



# **NIGERIA**

## **FINAL REPORT**

### **GUBERNATORIAL AND STATE HOUSES OF ASSEMBLY ELECTIONS**

**14 April 2007**

## **AND**

### **PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS**

**21 April 2007**

## **EUROPEAN UNION ELECTION OBSERVATION MISSION**

*This report was produced by the EU Election Observation Mission and presents the EU EOM's findings on the 14 April 2007 Gubernatorial and State Houses of Assembly Elections and the 21 April 2007 Presidential and National Assembly Elections in the Republic of Nigeria.. These views have not been adopted or in any way approved by the Commission and should not be relied upon as a statement of the Commission. The European Commission does not guarantee the accuracy of the data included in this report, nor does it accept responsibility for any use made thereof.*

## TABLE OF CONTENTS

<b>I.</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>II.</b>	<b>INTRODUCTION .....</b>	<b>4</b>
<b>III.</b>	<b>NIGERIA’S OBLIGATIONS UNDER INTERNATIONAL AND REGIONAL STANDARDS.....</b>	<b>4</b>
<b>IV.</b>	<b>POLITICAL BACKGROUND .....</b>	<b>5</b>
	A: Political Context of the Elections.....	5
	B: Elected Institutions.....	7
<b>V.</b>	<b>LEGAL ISSUES .....</b>	<b>8</b>
	A: Legal Framework for the 2007 Elections.....	8
	B: Involvement of the Judiciary.....	9
<b>VI.</b>	<b>ELECTION ADMINISTRATION.....</b>	<b>10</b>
	A: Structure and Composition of the Election Administration.....	10
	B: Administration of the 2007 Elections .....	12
<b>VII.</b>	<b>VOTER REGISTRATION.....</b>	<b>13</b>
<b>VIII.</b>	<b>REGISTRATION OF POLITICAL PARTIES AND CANDIDATES.....</b>	<b>16</b>
<b>IX.</b>	<b>ELECTION CAMPAIGN AND PRE-ELECTION ENVIRONMENT.....</b>	<b>18</b>
	A: Abuse of State Resources.....	19
	B: Campaign Finance.....	19
	C: Election Related Violence.....	20
<b>IX.</b>	<b>MEDIA ENVIRONMENT.....</b>	<b>22</b>
	A: Media Landscape .....	22
	B: Legal Framework for the Media and Elections.....	23
	C: Monitoring of Media Coverage of the Elections .....	24
<b>XI.</b>	<b>PARTICIPATION OF WOMEN IN THE ELECTORAL PROCESS .....</b>	<b>26</b>
<b>XII.</b>	<b>PARTICIPATION OF CIVIL SOCIETY.....</b>	<b>27</b>
<b>XII.</b>	<b>COMPLAINTS AND ELECTION PETITIONS .....</b>	<b>29</b>
	A: Complaints .....	29
	B: Election Petitions .....	30
<b>XIV.</b>	<b>ELECTION DAY – 14 APRIL 2007 .....</b>	<b>31</b>
<b>XV.</b>	<b>ELECTION DAY – 21 APRIL 2007 .....</b>	<b>35</b>
<b>XVI.</b>	<b>RESULTS AND RESULTS ANALYSIS.....</b>	<b>39</b>
	A: Results Process.....	39
	B: Results.....	41
<b>XVII.</b>	<b>RECOMMENDATIONS .....</b>	<b>41</b>
	<b>ANNEX 1: ELECTION DAY INCIDENT REPORTS .....</b>	<b>49</b>

## I. EXECUTIVE SUMMARY

Elections for State Governors and 990 Legislators in the 36 State Houses of Assembly were held on 14 April 2007 and elections for the Federal President, 109 Members of the Senate and 360 Members of the House of Representatives took place on 21 April 2007. Following an invitation from the Independent National Electoral Commission (INEC), the European Union (EU) established an Election Observation Mission (EOM) with a mandate to conduct a comprehensive assessment of the electoral process in accordance with international standards for democratic elections. The EU EOM was led by Chief Observer Mr. Max van den Berg (Netherlands), Member of the European Parliament, and consisted of 11 Core Team experts, 66 Long Term Observers and 60 Short Term Observers from 21 EU Member States as well as Norway and Switzerland. Based in Abuja it was deployed on 14 March 2007 and undertook observation in 33 of the 36 States plus the Federal Capital Territory (FCT).

The 2007 State and Federal elections fell far short of basic international and regional standards for democratic elections.<sup>1</sup> They were marred by very poor organisation, lack of essential transparency, widespread procedural irregularities, substantial evidence of fraud, widespread voter disenfranchisement at different stages of the process, lack of equal conditions for political parties and candidates and numerous incidents of violence. As a result, the process cannot be considered to have been credible. Given the lack of transparency and evidence of fraud, particularly in the result collation process, there can be no confidence in the results of these elections. This is all the more regrettable since they were held in an improved atmosphere in which freedoms of expression and assembly were broadly respected during campaigning, the judiciary played a generally positive and independent role and the people showed remarkable commitment to democracy, eagerly engaging in the electoral process and waiting patiently to vote in often very difficult circumstances.

The Electoral Act 2006 contains some improvement in comparison to the Electoral Act 2002. However, independence of INEC from the executive was not established due to the fact that presidential involvement in the appointment of INEC Commissions was retained. Significantly, fundamental transparency requirements, in particular for the collation and publication of results, requiring polling station results to be publicly displayed at all levels of the counting and collation processes were not included, leaving the electoral process wide open to fraud.

INEC, which was financially dependent on the executive, was responsible for administrative failure on a nationwide scale. It did not prepare well for the elections and experienced widespread lack of confidence among election stakeholders in relation to its capacity and impartiality. Deadlines were missed throughout the pre-election period and it lacked transparency in its decisions and conduct. INEC was selective and inconsistent in the application and enforcement of electoral legislation. Training of polling staff started late, was of poor quality and in some areas did not take place at all. Engagement with political parties and civil society was poor. Overall, civic and voter education was very limited and ineffective.

The voter registration exercise conducted by INEC was marred by delays due to a lack of available direct data capturing machines, technical break downs and establishment of illegal voter registration centres. The quality of the final voter register was poor and included under age voters, double entries, missing and blurred pictures of voters. The voter register was not displayed at local level as required by the law and was only partly posted prior to election day for orientation purposes only. Permanent voter registration cards were not issued due to the late publication of the final voter register.

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<sup>1</sup> In particular those contained in the International Covenant on Civil and Political Rights (ICCPR), which Nigeria ratified in 1993, and the Economic Community of West African States' (ECOWAS) Protocol on Democracy and Good Governance, adopted in 2001. Standards that were breached include Article 25 of the ICCPR, and Articles 3, 5, 6, 7 of the ECOWAS Protocol on Democracy and Good Governance, relating to secrecy of the vote, universal franchise, independence and neutrality of the election administration, transparency and the disposal of petitions.

The pre-election period saw a vigorous campaigning throughout the country, particularly in states where there was the prospect of a change in power. However, a lack of transparency and accountability in campaign spending, together with the misuse of state resources gave advantage to incumbent parties at the state and federal level, and meant there was an uneven playing field for candidates and parties. Payment to potential voters was both witnessed by, and reported to, EU observers. Violence was a major issue of concern and incidents increased as the election days drew nearer. Credible reports indicated that at least 200 people, including candidates and police were killed in election related incidents. This is unacceptable not only with respect to right to life but also to the democratic process. The continuing and widespread use of thugs by a number of political parties created a significant degree of fear and intimidation. Despite welcomed and repeated messages from security agencies showing a tolerance zero policy towards political violence, the security agencies, INEC and political parties did not appear to take decisive steps to address the situation and hold perpetrators to account.

There is a vibrant and expanding media environment. Presidential contestants and their parties were given equal access to discussion programmes, aired on state as well as private broadcast media, facilitating informed choices of voters. However, there was a failure to adhere to the legal requirements to provide balanced coverage by state-owned media which showed bias in favour of the incumbent party, and more generally by broadcast media, which focused on a small number of parties only. Generally, journalists were able to operate in an environment of relative freedom, given the systematic weaknesses that characterise the media sector.

On election day for the state elections, polling started late throughout the country due to the late arrival of polling officials and materials, which were often incomplete. In several areas, polling did not take place at all. Polling stations were generally under-staffed with officials who were under-trained. Procedures were often poorly followed and the secrecy of the ballot was not guaranteed in the majority of polling stations visited by EU observers. However party agents were seen in almost all polling stations visited with domestic observers present in close to half. Incidents of hijacking of ballot boxes were witnessed by EU observers, who reported widespread irregularities, including under-age voting, and significant evidence of fraud, particularly during the result collation process, which completely lacked transparency due to the fact that polling station results were not publicly displayed at any level of the election administration throughout the country. Following INEC's decision to order a complete re-run of the gubernatorial election in Imo State, it should have initiated investigations in a number of other states and given serious consideration to ordering complete election re-runs where serious concerns were raised by political parties, civil society and the media about the conduct of elections.

On election day for the federal elections, polling materials, including ballot papers, again arrived late and incomplete at many of the polling stations observed, resulting in significant delays in opening. Several National Assembly elections had to be postponed due to the incorrect printing of ballot papers, and at times there were insufficient numbers of presidential ballot papers. Party agents were again seen in almost all polling stations visited with domestic observers present in around half. A heavier security presence helped contribute to a reduction in violent incidents. Again, polling procedures were often poorly followed and the secrecy of the vote was not guaranteed in the majority of polling stations observed. EU observers witnessed many examples of fraud, including ballot box stuffing, multiple voting, intimidation of voters, alteration of official result forms, stealing of sensitive polling materials, vote buying and under-age voting. Despite assurances by INEC, polling station result forms were not displayed at polling stations or superior levels of the election administration. In a development that cast further doubt on the integrity of the results, at the time of the announcement of the result of the presidential election, some state presidential results had not been compiled or transferred to the INEC headquarters in Abuja.

Several disputes relating, in particular, to (i) the powers and functions of INEC, and (ii) the nomination, substitution and disqualification of candidates brought the judiciary into centre stage in

the electoral process. Overall, the Judiciary, in generally acting impartially, were considered to have made a positive contribution to the election process. However, the lack of adequate procedures and time limits for initiation and adjudications of complaints and appeals prior to election day resulted in a number of disputes being dealt with by the courts just a few days before the elections. Some remained pending until after the election. In a positive development the Court of Appeal established mechanisms to simplify and ensure timely determination of post-election petitions. However, the mechanisms have not proved as effective as hoped and at the time this report was issued,<sup>2</sup> most election petitions remained pending before the election tribunals.

Civil society organisations mounted a comprehensive observation exercise. However, INEC unnecessarily delayed the accreditation of both domestic and international election observers which restricted the oversight role they could play. Most domestic observer groups only received accreditation cards on the day before the state elections, and then in insufficient numbers. Screening of domestic observer organisations was undertaken by the State Security Services.

Despite strong commitments from INEC during the pre electoral period, significant efforts by civil society and measures by some political parties to waive nomination fees for female candidates, women remain underrepresented as candidates and within the electoral administration.

The high levels of poverty, illiteracy and lack of access to basic needs, including education has an impact on the conduct of elections. Reaching the Millennium Development Goals should therefore be a key aspect of the consolidation of democracy as well as contributing towards improving social justice and economic development. In addition, increased international support should be directed towards good governance and democratisation, particularly through civil society organisations.

In order for the citizens of Nigeria to have trust and confidence in the political and electoral process, a comprehensive and transparent investigation should be undertaken into the conduct of the elections to ensure that those responsible for the chaos and irregularities are held to account. INEC should publish detailed results of the 2007 elections broken down to polling station level on its website and publicly display these results at INEC offices so that an independent audit can be undertaken from the polling station level through to final aggregated results. Urgent remedial action by the relevant authorities and stakeholders is necessary to restore conditions for the holding of credible and transparent elections. In this context, detailed recommendations are included at the end of this report by way of assistance to the process of improving the framework for elections. Some of the key recommendations include:

- Concrete steps should be taken to establish a truly independent and capable election administration. This should include the introduction of a transparent, inclusive and accountable system for the nomination and appointment of INEC Commissioners and Resident Electoral Commissioners (RECs) which ensures the confidence of election stakeholders.
- INEC should immediately start work to improve the voter register, removing double registration, under age entries, entries without pictures and other shortcomings. This should be undertaken with a view to ensuring public and political confidence at all stages of the process
- Voting booths should be used in all polling stations and procedures to ensure the secrecy of the vote should be implemented effectively.
- Impunity for electoral violations should cease and political parties should end the practice of hiring thugs to perpetrate electoral violence.
- Transparency should be enhanced and ensured, particularly with regard to INEC meetings and decisions and swift publication of detailed polling station results at all levels of the election administration.
- An effective framework should be established to ensure that the mass media provides equitable access and coverage to political parties and candidates during the campaign period.

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<sup>2</sup> This final report was issued on 21 August 2007.

- Complaints, appeals and petitions procedures should be enhanced to ensure clear, effective, transparent and timely processes for election stakeholders.

The EU EOM urges the authorities, political parties and civil society of Nigeria to swiftly start to take these and other required steps in order to improve the framework and conduct of future elections in accordance with international standards for democratic elections.

## **II. INTRODUCTION**

Elections for the 36 State Governors and 990 Legislators in the 36 State Houses of Assembly were held on 14 April 2007 and elections for the President of Nigeria, 109 Members of the Senate and 360 Members of the House of Representatives took place on 21 April 2007. Following an invitation from the Independent National Electoral Commission (INEC), the European Union (EU) established an Election Observation Mission (EOM) in Nigeria with a mandate was to conduct a comprehensive assessment of the electoral process in accordance with international principles for genuine democratic elections.<sup>3</sup> The Chief Observer was Mr. Max van den Berg (Netherlands), Member of the European Parliament. The EU EOM adhered to the Declaration of Principles for International Election Observation, commemorated at the United Nations in October 2005.

The EU EOM was deployed on 14 March 2007. Based in Abuja, the Mission undertook observation in 33 of the 36 States of Nigeria plus the Federal Capital Territory (FCT). The EU EOM consisted of 11 core team experts, 66 long-term observers and 60 short-term observers, coming from 21 EU Member States as well as Norway and Switzerland. The EU EOM issued its statement of preliminary findings and conclusions on 23 April 2007.<sup>4</sup> The EU EOM closed its operations on 7 May 2007 but retained one local staff member until the end of August 2007 to continue monitoring the election petition and tribunal processes and other legal challenges related to the elections.

## **III. NIGERIA'S OBLIGATIONS UNDER INTERNATIONAL AND REGIONAL STANDARDS**

Nigeria has ratified the most prominent international and regional treaties related to human rights, including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All forms of Racial Discrimination, (CERD) and the African Charter on Human and Peoples' Rights (ACHPR), which provide the basic civil and political rights related to elections and the democratic process. Nigeria has also ratified the Convention on the Elimination of Discrimination Against Women (CEDAW) and 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 rights to vote. The provisions included in these international treaties are binding for Nigeria which therefore has the obligation to strive towards compliance. Nigeria has additional commitments to good governance, human rights, the 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. Together with the Universal Declaration of Human Rights, the provisions included in these international and regional

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<sup>3</sup> See "Declaration of Principles for International Election Observation", commemorated at the United Nations on 27 October 2005:

[http://europa.eu.int/comm/external\\_relations/human\\_rights/eu\\_election\\_ass\\_observ/docs/code\\_conduct\\_en.pdf](http://europa.eu.int/comm/external_relations/human_rights/eu_election_ass_observ/docs/code_conduct_en.pdf).

<sup>4</sup> See the EU EOM website ([www.eueom-ng.org](http://www.eueom-ng.org)) and the European Commission's election observation webpage ([http://ec.europa.eu/comm/external\\_relations/human\\_rights/eu\\_election\\_ass\\_observ/index.htm](http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/index.htm)).

instruments are commonly referred to as “regional and international standards” for democratic elections.

The Universal Declaration of Human Rights contains six universal standards: elections are held periodically, elections are genuine, there is a right to universal suffrage, there is a right to equal suffrage, elections are based on the free will of voters and the right to a secret ballot. Article 25 of the ICCPR, reiterates and expands them by granting to each citizen the right to vote and the right to stand for election.<sup>5</sup> Article 13 of the African Charter on Human and Peoples’ Rights reiterates the same rights. The ECOWAS Protocol on Democracy and Good Governance stresses a number of the above mentioned standards in relation to the universal principles in electoral matters.<sup>6</sup> For example, under the title of “Constitutional Convergence Principles”, the ECOWAS Protocol underlines the necessity of “free, fair and transparent elections.”<sup>7</sup> The Protocol also mentions the principle of periodic elections,<sup>8</sup> the principle of transparency in the preparation of the voter list,<sup>9</sup> in the preparation and conduct of elections and the announcement of results<sup>10</sup> and in election petitions;<sup>11</sup> the importance of voter education<sup>12</sup> and the necessity of a neutral and independent body responsible for organising the elections which shall have the confidence of all political actors.<sup>13</sup> The NEPAD 2001 framework, under democracy and political governance initiative, also mentions the specific requirement of transparency.<sup>14</sup>

With respect to fundamental rights, the Nigerian Constitution also underlines the right to life and urges the State to direct its policy towards ensuring social justice and economic development. In line with a resolution of the UN General Assembly, Nigeria established a National Human Rights Commission (NHRC) in 1995. Although the early dismissal, in June 2006, of its Executive Secretary by the Federal Government was strongly condemned by national and international human rights organisations, a 2006 National Action Plan for the Promotion and Protection of Human Rights was adopted and a Bill to amend the NHRC 1995 Act is currently under consideration. However, in the Bill, the head of the NHCR will continue to be appointed by the President.<sup>15</sup>

## IV. POLITICAL BACKGROUND

### A: POLITICAL CONTEXT OF THE ELECTIONS

The 2007 general elections were the third such elections to be held since the transition from military to civilian rule in 1999 and were widely considered to be a crucial test of the commitment of the Nigerian authorities to strengthening democracy. For the first time since independence, the elections would see power transferred from one civilian President to another. They would also have a significant impact on the potential to find a solution for the serious problems of internal security and national cohesion. Following the problematic conduct of the 2003 elections, the 2007 elections provided an opportunity to strengthen public confidence in the electoral and wider democratic process.

<sup>5</sup> Article 25 has been complemented by General Comments by the UN Human Rights Committee.

<sup>6</sup> Article 16 states that an ECOWAS election observation mission will assess the elections from the point of view of the “national laws governing the elections and the universal principles in electoral matters.”

<sup>7</sup> Article 1.b.

<sup>8</sup> Article 2

<sup>9</sup> Article 5

<sup>10</sup> Article 6

<sup>11</sup> Article 7

<sup>12</sup> Article 8

<sup>13</sup> Article 3.

<sup>14</sup> Paragraph 80.

<sup>15</sup> The strengthening of the NHRC has also been recommended by the UN Special Rapporteur on Torture, who visited Nigeria in March 2007, as part of the measures to be taken in order to eradicate widespread torture.

The first general elections, just before independence from Britain in 1960, were held in 1959. In 1963, a federal system was introduced in an attempt to maintain national unity among the more than 500 ethno-linguistic groups. The first Republic (1963-1966) was marred by political unrest and the unity of Nigeria was mainly guaranteed by the military. An attempt by the military dictator General Ironsi to form a central government led to the civil war in Biafra (1966-1970). General Obasanjo, who built a reputation during the war, came to power in 1976 after President General Murtala Mohamed was killed in a coup. General Obasanjo stayed in office until 1979 when he handed over power to the newly elected President Shagari ("Second Republic").

