votes
70.	RIVERS	1. Chief Ambrose Nwuzi 2. ACN	1. Mr Ogbonna Nwuke 2. PDP 3. INEC	House of Reps	Pet. No.EPT/NAHR/PH/7/2011 1 <sup>st</sup> resp not duly elected by majority of lawful votes/petitioner scored highest votes/corrupt practices/non-compliance with EA 2011, as amended	Nullify or declare petitioner winner
71.	RIVERS	1. Barr Shedrach A. Akaloku 2. ACN	1. Wilson A. Ake 2. PDP 3. INEC	Senate	Pet. No.EPT/NASE/PH/6/2011 1 <sup>st</sup> resp not duly elected by majority of the lawful votes cast/election invalid by reason of corrupt practices, non-compliance with EA 2011, as amended	
72.	RIVERS	1. Reason Rewo M.Onya 2. ACN	1. Hon Asita 2. PDP 3. INEC	House of Reps	Pet. No.EPT/NAHR/PH/5/2011 Not duly elected//invalid by reason of corrupt practices/non-compliance	Set aside return of resp/declare petitioner winner
73.	RIVERS	Gogo Kiikpoye	1. Apiafi Okagua Betty 2. PDP 3. INEC	House of Reps	Pet. No.EPT/NAHR/PH/4/2011 Election not held in 13 wards as characterised by non-availability of election materials/hijacking by agents of 1 <sup>st</sup> and 2 <sup>nd</sup> resp/falsification of results etc	Nullify/order fresh election
74.	RIVERS	Dr Nomate Abe	1. Magnus Abe 2. PDP 3. INEC	Senate	Pet. No.EPT/NASE/PH/3/2011 Collation/computation of result invalid due to non-compliance with EA 2010/ No lawful majority votes	Nullify/declare petitioner winner/etc

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
75.	RIVERS	Hon Tobins Oyekuodi	<ol style="list-style-type: none"> <li>1. Hon Mrs Apiafi Okagua Betty</li> <li>2. PDP</li> <li>3. INEC</li> <li>4. EO/RO</li> <li>5. EO/RO</li> <li>6. C of Police</li> </ol>	House of Reps	Pet. No.EPT/NAHR/PH/2/2011 Invalid due to non-compliance/1 <sup>st</sup> resp not duly elected by majority votes	Nullify/order fresh election
76.	RIVERS	<ol style="list-style-type: none"> <li>1. Leslie Chizi Michaels-Atata, Esq</li> <li>2. Action Alliance</li> </ol>	<ol style="list-style-type: none"> <li>1. INEC</li> <li>2. REC</li> <li>3. EO</li> <li>4. RO</li> <li>5. PDP</li> <li>6. Sen George Thompson Sekibo</li> </ol>	Senate	Pet.No.EPT/NASE/PH/1/2011 Petitioner claims valid nomination but unlawfully excluded from the election/invalid election, non-compliance/violation of Fed High Court order dated 7 <sup>th</sup> April 2011 directing INEC to include the name of petitioners/etc	Declare election invalid/violation of subsisting court order/nullify/order fresh election
77.	OGUN	<ol style="list-style-type: none"> <li>1. PDP</li> <li>2. Capt. Alexander Ajibade</li> </ol>	<ol style="list-style-type: none"> <li>1. INEC</li> <li>2. Hon Rasak Adewusi</li> <li>3. PPN</li> </ol>	House of Reps	Pet. No.EPT/OG/FH/01/2011 2 <sup>nd</sup> resp did not win majority votes/non-compliance	That Petitioner polled the highest votes/fresh election
78.	OGUN	PDP	<ol style="list-style-type: none"> <li>1. INEC</li> <li>2. Williams Samuel</li> <li>3. A.CN</li> <li>4. Ogundimu Afolabi</li> <li>5. PPN</li> </ol>	House of Reps	Pet. No.EPT/OG/FH/02/2011 2 <sup>nd</sup> resp did not win majority votes/non-compliance.	Tribunal should declare Dimeji Bankole winner/direct 1 <sup>st</sup> resp to deliver within 48 hours of EPT decision a certificate of return to the petitioner's candidate



S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
79.	OGUN	1. PDP 2. Hon Muhammed T. Odunowo	1. INEC 2. Mr Sefiu Kaka 3. A.CN 4. Abiodun Odusanya 5. PPN	Senate	Pet. No.EPT/OG/FH/03/2011 2 <sup>nd</sup> resp not duly elected/ did not win lawful majority/malpractices/non-compliance, etc	Declare that 2 <sup>nd</sup> petitioner polled highest votes, deliver certificate to 2 <sup>nd</sup> resp, or nullify/order fresh election/ an order barring 4 <sup>th</sup> and 5 <sup>th</sup> resp from participating at new election.
80.	OGUN	1. PDP 2. Chief Mrs Iyabo Obasanjo-Bello	1. INEC 2. Gbenga Obadara 3. ACN 4. Ijaduonye Monday 5. PPN	Senate	Pet. No.EPT/OG/FH/04/2011 2 <sup>nd</sup> resp did not win majority lawful votes/non-compliance with EA 2010, as amended	Nullify election/order fresh election within 21 days of Tribunal decision/order barring 4 <sup>th</sup> and 5 <sup>th</sup> resp from participating or fielding candidates at the new election
81.	OGUN	1. PDP 2. Chief Babatunde Fadun	1. INEC 2. Akin Babalola Odunsi 3. A.CN 4. Waliu O. Taiwo 5. PPN	Senate	Pet. No.EPT/OG/FH/05/2011 2 <sup>nd</sup> resp did not win a majority of the lawful votes cast/votes illegal/non-compliance with EA 2010, as amended	An ORDER nullifying/ invalidating the election/order directing 1 <sup>st</sup> resp to conduct a new election in the affected area within 21 days of EPT decision/etc
82.	OGUN	1. ACN 2. Hon Adeluyi Akanbi	1. INEC 2. Adewusi Tunde Razaq 3. PPN	House of Reqs	Pet. No.EPT/OG/FH/06/2011 2 <sup>nd</sup> resp not qualified to contest at the time of election/ election invalid byu reason of non-compliance, corrupt practices/no majority votes in favour of 2 <sup>nd</sup> resp, etc	That 2 <sup>nd</sup> petitioner ought to have been declared winner/order nullifying election in 25 units OR order fresh election, etc

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
83.	KADUNA	1. Alh Ibrahim K. Mustapha 2. PDP	1. INEC 2. REC KD State 3. EO Soba 4. CPC 5. Alh Abubakar Musa Abubakar	House of Reps	Pet.No.EPT/NA/KAD//1/2011 Invalid election by reason of non-compliance with EA 2010 on postponement S26,S30.	Order directing 1 <sup>st</sup> ,2 <sup>nd</sup> and 3 <sup>rd</sup> resps to conduct fresh election for the Soba Fed Constituency of Kaduna State.
84.	KANO	1. Alh Salisu Hamisu Kore 2. ANPP	1. Alhassan Ado Garba 2. PDP 3. Collation Officer, Doguwa Fed Constituency 4. Collation Officer, Tudun Wada Fed Const 5. REC Kano state 6. INEC	House of Reps	Pet. No.KN/EPT/HR/07/2011 Invalid election by reason of non-compliance with EA 2010/1 <sup>st</sup> resp not duly elected by majority lawful votes cast at election.	Order cancelling election result/not duly elected/declare 1 <sup>st</sup> petitioner winner/issue 1 <sup>st</sup> petitioner with certificate of return
85.	KANO	1. Ibrahim Umar Ballah 2. ANPP	1. Munir Babba Dan Agundi 2. Balarabe Musa 3. PDP 4. Sagir Abdulkadir 5. A.CN 6. Jibril A. Lawal 7. Citizens Popular Party 8. Abba Danmaraya 9. CPC 10. UNPD 11. INEC	House of Reps	Pet. No.KN/EPT/HR/08/2011 1 <sup>st</sup> resp not qualified to contest the election a he was not validly sponsored by the 3 <sup>rd</sup> resp or any political party/that neither the 1 <sup>st</sup> nor the 2 <sup>nd</sup> resp validly contested the election.	Tribunal should declare the election of the 1 <sup>st</sup> resp null and void/declare 1 <sup>st</sup> petitioner winner/ or order 12 <sup>th</sup> resp to conduct fresh election

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
86.	KANO	Barr. Jamila Ahmed Salik	1. Engr Muhammad Ali Wudil 2. INEC	House of Reps	Pet. No. KN/EPT/HR/06/2011 Invalid election on ground of non-compliance with EA 2010 due to multiple voting, etc.	Declare that 1 <sup>st</sup> resp is not the winner, nullify his election/declare petitioner as winner
87.	KANO	1. Abdullahi N. Damargu 2. CPC	1. Lawn Shehu B. 2. INEC 3. REC 4. RO 5. Kabiru Dalha Kabiru	House of Reps	Pet. No.KN/EPT/HR/05/2011 That 2 <sup>nd</sup> petitioner won the election but was unlawfully excluded from the election/election invalid by reason of substantial non-compliance with EA 2010, as amended	Declare the 5 <sup>th</sup> resp not winner by reason of court order dated 29 <sup>th</sup> March, 2011/cancel the purported election and order fresh election.
88.	KANO	1. Hon A.A. Sule Lokon Makera 2. ANPP	1. Muhammed Bashir Galadanchi 2. PDP 3. Collation Officer, Gwale LGA 4. INEC RO 5. REC Kano 6. INEC	House of Reps	Pet. No.KN/EPT/HR/01/2011 1 <sup>st</sup> resp not qualified to contest/not meeting majority votes cast/corrupt practices/non compliance with court order in suit no. FHC/ABJ/CS/169/2011	Declare 1 <sup>st</sup> petitioner winner/set aside the return of 1 <sup>st</sup> resp.
89.	KANO	1. Barau Jibrin 2. ANPP	1. Sen Bello Hayyatu Gwarzo 2. PDP 3. REC Kano 4. INEC 5. 19 Ors	Senate	Pet. No.KN/EPT/SEN/04/2011 1 <sup>st</sup> resp not duly elected/ rather it was the 1 <sup>st</sup> petitioner that was elected having scored the majority votes.	An order that the votes that were wrongly invalidated be added to the votes rejected/declaration that 1 <sup>st</sup> petitioner is the winner having secured the lawful majority votes, etc.
90.	KANO	1. Alh Mutari Ishaq Yakasai 2. PDP	1. Alh Haruna Musa Fatahi 2. ANPP 3. INEC	House of Reps	Pet. No.KN/EPT/HR/03/2011 Invalid election on ground of non-compliance with EA 2010, corrupt practices/1 <sup>st</sup> resp not duly elected by lawful majority votes.	Declare election null and void/order fresh election.

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
91.	BENUE	1. Joseph I. Akaagerger 2. A.CN	1. B.A.I. Gemade 2. PDP 3. INEC 4. 187 Ors	Senate	Pet/No.NSHA/EPT/SEN/08/2011 ELECTION Invalid by reason of non-compliance with provisions of EA 2010, Guidelines for recruitment of INEC Ad Hoc Staff, Manual for Election Officials 2011, Const Fed Rep of Nigeria 1999 as amdd/1 <sup>st</sup> resp not duly elected by a majority of lawful votes cast at Benue North East Sen Election held on 9 <sup>th</sup> of April, 2011	A Declaration that the 1 <sup>st</sup> resp did not score majority of the lawful votes due to non-compliance with EA 2010,etc/Declaration of votes of 1 <sup>ST</sup> petitioner and 1 <sup>st</sup> resp invalid and unlawful having not been obtained in compliance with the law/deduct unlawful votes/Declare 1 <sup>st</sup> petitioner winner/issue certificate of return to 1 <sup>st</sup> petitioner.
92.	BENUE	1. Nelson G.O. Alapa 2. ANPP	1. Hon Ezekiel A.Adaji 2. PDP 3. INEC	House of Reps	That election was characterised by over voting, non-voting, etc.	Nullify the votes cast in the wards complained of, order fresh election, etc
93.	BENUE	1. Hon Barr Mike Demenenge Bul 2. Labour Party	1. INEC 2. Barnabas Gemade 3. PDP	Senate	That Petitioner was excluded from adequately preparing and participating at the election/invalid, marred with irregularities and non-compliance with EA 2010.	An order nullifying/setting aside the election, order fresh election.
94.	BENUE	Hon Musa O. Alechenu	1. Hon Ezekiel Adaji A. 2. INEC 3. PDP 4. REC 5. 33 Ors	House of Reps	Pet. No.NSHA/EPT/BN/REP/10/2011 That 1 <sup>st</sup> resp was not duly elected by majority of lawful votes cast/also invalid by reason of electoral malpractices and non-compliance with EA 2010/the said malpractices include over voting, inflation of votes, multiple thumb-printing, falsification of scores, etc.	Prays Tribunal to order, determine and declare that the resp has not been duly elected by majority of lawful votes/declare the petitioner the lawful and duly elected candidate.

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
95.	BENUE	1. Martha Shaikum Tilley Gyado 2. A.CN	1. Iorwase H.C. Hembe 2. PDP 3. INEC	House of Reprs	Pet. No.NSHA/EPT/BN/14/2011 1 <sup>st</sup> resp not duly elected by majority lawful votes/invalid by reason of corrupt practices and widespread irregularities and malpractices/non-compliance with EA 2010	Election in Konshisha LGA be declared null and void/an order cancelling the LGA election/an order returning 1 <sup>st</sup> petitioner as winner
96.	BENUE	1. Hon Uhondo Nanev Clement 2. ACN	1. Hon Emmanuel Lyambee Jime 2. PDP 3. INEC 4. 170 Others	House of Reprs	Pet. No.NSHA/EPT/BN/REP/05/2011 That save for election for 5 polling units in Saghev ward, the election into the Makurdi/Guma Fed Constituency was invalid by reason of non-compliance with EA 2010 as it was characterised by corrupt practices	Tribunal should declare that 1 <sup>st</sup> resp did not poll a majority of the lawful votes due to non-compliance/declare 1 <sup>st</sup> petitioner winner by returning him.
97.	BENUE	Major Gen Lawrence Onoja	1. Sen David Mark 2. PDP 3. INEC	Senate	Pet. No.NSHA/EPT/BN/SEN/11/2011 Invalid election by reason of corrupt practices and non-compliance/1 <sup>st</sup> resp not duly elected by majority lawful votes.	Declaration that the return of the 1 <sup>st</sup> resp is null and void/order of invalidation OR fresh election.
98.	BENUE	1. Onjeh Daniel Donald 2. A.CN	1. Hassan Anthony Saleh 2. PDP 3. INEC 4. 2 Ors	House of Reprs	Pet. No.NSHA/EPT/BN/REPS/07/2011 1 <sup>st</sup> resp not duly by reason of not been qualified to contest at the time of the election/1 <sup>st</sup> petitioner scored the highest votes/election invalid by reason of non-compliance with the EA 2010, as amended	Determine 1 <sup>st</sup> resp not qualified to contest/void 56.769 votes invalid/declare 1 <sup>st</sup> petitioner winner.
99.	BENUE	Godwin Ameh Udoh	1. Adamu O. Entono 2. PDP 3. INEC 4. 14 Others	House of Reprs	Pet. No.NSHA/EPT/BN/REP/09/2011 1 <sup>st</sup> resp not duly elected by majority of lawful votes cast/malpractices and irregularities/inflation of votes.	Declare that the petitioner was a candidate of ANPP/1 <sup>st</sup> resp not duly elected/that petitioner is the lawfully elected candidate/return the petitioner