Under Shagari a new constitution was introduced, which changed the political system from a parliamentary Westminster style system to a presidential system more orientated on the US example. Among the political elite this was considered a lesson learnt as according to the Nigerian political discourse the parliamentary system adopted at independence was mainly responsible for the military coup in 1966. The new system gave the President immense powers and substantially diminished parliament's influence. The 1979 constitution with its inbuilt strong presidential powers later formed the basis for the current constitution that was adopted in 1999. The elections in 1983 were marred by large-scale malpractice and violence and set the stage for the end of the Second Republic, following the military take over by General Mohamed Buhari<sup>16</sup> shortly after (1983-85). Contrary to its original intention, the presidential system did not pre-empt the staging of military coups. Buhari himself was ousted from power by General Babangida (1985-1993) with the promise of elections and the handing over of power to a civilian government. In order to avoid ethnic orientated parties, only two parties were founded, the Social Democratic Party (SDP) and the National Republican Convention (NRC). Local government and state elections took place and a civilian political administration was installed.

The 1993 presidential election, often referred to as "free and fair", especially by the Nigerian media and civil society, took place as announced. A military decree regulated a modified open ballot system<sup>17</sup> where voters lined up behind the ballot box of the candidate of their choice to be counted. However, before counting was finalised, the elections were annulled. This also marked the end of the Babangida administration and gave way to an interregnum known as the Third Republic.

The short lived Third Republic was overthrown by a new coup under General Mohammed Sani Abacha in 1993. The Abacha years were characterised by corruption on a larger scale than ever before, political suppression and political killings through government death squads. This period ended in 1998 with Abacha's sudden death. His successor, General Abdulsalami Abubakar, a member of Abacha's Military Ruling Council, paved the way for the Fourth Republic (1999 onwards) through the establishment of a new constitution and by organising elections for a civilian political administration. In 1999, retired General Olusegun Obasanjo was elected on a Peoples Democratic Party (PDP) ticket as Nigerian President. He had been in prison during Abacha's regime and sentenced to death for his involvement in coup plans, but this was commuted to lifelong imprisonment due to international protest. The international community considered Obasanjo to be capable of controlling the military and, with the record of his first tenure as Head of state in the 1970s, committed to democratic principles. The elections were very problematic, but as they firmly anchored a new era of civilian rule, were still widely considered as a step forward for the country.

The Presidential and Gubernatorial Elections on 19 April 2003 saw the consolidation of power by President Obasanjo and PDP but were marred by serious irregularities and fraud. The PDP gained nine additional Governorships to win 27 out of 36 states but lost Kano State to All Nigeria Peoples Party (ANPP). According to the EU EOM deployed for these elections, in a number of states the minimum standards for democratic elections were not met. EU EOM observers witnessed and obtained evidence of widespread electoral fraud (ballot box stuffing, forgery of results and other irregularities) in the

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<sup>16</sup> Buhari was later the presidential candidate for the ANPP in 2003 and 2007.

<sup>17</sup> Since the Electoral Act 1999, elections have been conducted by secret ballot.



States of Cross River, Delta, Enugu, Kaduna, Imo and Rivers. Similar irregularities were observed, to a lesser extent, in other states including Anambra, Benue, Edo, Katsina and Nassarawa and were also reported for the 3 May 2003 State Houses of Assembly Elections. According to Civil Society Organisations, the local government elections held on 27 March 2004 were characterised by a very low turnout, intra-party and inter party violence and a lack of transparency.

Although the 1999 Constitution, a document of the transition period from military to civilian rule, created a sound basis for constitutional and representative democracy, it was not endorsed by elected representatives or by a public referendum. After the 1999 elections, a broad consultative constitutional reform process began, resulting in discussion on some 100 constitutional amendments. However, as the 2007 elections drew closer the linkage between constitutional reform and the controversial third term issue forestalled any constitutional reform before the elections.<sup>18</sup> The attempt by supporters of President Obasanjo to change the constitution to do away with term limits for the president and the governors of the states was highly unpopular among the population, and rejected by the Senate. The third term debate led to major realignments within the political landscape. Vice President Atiku Abubakar was strongly opposed to a possible third term for the President as he had expected to become Obasanjo's successor. However, when the third term proposal failed, Atiku was blocked from becoming the PDP's presidential candidate, left the ruling party for the newly created Action Congress (AC) and became its presidential candidate.

The feud between Atiku and Obasanjo, which featured exchanges of accusations and counteraccusations, dominated the pre-election period. The INEC decision to disqualify Atiku and the ruling by the Federal High Court to allow him to contest as presidential candidate five days before the presidential election resulted in significant logistical problems for INEC. With strong support from Obasanjo, the former governor of the Northern state of Katsina, Umaru Yar'Adua was made the PDP's frontrunner in the Presidential election. The ANPP contested the elections, as in 2003, with the former military ruler Muhammadu Buhari, also from Katsina State, as their candidate. Thus, all main presidential candidates came from the Northern states. Thereby the political class followed the convention of balancing the national north-south divide by an alteration of power between the two big regions. Accordingly, the presidency – after eight years of Obasanjo from the south – would have to go to the north. While in the Obasanjo era the Vice President, Atiku Abubakar from Adamawa State was a representative of the north, now all the main candidates for Vice President represented States from the south (Goodluck Jonathan for PDP from Bayelsa State, Ben Obi for AC from Abia State and Edwin Ume-Ezeoke for ANPP from Anambra State).

## **B: ELECTED INSTITUTIONS**

Nigeria is a federal republic with a presidential system. It has 36 Federal States and the Federal Capital Territory (FCT) Abuja. The three layers of government are the Federal Government (FG), the 36 State Governments (SGs) and the 774 Local Government Areas (LGAs). The States within the federation are administered by Governors who control about 50 per cent of the nation's public funds and are responsible for the state's education, health systems and transport infrastructure. The FCT is administered by the Federal Government and it has six elected area councils. Administratively Nigeria is further subdivided into 8,813 wards and 120,000 polling units.

The Federal President is Head of State, Chief Executive of the Federation and Commander-in-Chief of the Armed Forces of the Federation. He/she is elected for a four-year mandate with a maximum of two terms in office. The President, who heads the Government, appoints at least one Minister from each State upon confirmation by the Senate. Ministers do not have to be elected members of the National Assembly or a State House of Assembly. If they are an elected member they have to resign from their

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<sup>18</sup> After the 2007 elections, a broad consensus existed that a new constitutional reform process should commence.

legislative position if appointed as a Minister. Each presidential candidate nominates a vice-presidential candidate who becomes their running mate on the same ticket. The President has the power to issue a proclamation for a state of emergency for up to six months in the Federation or any part thereof for, amongst other reasons, a breakdown of public order and safety. However the National Assembly has to approve the presidential proclamation by a two-thirds majority within two days if it is in session, or ten days if it is not, otherwise it will cease to have effect.

The legislature at the federation level comprises 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 with a maximum of two terms in office. The Senate comprises three senators elected from each of the 36 States plus one from the FCT. For the senatorial elections, the territory of each State is divided into three senatorial districts. Delegates to the House of Representatives are elected from the 360 federal electoral constituencies in which the Federal Territory is divided. The boundaries of the federal constituencies do not cross different State borders, and are theoretically drawn in such a manner that each of the elected delegates represents an approximately equal number of Nigerian citizens. Each of the 36 States has a Governor and a State House of Assembly. The Governor is the chief of the State's executive and is elected for a four year mandate with a maximum of two terms in office. Each State House of Assembly comprises a number of delegates, which is three to four times the number of seats a state has in the Federal House of Representatives, subject to this being no less than 24 and not more than 40 members. The territory of each State is divided into a number of constituencies equal to the number of delegates in its House of Assembly. Members of a State House of Assembly have a four-year mandate.<sup>19</sup>

Since independence Nigeria has adopted a plurality-majority system based on the principle of the First Past the Post (FPTP), or simple majority system, for all levels of elections. For the presidential and gubernatorial elections the constitution sets forth a specific election system that represents a departure from pure FPTP in favour of a majority run-off system. The presidential and gubernatorial candidates run on a ticket with their respective deputies. If, in the first round of a presidential election, the highest-scoring candidate with the most votes does not obtain at least one-quarter of the votes cast in at least two-thirds of all the States of the Federation, or in the gubernatorial elections, in at least two-thirds of the LGAs of the relevant State, a run-off takes place between the candidate who secured the highest number of votes and the candidate who has the majority of votes cast in the highest number of States, or in gubernatorial elections the highest number of LGAs. If, in the run-off, neither candidate obtains at least one quarter of the votes cast in at least two thirds of the States or LGAs, a second run-off between the same contenders is held. .

## **V. LEGAL ISSUES**

### **A: LEGAL FRAMEWORK FOR THE 2007 ELECTIONS**

The 2007 elections were regulated by the 1999 Constitution, and a new Electoral Act adopted in 2006, as well as regulations and guidelines issued by INEC. The 1999 Constitution provides that the Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice. Political rights such as the right to form and join political parties, to take part in political campaigns, to vote

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<sup>19</sup> On 8 November 2006, INEC issued the legal notice for the 2007 elections. On 14 April 2007 the electorate in the 36 States of Nigeria voted for their Governor and the State Houses of Assembly using two different ballot papers. On 21 April 2007 the electorate in the whole country of Nigeria voted for the President including the Vice-President, the 109 Senators and the 360 members of the House of Representatives. Each voter should have been provided with three different ballot papers. Altogether 1,496 different elections took place: 1 presidential/vice-presidential, 36 gubernatorial, 109 senatorial, 360 House of Representative and 990 State Houses of Assembly elections.

and be a candidate, amongst others, are granted. However, the 1999 Constitution does not specifically establish the fundamental principles and standards that apply to elections outlined in the Universal Declaration of Human Rights (UNDHR) as periodic, genuine, universal suffrage, equal suffrage, secret ballot, and the free will of the people.

The Electoral Act 2006 is an improvement over the Electoral Act 2002 which regulated the conduct of the 2003 general elections. In particular, it contains some measures to strengthen the independence and efficiency of INEC, including the appointment of the Secretary by INEC and the creation of a fund to provide INEC with financial independence. However, this fund was not established for the 2007 elections. The Electoral Act 2006 also clearly outlines the procedures and timeline of the voter registration exercise and is more inclusive in relation to the distribution of grants to political parties.

However, a number of problems with the electoral framework were not addressed in the Electoral Act 2006, especially with regard to the independence of INEC. Most significantly, the President continues to have involvement in the appointment of INEC Commissioners. At the federal level, all Commissioners are still appointed by the President, after consultation with the Council of State and confirmation by the Senate, and at the state level, all 37 Resident Electoral Commissioners (RECs) are appointed directly by the President. Other notable concerns include the absence of a requirement for results to be displayed at the polling station level and for a breakdown of polling station results to be displayed at all superior levels of the election administration, a lack of adequate procedures for the handling of complaints and appeals before election day, and a lack of time limits for the publication of results and for the determination of election petitions.

The Electoral Act 2006 is also silent on a number of other important issues. Significantly, there are no provisions to promote transparency in the appointment of polling station staff or access to INEC decisions. In addition, election petitions can only be filed by candidates and political parties. The Electoral Act 2006 does not provide any special provision for voting in institutions and restricted areas (e.g. prisons, hospitals), therefore, there is no mechanism in place to provide active and effective enfranchisement of such voters. Further, the right of domestic observers to observe the whole election process is not guaranteed by the law. The Electoral Act also lacks a procedure for the approval or rejection of an application for accreditation of domestic observers.

## **B: INVOLVEMENT OF THE JUDICIARY**

Several issues involving conflicting interpretations of the Constitution and the Electoral Act 2006 resulted in litigation that brought the judiciary to centre stage often having to resolve disputes that had a significant impact on the electoral process. For example, on 10 April 2007, the Federal High Court Abuja ruled that section 37 of the Electoral Act 2006 which deals with the postponement of an election in the event of the death of a candidate, was inconsistent with, among others, sections 132 (2)<sup>20</sup> and 135 (3)<sup>21</sup> of the Constitution. Section 37 was, therefore, declared null and void by the Federal High Court Abuja. Some senior legal experts expressed criticism of this judgment to EU EOM on the grounds that these sections in the Electoral Act were not inconsistent with the relevant constitutional provisions.

INEC's selectivity and inconsistency with regard to the application and enforcement of electoral laws and court orders was apparent in a number of instances. Following the request for an injunction restraining INEC from conducting any election for the office of Governor in Anambra State, the Supreme Court ruled, on 5 April, that it was the statutory duty of the INEC "to conduct elections and

<sup>20</sup> Article 132 (2) of the Constitution provides that a Presidential election must be held on a date not earlier than 60 days and not later than 30 days before the expiration of the incumbent President's term of office.

<sup>21</sup> Article 135 (3) states: "If the Federation is at war in which the territory of Nigeria is physically involved and the President considers that it is not practicable to hold elections, the National Assembly may by resolution extend the period of four years".

to usher in tenure of office". The Constitution gives the responsibility to INEC to fix the date for a gubernatorial election following the expiration of the term of office of a governor.<sup>22</sup> The expiration of the term of office is also established in the Constitution as the expiration of a period of four years commencing from the date on which the Governor took the oath of office.<sup>23</sup> In this case, Mr. Obi took his oaths in March 2006. Therefore, INEC had a clear duty to initiate action to cancel the gubernatorial election in Anambra State.

On 12 April, the High Court in Anambra State ordered INEC not to prevent Mr. Ngige, the AC candidate for the Governorship of Anambra State, from contesting the election. Mr. Ngige had been disqualified by INEC from contesting the election, despite court orders that his name should be included in the list of candidates. INEC did not include his name in the candidates list on the grounds that the Anambra High Court did not give an order but rather had made a declaration. The High Court in Anambra then clarified its decision and issued an order to include his name in the candidate list. Because INEC still refused to include his name in the candidate list, Mr. Ngige filed an application in the Federal High Court in Abuja and the Court ordered the inclusion of Mr. Ngige's name in the candidate list. However INEC still refused to include his name in the candidate list stating that they would do so only if an appellate Court reversed the original decision.

Overall, the Judiciary played a generally positive and independent role in the election process. However, with respect to some of the legal challenges that could have resulted in the postponement of the elections, the judiciary exercised restraint. This may have been influenced by a general view that the elections should take place in order not to postpone the transfer of power from one civilian administration to another. Indeed the National Judicial Council controversially warned judges not to make any orders that could result in postponement or else risk disciplinary proceedings against them. In some cases, for example, when the NDP was seeking an order to stop the elections on the grounds that INEC had failed to comply with the legal provisions for the registration of voters, judges focused on preliminary issues such as the jurisdiction of the court to avoid focusing on the substantive issues of the case.

## **VI. ELECTION ADMINISTRATION**

### **A: STRUCTURE AND COMPOSITION OF THE ELECTION ADMINISTRATION**

INEC is currently established in accordance with Section 153(f) of the 1999 Constitution.<sup>24</sup> The key functions are described in Part 1 (F) of the Third Schedule to the 1999 Constitution. They are to organise, undertake and supervise all elections to the offices of the President and Vice-President, the Governor and Deputy Governor of a State, as well as to the Senate, the House of Representatives and the House of Assembly of each State of the Federation. The other functions assigned to INEC in the Constitution are the registration of political parties and candidates, the monitoring and audit of political party expenditure, the registration of voters, the determination and periodical revision of the sizes of the various levels of electoral constituencies, the monitoring of the political campaign and the

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<sup>22</sup> The Constitution states in Section 178 (1) and (2) that the date of a gubernatorial election shall be established by INEC on a date not earlier than 60 days and not later than 30 days before the expiration of the term of office of the holder of that office.

<sup>23</sup> Section 180 (2) of the Constitution reads "the governor shall vacate his office at the expiration of a period of four years commencing from the date when in the case of a person first elected as Governor under this Constitution, he took Oath of Allegiance and oath of office".

<sup>24</sup> The death of General Abacha in 1998 led to the dissolution of the National Electoral Commission of Nigeria (NECON) and its replacement by the INEC which was established by the Federal Military Government of General Abdulsalam Abubakar by Decree N.17 of 5 August 1998. Some of the provisions of Decree 17 of 1998 which is now an Act are still valid.

enactment of by-laws and guidelines to regulate all the matters that fall within its sphere of competence.

INEC is composed of a Chairman and 12 Commissioners, two from each of the six geo-political zones of Nigeria.<sup>25</sup> The Chairman and Commissioners are directly appointed by the President after consultation with the Council of State and subject to confirmation by the Senate.<sup>26</sup> INEC maintains a permanent office in all 36 States and the FCT. These offices are headed by Resident Electoral Commissioners (RECs) who are directly appointed by the President without Senate approval. They discharge all INEC functions delegated to them. The state INEC offices have an average of 10 permanent staff including an Administrative Secretary who serves as Deputy Resident Electoral Commissioner. Below the state level, Electoral Officers and Assistant Electoral Officers staff the 768 LGAs and are answerable directly to the REC. Each LGA is further divided into a number of Wards or Registration Areas. No permanent electoral authority is present at the Ward level.<sup>27</sup>

The Commission needs at least a third of its members for a quorum and takes decisions by majority. INEC Commissioners and RECs can only be removed from office by the President and a two thirds approval of the Senate. The Commission meetings of INEC are closed sessions and its decisions are not consistently and effectively communicated to the public in a transparent manner. For the 2007 elections, INEC issued an election calendar in good time outlining the most crucial dates and deadlines for both election dates to political parties.

INEC HQ has nine departments,<sup>28</sup> six directorates<sup>29</sup> and the Electoral Institute, which is responsible for training, research and documentation. Since its foundation in 1998 INEC has not managed to successfully establish its own systems effectively. Various assessments conducted by international consultants after the two previous elections determined that INEC had weaknesses in its administrative and operational functions. INEC's strategic plan titled "Road Map to 2007 elections" addressed seven major areas: electoral and constitutional reform; capacity building; voter education and effective publicity; application of modern technology; co-operation with international assistance agencies; political parties and electoral finances; infrastructure and other cross cutting issues. While the plan provided a coherent sense of direction and was often referred publicly, it was not concrete enough on the means of implementation.

A positive feature of the Electoral Act 2006 is that the Secretary of the INEC is appointed by the Commission and not, as previously, by the President. On 18 January 2007 the former INEC Secretary, appointed by the President, voluntarily retired and a new Acting Secretary was appointed by the Commission. In addition to keeping minutes of the meetings of the Commission the Secretary heads the INEC Secretariat and its staff. INEC has a permanent staff of about 900 in Abuja HQ and around 9,000 countrywide.

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<sup>25</sup> One female Commissioner recently died leaving only one female Commissioner in a male dominated INEC.

<sup>26</sup> The Council of State is comprised of the President and Vice President, all former Heads of 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 (Constitution Third Schedule, Part 1 (B)).

<sup>27</sup> The Constitution also provides for a State Independent Electoral Commission (SIEC) in each State which has the exclusive mandate to organise the LGA elections. The SIECs have their own structure on the ground and work independently from INEC with the exception of reliance on INEC for voter registration, political party registration and candidate nomination.

<sup>28</sup> These are Human Resources Management, Estate and Works, Transport and Logistics, Operations, Public Affairs, Information and Communication Technology (ICT), Finance and Accounts, General Administration and Procurements and Legal Services.

<sup>29</sup> These are State co-ordination, Audit, Political Party Monitoring and Liaison, Medical Unit/Directorate, Voter Registry and Compliance Performance Monitoring.