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
100.	BENUE	Hon Barr Jacob Obdane Ajene	1. Hon Samson Okwu 2. PDP 3. INEC	House of Reps	Pet. No.NSHA/EPT/BN/REP/13/2011 1 <sup>st</sup> resp not duly elected by majority votes cast/election invalid by reason of corrupt practices and non-compliance with EA 2010.	Tribunal to order Forensic examination of ballot papers from Obi/Oju polling Fed Constituency/order fresh collation of results/declare nullify result in certain wards identified/OR remove scores in wards stated/order return of petitioner as winner.
101.	TARABA	1. Saidu Adama 2. ACN	1. PDP 2. Hon Isiaka Mohammed 3. INEC 4. 75 Ors	House of Reps	Pet. No.EPT/TR/R/01/2011 Petitioners not duly elected by majority lawful votes cast and that the 47,296 votes credited to the 2 <sup>nd</sup> resp is a summation of both lawful and unlawful votes.	Seeking an order that 2 <sup>nd</sup> resp did not win in Wukari/Ibi fed constituency/nullify the unlawful votes/set aside the return certificate issued to the 2 <sup>nd</sup> resp/Declare the 1 <sup>st</sup> petitioner winner/direct 3 <sup>rd</sup> resp to issue cert of return to the 1 <sup>st</sup> petitioner.
102	TARABA	1. Ach Aliyu P.S. Dankaro 2. ACN	1. PDP 2. Hon Emmanuel Bwacha G. 3. INEC 4. 112 Ors	Senate	Pet. No.EPT/TR/S/03/2011 That 2 <sup>nd</sup> resp was not duly elected by majority votes as 106,172 votes credited to 2 <sup>nd</sup> resp is a summation of both lawful and unlawful votes.	An order that 2 <sup>nd</sup> resp did not win/nullify the election/subtract the unlawful votes/declare the petitioner winner/order directing the 3 <sup>rd</sup> resp to issue cert of return to petitioner.

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
103	TARABA	1. Barr Yusuf N. Akirikwen 2. ACN	1. PDP 2. Hon Albert T. Sam Tsokwa 3. INEC 4. 103 Ors	House of Reps	Pet. No.EPT/TR/R/02/2011 2 <sup>nd</sup> resp not duly elected by lawful majority votes cast.	Order to nullify the election/subtract unlawful votes/nullify declaration of 2 <sup>nd</sup> resp as winner/set aside cert of return/declare petitioner as winner/order issue of cert of return to petitioner.
104	TARABA	1. Rev Jolly T. Nyame 2. ACN	1. PDP 2. Aisha Jummai 3. INEC 4. 109 Others	Senate	Pet. No.EPT/TR/S/04/2011 That the 2 <sup>nd</sup> resp was not duly elected by majority of lawful votes cast/114,131 votes credited to the 2 <sup>nd</sup> resp is summation of both lawful and unlawful votes,etc.	An order that the 2 <sup>nd</sup> resp did not win the lawful majority votes/order nullifying all the unlawful votes/set aside the election of the 2 <sup>nd</sup> resp/ an order declaring the petitioner as the lawful winner, etc.
105	KEBBI	1. Garba Umar Uba 2. PDP	1. Halima Hassan Tukur 2. INEC 3. REC Kebbi State	House of Reps	Pet. No.ept/kb/hr/1/2011 2 <sup>nd</sup> and 3 <sup>rd</sup> resp unlawfully excluded 1 <sup>st</sup> resp by the refusal of the 2 <sup>nd</sup> and 3 <sup>rd</sup> resp to include the name of the 1 <sup>st</sup> petitioner in the declaration of result dated 10 <sup>th</sup> April,2011/2 <sup>nd</sup> and 3 <sup>rd</sup> resp did not comply with a letter predicated on Fed High Court judgement delivered on 30 <sup>th</sup> March, 2011.	That the 1 <sup>st</sup> petitioner by a majority votes is entitled to be returned by the 2 <sup>nd</sup> and 3 <sup>rd</sup> resp as winner/thathe substitution of the 1 <sup>st</sup> petitioner by the 2 <sup>nd</sup> and 3 <sup>rd</sup> resp is unconstitutional, null and void.

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
106	KEBBI	1. Garba . Abdullahi 2. CPC	1. Hon Bello A. Kaoje 2. PDP 3. INEC 4. IGP 5. COP Kebbi State	House of Reps	Pet. No.EPT/KB/HR/5/2011 1 <sup>st</sup> resp not duly elected by lawful majority votes cast/election invalid by reason of corrupt practices and non-compliance with EA 2010/that 1 <sup>st</sup> petitioner scored the highest number of lawful votes and ought to have been declared winner and returned.	
107	KEBBI	1. Ibrahim Mohammed Bande 2. CPC	1. Muhammed Sani Umar Kalgo 2. PDP 3. INEC 4. IGP 5. COP Kebbi State	House of Reps	Pet. No.EPT/KB/HR/3/2011 1 <sup>st</sup> resp not duly elected by majority lawful votes/invalid by reason of corrupt practices or non-compliance/1 <sup>st</sup> petitioner ought to have been declared winner.	
108	KEBBI	1. Muhammed Umar Jega 2. CPC	1. Umar Halilu Aliero 2. PDP 3. INEC 4. Inspector General of Police 5. Commissioner of Police, Kebbi State	House of Reps	Pet. No.EPT/KB/HR/2/2011 1 <sup>st</sup> resp not duly elected by majority lawful votes cast/alternatively that the election was invalid by reason of corrupt practices or non-compliance with EA 2010/that the Petitioner scored the highest number of lawful votes cast and ought to be declared winner.	
109	KEBBI	1. Salisu Garba Koko 2. CPC	1. Hon Aminu Musa Koko 2. PDP 3. INEC 4. IGP 5. COP, Kebbi State	House of Reps	Pet. No.EPT/KB/HR/4/2011 1 <sup>st</sup> resp not duly elected by majority of the lawful votes; corrupt practices,non- compliance/1 <sup>st</sup> Petitioner scored the highest number of votes and ought to be declared winner	



S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
110	KEBBI	1. Bashir Isah 2. CPC	1. Hon Garba Musa Gulma 2. PDP 3. INEC 4. IGP 5. COP, Kebbi	House of Reps	Pet. No.EPT/KB/HR/6/2011 1 <sup>st</sup> resp not duly elected by majority of the lawful votes; corrupt practices, non-compliance/1 <sup>st</sup> Petitioner scored the highest number of votes and ought to be declared winner.	
111	KEBBI	1. Sen Muhammad Adamu Aliero 2. CPC	1. Sen Abubakar Atiku Bagudu 2. PDP 3. INEC 4. COP, Kebbi	Senate	Pet. No.EPT/KB 1 <sup>st</sup> resp not duly elected/corrupt practices, non-compliance/1 <sup>st</sup> Petitioner scored the highest number of votes and ought to be declared winner.	
112	KEBBI	1. Sen Umar A. Tafida Argungu 2. CPC	1. Sen Isa Muhammed 2. PDP 3. INEC 4. IGP 5. COP	Senate	Pet.No.EPT/KB/ 1 <sup>st</sup> resp not duly elected/corrupt practices, non-compliance/1 <sup>st</sup> Petitioner scored the highest number of votes.	
113	GOMBE	1. Yila Yaro Mustapha 2. ACN	1. Manu Yusuf 2. PDP 3. INEC 4. REC 5. 2 Others	House of Reps	Pet. No.EPT/GMB/HR/7/2011 1 <sup>st</sup> Petitioner unlawfully excluded by 3 <sup>rd</sup> resp	An order of Nullification/ order fresh election/

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
114	NASARA WA	1. Usman Shanwilu 2. Social Democratic Mega Party(SDMP )	1. Suleiman Asonya Adokwe 2. PDP 3. INEC 4. REC 5. RO	Senate	Pet. No.EPT/NS/NAS/4/2011 That 1 <sup>st</sup> Petitioner was duly and validly nominated but was unlawfully and unconstitutionally excluded from the election by the 3 <sup>rd</sup> – 5 <sup>th</sup> resps/that the election was invalid by reason of non-compliance with EA 2010 S.44(1)/that logo and symbol of the 2 <sup>nd</sup> petitioner was wrongly excluded thereby denying the petitioners rights of participating/that 1 <sup>st</sup> resp was unlawfully and illegally returned as winner.	An order nullifying the election and result as declared in favour of 1 <sup>st</sup> and 2 <sup>nd</sup> resps/order fresh election.
115	NASARA WA	1. Alh Tanko Wambai 2. CPC	1. Suleiman Asonya A. 2. PDP 3. RO 4. EO 5. REC 6. INEC	Senate	Pet. No. EPT/NS/NAS/1/2011 1 <sup>st</sup> resp not duly elected and did not score the majority of the lawful votes/invalid by reason of non-compliance/irregularities/corrupt practices.	Seeking to be returned as winner. Alternatively nullify and order fresh election
116	NASARA WA	1. Hon Samuel Azamu Egya 2. PDP	1. INEC 2. Musa Onwana Baba 3. CPC	House of Reps	That 2 <sup>nd</sup> resp not duly elected by majority lawful votes cast.	Determine 2 <sup>nd</sup> resp not duly elected/declare 1 <sup>st</sup> Petitioner duly elected and returned
117	NASARA WA	1. Ahmed Abdullahi Abokie 2. CPC	1. Alh Abdullahi Adamu 2. PDP 3. INEC 4. REC 5. 8 Ors	Senate	Pet. No.EPT/NA/NAS/2/2011 1 <sup>st</sup> resp not duly elected by reason of wrong allocation of votes, irregularities and non-compliance with EA 2010.	Seeking an order setting aside the return of 1 <sup>st</sup> resp/return 1 <sup>st</sup> petitioner as winner/ OR order fresh election.

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
118	IMO	1. Nonye Rajis Okpara 2. APGA	1. Osita Izunaso 2. PDP 3. INEC 4. RO	Senate	Pet. No.EPT/IM/NASS/SN/13/2011 That the election was invalid by reason of corrupt practices or non-compliance with the EA 2010/ 1 <sup>st</sup> resp not duly elected by majority of lawful votes cast.	Order cancellation of election held in 10 local govt areas/order fresh election, among other prayers.
119	IMO	1. Dr Kemdi Opara 2. APGA	1. Hon Bethel Amadi 2. INEC	House of Reps	Pet. No.EPT/IM/NASS/HR/11/2011 That 1 <sup>st</sup> resp was not duly elected by majority lawful votes cast or in the ALTERNATIVE that the election was invalid by reason of corrupt practices and acts of non-compliance with the EA 2010.	Seeking declaration that 1 <sup>st</sup> Petitioner scored majority votes and ought to be returned as winner/void the election of the 1 <sup>st</sup> resp/order issuance of certificate of return to the 1 <sup>st</sup> resp/or order fresh election.
120	IMO	1. Kenneth Nduka Agbakwuru 2. Labour Party (LP)	1. Hon Raphael Nwanna Igbokwe 2. INEC	House of Reps	Pet. No.EPT/IM/NASS/HR/01/2011 1 <sup>st</sup> Petitioner was validly nominated but was unlawfully excluded from the election.	Seeking declaration of 1 <sup>st</sup> Petitioner was validly nominated but was unlawfully excluded/ that the election of the 1 <sup>st</sup> resp is void/ order fresh election.
121	IMO	1. Hon Eze Chukwudi Leonard 2. ACN	1. Chief Jerry Alagboso 2. INEC 3. REC	House of Reps	Pet. No.EPT/IM/NASS/HR/03/2011 Petitioner aggrieved that the 1 <sup>st</sup> resp was not duly elected by majority of lawful votes cast/1 <sup>st</sup> resp election invalid by reason of diverse acts corrupt practices and/or non-compliance with EA 2010.	Declare 1 <sup>st</sup> resp not duly elected/invalid return/declare no election held in stated LGAs/etc.
122	IMO	1. Ambassador Dr (Mrs) Kema Chikwe 2. PDP	1. Sen Chris Anyanwu 2. INEC 3. RO	Senate	Pet. No.EPT/IM/NASS/SN/04/2011 Invalid election of 1 <sup>st</sup> resp by reason of corrupt practices or non-compliance/no majority lawful votes.	Declare 1 <sup>st</sup> resp not validly elected/ order cancellation of invalid votes/declare 1 <sup>st</sup> petitioner winner.