**B: ADMINISTRATION OF THE 2007 ELECTIONS**

INEC was provided with a budget of Naira 54.5 billion (€349 million), which represented a better financial basis than the 2003 elections and a sound financial basis according to electoral stakeholders. However, although the Electoral Act 2006 promulgated financial independence of INEC, the envisaged INEC fund was not established and INEC remained dependent on the President's office for approval of its expenditures (evidenced in October 2006 when some INEC cheques were not cleared). By mid December 2006, serious questions were being raised by some political parties and civil society organisations about INEC's independence from the Federal Government, which contributed to undermining public confidence in INEC.<sup>30</sup> In the period leading up to the elections, there was little engagement by INEC with political parties and civil society.

INEC lacked transparency in its decisions and did not provide important information on a number of issues, including the final number of candidates, the final number of voters per constituency and the number of ballot papers that were printed and distributed.<sup>31</sup> INEC also declined to provide observers with standard information and materials, including access to the voter register, contrary to wording in an exchange of letters with the European Commission in advance of deployment, and did not permit observers to attend INEC meetings with political parties or the media. In addition, EU EOM observers were accredited late, and the EU EOM and other international observer missions received poor co-operation from INEC HQ and several INEC state offices (Lagos, Ogun, Osun, Anambra, Cross River, Benue, Borno, Gombe and Katsina States).

Contrary to international best practice INEC made no provision for results to be posted at polling stations or published at superior levels of the election administration. After widespread irregularities in the result transfer and collation process during the 14 April elections, the INEC Chairman announced, on the eve of the 21 April elections, that for the federal elections results should be posted at polling stations and collation centres. However, EU observers reported that this was not implemented in the vast majority of polling stations and collation centres visited. The process of transferring polling station results electronically lacked clear guidelines and was ill-prepared, resulting in an expensive investment without the expected return.

Preparations by INEC to conduct the elections were delayed throughout the process. The delay of two months to complete the voter registration exercise affected the production and distribution of permanent voter registration cards. Voters had to use their temporary voter registration cards which were basic, often un-laminated, print outs. In both elections the distribution of ballot papers was delayed which had a serious impact on both polling days. Although INEC managed to distribute the correct ballot papers for the 14 April elections a number of elections for the National Assembly could not be held on 21 April due to the fact that candidate names were omitted from ballot papers.

Originally, INEC announced that it would print ballot papers which included pictures of candidates for security reasons. However, in the end only presidential and gubernatorial ballot papers were produced with pictures and the names of candidates, some of which had spelling mistakes and missing pictures. Following the 16 April Supreme Court ruling, according to which Vice President Atiku Abubakar was entitled to contest the presidential elections INEC had five days to reprint and distribute some 70 million ballot papers. The printing was done by three different companies in South Africa. INEC decided to reprint the presidential ballot papers without the pictures and the names of candidates and, contrary to the law, without serial numbers. The ballots arrived in Nigeria the day before the elections and INEC failed to distribute the ballot papers in time to the States and from there to the LGAs, Wards

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<sup>30</sup> Article 3 of the ECOWAS Protocol on Democracy and Good Governance states that: "The bodies responsible for organising the elections shall be independent or neutral and should have the confidence of all the political actors."

<sup>31</sup> Article 6 of the ECOWAS Protocol on Democracy and Good Governance states that: "The preparation and conduct of elections...shall be done in a transparent manner."

and Polling Stations. This led to serious delays, disruptions and in a number of cases even to the cancellation of the elections in some parts of country. Some candidate names were missing from the Senate and House of Representative ballot papers causing a cancellation of elections, for example in the case of two Senatorial elections in Lagos State.

INEC had difficulties in recruiting the 500,000 plus ad hoc staff to administer polling stations, due, at least in part, according to numerous reports received by EU observers around the country, to fears of electoral violence and intimidation. Moreover, recruitment of ad hoc staff was conducted in a non-transparent manner, using inconsistent criteria, and depended on an impartiality check by INEC. The late recruitment, reportedly for security reasons, left little time for challenge by political parties and delayed the cascade training, which varied in quality. Materials, including training manuals, were missing in many places.

A limited national voter education media campaign by INEC commenced only seven days prior to the 14 April election day. In one national TV spot INEC misinformed voters about the secrecy of the vote by broadcasting a mock polling station without a polling booth. INEC's partners, through the Joint Donor Basket Fund, implemented voter education programmes, but a broad and effective and grass-root level civic education programme was lacking.

For security purposes, most RECs and Administrative Secretaries were reshuffled to different postings around 10 days before the 14 April elections, reportedly in an attempt to limit fraud and electoral irregularities. At times various INEC state offices were uninformed about INEC HQ regulations, for example in the case of observer accreditation. In addition, contrary to INEC HQ regulations, the Kano and Niger State INEC offices informed their Electoral Officers that corrections to the voter register could still be undertaken during the last few days before the 14 April elections when voter lists were posted at polling stations only for orientation purposes.

## VII. VOTER REGISTRATION<sup>32</sup>

Under the Electoral Act 2006, any citizen above 18 who either resides, works or originates from the Local Government, Area Council or Ward covered by the registration centre is qualified to register. Any person who double registers commits an offence and is liable on conviction to a fine of up to Naira 100,000 (about €600) or one year imprisonment or both. According to INEC, 10 million double entries were deleted from the register in 2003 but no prosecutions followed. After the 2006 census was released in January 2007 some 50 per cent of the 140 million citizens were estimated to be eligible voters.

INEC's original intention was to establish a coherent electronic registration, polling and result tabulation exercise for the elections 2007. Despite the legal preclusion of the Electoral Act 2006 not to conduct electronic voting INEC still continued to plan the use of electronic data capturing for its voter registration exercise, electronic voter identification on polling day, electronic data transfer of results and electronic tabulation of results. As the elections drew nearer, INEC promoted these ideas with the aim of convincing the public about the security of the conduct of the elections. However, on both election days INEC did not implement electronic voter identification and no capacity for electronic result transfer or electronic tabulation existed.

INEC took the decision to create a completely new voter register as it considered the 2003 voter roll to be unreliable and faulty. The EU EOM deployed in 2003 concluded that the 2003 voter registration

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<sup>32</sup> Article 5 of the ECOWAS Protocol on Democracy and Good Governance states that: "The voters' list shall be prepared in a transparent and reliable manner with the collaboration of political parties and voters who may have access to them whenever the need arises."

exercise “completely failed in its effort to provide a transparent form of identification for eligible voters, providing instead a fertile ground for massive underage voting and voter impersonation”.<sup>33</sup> To avoid the problems of the 2003 elections, INEC decided to establish an electronic voter register for the first time with a picture and two thumb prints of each voter to avoid impersonation, under age voting and multiple voting. Although the 2002/2003 voter registration exercise used Optical Mark Recognition (OMR), INEC decided to use a new system with Direct Data Capture machines, even though this meant it had to purchase new equipment and train its staff in how to use the new and more sophisticated equipment. According to INEC, special software would detect double entries in the electronic fingerprint identification system. However, INEC had insufficient equipment or trained staff to implement these plans.

On 8 October 2006, the voter registration exercise for the 2007 elections commenced in remote areas of Abia, Cross River, Delta and Taraba States where no voter registration was conducted during 2002 exercise. On 25 October 2006, INEC started to register citizens countrywide both in electronic and manual formats. In theory each voter had to appear in person and identify him/herself with a document to be registered. In practice, INEC officials were more lenient. INEC’s preparation for this exercise did not go well. For instance, INEC had announced that 33,000 so called Direct Data Capturing (DDC) machines would be available in the country but as of 8 November, two weeks into the registration exercise, only around 1,000 registration machines were operational on the ground according to the Director of Voter Registration. INEC had contracted three different companies to deliver the registration equipment but had failed to transfer timely advance payments to its contractors. According to the INEC Chairman, it was only in mid January 2007 that the final batch of the 33,000 DDC machines was delivered. The majority of DDC machines were simple laptop computers with a web camera with a fingerprint reader and a printer to issue the temporary voter registration cards. Only about 5,000 of the machines were genuine voter registration machines according to a senior INEC official. From the beginning problems occurred with the equipment, including lack of battery power and recharge facilities or a shortage of ink and printers. The situation was further compounded by staff who were insufficiently trained and by climatic conditions that interfered with the functioning of the equipment. As a backup, each voter was also registered in a manual voter registration exercise, which included their finger print, but no picture.

By 24 November 2006, INEC announced that 3.5 million voters had been registered, and by 10 December 2006 this number had risen to 10 million. The legal deadline set by the Electoral Act 2006 for concluding the registration of voters as well as for the updating and revision of the voter register is 120 days before the elections - 14 December 2006. Before this date, INEC should have also displayed the voter register for public scrutiny and necessary corrections for a period of five to 14 days. However, INEC continued the registration of voters under the pretext of “voter revalidation”, a term not known by the Electoral Act 2006 and set itself a deadline of 30 January 2007 to complete the process. INEC interpreted section 11(1) of the Act as the section that gave it the power and authority to conduct voter registration beyond 14 December 2006. However, on 29 March 2007, the President gave his consent to the Electoral Acts Amendment Bill 2007, passed by the National Assembly on 30 January 2007, which extended the cut-off date for registration to 14 February 2007, 60 days before the elections and the deadline for display of the voter register to 45 days before the election. Nonetheless, the National Democratic Party (NDP) had already filed an action before the Federal High Court on 27 March 2007 against INEC for failing to comply with the provisions of the Electoral Act 2006 relating to the display of the voter registration lists after the cut-off date established in the law. On 18 April 2007, 17 political parties, among them ANPP and AC, joined NDP as co-plaintiffs in this case. However, at the time of publication of this report, the matter remains before the Federal High Court (not as an election petition) and will come before the Court for another hearing on 3 September 2007.

By mid January 2007, INEC announced that it had registered 32 million voters. By this time INEC had all 33,000 electronic voter registration machines on the ground and wanted to intensify its registration

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<sup>33</sup> EU EOM 2003 Final Report p.23.



efforts in the remaining period until 30 January 2007. To assist INEC, the Government declared two public holidays for people to travel to their rural areas for registration. Church leaders also urged their congregations to register and in the case of the catholic dioceses of Anambra State, reportedly announced that they would not provide communion to non-registered churchgoers. In Ogun State the Governor declared that civil servants who had not registered would not be paid salaries and in Benue State the Governor stated that citizens who had not registered would not be treated in government hospitals. The Governor of Lagos declared that children whose parents had not registered would not be inscribed in school. These reported cases presented a breach of personal freedom to choose not to register since voter registration in Nigeria is not compulsory. During the registration period, the police uncovered an illegal registration centre in Sokoto State and six voter registration machines were stolen in Oyo State. These were later discovered in the house of the PDP Chieftain in Ibadan who EU observers reported was not arrested or prosecuted.

By the end of January 2007, the figure of 40 million registered voters published by INEC was being widely questioned. Further, the INEC Residential Electoral Commissioner of Lagos State indicated that by mid January only two million residents had been registered in that State. Additionally, the INEC Chairman sent out mixed messages throughout the registration period about where people should register and whether those who registered in 2002 would be allowed to vote without re-registration. For example, on 30 November 2006, he told members of the National Assembly that INEC would not use the manual register and that the voter registration card used in 2003 was still valid and any eligible voter who presents it to vote would be allowed to do so after the card was revalidated at the polling station.

The commitment of people to register varied from state to state. In the last days before the official voter registration deadline of 30 January, there was reportedly a rush to get registered started. Consequently INEC extended the registration exercise by a further three days. At the close of the exercise on 2 February 2007, INEC announced that it had registered 54 million voters. Although originally INEC had planned a maximum of 500 voters for each of the 120,000 polling stations, some of the 120,000 registration centres registered many more than 500 voters due to the shortage of DDC machines. INEC was unable to correct this in time, which led to voter congestion, particularly on 14 April, despite the introduction of additional satellite polling stations.

INEC planned to display the preliminary manual voter register per registration centre for public scrutiny and verification for six days from 5 to 10 February 2007. Although INEC publicly claimed this occurred, at registration centre and ward level during that period, multiple reports received by EU observers around the country indicated that this legal obligation was not implemented.

On 15 February 2007, INEC announced that 61 million voters out of the 70 million Nigerians estimated to be above 18 years of age had been registered. The number of registered voters out of the total population varied widely among the states and ranged between 32 per cent in Ekiti to 60 per cent in Gombe State. There were also sizable regional differences with the South West and the South East having registration figures of 34 and 37 per cent respectively while the North East and the North Central had figures of 55 and 52 per cent respectively in comparison to the national average of 44 per cent.

INEC officially released the final voter register with 61.5 million entries on 28 March 2007 and subsequently delivered electronic copies of the final voter register to political parties on 29 March 2007. Originally INEC had planned to issue permanent voter registration cards to every voter before the elections. Due to the delay in procuring the voter registration card production equipment, voters had to vote with the temporary voter registration cards they had received during registration. Some voters had not received temporary voter registration cards from INEC during the registration exercise due to a lack of printers in working condition. Additionally, on many temporary voter registration cards, photographs of voters were too dark and voters were thus unrecognisable.

INEC announced that from 2 April 2007 onwards the voter register would be publicly displayed at polling station/ward level for voters to check their registration and to verify where to vote. However, EU observers reported that the voter lists were not displayed comprehensively at all locations countrywide and the majority of the observed lists on display in Northern Nigeria were incomplete.

None of the political parties raised any serious complaints or challenged the final figures of the voter register. The EU EOM applied several times at meetings and in writing to receive a copy of the final voter register without success. During observation on 14 April, the voter register at polling stations observed was mostly not in alphabetical or numeric order, which led to delays in the voting process. In over 30 per cent of polling stations visited, EU observers rated the quality of the voter register to be poor on the basis of significant numbers of under age voters, double entries, missing and blurred pictures of voters. In many polling stations observed, only the manual voter register was used, which indicated that the electronic data capturing exercise was not in operation at these locations.

Copies of the voter register obtained by the EU EOM from political parties showed serious deficiencies. For example, the voter register for Delta State had a significant number of under-age voter entries with some with a stated age of 17,<sup>34</sup> double entries<sup>35</sup> or unrecognisable pictures of voters.<sup>36</sup> Similarly the register for Kogi State showed significant shortcomings. Several polling stations had no pictures of voters at all, and no polling station in the whole of LGA Okehi had pictures of voters. Some polling stations had only one or two entries<sup>37</sup> per polling station and others had double registrations.<sup>38</sup> In the register of Oyo State, a number of voters were not recognisable.<sup>39</sup> These shortcomings were partly the result of the lack of publicly displayed registers for public scrutiny and partly due to INEC running out of time to thoroughly check the register and undertake corrections. Further, according to sources within INEC, at least 5 per cent of entries had been deleted by the time the INEC Chairman made the public announcement of 61.5 million registered voters. This number was never corrected and no declaration was made of how many double or false entries were deleted.

## VIII. REGISTRATION OF POLITICAL PARTIES AND CANDIDATES

A record number of 50 political parties were registered by INEC to participate in the 2007 elections, of which 25 nominated a presidential candidate. Following a Supreme Court ruling in November 2002, INEC has been less stringent in registering political parties. As stated in the Constitution, political parties need to reflect the federal character of Nigeria with executive committee members from at least two-thirds of the states of the Federation. Thereby minorities face constraints in establishing their own political parties. Further, under the Electoral Act 2006, independent candidates are not permitted.<sup>40</sup>

<sup>34</sup> LGA 6 Ethiope West, Registration Area 11 Oghara V, Polling Unit 10 Okurode/Adjeketa.

<sup>35</sup> LGA 23 Warri North, Registration Area 5 Koko I, Polling Unit 2 Akuarajor Primary entries 10077201532 and 10077201533 show the same person with the same name and age.

<sup>36</sup> LGA 23 Warri North, Registration Area 3 Ebrohimi, Polling Unit 9 Ureju Primary School.

<sup>37</sup> LGA 16 Okehi, Registration Area 7 Eika/Ohizenyi, Polling Unit 11 Beside Salami Onoba S; LGA 16 Okehi, Registration Area 7 Eika/Ohizenyi, Polling Unit 10 L.G.E.A School; LGA 16 Okehi, Registration Area 6 Obaroke Uvete, Polling Unit 4 Open Space Ojeku S; LGA 16 Okehi, Registration Area 6 Obaroke Uvete, Polling Unit 8 Open Space Near Onijobo.

<sup>38</sup> For example an 80 year old was registered twice, once in LGA 16 Okehi, Registration Area 6 Obaroke Uvete, Polling Unit 4 Open Space Ojeku S with number 30501302311 and once in LGA 16 Okehi, Registration Area 6 Obaroke Uvete, Polling Unit 8 Open Space Near Onijobo with number 30501302312.

<sup>39</sup> LGA 22 Ogbomosho South, Registration Area 2 Alapata, Polling Unit 2 St. Ferdinand Primary School.

<sup>40</sup> Office of the High Commissioner for Human Rights, General comment on Article 25 of the ICCPR: "The right to participate in public affairs, voting rights and the right of equal access to public service: The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or specific parties".

The Constitution specifies qualifications for candidacy at the different levels of election and requires that candidates should have a minimum formal education to at least school certificate level or equivalent. This provision violates the fundamental right of equal opportunity to stand as a candidate as contained in Article 25 of the ICCPR. Further, the Constitution provides that no person who has been indicted for embezzlement or fraud can stand as a candidate. This constitutional provision is controversial and can be subject to criticism on the following grounds. First, that citizens should not be denied the right to hold public office on the basis of allegations of possible crimes. To do so would violate the due process of laws. Second, that the right to stand for election is a fundamental right which cannot be withdrawn without just cause. Withdrawing this right because of an indictment might also undermine the presumption of innocence.

The nomination of candidates by political parties was often characterised by a process of selection rather than election. Sometimes party primaries took place outside of clear democratic rules. This resulted in a number of court cases which involved politicians who won their internal party primary but were not nominated by the political party, or were nominated but subsequently substituted. In one such case a PDP gubernatorial candidate, who was substituted by the party leadership, challenged his removal as the party's candidate before the Federal High Court. The court declined to intervene on the grounds that it had no jurisdiction to intervene in what was essentially an internal matter of a political party and an issue that was pre-election rather than part and parcel of the electoral process. This decision was however reversed on appeal by the Federal Court of Appeal which considered the purpose of sections 32 (2) of the Electoral Act 2006, which were not part of the previous Electoral Act 2002, was to remove the unfettered discretion of the party with respect to the nomination of candidates.<sup>41</sup> The court held that the new Act specified conditions upon which substitutions could be made and that a party's conduct was subject to judicial review. The court urged INEC to assert its supervisory powers over the internal operations of political parties and even suggested that the legislature introduce amendments to expressly provide that if a candidate is not disqualified under the constitution or the electoral law, and if he has won in the party primaries, his or her nomination should not be subject of any substitution.

In some cases, where candidates challenged their substitution, political parties responded by expelling such candidates from the party, thereby creating new legal issues to be resolved by the judiciary. This was so in the case of Mr. Ifeanyi Ararume and Mr. Rotimi Amechi, who went to court to challenge their removal as the PDP gubernatorial candidates for Imo and Rivers States. The case of Mr. Amechi was still pending on the date of the election. In the case involving the declaration of the office of the Vice President vacant when Mr. Abubakar left the PDP to join the AC, the Court of Appeal held that an elected official's primary loyalty is not to the party on whose ticket he was elected, but to the country.<sup>42</sup> Therefore, the principle was established that the mandate belongs to the elected office holder and not to the political party which nominated him in the candidates list.

During the nomination period, INEC disqualified about 100 candidates, mainly for non-fulfilment of the age requirements, and in some cases, including that of Vice President Atiku Abubakar, in view of indictments by the Administrative Panel of Inquiry.<sup>43</sup> This was the reason for the initial

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<sup>41</sup> Section 34 (1) and (2) of the Electoral Act states that an application for substitution must reveal cogent and verifiable reasons.