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
123	IMO	1. Chinedu F. Okoye 2. National Movt of Progressive Party	1. INEC 2. REC 3. RO 4. Hope Uzodinma 5. PDP	Senate	Pet. No.EPT/IM/NASS/SN/05/2011 1 <sup>st</sup> petitioner was validly elected but was unlawfully excluded.	Seeking nullification of the election and order fresh election.
124	IMO	Chief Cosmos Iwu	1. Amb Mathew Nwagwu 2. INEC	Senate	Pet. No.EPT/IM/NASS/SN/06/2011 Invalid by reason of corrupt practices and substantial non-compliance/unwarranted allocation of votes to the detriment of the petitioner.	Declare that the election was marred by corrupt practices, etc; 1 <sup>st</sup> not duly elected; nullify and order re-run.
125	IMO	1. Hon Chuka Ama Nwauwa 2. APGA	1. Engr Alphonsus Gerald Ironna 2. PDP 3. INEC 4. 4 Others	House of Reps	Pet. No.EPT/IM/NASS/HR/07/2011 That election was void by reason of malpractices, non-compliance/1 <sup>st</sup> resp on date of election was not qualified to contest.	Void election on irregularities and non-compliance/set aside /order fresh election/1 <sup>st</sup> resp not qualified to contest.
126	IMO	1. Barr Harrison Anozie Nwadike 2. ACN	1. Sir Chukwudi Victor Onyereri 2. PDP 3. INEC 4. SSS 5. Nigerian Police Force	House of Reps	Pet. No.EPT/IM/NASS/HR/08/2011 That 1 <sup>st</sup> resp not duly elected/corrupt practices or non-compliance.	Declare the election was marred by corrupt practices, etc/1 <sup>st</sup> resp not duly elected/Declare 1 <sup>st</sup> petitioner as winner/ Alternatively nullify the election.
127	IMO	1. High Chief Chidi Ibe, MFR 2. APGA	1. Hon Igbokwe Raphael Uzochi Nnanna 2. INEC 3. REC	House of Reps	Pet. No.EPT/IM/NASS/HR/09/2011 1 <sup>st</sup> resp not duly elected/invalid by reason of corrupt practices/and,or non-compliance with EA 2010, as amended	Declare 1 <sup>st</sup> resp not duly elected/void the return/declare petitioner as winner/etc

S/N	STATE	PETITIONER / PARTY	RESPONDENT	OFFICE	COMPLAINT	PRAYERS/REMARKS
128	IMO	1. Chief Achike Udenwa 2. ACN	1. Chief Hope Uzodinma 2. INEC	Senate	Pet.No. EPT/IM/NASS/SN//10/2011 1 <sup>st</sup> resp was not qualified to contest and his election void by reason of advertisement that he was not qualified.	Declare 1 <sup>st</sup> resp not qualified/PDP had no candidate/nullify declaration of result/order 2 <sup>nd</sup> resp to issue certificate to 1 <sup>st</sup> Petitioner.
129	IMO	1. RT Hon Kelechi Kennedy Nwagwu 2. Labour Party	1. RT Hon Bethel Nnemeka Amadi 2. PDP 3. INEC 4. 14 Others	House of Reps	Pet. No. EPT/IM/NASS/HR/12/2011 Election invalidated in all parts except in few wards due to non-compliance/corrupt practices.	Marred election/declare 1 <sup>st</sup> resp not elected/order cancelled election in the constituency.
130	IMO	1. Dr Celestine Izunobi 2. APGA	1. Chief Jerry Alagboso 2. Hon Eze Chukwudi Leonard 3. INEC 4. REC	House of Reps	Pet. No.EPT/IM/NASS/HR/14/2011 1 <sup>st</sup> resp not duly elected/invalid due to corrupt practices and non-compliance with EA 2010, as amended	Declare 1 <sup>st</sup> resp not the winner and invalid the election and inconclusive.
131.	IMO	Chief Okey Okoro	1. Dr Eddie Mbadiwe 2. APGA 3. INEC 4. 10 Ors	House of Reps	Pet. No.EPT/IM/NASS/HR/02/2011 Ideato South Local Govt Area election alleged invalid by reason of corrupt practices and substantial non-compliance with EA 2010/1 <sup>st</sup> resp was not duly elected by majority of lawful votes cast at the election.	Declare 1 st resp as not duly elected/cancel election in the said ward/LGA/Invalidate/declare petitioner as winner and return him.

## ANNEX E: ELECTION RESULTS

### SENATORIAL ELECTIONS 2011

Election overview*		
	Votes	Percentage
Valid votes	21,488,958**	unknown
Invalid or blank votes	Not published by INEC	unknown
<b>Total votes</b>	Not published by INEC	unknown
Voter turnout		unknown
Electorate		73,528,040

\*Data as on 18 April 2011

\*\* As on 18 April, INEC published results from 60 out of 90 Senatorial Districts

### HoR ELECTIONS 2011

Election overview*		
	Votes	Percentage
Valid votes	20,972,064**	unknown
Invalid or blank votes	Not published by INEC	unknown
<b>Total votes</b>	Not published by INEC	unknown
Voter turnout		unknown
Electorate		73,528,040

\*Data as on 18 April 2011.

\*\*As on 18 April, INEC published results from 223 out of 360 Federal Constituencies

### PRESIDENTIAL ELECTIONS 2011

Election overview		
	Votes	Percentage
Valid votes	38,209,978	96.81%
Invalid or blank votes	1,259,506	3.19%
<b>Total votes</b>	39,469,484	100.00%
Voter turnout		53.68%
Electorate		73,528,040

### GOVERNORSHIP ELECTIONS 2011

Election overview*		
	Votes	Percentage
Valid votes	25,971,242**	unknown***
Invalid or blank votes	Not published by INEC	unknown
<b>Total votes</b>	Not published by INEC	unknown
Voter turnout		unknown****
Electorate		73,528,040

\*Data as on 18 April 2011

\*\*As on 18 April, INEC published results from 23 out of 26 States holding Governorship elections

\*\*\* EU EOM calculation: 48,8% of the electorate cast their **valid** vote

\*\*\*\* EU EOM estimation: the turnout could be estimated at 53-55%

### STATE HOUSES OF ASSEMBLY ELECTIONS 2011

Election overview*		
	Votes	Percentage
Valid votes	30,703,471	unknown**
Invalid or blank votes	Not published by INEC	unknown
<b>Total votes</b>	Not published by INEC	unknown
Voter turnout		unknown***
Electorate		73,528,040

\*Data as on 18 April 2011

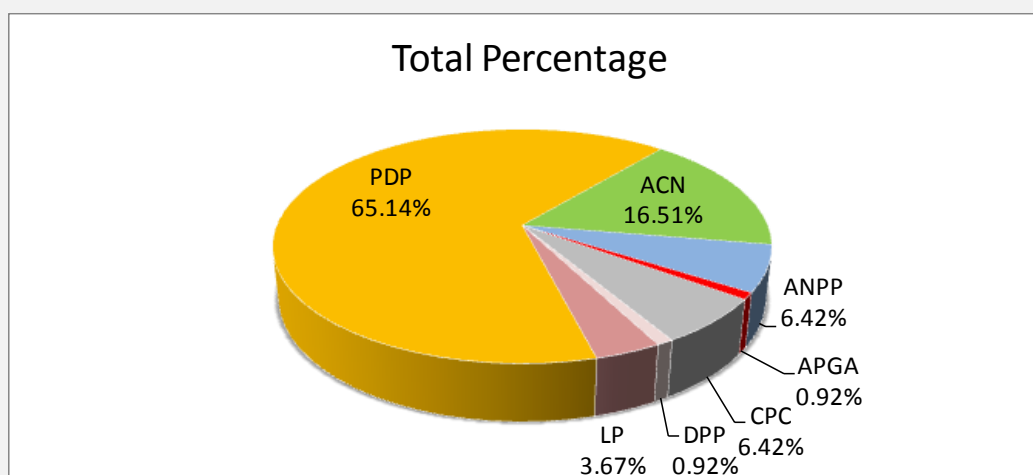
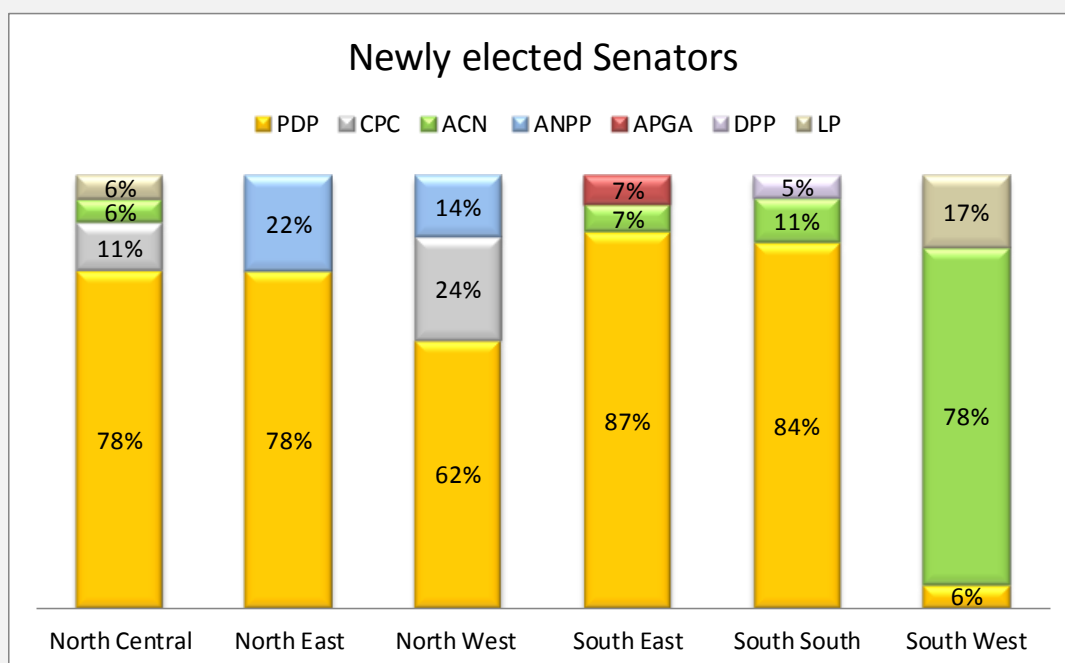
\*Elections were held in all 36 States, but not in the FCT

\*\*EU EOM calculation: 42,3% of the electorate cast their **valid** vote

\*\*\* EU EOM estimation: the turnout could be estimated at 45-47%

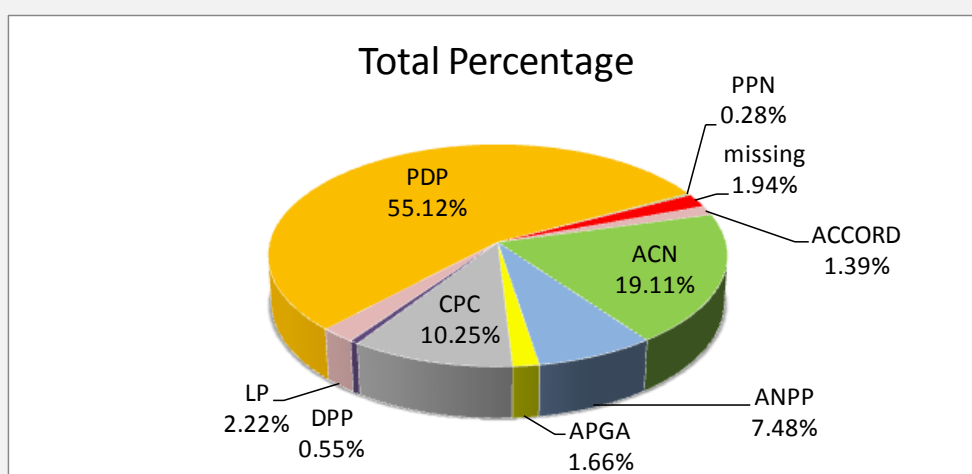
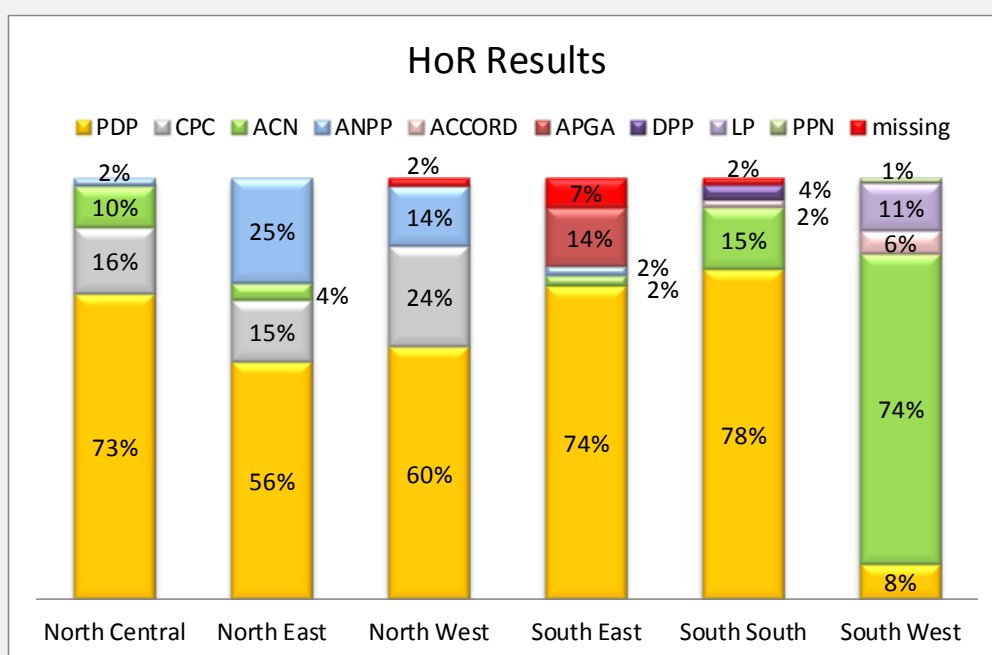
### SENATORIAL ELECTIONS 2011

Zone	ACN	ANPP	APGA	CPC	DPP	LP	PDP	TOTAL
North Central	1			2		1	14	18
North East		4					14	18
North West		3		4			13	21
South East	1		1				13	15
South South	2				1		16	19
South West	14					3	1	18
<b>TOTAL</b>	<b>18</b>	<b>7</b>	<b>1</b>	<b>7</b>	<b>1</b>	<b>4</b>	<b>71</b>	<b>109</b>