<sup>42</sup> The Court of Appeal judgment CA/A/23/2007: "I have painstakingly reproduced both the oath of allegiance and oath of office of the vice president and can find nowhere in both oaths where loyalty and faithfulness and true allegiance is owned to the President of the Federal Republic of Nigeria. I agree that the Vice President should have an undivided loyalty but that loyalty is due to the Federal Republic of Nigeria and not, I repeat not, to Mr. President nor Peoples Democratic Party who in any case is a stranger to the Constitution of the Federal Republic of Nigeria".

<sup>43</sup> The Administrative Panel of Inquiry was established by President Obasanjo on 28 August 2006 to investigate and make recommendations based on reports of the Economic and Financial Crimes Commission (EFCC).

disqualification of the Vice President by INEC from standing in the presidential election. Later, the Supreme Court ruled that INEC had no power to disqualify any candidate. This resulted in a number of court cases. The main case related to Atiku Abubakar's entitlement to stand for election but there were also cases involving the powers of INEC to disqualify candidates and cases challenging the legality of the Administrative Panel of Inquiry. Several other proceedings were before various Courts, among others, challenging the decision of the President to declare the office of Vice-President vacant, challenging the competency of the Court of Conduct Tribunal to pursue legal proceedings against Vice President Abubakar in view of the immunity clause in the Constitution. Some of these proceedings are still pending. Such litigation caused uncertainty as to which candidates would actually contest the elections.

The lack of procedures and time limits in the law for handling complaints related to substitution or disqualification of candidates prompted the filing of many cases in the courts just a few days before the elections. Some cases remained pending at the time of the elections. This created uncertainty about the final list of candidates and was not conducive to clear voter choice at the elections. In one such case, the Supreme Court ruled that the PDP gubernatorial candidate was illegally substituted and ordered INEC to include his name as the gubernatorial candidate for Imo State. However the fact that the court decision was delivered so late, on 4 April, prevented the candidate's name from appearing on the ballot paper and the name of the substituted candidate remained on the ballot paper in some polling stations.

Despite a Federal High Court Abuja judgment ordering INEC to include Atiku Abubakar's name on the candidates list, INEC refused to comply until the Supreme Court ruled, on 16 April, that INEC was not vested with the power to disqualify candidates.<sup>44</sup> The decision of INEC not to include Mr. Abubakar's name until the Supreme Court ruling created last minute logistical difficulties regarding the presidential ballot papers.

While a number of election related disputes remained pending before the courts, the situation was exacerbated by the sudden, unexpected and unprecedented declaration of public holidays which prevented some of these cases being resolved prior to the state elections. As a result, it was not possible for many candidates to redress the decision of disqualification. The Supreme Court ruling further raised questions as to what would happen to disqualified candidates in the gubernatorial and Assembly elections that had preceded the Supreme Court decision.

## **IX. ELECTION CAMPAIGN AND PRE-ELECTION ENVIRONMENT**

The election campaign took place throughout the country in a lively, if sometimes quite heated, environment in which freedoms of expression and assembly were broadly respected. Political parties campaigned actively, addressing voters through a wide range of means, including public rallies, fundraising dinners, vehicle motorcades with loud speakers, gatherings in market places, door to door visits and billboards and posters, which were visible in abundance throughout the country. Paid for campaigns by political parties in both national and local broadcasters and print media were numerous. In some areas debates and public forums were organised by journalists, media outlets and civil society organisations. Traditional and religious leaders were active in some states by arranging public debates or providing various forms of peaceful conflict resolution between rival parties.<sup>45</sup>

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<sup>44</sup> The Federal High Court Abuja delivered a judgment ordering INEC to include the name of Mr. Atiku Abubakar in the list of presidential candidates. The Court based its decision on the nullification of the indictment by the High Court in Lagos. Since the indictment was nullified, the grounds for disqualification lacked merit. This decision was appealed.

<sup>45</sup> EU observers reported this from Ondo, Anambra, Plateau, Nasarawa, Bauchi and Sokoto States.

Only a few of the 50 registered political parties (AC, ANPP, DPP, PDP) conducted extensive nationwide campaigns. However, local activities were sometimes intense, with the primary target for campaign activities being the presidential and gubernatorial races. General interest in, and intensity of, the campaigns varied greatly, but was reported by EU observers to be higher in states where there was a prospect of a change in power. Although plans to address the basic needs of the electorate were sometimes presented, parties and candidates generally lacked clear political programmes and the main focus was on personal qualities rather than political ideology with the declared fight against corruption as the main denomination of most parties and candidates. This facilitated the many high profile defections from one party to another of candidates seeking to affiliate themselves with the strongest backer and best network.

#### **A: ABUSE OF STATE RESOURCES**

A level playing field did not exist during the campaign. While the Electoral Act 2006 provides, in Article 103 (2) that “State apparatus, including the media, shall not be employed to the advantage or disadvantage of any political party or candidate at any election”, incumbent parties at federal and state levels took advantage of resources available to them. The EU EOM received widespread reports that incumbent political parties possessed an unfair advantage over other parties by using state resources attached to their offices in support of their campaigns. While the electoral framework includes restrictions on campaign spending to prevent disproportionate expenditure, this was not supervised and enforced by INEC.

During the campaign, there were widespread public reports of abuse of state resources, in particularly state media, vehicles, civil servants, public funds, aid programs and buildings. These included the distribution of funds and motorbikes throughout Zamfara State by the agency responsible for the poverty Alleviation Programme (ZAPA)<sup>46</sup> and the use of 60 official cars for election rallies by the incumbent candidate in Zamfara State. In Borno State, the incumbent Governor was videotaped while using government vehicles on the campaign trail, from which he threw bundles of money into the crowds.<sup>47</sup> Several cases of the use of state resources for campaigning were observed. For example, in the State Government premises in Abia, EU observers saw three buses with the PPA Governor’s campaign slogans painted on them. In Akwa Ibom, in Sokoto and in Ondo States, allegations of the abuse of state resources were confirmed by EU observers at PDP rallies where government vehicles were used. In Cross River State, PDP campaign posters were placed in local government buildings.

#### **B: CAMPAIGN FINANCE**

The Electoral Act 2006 provides for the allocation of annual public funds to political parties.<sup>48</sup> However, small political parties claimed that the distribution of grants was not made in accordance with criteria specified in the law. Some reported that they did not receive the total amount that they were entitled to and a few claimed that they did not receive any grants at all. Most small political parties agreed that the money received was insufficient to cover campaign expenses and that their campaigns were mainly funded by the donations of supporters and membership fees. In addition,

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<sup>46</sup> EU observers visited the programme and saw the vehicle park with some thousand motorbikes. They reported that there is no clear application process, criteria for selection, or for grounds for the refusal of the grants. For grants exceeding 250,000 Nairas the decision is made by the Executive Committee whose President is the Governor himself. In the opinion of the Permanent Secretary, more than 60 per cent of the civil servants were direct beneficiaries.

<sup>47</sup> The EUEOM received a 12 minute video footage of this incident.

<sup>48</sup> Sec. 91 of the Electoral Act 2006 states that “the National Assembly may make an annual grant to the Commission for distribution to the registered political parties to assist them in their operation. (2) The Commission shall distribute such grant as follows: (a) 10 per cent of the grant shall be shared equally among all the registered political parties. (b) The remaining 90 per cent of the grant shall be shared among the registered political parties in proportion to the number of seats won by each party in the National Assembly.

political commentators concluded that most political parties, but particularly the large ones, exceeded the legal limits of campaign expenditure. A weakness in the provisions governing campaign finance is that limits on spending during the campaign period applies to candidates but not to the parties, which means the restrictions are of limited value.

The Electoral Act 2006 requires that the annual audited reports of political party finances be published in three national newspapers. However, several political parties reported that INEC had not taken any measures to reinforce the existing legal framework and enhance the transparency and fairness of the electoral process by publishing the audited report or by reporting violations of the financing rules which also provide for sanctions in the event of violations. No political parties have been sanctioned.

### C: ELECTION RELATED VIOLENCE

Violence was a major issue of concern throughout the election process. While in some states peaceful campaign activities were observed,<sup>49</sup> incidents of violence increased as the elections drew nearer.<sup>50</sup> Overall, credible reports, including from the Institute for Democracy in South Africa (IDASA)<sup>51</sup> and international and domestic media indicate that at least 200 people, including police, were killed in election-related violence. This is a higher number than was reported for the 2003 elections and is unacceptable with respect to the fundamental right to life and the democratic process. Despite welcomed and repeated messages from security agencies which showed a zero tolerance policy towards political violence, the security agencies, INEC and political parties did not appear to take decisive steps to address the situation and hold perpetrators to account.

During the campaign, numerous violent incidents were reported by EU observers and other credible sources. These often involved destruction of campaign material as well as INEC buildings and party offices, harassment, intimidation and violent clashes between party supporters. This particularly occurred in the south-west<sup>52</sup> but other areas such as Gombe State were also affected. At times, inflammatory speech or indigenous references like “sons of the soil”<sup>53</sup> or “home boys”<sup>54</sup> further aggravated the tense atmosphere. Some minorities informed EU observers that they felt threatened by pro-indigenous campaigns or felt frustrated at being excluded from the political process.<sup>55</sup> In some areas, such as Assakio in Nassarawa State<sup>56</sup> and Wukari, Takum<sup>57</sup> and Jato Aka in the border area between Benue and Taraba States, people belonging to minorities were killed, displaced or rendered

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<sup>49</sup> These include Ekiti, Osun, Abia, Jigawa, Imo and Niger States .

<sup>50</sup> These include Lagos, and the States of Ogun, Ondo, Nasarawa with at least six people killed, confirmed by the State Police Commissioner, Bauchi with at least two people confirmed killed in clashes between ANPP and PDP after rallies by the former one, and Gombe.

<sup>51</sup> From IDASA, Conflict Tracking dossiers and meetings.

<sup>52</sup> In Ogun State, for example, a debate between the gubernatorial candidates, to be broadcast live on TV, had to be cancelled due to fights between supporters of the ruling PDP and the ANPP opposition in and around the venue.

<sup>53</sup> In Bauchi State, PDP rally.

<sup>54</sup> In Ekiti State.

<sup>55</sup> In Ekiti State, the PDP ran a pro-indigenous campaign. In Kebbi State, the minorities in Zuru Emirate reported being ignored by the candidates. In Niger State, before the 14 April election day, EU observers reported that minorities in the northern part were beginning to migrate to the neighbouring states of origin, fearing outbreaks of violence which would be primarily targeted at them.

<sup>56</sup> EU observers followed the case of deadly ethnic clashes which occurred in Assakio between ANPP (whose governorship candidate was from the Eggon ethnic extraction) and PDP supporters (whose leader was from the Alago ethnic extraction) at the beginning of April 2007, which led thousands of people of the Eggon minority to flee from Assakio. From reports by EU observers in the field on the election day, as well as local NGOs and the press, it appears that the latter did not come back to cast their votes on 14 April 2007.

<sup>57</sup> Police confirmed to EU observers that clashes had occurred in Takum and the observers reported deserted areas before the 14 April election day.

homeless because of election motivated clashes.<sup>58</sup> Although it is difficult to determine whether incidents related to minority groups were part of the longstanding history of violence and exclusion, or whether they were manipulated for political election purposes, the observed cases of Assakio and Takum show at least that people from ethnic extraction were significantly affected in their fundamental rights to vote and stand for election.

Throughout the election process, political sponsorship, recruitment and use of thugs, young unemployed, uneducated area boys sometimes addicted to drugs and often armed with traditional weapons or fire arms, remained a problem already previously highlighted by EU EOM in 2003. This activity was reported by media and credible organizations in most states and additionally was observed by EU observers in Borno, Ogun, Abia, Taraba, Gombe, Bauchi, Kaduna, Zamfara, Niger, Oyo,<sup>59</sup> Osun, Cross River, Sokoto, Kogi and Edo States. Although most political parties accused PDP of being the main party having the financial resources to hire thugs, EU observers reported that this seemed a common practice for many political parties, especially the well established ones<sup>60</sup> (PDP, AC, ANPP) in areas where they were dominant, such as ANPP in Okene in Kogi State or some areas in Borno and Kaduna States and AC in Okene, in Kogi State and in Taraba State. In Gombe, thuggery seems to have been particularly well organized and widespread with several thousands of young area boys, under the appellation “Kalare boys”, allegedly hired by the PDP party and local government structures. Elder community leaders and civil society groups in Gombe publicly expressed concerns that these youths were getting out of the control of the party and becoming involved in general criminal activities while opposition parties have acknowledged to EU observers that they felt forced to use the same means to protect their votes and to retaliate.<sup>61</sup>

Civil society issued regular statements urging police to address the increasing level of violence and the concerning fusion between criminality and political violence,<sup>62</sup> while security agencies spread welcome and repeated messages of zero tolerance towards political violence.<sup>63</sup> In addition, police were trained with respect to Guidelines for the Conduct on electoral duty. However, the role of police between the two election days and in the post electoral environment remained a concern. Although the ECOWAS 2001 Protocol on Democracy and Good Governance provides that “all holders of power at all levels shall refrain from acts of intimidation or harassment against defeated candidates or their supporters”,<sup>64</sup> EU observers received numerous reports of supporters and candidates of opposition parties being arrested and detained between the 14 April and 21 April election days and then released without any charge being brought against them. In Gombe State, the police mainly arrested members of opposition parties, although they were aware of the role of PDP supporters and the so called Kalare boys in violent incidents.<sup>65</sup> In Cross River State, seven AC members were detained without charges after 14 April, and thus effectively removed from the run up to the 21 April election.<sup>66</sup> In Kebbi State, the ANPP chairman of Danko Wasagu LGA remained 26 days in detention and was released only two

<sup>58</sup> The Vanguard newspaper, 4 April 2007: “53 killed in Nassarawa political clash”; Thisday newspaper, 3 April 2007 stated 23 victims.

<sup>59</sup> EU observers in Oyo State confirmed the use of a notoriously violent chapter of the National Union of Road Transport Workers (NURTW) by PDP politicians to foment violence within the party and against political opponents. These thugs were reportedly paid and organized by Adedibu, the so called “Godfather”.

<sup>60</sup> Although smaller political parties such as CPP acknowledged the use of thugs to EU observers.

<sup>61</sup> EU observers in Gombe reported a case of AC thugs having retaliated against a PDP attack on an AC campaign convoy by killing a PDP boy. Three AC supporters were arrested by police and brought to Abuja. Police were reluctant to provide EU observers with further information.

<sup>62</sup> IDASA Conflict Tracking reports; IFES Reports on Electoral Violence - EVER project-; Thisday newspaper, 7 April 2007, “INEC, Police Neutrality Crucial.”

<sup>63</sup> Thisday newspaper, 10 April 2007: “SSS warns against electoral violence”; The Vanguard newspaper, 10 April 2007, “SSS commands get directive on crisis-free polls.”

<sup>64</sup> Article 10.

<sup>65</sup> This was confirmed to EU observers by the Deputy Police Commissioner.

<sup>66</sup> On 27 April 2007, the High Court ordered the Police Commissioner to release them.

days prior to the elections of 21 April. In Gombe State, on 21 April, EU observers<sup>67</sup> were able to meet 10 detainees in a small cell claiming to be AC agents and supporters who had been arrested on 13 April while waiting for distribution of electoral material. In Nassarawa State, the unsuccessful ANPP Governorship candidate was arrested on 24 April and detained at the federal level in Abuja. He was released several days later with no charge being brought against him. In Cross River State, EU observers followed the situation of a PPA female candidate who, intending to confront the State INEC with evidence of fraud, was herself arrested and detained by police for several hours. Although no charge was brought against her, she expressed to EU observers feelings of fear and the threat may deter her from pursuing her initiative. In the run-up to the elections all campaign activities were banned for about a week in Gombe State, according to the Police Commissioner to restore security in the volatile state. The ban coincided with scheduled rallies by AC presidential candidate Atiku Abubakar which had to be cancelled, thus denying him the opportunity to campaign in the State.

## **IX. MEDIA ENVIRONMENT**

### **A: MEDIA LANDSCAPE**

As of April 2007 there were 298 television and radio stations registered and operating in Nigeria.<sup>68</sup> The National Television Authority (NTA) and Federal Radio Corporation of Nigeria (FRCN) that are both state-owned national broadcasters, operate a network of some 140 offices and stations throughout the country. There are also local state-owned radio stations and television channels broadcasting in all of the 36 Nigerian states. Whilst the Nigerian audiovisual sector remains dominated by the state-owned media there are approximately 60 private broadcasters operating in Nigeria and the private media is expanding.<sup>69</sup> Access for Nigerians to the electronic media is limited, especially in rural areas, as the country suffers from a severe shortage of electricity with frequent power failures. Radio is the most important media and it continues to play a key role in the political life of the country as it conveys news and political information to the widest audience of all of the mass media. There are approximately 100 print media outlets publishing in Nigeria and all newspapers with national coverage are privately owned. Due to the lack of financial resources and high illiteracy rates the print runs of newspapers are relatively small. Limited distribution of newspapers and the lack of a wide readership, especially in remote parts of the country, contribute significantly to the relatively high copy price and low sales, though there is said to be a degree of collective readership with more than one person reading each copy.

The media environment is characterised by financial instability, a lack of independence of regulatory bodies and inadequate training for media professionals that leads to a lack of high quality journalism. The low income of journalists also exposes them to offers of payment in return for favourable reporting. The practice of so called “brown envelopes”: cash payments some journalists receive from various sponsors on top of their official income is reported to be widespread. However, journalists, especially those employed in the private print media, are able to operate in an environment of relative freedom, given the systematic weaknesses characterising the media sector.

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<sup>67</sup> The EU observers were attending the distribution of election material at police headquarters where they discovered the detainees claiming to be AC agents and supporters from Akko LGA who had been arrested in Kumo on 13 April while waiting for distribution of electoral material at the Akko LGA INEC premises.

<sup>68</sup> Information provided by National Broadcasting Commission (NBC) in April 2007.

<sup>69</sup> NBC issued 32 new licenses to private broadcasters in April 2007.



## **B: LEGAL FRAMEWORK FOR THE MEDIA AND ELECTIONS**

Freedom of expression is guaranteed by the Constitution and the principles established in the Constitution are reflected in the legal framework for the media's coverage of the election campaign that is primarily governed by the Electoral Act 2006. The Nigerian Broadcasting Code and Code of Ethics also provide regulatory and self-regulatory guidelines in conjunction with the election law. The Electoral Act provides that government owned print and audiovisual media shall grant equal access on a daily basis to all registered political parties or candidates (Article 102). In this respect, the coverage of candidates and parties in the state-owned media shall be allocated equally, at similar hours of the day. Moreover, the law states that state-owned media shall remain impartial and "not be employed to the advantage or disadvantage of any political party or candidate" (Article 103 (2)) and equal airtime should be allotted to all political parties during prime time at similar hours each day pursuant to Article 103. Article 104 also establishes a moratorium of 24 hours prior to election day when there should be no campaign coverage in the media. The Nigerian Broadcasting Code further establishes programme standards for all broadcasters and sets out a whole range of obligations for broadcasters to meet including equality and fairness in their coverage in key programming such as news and current affairs. Section 5.2 of the Code establishes specific rules and regulations for radio and television coverage of election campaign periods and includes provisions for equal airtime, objectivity and impartiality and a positive obligation to produce programming that contributes to the "political arena" (Article 5.2 et seq. Nigerian Broadcasting Code).

The regulatory body responsible for the broadcast media is the National Broadcasting Commission (NBC), established by decree in 1992. As the authority with responsibility for the media NBC is responsible for assessing complaints against broadcasters as well as ensuring ethical standards are maintained, including the standards established in the provisions set out in law related to election campaign coverage. At the end of 2006, NBC announced and distributed *The Guidelines on Political Broadcasting*, a document based on the Nigerian Broadcasting Code, in which NBC reiterated key provisions governing the campaign coverage of broadcasters. In order to monitor the activities of broadcasters during the campaign period, NBC informed the EU EOM, that it was conducting comprehensive monitoring of election coverage to enforce relevant legal provisions.

The profile of NBC, however, was generally low-key during the campaign period. NBC representatives acknowledged that during the campaign period it received a number of verbal complaints from political parties complaining about unequal paid campaign conditions in the media, refusals by the media to air paid for campaign spots and complaints concerning bias in the media in favour of certain political views. The EU EOM did not gain access to records of these complaints and the NBC stated that informal channels such as meetings and telephone conversations were employed to deal with complaints and formal procedures were only recorded in writing at a later stage. This informal framework for dealing with complaints is inadequate and the lack of a public record of all complaints and decisions lacks transparency and accountability. In spite of the informal procedures for the assessment of the complaints submitted to the NBC it was active in enforcing sanctions for violations of the campaign silence period and it fined 14 broadcasters for violations of the campaign moratorium prior to the 14 April election day. Its claim that it was undertaking extensive media monitoring was not publicised and the EU EOM found no evidence that the NBC acted on violations to the Nigerian Broadcasting Code that such media monitoring would have identified apart from the 14 fines that it imposed.

Although freedom of expression is guaranteed by the Constitution and the audiovisual sector is technically under the supervision of NBC the actions of state security agencies on a number of occasions undermined the principle that a sector-specific regulatory body should supervise the audiovisual sector. Members of the State Security Service (SSS) suspended broadcasts of the Lagos-based private television channel TV Gotell and Radio Unity FM and sealed their premises on 11 April 2007. Neither of these broadcasters re-established their operations during the campaign period. On 17

April, SSS also raided AIT TV's Abuja-based office and stopped the airing of a paid for programme which was critical of the incumbent president. In the raid it confiscated working material and a number of tapes with recorded programmes including the tape of the paid for programme.

A number of other obstructions to freedom of expression emerged during the campaign period. Lagos-based AIT and Ray Power transmitters were destroyed by a fire on 15 April 2007. Broadcasters did not identify the source of the fire. The transmitter of the Kano-based private radio station Freedom was also destroyed on 2 April 2007 as several hundred people attacked the premises of the station. While this attack seems to have been motivated by religious tensions which was fuelled by the station's coverage related to the Islamic festival marking the birthday of the Prophet Mohammed, representatives of the station perceived the attack as a politically motivated attempt to silence the station. In two separate incidents, NTA and AIT TV staff were physically assaulted by groups in Delta and Zamfara States while reporting on the 14 April election day developments.

NBC played an extremely minor part in regulating the media during the campaign period and the media monitoring data collected by the EU EOM suggests that despite a wide range of violations to the Nigerian Broadcasting Code and relevant other laws the NBC failed to act in accordance with its mandate and the provisions of the Broadcasting Code were widely broken. Equally, the responsibilities of the Commission pursuant to Article 3.6.1 (f) to "guarantee.....the liberty and protection of the broadcasting industry with due respect to the law", of the Nigerian Broadcasting Code were undermined with the actions of the security services and the failure of the NBC to respond to these actions represents a breach of its own Code.

### **C: MONITORING OF MEDIA COVERAGE OF THE ELECTIONS<sup>70</sup>**

Overall, national broadcasters allocated the majority of their election coverage to the presidential elections and, in some instances to the governorship elections. News and current affairs programmes of private and state broadcasters focused on a limited number of parties: predominantly PDP, AC and ANPP. The tone of their coverage towards the candidates was largely neutral or positive. The level of coverage focusing on these main three parties to some extent reflected their position in opinion polls. However, this focus resulted in imbalanced coverage of the political spectrum. A total of 50 registered parties, varying levels of campaign intensity by the individual parties and lack of capacity to sufficiently cover their campaigns seriously challenged the ability of the media to provide equal coverage of the contesting parties' campaigns and they subsequently failed to adhere to their legal obligations on equal coverage.

State-owned broadcasters in particular failed to comply with the requirements to provide balanced coverage. News and current affairs programmes of NTA and FRCN demonstrated considerable bias in favour of the incumbent PDP that received a larger amount of airtime than all of the other political parties combined on these channels. Of the total news coverage of political parties PDP received a share of 51 per cent on NTA and 52 per cent on Capital FM. Parties that received the second and third largest amounts of coverage were AC and ANPP with 12 per cent and 11 per cent respectively on NTA

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<sup>70</sup> The EU EOM Media Monitoring Unit recorded and analysed prime time programming between 17:00 – 23:00 on TV, and 16:00 – 19:00 on radio, of 13 broadcasters (3 TV channels and 10 radio stations) and the content of 11 newspapers (7 dailies, 4 weeklies. Media monitoring was conducted for the period 21 March – 21 April 2007. Seven radio stations based outside Abuja were monitored from 26 March following the deployment of EU observers in the regions. The list of monitored media consist of: State-owned TV National Broadcasting Authority, two privately-owned TV channels African Independent Television (Abuja, nation-wide) and TV Channels (Lagos); State-owned radio stations Capital FM (FRCN, Abuja), Peace FM (Plateau), Radio Kano (Kano), FRCN Kaduna and FRCN Enugu; privately owned radio stations: Aso FM (Abuja) Ray Power (Abuja, nation-wide), Freedom Radio (Kano), Nagarta FM (Kaduna), and Radio Unity (Lagos); daily newspapers: *Guardian*, *Daily Sun*, *Daily Times*, *Daily Trust*, *This Day*, *Punch* and *Vanguard*; and weeklies *Insider*, *News*, *Newswatch* and *Tell*.

and 13 per cent and 10 per cent on Capital FM.<sup>71</sup> The PDP's presidential candidate received 52 per cent of total news coverage of presidential candidates on Capital FM and 30 per cent on NTA. Local state-owned media also showed bias and a clear tendency to favour the local ruling party. The FRCN station in Kaduna provided similar levels of coverage of contestants as Capital FM: PDP, the ruling party in Kaduna, received 46 per cent, AC 16 per cent, ANPP 12 per cent and DPP 9 per cent of the coverage dedicated to political parties. Likewise the Plateau-based FRCN radio station, Peace FM, allocated 79 per cent of its news coverage to PDP, the ruling party in Plateau. AC, ANPP and DPP received 7 per cent, 5 per cent and 5 per cent, respectively. State-owned Radio Kano granted a dominant share of its news coverage to the local ruling party in the State – ANPP received 56 per cent of total news coverage of political parties, while AC received 22 per cent and PDP 19 per cent.

The coverage of the election campaign of the nationwide private television channel AIT TV and radio station Ray Power, both which are owned by DAAR Communications, also focused on three parties – PDP, AC, ANPP.<sup>72</sup> While these two stations also allocated the largest amount of coverage to PDP, the overall distribution of airtime among the candidates and parties was more equitable compared to the state-owned media's coverage. In the coverage of both these broadcasters the AC presidential candidate, Atiku Abubakar, received the largest share of airtime allocated to coverage of presidential candidates. However, news coverage of Abubakar, tended to focus on his legal challenge to his disqualification as a candidate rather than his campaign. Out of all the monitored broadcasters Lagos-based Channels TV provided the most balanced coverage of political parties, though it also allocated the largest share of its news coverage to PDP (31 per cent) and AC (24 per cent). Seven other parties, however, also received a share of about 5 per cent or more of coverage in Channels TV news programmes.<sup>73</sup> Private radio stations Nagarta FM (Kaduna) and Aso FM also afforded a dominant share of their coverage to PDP and this party received 80 per cent of news coverage on Nagarta FM and 55 per cent on Aso FM. Lagos based Unity FM allocated 39 per cent of its coverage to PDP and 30 per cent to AC. Kano-based radio Freedom afforded the largest share of its news coverage to ANPP (44 per cent), PDP (30 per cent) and AC (15 per cent). In comparison with other radio stations, Freedom provided more critical coverage, though its coverage also focused on the main three parties, which combined enjoyed almost 90 per cent of total news coverage of political parties.

In a positive development broadcasters aired some discussion programmes and interviews with presidential candidates giving them equal access and the opportunity to present their views.<sup>74</sup> Unfortunately, some of the popular candidates, including the presidential candidate of PDP, did not participate in these programmes thus reducing their impact. A number of roundtable discussion programmes with gubernatorial candidates were also initiated by various organisations prior to the 14 April elections. These included initiatives by the Nigerian Union of Journalists in Edo State, debates between the Lagos governorship candidates televised on 23 and 24 March 2007 by Channels TV, and an attempt by the business community in Ogun State to financially support a public debate between governorship candidates that was subsequently aborted due to political disturbances prior to the start of the debate.

On the whole daily newspapers provided more diverse coverage of political developments than broadcasters. This was evident in the more detailed reports of political developments in particular states. The coverage of governorship races dominated newspaper reports. In contrast to the broadcast media, newspapers were more critical in their coverage, though positive coverage of candidates generally prevailed. All of the daily titles focused their coverage on the main three political parties – PDP, AC and ANPP. PDP received the largest share of space in all of newspapers monitored by the EU EOM and coverage of PDP ranged from a low of 34 per cent share to a high of 43 per cent. In

<sup>71</sup> Annex, charts no. 1, 2.

<sup>72</sup> Annex, charts no. 3, 4.

<sup>73</sup> Annex, chart no. 5.

<sup>74</sup> A series of discussions were aired on AIT and Ray Power as well as on FRCN between 2 and 5 May. Further discussion programmes were hosted by NTA during the period 12 – 19 May.

terms of the presidential elections the majority of newspapers, however, allocated the largest amount of space to the AC candidate Atiku Abubakar and, as was the case of broadcasters, this coverage largely concentrated on his legal dispute over his candidature and disputes with the incumbent president. While ADC was generally not afforded a large amount of space, its presidential candidate, Pat Utomi, enjoyed a larger share of coverage than any other candidate in the *Guardian* and he was also the candidate to receive the second largest share of space in the *Daily Times*. The newspaper titles that are published weekly focused primarily on two parties: AC and PDP. *Tell* and *Newswatch* allocated the largest share of their coverage to AC, 56 per cent and 37 per cent respectively, PDP received the second largest share of space, 26 per cent in *Tell* and 33 per cent in *Newswatch*. *News* and *Insider* granted dominant shares of their coverage to PDP, 36 per cent and 55 per cent, respectively with AC receiving 28 per cent and 20 per cent. ANPP was granted coverage ranging between 21 per cent (*Insider*) and 8 per cent (*Tell*). Of all the monitored media, the weeklies provided the most critical coverage of political actors.

## XI. PARTICIPATION OF WOMEN IN THE ELECTORAL PROCESS<sup>75</sup>

The Nigerian constitution prohibits discrimination for whatever reason, including gender. Nigeria has also ratified both CEDAW<sup>76</sup> and ICCPR which prohibits discrimination against women in the exercise of their right to vote and to stand for election. In 2000, a National Policy on Women requested 30 per cent female representation in all levels of government, and in their 2007 code of conduct, political parties resolved to ensure the promotion of active participation of women in electoral processes and committed themselves against violence or intimidation of any kind. However, women remain clearly under-represented in public life. This was visible in the very low proportion of women candidates (6 per cent) standing for election.<sup>77</sup> According to the United Nations Development Fund for Women (UNIFEM) there has been very little change in the trend of low participation of women in the electoral process since 1979.

The highly commercialised nature of politics, the male dominated party apparatus, including in the party screening committee for candidates, and political violence remain the most serious deterrents to women's participation in public life. Female candidates face particular financial and social constraints in campaigning and are not able to compete with men on an equal footing, although UNIFEM has established a trust fund to assist female candidates and some political parties waived fees required to contest for political position for female candidates. Women's organisations criticised political parties for discriminating against women within their own structures.

Women can also face considerable pressure to withdraw or to be substituted as candidates. For example, in Ebonyi State, a PDP candidate for the State House of Assembly who had won the primary election was substituted by the male counterpart she had defeated. After complaining to her party, she was once more duly nominated but substituted again during the time permitted by the Electoral Act.<sup>78</sup> In Abia State, another PDP candidate for the State House of Assembly whose name had been

<sup>75</sup> Article 2 of the ECOWAS Protocol on Democracy and Good Governance states that: "Member States shall take all appropriate measures to ensure that women have equal rights with men to vote and be voted for in elections, to participate in the formulation of government policies and the implementation thereof and to hold public offices and perform functions at all levels of governance."

<sup>76</sup> While ratified in 1985, CEDAW has not yet been incorporated into the national legal framework.

<sup>77</sup> UNIFEM figures - Presidency: 24 candidates – 1 woman, Vice-Presidency: 24 candidates – 6 women, Senate: 780 candidates- 57 women, House of Representatives: 2,358 candidates- 151 women, Governorship: 486 candidates - 16 women, Deputy governorship: 486 candidates - 47 women, State House of Assembly: 5,662 candidates - 328 women. Total: 9,820 candidates - 606 women.

<sup>78</sup> Article 34 (1) Electoral Act 2006 allow political parties to substitute a candidate only 60 days before the elections. The candidate has lodged a complaint to INEC.

mentioned on an INEC list of candidates was replaced by a male counterpart.<sup>79</sup> In Kogi<sup>80</sup> and Kwara<sup>81</sup> States, the substituted women even faced intimidation and physical assault.<sup>82</sup> On the elections days, only 2 per cent of the political agents in the polling stations visited were women.<sup>83</sup>

Women's organisations and UNIFEM repeatedly expressed frustration and disappointment at the lack of support for women's participation in elections and struggled to increase political awareness in favour of such participation, including among female voters. Nevertheless, women appeared willing to play a role in the political process. For example, among the domestic observers present in the polling stations visited, an average of 35 percent were women. Further, after the 14 April elections, women organised protest demonstrations in many states, including Imo State,<sup>84</sup> Ondo State,<sup>85</sup> and Nassarawa State.<sup>86</sup> Following the 21 April elections, protest by women also took place in Kano State where even old women took the streets.<sup>87</sup> Women also actively protested against candidate disqualification during the pre electoral period.<sup>88</sup>

Violence cannot be underestimated as an obstacle to women's empowerment. The lower turn out on 24 April election day can, at least in part, be attributed to violence during the 14 April polls. In many states, women reported to EU observers that fear of intimidation, violence and harassment by young people recruited by the political parties were major factors in deterring them from voting.

INEC made several media statements, particularly during the primaries, in favour of an increased participation of women in political life. However, while INEC agreed to establish a gender focused team, only one of its 12 Commissioners was a woman.<sup>89</sup> At polling station level, a woman was the presiding officer in only 20 per cent of polling stations visited by EU observers on the two election days.<sup>90</sup> Similarly, in only one fifth of ward collation centres observed, was the collation officer a woman

## XII. PARTICIPATION OF CIVIL SOCIETY

Nigeria has a strong civil society, which has played a constructive role in the country's transition towards democracy. Civil society organisations were particularly engaged with the constitutional and electoral law amendment and in the prevention of a third term for the offices of President and Governors. With this strengthened role, civil society organisations were eager to engage with INEC to enhance the conduct of the 2007 elections. At the end of September 2006, an INEC/civil society

<sup>79</sup> The candidate informed EU Observers that the reason for her substitution lay in the fact that the male candidate was from another village than hers. The Senatorial candidate of her Constituency, who is from the same village as the male candidate, reportedly helped the male candidate with a view to securing votes from his village in gratitude.

<sup>80</sup> UNIFEM source: the case refers to a female aspirant for the primaries for the State House of Assembly.

<sup>81</sup> EU observation in Kwara State: the case refers to a female candidate for the Senate.

<sup>82</sup> See also: The Abuja Enquirer newspaper, 26 March 2007-01 April 2007, "Who wants ANPP senatorial candidate, Halima Alfa, dead?"; The Vanguard newspaper, 13 March 2007, "April polls: 'Women protest substitution of names.'"

<sup>83</sup> Discrimination against women was even reportedly translated in the practice of vote buying with 400 Naira being the price for the vote of a man and only 200 Naira the vote of a woman in Jigawa State

<sup>84</sup> Thisday newspaper, 19 April 2007, "5 faint as Women protest results cancellation."

<sup>85</sup> Tell, Nigeria's independent weekly, 30 April 2007, "Rape of democracy, Nigerians cry out."

<sup>86</sup> The Vanguard newspaper, 17 April 2007, "Women, youth protest delay of results in Nassarawa."

<sup>87</sup> The Thisday newspaper, 26 April 2007, "Women protest polls result."

<sup>88</sup> The Vanguard newspaper, 21 March 2007, "Women protest candidates disqualification".

<sup>89</sup> A second woman, who died unexpectedly after having been nominated, was replaced by a man.

<sup>90</sup> For example, in Bauchi State, women remained strongly underrepresented with no woman in the core staff of the electoral administration and only one woman recruited as election officer assistant among the 40 recruited in this position for Bauchi LGA.

conference intended to foster collaboration for successful elections was held in Enugu State. However the relationship between INEC and civil society organisations became severely strained by the voter registration exercise and the INEC civil society desk was only established one week prior to the elections.

Civil society organisations devoted considerable attention to electoral violence. In December 2006, a former head of state, General Abdulsalami Abubakar, launched the National Campaign on Reduction of Electoral Violence (NACOREV), implemented by the Institute for Democracy in South Africa (IDASA) which had been monitoring and analysing conflict in all states of Nigeria. However, reports vary about civil society organisations' involvement in civic and voter education. The Election Reform Network (ERN) and the Justice, Development and Peace Commission among others devoted time and effort to civic education. Nevertheless, much more, especially at the grass root level, needed to be done given the grave lack of understanding of voting procedures and INEC's deficiencies in this area. This lack of understanding was particularly evidenced on the two election days when, according to many reports of EU observers throughout the country, voters did not complain when they had to vote on the desks of Presiding Officers, thus indicating that they were not familiar with the concept of the secrecy of the vote.

The fact that INEC did not establish objective criteria and a timely process for observer accreditation encouraged the perception that INEC was not interested in the involvement of a strong civil society in the oversight of the elections. Further, credible reports were received from civil society organisations that their offices were visited by the State Security Services which asked questions about funding, mandate, membership and interest in election observation. In the end, 53 out of 175 organisations that applied were accredited. INEC also unnecessarily delayed the observer accreditation process and most domestic observer organisations received accreditation cards for their observers on the eve of the state elections and then in insufficient numbers. It was of great concern that INEC communicated to the EU EOM and national observer organisations, during the week before election day, that one reason why it could not deliver all accreditation cards to accredited observer organisations in Abuja was due to the fact that all the material had already been sent out to the states. However, to the contrary, EU observers witnessed large numbers of observer kits which were prepared for delivery to the states on the eve of election day on 14 April at the INEC storage facilities at Airport Road, Abuja. Similarly, political parties also faced problems in obtaining sufficient numbers of accreditation cards in time before the 14 April elections.

For the purpose of observing the April elections eight organisations, Transition Monitoring Group (TMG), Federation of Muslim Women Association of Nigeria (FOMWAN), Labour Monitoring Team (LEMT), Women Environmental Programme (WEP), Muslim League for Accountability (MULAC), Centre for Democracy and Development (CDD), Civil Liberties Organisation (CLO) and Alliance for Credible Elections (ACE) Nigeria - liaised under the umbrella Domestic Election Observation Groups to issue a common preliminary report. After the 14 April elections the Domestic Election Observation Groups concluded that "the level of violence, intimidation and ballot box snatching that took place in these states (Anambra, Adamawa, Delta, Edo, Enugu, Kogi, Nasarawa, Ogun, Ondo and Rivers) was so grievous that the results announced in them cannot be said to reflect the will of the people in the states." After the 21 April elections, the Domestic Election Observation Group which reported it deployed 50,000 election observers countrywide, issued another much harsher statement announcing that "based on the widespread and far-reaching nature of these lapses, irregularities and electoral malpractices, we have come to the conclusion that on the whole, the election was a charade and did not meet the minimum standards required for democratic elections."