### HoR ELECTIONS 2011

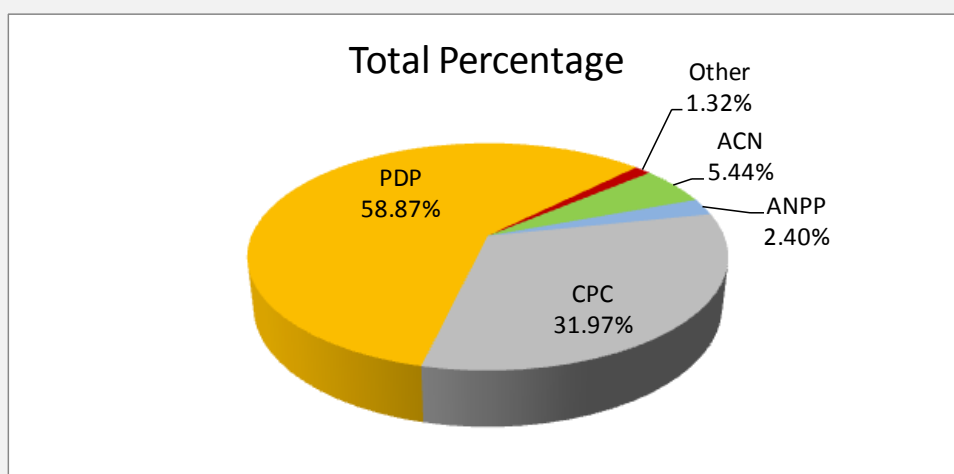
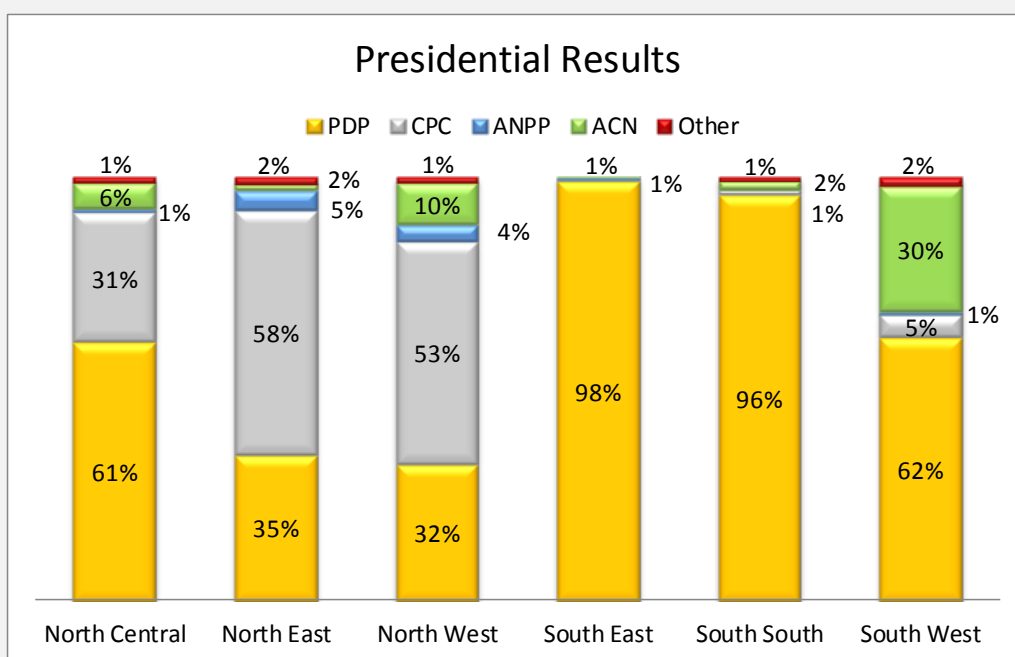
Zone	ACCORD	ACN	ANPP	APGA	CPC	DPP	LP	PDP	PPN	Missing
North Central		5	1		8			37		
North East		2	12		7			27		
North West			13		22			55		2
South East		1	1	6				31		3
South South	1	8				2		43		1
South West	4	53					8	6	1	
<b>TOTAL</b>	<b>5</b>	<b>69</b>	<b>27</b>	<b>6</b>	<b>37</b>	<b>2</b>	<b>8</b>	<b>199</b>	<b>1</b>	<b>6</b>





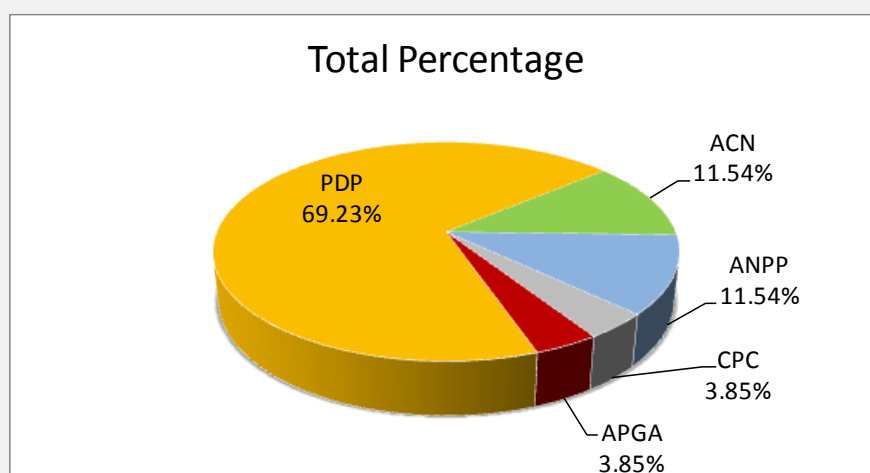
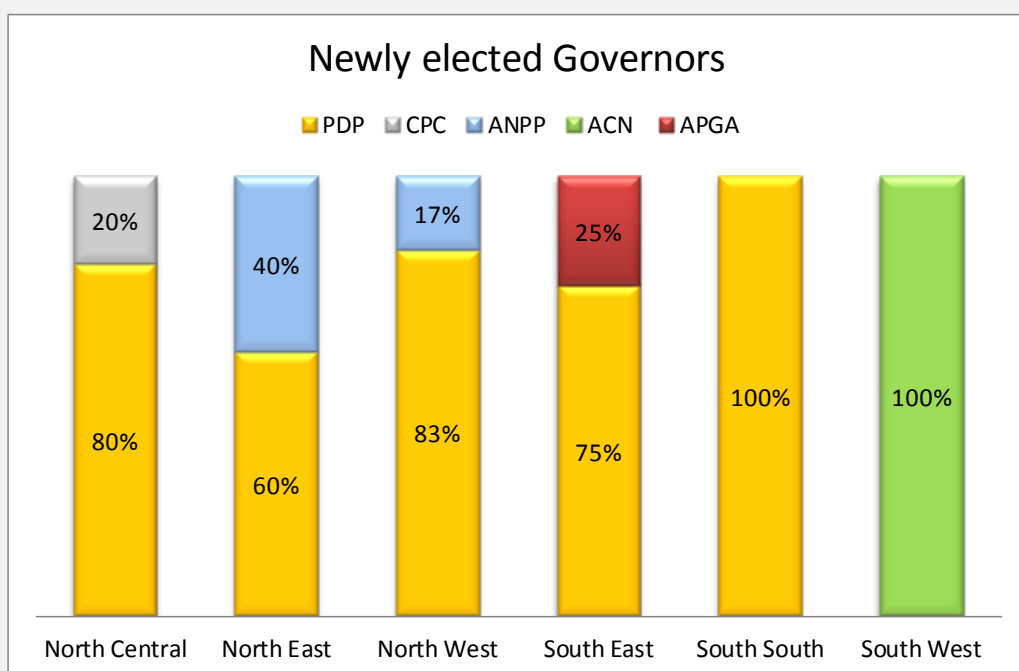
### PRESIDENTIAL ELECTIONS 2011

Zone	ACN	ANPP	CPC	PDP	Other
North Central	6%	1%	31%	61%	1%
North East	2%	5%	58%	35%	2%
North West	10%	4%	53%	32%	1%
South East	1%	1%		98%	
South South	2%		1%	96%	1%
South West	30%	1%	5%	62%	2%
<b>TOTAL</b>	<b>5.44%</b>	<b>2.40%</b>	<b>31.97%</b>	<b>58.87%</b>	<b>1.32%</b>