Other observer groups included the Nigerian Bar Association as well as the faith based Justice, Development and Peace Commission (JDPC), Christian Association of Nigeria, Nigerian Supreme Council for Islamic Affairs and the Pentecostal Fellowship of Nigeria. Of these groups, the largest, JDPC, which reportedly deployed 30,000 observers and before the elections had a good working relationship with the INEC Chairman, concluded after the 14 April elections that "there seemed to

have been no elections in many parts of Enugu, Anambra, Edo, Delta and Rivers due to carrying away of ballot boxes and intimidation of INEC officials and voters. (...) In many other states in this zone there were serious irregularities including hijacking and stuffing of ballot boxes especially in Ogun and Oyo". On 24 April the President of the Catholic Bishop's Conference of Nigeria elaborated on JDPC's findings on the presidential and national assembly elections: "The reports from our observers indicate that we have again failed in conducting free, fair and credible elections. The reports from across the country show that the mandate of the people was abused, traumatized and brutalized. (...) It is obviously evident that Nigerians should no longer afford to tolerate this level of vulgar disenfranchisement which is blatant rape on their will."

On 25 April 2007, a coalition of 17 civil society organisations across the country, which included ACE, TMG and others, called for the cancellation of the elections and threatened to begin a nationwide protest starting on Labour Day, 1 May. On 30 April, the State Security Service arrested the General Secretary of Alliance for Credible Elections (ACE) which, together with TMG and the Community Action for Popular Participation, had planned to join the Nigerian Labour Congress (NLC) and the Trade Union Congress (TUC) in their 1 May demonstration. However, the Police declared the planned protests illegal since approval was not granted.<sup>91</sup>

## **XII. COMPLAINTS AND ELECTION PETITIONS** <sup>92</sup>

### **A: COMPLAINTS**

As no specific procedure is laid down in the law for initiation and adjudication of complaints prior to the elections, considerable confusion surrounded this aspect of the process. In practice, complaints were submitted to a variety of institutions including INEC, RECs, the police and the different courts at State and Federal level. RECs reported that only a small number of official complaints were lodged with INEC. One reason for the small number of pre-election complaints could be that INEC had advised political parties and candidates to lodge their petitions after election day. This led to a situation where unlawful acts or omissions that needed to be addressed before the election were not dealt with prior to the election days.

No record of pre-election complaints was kept and no evidence could be found of an official response to complaints. Meetings between INEC and the political parties were the forum at which the majority of complaints were made. Political parties reported that the effective processing of pre-election complaints was dependent mainly on the personal skills and degree of commitment of election officials. Most pre-election complaints related to the registration of voters and the recruitment of electoral officials.

Some pre-election complaints relating to the nomination and substitution of candidates by the political parties and disqualification of candidates by INEC were lodged with the Federal High Court. Most complaints concerning campaign violations related to actions of a criminal nature such as the defacement of campaign posters, intimidation, violent incidents and damage to property by opposing political parties. These were made to the Commissioners of Police. Overall, follow-up by the police was mixed. In some cases, the police informed EU observers that an investigation began without further information being provided. In others cases, the police were directed to send the case to their Abuja headquarters. Sometimes, police even denied having received complaints although EU

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<sup>91</sup> ANPP disagreed, declaring that the colonial Public Order Act being used by the police had been declared moribund by the court.

<sup>92</sup> Article 7 of the ECOWAS Protocol on Democracy and Good Governance states that: "Adequate arrangements shall be made to hear and dispose of all petitions relating to the conduct of elections and announcement of results,"

observers had been provided with a stamped copy of the document by complainants. At the time of publishing this report, no case of criminal charges in relation with election offences, especially significant offences, was reported to have been prosecuted and perpetrators held accountable.

In 2003, the EU EOM pointed out in its final report the necessity for the police, judiciary and INEC to conduct investigations into the reported and observed irregularities and malpractices and take adequate measures to hold perpetrators to account, including by dismissing INEC officials found to have been involved in malpractice.

Several complaints related to the election process were filed in the courts. For example, in March 2007, the NDP filed an action in the Federal High Court Abuja for an order to restrain INEC from conducting the State and Presidential elections due to INEC's failure to comply with the legal provisions for the registration of voters. In April, 17 other political parties applied to be joined as plaintiffs in the action and requested the courts to annul all State elections and prevent INEC from conducting the Presidential election. This case was still pending in the courts after the Presidential election.

After the elections, some complaints on conduct of the process in a number of states, including Niger, Koara, Akwa Ibom, Kebi, Edo, Osun, Borno, Plateau, Bauchi, Abia Rivers, Ebonyi, Anambra, Benue, Cross River, Taraba, Kaduna, Gombe, Kanu, Imo, Jigawa, and Zamfara States were lodged by political parties and individuals with INEC. These complaints sought the annulment of elections in some or all of the Local Government Areas in these states. The main grounds for complaints were violence, rigging and late distribution of materials. More specifically, complaints related to missing voter registers, ballot box stuffing, hijacking of ballot boxes and other sensitive materials, vote buying, denial of entry of voters into polling stations, campaigning in polling stations, unlawful conduct of INEC officials, fraudulent thumb printing of ballot papers, forgery of results, use of violence to force people to vote for a particular political party, and intimidation and harassment of party agents and voters by thugs, police and the military. INEC reportedly annulled elections in several wards in most states. However INEC failed to publicly outline the grounds for the annulment of these elections. For example, in Imo State, INEC annulled the gubernatorial elections and not the State House of Assembly elections.

## **B: ELECTION PETITIONS**

The Electoral Act 2006 does not allow voters, domestic observers or other interested organisations to file election petitions or to address electoral malpractice in any other way. Election petitions can only be filed by candidates and political parties and must be filed within 30 days of the declaration of results.<sup>93</sup>

The law stipulates that the Election Tribunals use Federal High Court Civil Procedures Rules to deal with the petitions. These procedures slow down petition hearings tremendously.<sup>94</sup> Further, no time limits for the determination of petitions are included in the law. In a positive development, the Court of Appeal established mechanisms which sought to simplify procedures and ensure timely determination of election petition proceedings. This new strategy focused on accelerated hearing of petitions before Tribunals by identifying the issues for determination and narrowing the number of witnesses called at the hearing of the petition. According to the "Election Tribunal & Court Practice Direction, 2007", for the determination of election petitions issued by the Court of Appeal, a pre-hearing session should determine the validity of the petition within one month and any subsequent hearings should be resolved within two months. However the tribunals can grant an extension of the different deadlines established in the directive.

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<sup>93</sup> In the case of Presidential election before the Court of Appeal and in the case of any other election before the Election Tribunals established at State level.

<sup>94</sup> Most petitions filed for the 2003 elections were determined two or three years after the elections.



The AC, ALP, ANPP, HDP, APGA, PMP, NAC filed petitions challenging the presidential election before the Court of Appeal. Petitions challenging the Governorship and State House of Assembly elections were filed in most states in areas where incidents were reported during the election days. The main grounds of the petitions were massive electoral irregularities, corrupt practices including snatching of ballot boxes, stuffing of ballot boxes, multiple voting, and the fact that elections were not held at the same time and on the same day throughout the country as specified by law. Another ground was that the elected candidates, including the President,<sup>95</sup> were not qualified to contest the election due to their indictment by various Administrative Panels of Inquiry. The petition filed by NAC was dismissed on 20 July 2007 based on objections raised by INEC that the petition did not disclose any reasonable cause of action and the petitioner did not plead the results of the election as required by law.

At the time of publication of this report, most pre-hearings at state level were at an advance stage. However only a few pre-hearings of Presidential election petitions had commenced. With respect to the Presidential election petitions, the respondents failed to file replies within the specified time period. Thereafter the respondents made oral submissions before the Court requesting an extension of the period of time for the filing of their responses. The Court granted them periods of up to 14 days, delaying the pre-hearing of the petitions. The Inspector General of Police made such a request on the grounds that the office of the Attorney General who represents him is vacant. The other respondents issued statements claiming unconvincingly that the said election petitions had not been served to them in accordance with the law.

Regarding the Presidential petitions, another serious obstacle to the election petition process so far has been lack of cooperation by INEC, which has refused to provide the parties with relevant documentations, prompting counsel for the petitioners to seek a court order to compel INEC to do so. These materials include the result forms, ballot papers and electoral material handover receipts used during the presidential elections, material necessary for the petitioners to sustain their allegations. At state level, INEC appears to have been more co-operative. While there is general agreement that the Courts have acted impartially so far with regard to the election petitions, there is concern they have not acted forcefully enough to have their directives and determinations implemented.

#### **XIV. ELECTION DAY – 14 APRIL 2007** <sup>96 97</sup>

Delays in the opening of polling stations were reported by EU observers throughout the country. By 09:00, only one fifth of polling stations visited by EU observers were open and in only one third of polling stations visited were the required three polling officials present. In some polling stations, for

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<sup>95</sup> Mr. Jar'dua was indicted by the Abia State Administrative Panel of Inquiry established by the State governor (ANPP).

<sup>96</sup> Altogether more than 470 cases of irregularities were either directly observed by EU observers or credibly reported to them on the two election days together, including intentional breach of electoral procedures by electoral staff, acts of violence, and direct fraud like ballot box stuffing and manipulations of result sheets. The complete list of irregularities is attached to this report as Annex 1, where they are differentiated into three different types: type A: intentional/accidental breach of electoral procedures by electoral staff; type B: incidents of violence; and type C: incidents of fraud. EU observers directly observed 137 cases of type A, 76 cases of type B, and 75 cases of type C, while they collected credible information in 24 cases for type A, 96 cases for type B, and 64 cases for type C. This final report includes examples of these irregularities, referred to in the text and referenced in the footnotes.

<sup>97</sup> Although for security reasons the EU EOM had no observers deployed in Delta, Bayelsa and Rivers States it received credible and multiple reports from international and domestic sources, in particular the Stakeholder Democracy Network, as well as media reports which indicated that the elections in these states were marred by disenfranchisement, intimidation, violence and fraud.

example in most of Enugu State, Zamfara State and in the LGA Lafia of Nassarawa State, polling did not commence before 15:00. In many polling stations, voting did not take place at all, for example in eight out of 24 polling stations observed in Gombe State, the whole of LGA Ohaozara of Ebonyi State<sup>98</sup> and, according to credible reports by INEC staff and the police, in the LGA Isiala Ngwa North in Abia State.<sup>99</sup> At the opening, essential polling materials were missing in 40 per cent of polling stations observed. Only 50 per cent of polling stations visited received the correct number and type of ballot papers, disenfranchising large numbers of voters<sup>100</sup> such as in Edo State, where in 10 polling units, only between 25 and 40 per cent of the required numbers of ballot papers had been delivered.<sup>101</sup> In many states, observers reported missing official EC8 series result forms such as in Anambra State where none had been delivered to the polling stations and LGA collation centres visited.<sup>102</sup> However, in a few states such as Jigawa State, election material, including ballot papers, were supplied in required numbers to the polling stations EU observers visited.

In 42 per cent of polling stations observed, the overall conduct of polling was rated as poor or very poor, which is a very high percentage compared to other EU observations. In a few states, such as Taraba and Sokoto, EU observers assessed the performance of INEC staff, given the difficult logistical conditions, as reasonably well prepared and professional. However, observers witnessed disorder in 22 per cent of polling stations visited. In the majority of polling stations observed, breaches of the secrecy of the vote occurred.<sup>103</sup> In many polling stations observed it was common practice for voters to mark their ballots in the open, surrounded by polling agents. Polling booths were missing in the overwhelming majority of polling stations visited by EU observers. In almost a fifth of polling stations visited, voters who were clearly underage were witnessed voting, particularly in the Northern States of Gombe,<sup>104</sup> Bauchi, Kebbi, Sokoto,<sup>105</sup> Jigawa,<sup>106</sup> Yobe, Plateau<sup>107</sup> and Zamfara, but also in a few places in the South like Ebonyi State.<sup>108</sup>

In almost 16 per cent of polling stations visited attempts to influence voters were witnessed and in one fourth of polling stations procedures to check and apply ink were not adequately followed. In many polling stations visited, one of the three polling staff was missing and in 40 per cent of polling stations observed, polling staff had a poor understanding of polling procedures and were widely assisted by polling agents. The Manual for Electoral Officials did not appear to be available at most polling stations visited.

Disorder inside polling stations was observed in 15 per cent of polling stations visited during closing and counting. Although INEC was aware of the serious delay in the opening of polling stations, no regulation was issued to extend official polling hours. In one fourth of polling stations observed, voters who were queuing at 15:00 were not allowed to cast their vote as prescribed by the law. In 20 per cent of polling stations visited, observers rated the counting process as poor or very poor and in 18 per cent of counts observed, valid votes were incorrectly rejected by the presiding officer. In 30 per cent of observed polling stations the reconciliation of used ballot papers did not equal the number of valid, spoiled and rejected ballot papers. In one fourth of polling stations observed not all polling agents and police received an official result form copy as provided in the law. The newly introduced

<sup>98</sup> See: Annex 1 Election Day Incident Reports, Report No.: A. 12.08

<sup>99</sup> See: Annex 1 Election Day Incident Reports, Report No.: B. 13.01

<sup>100</sup> Article 25 of the ICCPR states that "Every citizen shall have the right and opportunity...to vote and be elected at genuine, periodic elections which shall be by universal and equal suffrage..."

<sup>101</sup> See: Annex 1 Election Day Incident Reports, Report No.: A.08.02 & A.08.03

<sup>102</sup> See: Annex 1 Election Day Incident Reports, Report No.: A.09.01 & A.09.02

<sup>103</sup> Article 25 of the ICCPR states that "Every citizen shall have the right and opportunity...to vote and be elected at genuine periodic elections which shall be...held by secret ballot".

<sup>104</sup> See: Annex 1 Election Day Incident Reports, Report No.: A.25.26 & A.25.27

<sup>105</sup> See: Annex 1 Election Day Incident Reports, Report No.: A. 33.01 & A.33.02

<sup>106</sup> See: Annex 1 Election Day Incident Reports, Report No.: A. 27.09

<sup>107</sup> See: Annex 1 Election Day Incident Reports, Report No.: A. 21.12 & A. 21.13 & A. 21.14

<sup>108</sup> See: Annex 1 Election Day Incident Reports, Report No.: A. 12.01

electronic result transfer system to INEC HQ was not used at any polling stations visited and was used in only 15 per cent of collation centres observed.

The presence of party agents varied from a minimum of 81 per cent during the opening to a maximum of 97 per cent during counting, while it stood at 94 per cent during voting hours and at 88 per cent during the collation process. Domestic observers were present during opening in 54 per cent of polling stations observed, in 46 per cent during polling, and in 40 per cent of collation centres observed. Police were present in almost all polling stations visited. However, EU observers noted that in some polling stations party agents were either involved in the management of the station, for example in Niger State<sup>109</sup> and Plateau State<sup>110</sup>, or were intimidating and trying to influence voters, for example in Ekiti State,<sup>111</sup> Gombe State,<sup>112</sup> and Ebonyi State.<sup>113</sup>

The collation process was marred by serious irregularities. In almost 30 per cent of collation centres visited, observers received indications or proof that polling results were fraudulently changed. Observers rated the collation process at ward level and LGA level as poor in 45 per cent and 32 per cent respectively, which again are comparatively very high percentages. Results were neither displayed at polling station level, nor publicly displayed broken down by polling station at collation centres or national level.<sup>114</sup>

EU observers witnessed many cases of fraud. For example in Enugu State at ward level of the LGA Enugu North, observers noted that completely different results in favour of the ruling party were recorded on the result forms when compared with those collected in six polling stations.<sup>115</sup> Similarly in Abia State, EU observers detected from official result sheets of polling stations and of Ward and LGA collation centres respectively that in LGA Ummuneochi<sup>116</sup> and in LGA Ohafia<sup>117</sup> results from polling stations were changed, in the latter case in favour of the ruling party. The same was noted by EU observers in Cross River State for a polling station in LGA Ikom.<sup>118</sup> In the same LGA and the LGA Etung, EU observers saw several cases of ballot box stuffing.<sup>119</sup> Also in Cross River State, in LGA Calabar South, EU observers detected that at the Ward Collation Centre presiding officers were working on two different sets of result sheets, one with low turnout figures, which appeared to be in line with observations during voting, and one with unrealistic high turnouts. In one of the polling stations, turnout was exceeding the number of registered voters.<sup>120</sup> In the same ward in Cross River State, EU observers also saw presiding officers being taken by unidentified personal to two cars and given three prepared ballot boxes and completed forms.<sup>121</sup>

In Zamfara State, no elections took place in five wards but results were included into the gubernatorial elections for these wards. In Enugu State, observers at the LGA Enugu South collation centre witnessed unused ballot papers being openly thump printed in favour of the ruling party, inserted into ballot boxes and then counted by persons that were not wearing any accreditation.<sup>122</sup> An identical case

<sup>109</sup> See: Annex 1 Election Day Incident Reports. Report No.: A. 31.01

<sup>110</sup> See: Annex 1 Election Day Incident Reports: Report No.: A. 21.11

<sup>111</sup> See: Annex 1 Election Day Incident Reports, Report No.: A. 05.04

<sup>112</sup> See: Annex 1 Election Day Incident Reports: Report No.: A. 25.11

<sup>113</sup> See: Annex 1 Election Day Incident Reports: Report No.: A. 12.01

<sup>114</sup> Article 6 of the ECOWAS Protocol on Democracy and Good Governance states that: "The preparation and conduct of elections and the announcement of results shall be done in a transparent manner."

<sup>115</sup> See: Annex 1 Election Day Incident Reports: Report No.: C. 11.01, incl. tables of the differing results for the six polling stations.

<sup>116</sup> See Annex 1: Election Day Incident Reports: Report No.: C.13.15

<sup>117</sup> See Annex 1: Election Day Incident Reports: Report No.: C.13.02

<sup>118</sup> See Annex 1: Election Day Incident Reports: Report No.: C.15.05

<sup>119</sup> See Annex 1: Election Day Incident Reports: Report No.: C.15.06

<sup>120</sup> See Annex 1: Election Day Incident Reports: Report No.: C.15.02

<sup>121</sup> See Annex 1: Election Day Incident Reports: Report No.: C.15.01

<sup>122</sup> See Annex 1: Election Day Incident Reports: Report No.: C.11.02

was observed in LGA Ife of Osun State.<sup>123</sup> In LGA Akko of Gombe State, EU observers witnessed the fraudulent alteration of election results of one polling station. At the ward collation centre, the presiding officer inflated the turnout and added these votes to the ruling party after having visited the house of a local PDP leader and the palace of the Emir.<sup>124</sup> Another indication of irregularities at collation centres was noted by EU observers in the LGA Abakiliki in Ebonyi State where at the LGA collation centre for three polling stations more votes cast were recorded than voters were on the register, with one polling station showing a result of 601 votes cast for only one party while there were only 223 voters on the register.<sup>125</sup> Additionally, EU observers in Ogun State received credible reports from Justice, Peace & Development Commission (JPDC), one of the domestic observation groups, about widespread ballot box stuffing in 6 of the 25 LGAs.<sup>126</sup>

In Ekiti no collation took place in Oye LGA. EU observers witnessed how the Election Officer disappeared with almost all result sheets and presented them later to the INEC office at state level. In the Federal Capital Territory of Abuja at the LGA Amac, the Collation Officer cancelled results for three polling stations from the City Centre Ward on the grounds that copies of the results presented by PDP agents showed different figures than the official result sheets of the Ward Collation Officer. EU observers saw that the PDP result sheets had been changed.<sup>127</sup>

During election day, disruption, sometimes violent, of the polling and the counting process by groups of thugs was observed in several states. For example, in Anambra State, election material was hijacked at two polling stations.<sup>128</sup> EU observers witnessed assaults on polling stations by thugs in Ondo State,<sup>129</sup> the stealing and burning of a ballot box by armed young men during voting in Gombe State<sup>130</sup> and were informed by presiding officers and domestic observers about ballot boxes and papers having been snatched by armed youths in three polling stations in Katsina State.<sup>131</sup> Observers witnessed thugs stealing and destroying official ward collation result forms in front of the INEC office of the LGA Lafia of Nassarawa State.

Riots broke out in a number of places, mostly between supporters of different parties, sometimes during voting hours and sometimes after the announcement of results in favour of the ruling party, for example in the LGAs of Ilesha, Osogbo and Boripe of Osun State,<sup>132</sup> in LGA Bende of Abia State,<sup>133</sup> in several LGAs in Cross River State,<sup>134</sup> in Bogoro LGA of Bauchi State<sup>135</sup> and in two LGAs in Kaduna State, leading to the cancellation of results.<sup>136</sup> Clashes between supporters of two candidates in Kaduna South LGA resulted in elections being cancelled in two polling stations.<sup>137</sup> In Anambra State, seven INEC offices at LGA level were burnt down<sup>138</sup> by crowds turning violent in reaction to the chaos of the election administration.

<sup>123</sup> See Annex 1: Election Day Incident Reports: Report No.: C 06.01

<sup>124</sup> See Annex 1: Election Day Incident Reports: Report No.: C 25.08

<sup>125</sup> See Annex 1: Election Day Incident Reports: Report No.: C.12.01

<sup>126</sup> See Annex 1: Election Day Incident Reports: Report No.: C.02.07

<sup>127</sup> See Annex 1: Election Day Incident Reports: Report No.:C.18.02

<sup>128</sup> See Annex 1: Election Day Incident Reports: Report No.:B.09.11

<sup>129</sup> See Annex 1: Election Day Incident Reports: Report No.:B.07.01 & B.07.05

<sup>130</sup> See Annex 1: Election Day Incident Reports: Report No.:B.25.03

<sup>131</sup> See Annex 1: Election Day Incident Reports: Report No.:B.29.02, B.29.03 & B.29.04

<sup>132</sup> See Annex 1: Election Day Incident Reports: Report No.:B.06.02, B.06.03 & B.06.04

<sup>133</sup> See Annex 1: Election Day Incident Reports: Report No.:B.13.10

<sup>134</sup> See Annex 1: Election Day Incident Reports: Report No.:B.15.01, B.15.03, B.15.06 & B.15.08

<sup>135</sup> See Annex 1: Election Day Incident Reports: Report No.:B.26.04

<sup>136</sup> See Annex 1: Election Day Incident Reports: Report No.:B.30.06 & B.30.07

<sup>137</sup> See Annex 1: Election Day Incident Reports: Report No.:B.30.08

<sup>138</sup> See Annex 1: Election Day Incident Reports: Report No.:B.09.01, B.09.02; B.09.04.; B.09.05; B.09.06, B.09.08 & B.09.10

Overall during the 14 April election day the performance and role of the police and other security agencies was mixed according to EU observers and other credible sources. In some states, police were reported as ensuring a safe atmosphere and maintaining law and order by controlling venues or arresting trouble makers, sometimes taking important risks,<sup>139</sup> as in Sokoto State where the atmosphere remained generally peaceful, or in most parts of Niger State or in Bauchi State where police were able to control sporadic outbreaks of violence in the LGAs of Bauchi and Dass. In Abia State, police provided effective protection to polling agents against thugs,<sup>140</sup> in Taraba State, EU observers witnessed police chasing away a group of young boys on motorcycles who had invaded a ward in LGA Jalingo. In Gombe town, EU observers were informed that a policeman managed to protect a ballot box from being stolen by thugs. On other occasions, however, EU observers received reports of police inactivity. Also in Niger State, EU observers witnessed police officers instructing voters to mark ballots in favour of the ruling party in one polling station in Bosso LGA.<sup>141</sup> In Ebonyi State, EU observers saw police taking no action when an election official was abducted by thugs who wanted to disturb polling.<sup>142</sup> In Katsina State, police informed EU observers that they would not intervene against thugs because they considered that in line with their instructions to prevent escalation.

## **XV. ELECTION DAY – 21 APRIL 2007**

Although INEC decided on the eve of the 21 April elections to delay the opening of polling stations from 08.00 to 10.00 and the closing of polling from 15.00 to 17.00, the disorganised delivery of polling materials resulted once again in a much delayed opening in the majority of states. In a number of states, including Abia, Imo, Kaduna, Ebonyi and Bauchi, polling stations did not open until late afternoon.

In 81 per cent of polling stations observed during the opening, essential polling materials were missing, in particular polling booths, EC8 series result forms and ballot papers. A total of 75 per cent of polling stations visited did not receive the correct number and type of ballot papers. The newly printed presidential ballot papers were without serial numbers and insufficient quantities were delivered in many parts of the country. EU observers reported that in Ebonyi and Abia States, presiding officers only received 46 per cent of the required number,<sup>143</sup> and that in Borno State only 36 per cent of the presidential ballots needed were distributed. Once again no elections took place in many areas. For example, in the minority areas of the LGAs Katsina-Ala, Buruku, Ojo, Otukpo and Okpokwu as well as in one ward in Vandeykya LGA of Benue State, no elections were conducted and most of the ward collation centres were not operational.<sup>144</sup> In Kaduna South in 6 out of 13 wards, no elections were conducted due to the tensions surrounding the delivery of faulty ballot papers.<sup>145</sup> Similarly in Anambra State, in five LGAs no elections took place due to the delivery of incorrect polling materials.<sup>146</sup> Other places where EU observers reported that no elections were conducted include four polling stations in Borno,<sup>147</sup> four polling stations in Nasarawa,<sup>148</sup> a polling station in Ondo State<sup>149</sup> several polling stations in Edo State,<sup>150</sup> the LGA Nafada in Gombe State,<sup>151</sup> and a polling

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<sup>139</sup> The New Nigerian online, 15 April 2007, reported that three policemen were injured while trying to protect ballot boxes in Borno and Enugu States.

<sup>140</sup> Abia State, polling station Iyeienyi II.

<sup>141</sup> See Annex 1: Election Day Incident Reports: Report No.: C.31.08

<sup>142</sup> See Annex 1: Election Day Incident Reports: Report No.: B.12.02

<sup>143</sup> For example, in one Polling Station in Ebonyi 67 voters were disenfranchised as the Polling Station received only 100 ballot papers for the HoR elections, but 167 voters turned up to cast their vote, see Annex 1: Election day Incident Reports: Report A.12.08.

<sup>144</sup> See Annex 1: Election Day Incident Reports: Report No.: A.16.02, A.16.03, A.16.04, A.16.05 & A.16.06

<sup>145</sup> See Annex 1: Election Day Incident Reports: Report No.: A.30.02

<sup>146</sup> See Annex 1: Election Day Incident Reports: Report No.: A.09.04 & A.09.05, A.09.06; A.09.07 & A.09.08

<sup>147</sup> See Annex 1: Election Day Incident Reports: Report No.: A.:23.01

<sup>148</sup> See Annex 1: Election Day Incident Reports: Report No.: A.:19.02

<sup>149</sup> See Annex 1: Election Day Incident Reports: Report No.: A.:07.01

station in Cross River State.<sup>152</sup> In Guma LGA in Benue State no presidential elections took place.<sup>153</sup> In Enugu State, unidentified persons, driving a State government car, targeted the transport of polling materials to polling stations and stole the sensitive materials.<sup>154</sup> Once again a shortage of polling staff was reported in 50 per cent of polling stations observed and at times a voter register was not used during the polling process, as for example in Polling Stations observed in Edo State,<sup>155</sup> Enugu State,<sup>156</sup> Gombe State<sup>157</sup> and Ebonyi State.<sup>158</sup>

In almost half of polling stations observed the secrecy of the vote was not ensured due to a lack of polling booths. In some states, EU observers found polling booths being stored at LGA or Ward levels. They were either not delivered to, or not used in, polling stations. Again, as on the first election day, voters often had to vote openly and in full view of bystanders on the desks of the presiding officers, which raised the potential for intimidation. In 13 per cent of polling stations observed, attempts were made to influence voters, mainly by party agents. In Ebonyi<sup>159</sup> and Oyo States,<sup>160</sup> EU observers saw voters being directed for whom to vote and in Borno State in a polling station with only female voters the agent of the State ruling party intimidated women to vote for his party.<sup>161</sup> In Cross River State a PDP agent collected ballot papers from the table of the presiding officer, checked the mark and inserted them then into the ballot box,<sup>162</sup> while in Collation Centres in Enugu<sup>163</sup> and Ebonyi States<sup>164</sup> PDP agents assumed a leading role in the counting process. In Ebonyi State EU observers witnessed harassment of voters by PDP agents.<sup>165</sup>

EU observers assessed the overall conduct of polling stations again as poor or very poor in 58 per cent for the openings observed and 44 per cent for the polling stations visited, which are again very high percentages compared with other EU observations. The overall understanding of voting procedures by polling station staff was rated as poor or very poor in 38 per cent of polling stations visited. This would seem to suggest that there had been no positive learning curve by the staff from the first to the second election day, confirm reports from EU observers about the quality of training of polling staff in a large number of states and that last minute replacements of polling staff that occurred in several states may have had a negative impact on the performance of polling staff. In almost 65 per cent of polling stations observed, the ballot boxes were not sealed. In around half of the polling stations visited by EU observers one or more of the three mandatory polling staff were not present.

Underage voting remained a major issue, particularly in the states of the North. EU observers witnessed under age voters in one fifth of polling stations visited, including in Borno,<sup>166</sup> Gombe,<sup>167</sup> Jigawa,<sup>168</sup> Kano,<sup>169</sup> Sokoto<sup>170</sup>, Plateau,<sup>171</sup> Niger,<sup>172</sup> and Kogi<sup>173</sup> States.

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<sup>150</sup> See Annex 1: Election Day Incident Reports: Report No.: A.:08.10

<sup>151</sup> See Annex 1: Election Day Incident Reports: Report No.: A.:25.34

<sup>152</sup> See Annex 1: Election Day Incident Reports: Report No.: C.15.08

<sup>153</sup> See Annex 1: Election Day Incident Reports: Report No.: A.16.01

<sup>154</sup> See Annex 1: Election Day Incident Reports: Report No.: B.11.02

<sup>155</sup> See Annex 1: Election Day Incident Reports: Report No.:A.08.04

<sup>156</sup> See Annex 1: Election Day Incident Reports: Report No.:A.11.02

<sup>157</sup> See Annex 1: Election Day Incident Reports: Report No.:A.25.05, A.25.07 & A.25.10

<sup>158</sup> See Annex 1: Election Day Incident Reports: Report No.:A.12.02

<sup>159</sup> See Annex 1: Election Day Incident Reports: Report No.: A.12.04 & A.12.06

<sup>160</sup> See Annex 1: Election Day Incident Reports: Report No.: A. 03.01

<sup>161</sup> See Annex 1: Election Day Incident Reports: Report No.: A.23.03

<sup>162</sup> See Annex 1: Election Day Incident Reports: Report No.: A.15.10

<sup>163</sup> See Annex 1: Election Day Incident Reports: Report No.: C.11.01

<sup>164</sup> See Annex 1: Election Day Incident Reports: Report No.: C.12.07

<sup>165</sup> See Annex 1: Election Day Incident Reports: Report No.: C.12.06

<sup>166</sup> See Annex 1: Election Day Incident Reports: Report No.: A.23.02

<sup>167</sup> See Annex 1: Election Day Incident Reports: Report No.: A.25.25; A.25.28, A.25.29; A.25.30 & A.25.31

<sup>168</sup> See Annex 1: Election Day Incident Reports: Report No.: A.27.01; A.27.02; A.27.03; A.27.04; A.27.05; A.27.06; A.27.07 & A.27.08

Again, EU observers witnessed many cases of fraud and attempted fraud. For example, unused ballot papers were marked and stuffed into the ballot box resulting in almost 100 per cent voter turn. This was observed in four polling stations in Ogun State.<sup>174</sup> Also, ballot box stuffing was witnessed by EU observers in the States of Plateau<sup>175</sup> and Gombe,<sup>176</sup> at a Collation Centre in Enugu State,<sup>177</sup> and in the house of a village chief in Naswara State where the polling station had been moved to.<sup>178</sup> In Akwa Ibom ballot stuffing on a large scale was observed with 50 polling station result forms in LGA Ibono-Ibom producing a 97.9 per cent turnout.<sup>179</sup> In the same state, EU observers witnessed a presiding officer inserting the ballot papers of an entire ballot paper booklet in the ballot box that had been pre-thumb-printed for the ruling party.<sup>180</sup> Inflation of results on official result forms at every level of the collation process was observed, for example at ward level in Cross River State<sup>181</sup> and at LGA level in Kwara State.<sup>182</sup> In one case more votes were announced to have been cast than ballot papers been delivered.<sup>183</sup> Similarly, in Cross River State in one Polling Station more votes were cast than voters registered.<sup>184</sup> In Kwara State, EU observers also found piles of ballot papers in a ballot box which had clearly been thumb-printed by the same person,<sup>185</sup> and in Niger State a temporarily missing ballot box was returned with an almost 100 per cent turnout and ballot papers all marked for the ruling party.<sup>186</sup> In Edo State, groups of youths were observed voting three times at different polling stations.<sup>187</sup> In Katsina State, EU observers found people with about 1,000 unused and about 200 already stuffed ballot papers in an open building.<sup>188</sup> In Niger<sup>189</sup> and Jigawa States<sup>190</sup> cases of vote buying on behalf of the ruling party were observed with INEC staff and police officers taking no action. Results of a polling station were changed in Gombe State after counting.<sup>191</sup> Fraudulent changes of election results also occurred in Ogun State: EU observers attended the counting in a polling station where 58 out of 488 registered voters cast their vote. During the collation process, these figures were changed to a 100 per cent turnout with the ruling party receiving 400 votes.<sup>192</sup> On a positive note, attempts to alter results in favour of ANPP by a presiding officer in the FCT of Abuja<sup>193</sup> and in favour of PDP in Yobe State<sup>194</sup> were prevented, in the first case by the Returning Officer and in the second case by the police.

<sup>169</sup> See Annex 1: Election Day Incident Reports: Report No.:A.28.01

<sup>170</sup> See Annex 1: Election Day Incident Reports: Report No.:A.33.01 & A:33.02

<sup>171</sup> See Annex 1: Election Day Incident Reports: Report No.:A.21.06

<sup>172</sup> See Annex 1: Election Day Incident Reports: Report No.:A.31.02

<sup>173</sup> See Annex 1: Election Day Incident Reports: Report No.:A.17.01

<sup>174</sup> See Annex 1: Election Day Incident Reports: Report No.:C.02.01; C.02.02; C.02.03 & C.02.04

<sup>175</sup> See Annex 1: Election Day Incident Reports: Report No.:C.21.01

<sup>176</sup> See Annex 1: Election Day Incident Reports: Report No.:C.25.01

<sup>177</sup> See Annex 1: Election Day Incident Reports: Report No.:C.11.03

<sup>178</sup> See Annex 1: Election Day Incident Reports: Report No.:C.19.01

<sup>179</sup> See Annex 1: Election Day Incident Reports: Report No.:C.14.04

<sup>180</sup> See Annex 1: Election Day Incident Reports: Report No.:C.14.01

<sup>181</sup> See Annex 1: Election Day Incident Reports: Report No.:C.15.03 & C.15.04

<sup>182</sup> See Annex 1: Election Day Incident Reports: Report No.:C.04.07, C.04.09, C.04.10 & C.04.11

<sup>183</sup> See Annex 1: Election Day Incident Reports: Report No.:C.04.06

<sup>184</sup> See Annex 1: Election Day Incident Reports: Report No.:C.15.04

<sup>185</sup> See Annex 1: Election Day Incident Reports: Report No.:C.04.01

<sup>186</sup> See Annex 1: Election Day Incident Reports: Report No.:C.31.01

<sup>187</sup> See Annex 1: Election Day Incident Reports: Report No.:A.08.14

<sup>188</sup> See Annex 1: Election Day Incident Reports: Report No.:C.29.01

<sup>189</sup> See Annex 1: Election Day Incident Reports: Report No.:C.31.03

<sup>190</sup> See Annex 1: Election Day Incident Reports: Report No.:C.27.01, C.27.02; C.27.03; C.27.04; C.27.05; C.27.06; C.27.07 & C.27.08

<sup>191</sup> See Annex 1: Election Day Incident Reports: Report No.:C.25.03

<sup>192</sup> See Annex 1: Election Day Incident Reports: Report No.:C.02.09

<sup>193</sup> See Annex 1: Election Day Incident Reports: Report No.:C.18.04

<sup>194</sup> See Annex 1: Election Day Incident Reports: Report No.:C.24.02

Domestic observers were slightly less present compared to the elections on 14 April. From opening to tabulation, their presence fluctuated between a high of 54 per cent during counting and 39 per cent for tabulation as the lowest figure. Party agents were seen in 96 per cent of polling stations and in 92 per cent of collation centres.