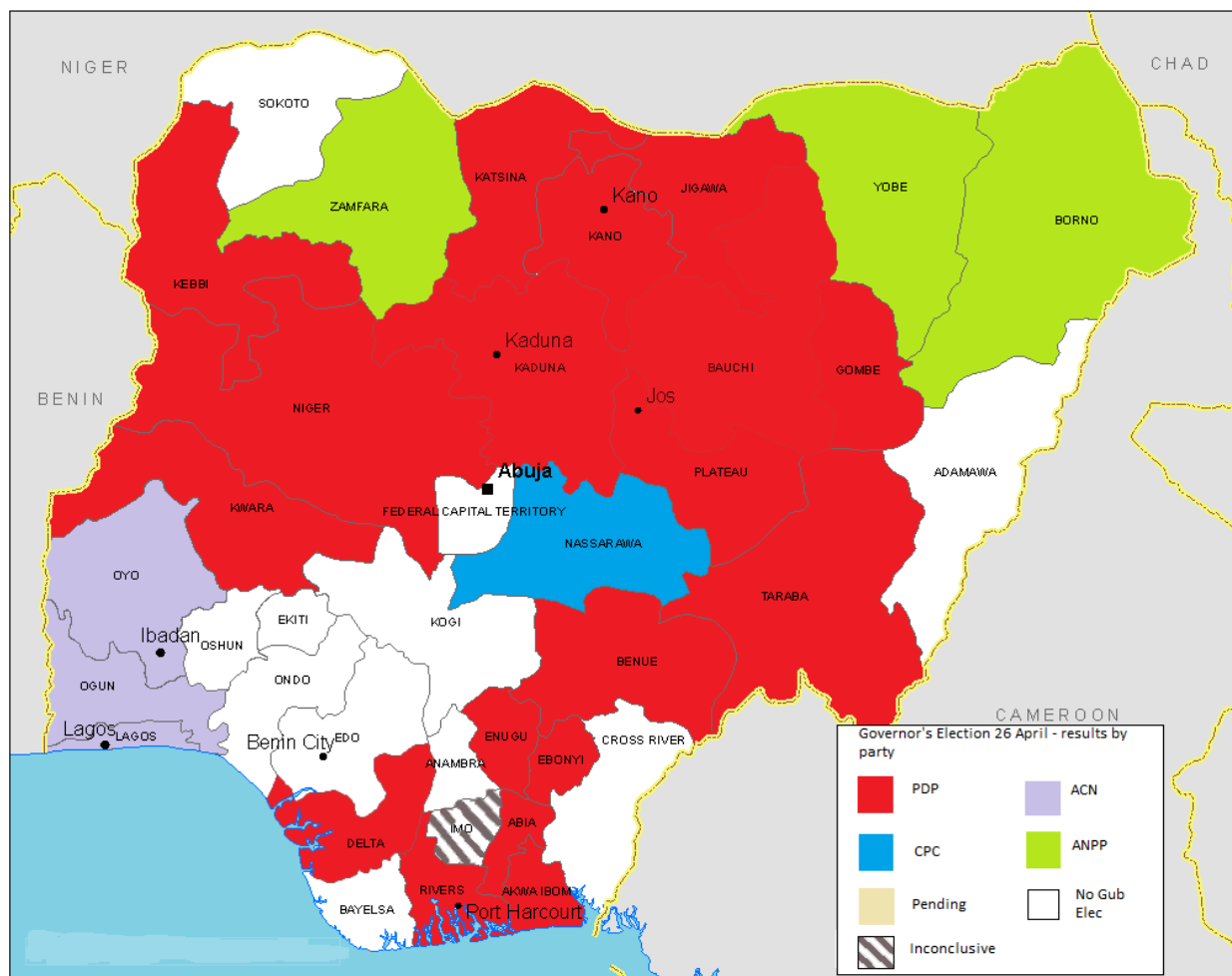


### GOVERNORSHIP ELECTIONS 2011

Zone	PDP	CPC	ANPP	ACN	APGA	TOTAL
North Central	4	1				5
North East	3		2			5
North West	5		1			6
South East	3				1	4
South South	3					3
South West				3		3
<b>TOTAL</b>	<b>18</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>26</b>



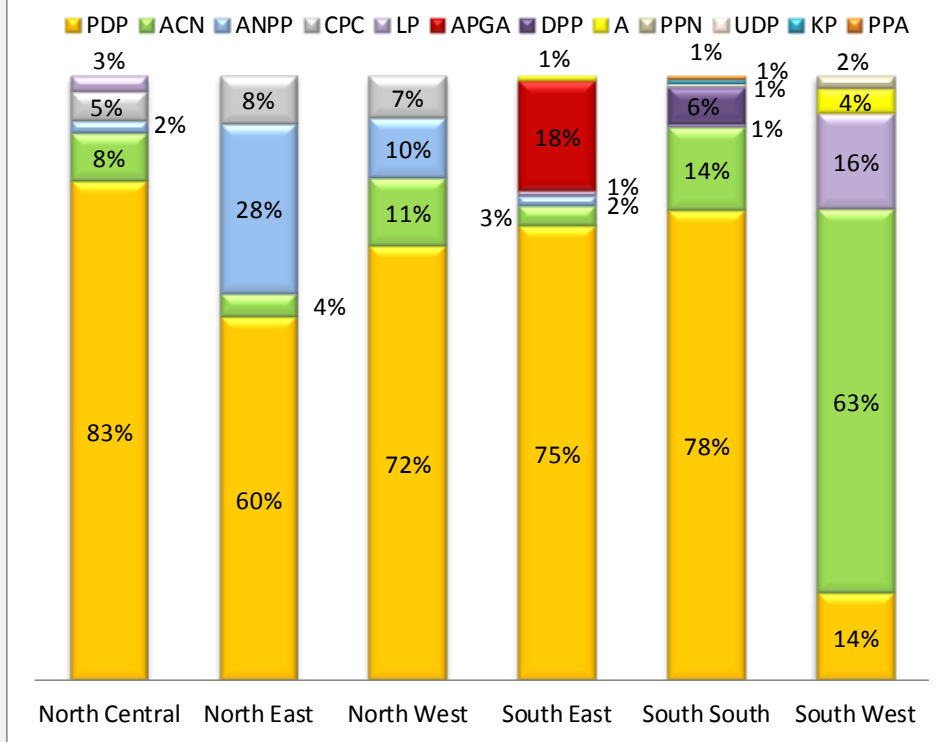
### 2011 Gubernatorial elections: winning parties



### STATE HOUSES OF ASSEMBLY ELECTIONS 2011

Zone	PDP	ACN	ANPP	CPC	LP	APGA	DPP	A	PPN	UDP	KP	PPA	TOTAL
North Central	123	12	3	7	4								149
North East	92	6	43	12									153
North West	174	27	24	17									242
South East	91	4	2		1	22		1					121
South South	119	21			1		9			1	1	1	153
South West	21	92			23			6	3				145
<b>TOTAL</b>	<b>620</b>	<b>162</b>	<b>72</b>	<b>36</b>	<b>29</b>	<b>22</b>	<b>9</b>	<b>7</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>963</b>

### State Houses of Assambly Results



### Total Percentage