Generally the security situation was better than on 14 April due to a heavier and increased presence of all security agencies, including police, army, civil defence and State Security Service. While in some places EU observers saw police acting professionally, restoring security as in Osun<sup>195</sup> and Bauchi State<sup>196</sup> and preventing fraud as in Yobe State<sup>197</sup> reports were again received from observers about police supporting or being involved in malpractices like in Ekiti State.<sup>198</sup> In general, fewer cases of disruptions were reported than on 14 April, an indication of the stronger presence of security forces. However, still a considerable number of cases of disruption, including acts of violence and intimidation, riots, ballot box hijacking and destruction of ballot papers, were observed by EU observers. Killings of at least five people were credibly reported to EU observers in the States of Cross River<sup>199</sup> and Kogi.<sup>200</sup> Fighting prevented elections to be conducted in some places, such as two LGAs in Taraba<sup>201</sup> and a polling station in Anambra State.<sup>202</sup> After the announcement of results, riots broke out in Abeokuta LGA of Ogun State,<sup>203</sup> in Minna LGA of Niger State.<sup>204</sup> In Bauchi State, riots broke out during the collation process due to fear of results being changed.<sup>205</sup> In Ekiti State, fighting over ballot boxes ensued with a number being stolen and an AC agent left bleeding after an attack by PDP supporters.<sup>206</sup> Similar incidents occurred in the States of Cross River<sup>207</sup>, Kogi<sup>208</sup> and Edo where it led to the cancellation of the elections in four polling stations.<sup>209</sup> Thugs hijacked an entire INEC building and prevented presiding officers from delivering results in Plateau State<sup>210</sup> and intimidated voters, police and State Security Service personnel in Gombe.<sup>211</sup> INEC offices were again burnt down, for example in Anambra,<sup>212</sup> as well as a polling station in Kano, though this was on lesser scale than on 14 April.<sup>213</sup> There were again also cases of election material being destroyed, for example in the Kogi,<sup>214</sup> Kaduna,<sup>215</sup> Anambra,<sup>216</sup> and Niger States.<sup>217</sup>

According to estimates by EU observers, voter turn out in the North varied between 35 and 55 per cent whereas in the South the figures appeared to be lower. In 90 per cent of polling stations observed, police were present. Party agents and domestic observers were present in 96 per cent of polling stations visited, but did not always refrain from interfering in the process. Domestic observers were

<sup>195</sup> See Annex 1: Election Day Incident Reports: Report No.:B.06.01

<sup>196</sup> See Annex 1: Election Day Incident Reports: Report No.:B.26.02

<sup>197</sup> See Annex 1: Election Day Incident Reports: Report No.:C.24.02

<sup>198</sup> See Annex 1: Election Day Incident Reports: Report No.:B.05.01, B.05.02, B.05.03 & B.05.04

<sup>199</sup> See Annex 1: Election Day Incident Reports: Report No.:B.15.02 & B.15.04

<sup>200</sup> See Annex 1: Election Day Incident Reports: Report No.:B.17.02, B.17.03 & B.17.04

<sup>201</sup> See Annex 1: Election Day Incident Reports: Report No.:B.20.01 & B.20.02

<sup>202</sup> See Annex 1: Election Day Incident Reports: Report No.:B.09.17

<sup>203</sup> See Annex 1: Election Day Incident Reports: Report No.:B.02.09

<sup>204</sup> See Annex 1: Election Day Incident Reports: Report No.:B.31.02

<sup>205</sup> See Annex 1: Election Day Incident Reports: Report No.:B.26.06

<sup>206</sup> See Annex 1: Election Day Incident Reports: Report No.:B.05.08, B.05.09, B.05.10 & B.05.11

<sup>207</sup> See Annex 1: Election Day Incident Reports: Report No.:B.15.08

<sup>208</sup> See Annex 1: Election Day Incident Reports: Report No.:B.17.01

<sup>209</sup> See Annex 1: Election Day Incident Reports: Report No.:B.08.02, B.08.03, B.08.04

<sup>210</sup> See Annex 1: Election Day Incident Reports: Report No.:B.21.01

<sup>211</sup> See Annex 1: Election Day Incident Reports: Report No.:B.25.01 & B.25.02

<sup>212</sup> See Annex 1: Election Day Incident Reports: Report No.:B.09.12

<sup>213</sup> See Annex 1: Election Day Incident Reports: Report No.:B.28.02

<sup>214</sup> See Annex 1: Election Day Incident Reports: Report No.:B.17.04

<sup>215</sup> See Annex 1: Election Day Incident Reports: Report No.:B.30.02

<sup>216</sup> See Annex 1: Election Day Incident Reports: Report No.:B.09.14 & B.09.15

<sup>217</sup> See Annex 1: Election Day Incident Reports: Report No.:B.31.01



present in 43 per cent of polling stations visited. EU Observers rated the overall conduct of the polling process as poor in 43 per cent of polling stations observed.

Despite the late opening of many polling stations visited, voting procedures stopped at 17:00. Contrary to the provisions in the Electoral Act 2006, in 57 per cent of polling stations visited by EU observers voters waiting in line at 17:00 were not allowed to vote. The closing and counting procedures were generally rated worse than on the 14 April, with 34 per cent of cases observed considered poor or very poor.<sup>218</sup> In 20 per cent of counts observed by EU observers, valid votes were incorrectly rejected,<sup>219</sup> and in only 60 per cent of counts observed did the number of used ballot papers reconcile with the numbers of valid, spoilt and rejected ballot papers,<sup>220</sup> a deterioration compared to the elections a week earlier. Though police were present in 90 per cent of polling stations during the counting, unauthorized people were also present in 26 per cent of counts observed. The electronic result transfer system was only used in 4 per cent of polling stations observed and in only 9 per cent of collation centres observed. Despite assurances by INEC that results would be publicly displayed no such display was observed at any level of the counting and tabulation process.

The collation process, in many cases much delayed due to delays in voting, was rated as poor or very poor in 37 per cent of cases observed. EU observers found indications or proof of fraudulent changes of results in almost 18 per cent of centres visited. Police were present in almost 98 per cent of collation centres visited. However, disorder was observed in 24 per cent of the result transfer and collation centre processes observed. In one third of observed collation centres, unauthorised persons were present.<sup>221</sup> In 15 per cent of collation centres not all party agents received an official copy of the result form. In 46 per cent of ward collation centres and 38 per cent of LGA collation centres, observers rated the collation process as poor or very poor, which again are very high percentages for EU observers to report.

## **XVI. RESULTS AND RESULTS ANALYSIS**

### **A: RESULTS PROCESS**

The result transfer and announcement process was marred by serious procedural shortcomings, extensive delays and the absence of basic transparency safeguards. As a result, there can be no confidence in the results announced by INEC. The violence surrounding the elections, including the burning and destruction of at least nine INEC offices,<sup>222</sup> was, in part, symptomatic of the lack of trust in INEC to deliver credible election results.

In its final report on the 2003 elections, the EU EOM highlighted deficiencies in the result collation and transfer process, including the fact that the legal framework in place did not stipulate that polling station results should be publicly displayed, either at the polling station, or superior levels of the election administration. Regrettably, this basic transparency omission was not remedied in the

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<sup>218</sup> These were polling stations observed in the States of Kwara, Osun, Edo, Akwa Ibom, Cross River, Benue, Gombe, Ebonyi, FCT Abuja, Borno, Sokoto and Kebbi.

<sup>219</sup> This happened in polling stations in the States of Kwara, Edo, Ebonyi, Benue, Gombe, Katsina, Sokoto, Kebbi and the FCT of Abuja.

<sup>220</sup> They did not reconcile in polling stations observed in the States of Plateau, Cross River, Ebonyi, Kwara, Edo, Ogun, Gombe, Bauchi, Katsina, Kaduna, Sokoto, Kebbi and the FCT of Abuja.

<sup>221</sup> These were collation centres in the States of Kwara, Osun, Edo, Cross River, Gombe, Katsina, Niger and Kebbi.

<sup>222</sup> In Anambra State, (INEC offices in LGA Onitsha North, LGA Akwa North, LGA Newi South, LGA Orumba North and LGA Ihiala were burned down and the INEC offices in LGA Ogburu and LGA Atani were bombed on 14 April), Benue State (State INEC office in Markurdi, 1 May) and Katsina State (LGA INEC office in Daura 21 April).

Electoral Act 2006. The law only required the Presiding Officer to announce the results of the polling station, but not to display a copy of the results. The law also required that a copy of the official result form should be distributed to political party representatives<sup>223</sup> and the police at polling stations and collation centres,<sup>224</sup> but contained no requirement for results to be given to observers.

These transparency shortcomings could have been addressed through the publication by INEC or regulations. In accordance with international best practice, INEC should have issued a regulation requiring that all polling station results be publicly posted at each polling station and that detailed polling station result should be published on its webpage within a few days past each of the election-days. In addition, despite assurances by the INEC Chairman following the 14 April elections that presiding and collation officers would be ordered to publicly display election results, this did not occur during the 21 April elections.

In developments that cast further doubt on the integrity of the results, on 16 April, during a press conference in Abuja, the INEC Chairman announced the gubernatorial results in Delta and Ondo States even though the Resident Electoral Commissioners in both states had not yet announced the results at state level. Further, on Monday 23 April, the INEC Chairman, as Returning Officer for the presidential election, officially announced the results of the presidential elections before all the state results were collated in the collation centre. EU observers reported that at the time of the official INEC announcement, presidential results from Kano and Bauchi<sup>225</sup> States had not been compiled or transferred to INEC HQ in Abuja, and indeed the presidential election results in Bauchi were not available before 25 April. Reports received by the EOM indicated that only 11 or 12 state presidential results had been collated by the time the INEC Chairman announced the official winner. In addition, INEC announced the PDP as the winner of the Ondo South senatorial election even though the PDP had expelled its candidate from the party before the elections and had no candidate in the race. Further, the high turnout rates for the Niger Delta region - Akwa Ibom State 83 per cent, Bayelsa State 96 per cent, Delta State 76 per cent, Rivers State 80 per cent - are highly implausible, particularly given the credible reports of low voter turn-out from those states. Similarly, voter turn figures of 60 per cent for Anambra State and 78 per cent for Gombe State are highly questionable bearing in mind that no voting took place in large parts of these states.

By 2 May 2007, INEC, which was legally obliged to publish the declared winners and votes received per candidate all of the 1,496 election results on its webpage<sup>226</sup> had only done so for the presidential election and 10 of the gubernatorial elections. By the time the EU EOM closed its operations on 7 May 2007, INEC had not issued any comprehensive results, meaning that an in-depth analysis of the results was impossible. The official results only took the form of the names of candidates elected and the votes they received. No detailed breakdown of polling station results was published to enable an independent audit to be undertaken from the polling station level to the national level. No figures were published for basic matters such as votes cast or rejected ballot papers. While a few EU observer teams had a good working relationship with some INEC offices (Sokoto, Kano, Borno States) and received copies of official result forms at that level, INEC offices, particularly in states where major problems had occurred were far less forthcoming and observers had no access to result form copies.

As a result of the irregularities and organisational shortcomings, including the failure to print and provide the correct ballot papers for several elections, INEC had to re-run 111 out of 1,496 elections in 28 states on 28 April 2007. Only in FCT, Adamawa, Bayelsa, Gombe, Nasarawa, Osun, Rivers and

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<sup>223</sup> Electoral Act 2006, article 64.3.

<sup>224</sup> Electoral Act 2006, article 64.4.

<sup>225</sup> The compilation of presidential results was not concluded when INEC Abuja announced the final presidential results. ANPP complained to the REC in Bauchi who stated that partial results for presidential elections were sent by electronic transfer to Abuja, although the electronic transfer was reportedly not working.

<sup>226</sup> Electoral Act 2006, Article 72.

Yobe States were no re-run elections held. These elections included the gubernatorial elections in the whole of Imo State and in four LGAs of Enugu State, 15 senatorial elections, 43 House of Representative elections and 53 State Assembly elections.

## **B: RESULTS**

According to the results announced by INEC by the time the EOM departed on 7 May 2007, PDP won 70 per cent of the presidential election vote, 28 Governorships, 86 senatorial seats out of 109 and 169 House of Representative seats out of the announced 247. ANPP won 19 per cent of the presidential election vote, 5 Governorships, 15 senatorial seats, 49 House of Representative seats. AC received 7 per cent of the presidential election vote, 1 Governorship, 6 senatorial seats and 26 House of Representative seats. PPA won 2 Governorships, 1 senatorial seat and 3 House of Representative seats. According to these figures, PDP secured a two thirds majority in both chambers of the National Assembly, 79 per cent in the Senate and 68 per cent in the House of Representatives after 249 announced results. Further, PDP won the Governorships of Sokoto, Jigawa and Kebbi States from ANPP and Anambra State from APGA but lost the Governorships in Bauchi State to ANPP, and the Governorships in Imo and Abia States to PPA.

## **XVII. RECOMMENDATIONS**

*The following recommendations to improve the framework and conduct of elections process as well as related areas are offered for consideration and action by the Nigerian authorities, other election stakeholders and international community:*

### **Implement clear and effective guidelines for voting, counting, collation and the publication of results**

1. The Electoral Act should be amended to provide more detailed provisions for voting, counting and collation procedures. These should include:
  - (i) a requirement for results to be publicly displayed at polling stations immediately after counting has been completed;
  - (ii) a requirement for copies of official result forms to be distributed to all involved stakeholders. including political parties, candidates and observers.
  - (iii) a requirement for detailed results broken down to polling station level to be publicly displayed at all superior levels of the election administration;
  - (iv) a requirement for INEC to swiftly publicly display, including on its website, detailed results of the elections, including all polling station results as well as collated information on the number of voters, votes cast, invalid votes etc.
  - (v) a requirement for results to be officially announced within a time limit of three days;
  - (vi) a requirement for voters, political parties and observers to be able to request a recount of ballots at polling station level when irregularities have been identified;
  - (vii) a requirement for INEC to be able to order a recount of ballots at polling station level if it is established that the law was violated; and
  - (viii) provision of clear grounds and authority to INEC to annul election results.
2. INEC should publish detailed results of the 2007 elections broken down to polling station level on its website and publicly display these results at INEC offices so that an independent audit can be undertaken to trace polling station result from the polling station level through to the final aggregated results.

### **Create confidence in the capacity, transparency and impartiality of the election administration**

3. The Constitution should be amended to introduce a transparent, inclusive and accountable system for the nomination and appointment of INEC Commissioners and RECs which ensures the confidence of election stakeholders.
4. All other electoral management officials at each level of the electoral administration, should be recruited transparently through public job vacancy advertisements free from political interference.
5. In accordance with the Electoral Act 2006, the federal government should swiftly establish a fund of sufficient size to ensure INEC's financial independence. INEC's financial accounts should be thoroughly audited by a private audit firm to deter and detect financial misconduct.
6. INEC meetings should be open to political parties and accredited observers. Agendas, minutes of its meetings and decisions should be published on its website in a timely manner.
7. INEC should hold regular consultative meetings at national, state and local level with political parties and civil society organisations. This should include forums with the participation of security agencies.
8. Adequate funds should be provided to INEC to enable it to represent itself in the Courts of Law.
9. INEC should use its Electoral Institute to establish a permanent pool of well trained and qualified electoral trainers to undertake continuous training of INEC staff.
10. INEC should develop and adhere to a well thought through logistics and operational plan which guarantees the timely and accurate delivery and retrieval of polling materials to enable polling stations to open on time.
11. INEC should ensure that there is a clear information flow from Headquarters to lower levels of the election administration.
12. INEC should develop and use suitable hand-over documentation for sensitive polling materials (result forms, ballot boxes, ballot papers).

### **Adhere to international and regional conventions and standards**

13. Consideration should be given to amending the Constitution, or complementing the national legal framework, in order to ensure full adherence to the principles of political rights and freedoms related to elections contained in declarations, conventions, protocols and other instruments adopted by the UN, AU, ECOWAS and the Commonwealth.

### **Establish effective mechanisms to ensure compliance with and enforcement of the Election Law**

14. The relevant authorities must immediately end the continuing atmosphere of impunity that prevails with regard to election offences by prosecuting and holding accountable those responsible for electoral offences, including those of a criminal nature.
15. INEC should ensure its staff are fully aware of the importance of electoral offences being prosecuted.
16. Financing regulations established by the Electoral Act 2006 should be fully enforced by INEC. Following the submission of annual financing returns by political parties, INEC should produce an audit report on the returns which should be made public.

17. The requirement to submit a financial report on campaign expenditures should be enforced.
18. Reasonable and appropriate campaign expenditure limits should be established for political parties.
19. Infringement of laws and regulations concerning the funding of political parties and electoral campaigns should be subject to effective, proportionate and dissuasive sanctions. Greater steps should be made by INEC and the relevant prosecuting authorities to initiate criminal proceedings for serious violations.
20. The Code of Conduct for political parties should be strengthened and INEC should be given the authority to address infringements vigorously.

### **Improve the voter register**

21. As a matter of urgency, INEC should start work to improve the current voter register, removing double registration, under age entries, entries without pictures and other shortcomings. This should be undertaken with a view to ensuring public and political confidence at all stages of the process.
22. There should be a comprehensive public verification period of the voter register in good time prior to the local government elections to provide eligible voters with the opportunity to transfer their registration, scrutinise the voter register for false entries and register for the first time.
23. After the public verification period, INEC should undertake all necessary corrections and again display the voter register at voter registration centre level. Permanent voter registration cards should be issued once the process has been concluded well in advance of the local government elections.
24. INEC should ensure that each polling station has a manageable number of registered voters, at most 750, to avoid congestion and delays on polling days.
25. Political parties should be provided with copies of the voter register in a timely manner and, in order to ensure accountability and transparency, a full breakdown of figures should be published.

### **Constituency Delineation Review**

26. In line with the Constitution, INEC should conduct a sound, transparent and inclusive constituency delineation exercise based on the 2006 census in good time before the next elections to uphold the principle of equal suffrage.
27. An accurate list of polling stations, including locations and the number of registered voters, should be made available to political parties and observers in a timely manner.

### **Improve the procedure for candidate registration**

28. The responsibilities of INEC and the judiciary in the process of candidate nomination and disqualification should be clearly outlined in the Electoral Act.
29. The Electoral Act should be amended to ensure that persons cannot be excluded from standing for election by unreasonable or discriminatory requirements such as level of education.

30. The legal provision which prevents independent candidates from contesting elections should be removed.<sup>227</sup>
31. Indictment as a ground for disqualification should be reviewed in the light of potential for abuse and victimisation of political opponents. Appropriate checks and balances should be introduced to prevent such political victimisation.
32. The Electoral Act 2006 should be amended to stipulate the number of signatures required to be nominated as a candidate.

#### **Address executive immunity**

33. The scope of immunity provisions that apply to the President and Vice President should be reviewed with the aim of removing blanket immunity.

#### **Improve civic and voter education**

34. INEC should undertake intensive grassroots civic and voter education jointly with civil society and faith based organisations to create awareness amongst the people about democratic principles and their rights and role in the electoral process.

#### **Prevent abuse of state resources**

35. The Electoral Act should be amended to include more detailed regulations prohibiting the abuse of state resources during an election period.
36. Effective measures should be developed and implemented to monitor abuse of state resources and ensure that perpetrators are held to account.

#### **Strengthen the equitable role of the media in elections**

37. Regulations should be developed by the legislature to provide proportional access to radio and television for political parties and candidates competing in elections, not only stipulating fair and equitable coverage, but also providing a framework where these provisions are guaranteed. In cases where candidates and parties purchase airtime for their advertisements and coverage of their rallies these programmes should be clearly signposted as such.
38. A framework requiring broadcast media to provide fair and impartial coverage of all political parties and candidates during the campaign period should be established. State-owned media should grant all contestants airtime on a fair basis and not discriminate against any political party or candidate in compliance with the provisions set out in the Nigerian Broadcasting Code.
39. The NBC should ensure publicly funded media distribute an equal allocation of free airtime to political parties and candidates competing in an election in order to ensure equity of coverage for all.
40. Prior to elections, state media should provide the electorate with an impartial and accurate voter education campaign, aired during peak viewer/listener times, informing voters in detail about the voting process.

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<sup>227</sup> The current provisions are inconsistent with the ICCPR. The General Comment on Art. 25 states that “The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties.”

41. NBC's structure should be modified in order to foster its institutional, functional and financial independence. NBC should have sufficient resources to be able to guarantee that the media cover elections according to the principles of fairness, balance and impartiality.
42. NBC should have a more formal transparent mechanism for dealing with complaints about media violations during elections. The records of political content that the broadcasters are obliged to maintain during the campaign period pursuant to 5.2.7 of the Nigerian Broadcasting Code should be made available to the public and candidates for inspection.
43. State-owned media should be given greater editorial independence. This could be facilitated through the concept of public service broadcasting, the introduction of which is strongly recommended to guarantee principles of public interest and editorial integrity. At minimum, the appointment of managerial staff at federal and state broadcasters should be reviewed so as to create independence from the government in power.
44. State interference in media activities impeding the freedom of expression during the campaign period should cease.
45. The Freedom of Information Bill should be adopted and duly implemented to provide a higher degree of transparency and accountability of public sector.
46. Nigerian authorities should undertake constructive measures to further liberalise the media sector, including encouraging the establishment of community radio stations.

#### **Promote the role of domestic observation**

47. The right of domestic observers to observe the entire election process should be guaranteed by law.
48. The Electoral Act should be amended to establish a clear procedure, including appropriate criteria, for approval or rejection of an application for accreditation. Accreditation for observers should be available for distribution from the date that INEC announces the election timetable.
49. Civil society organisations should further improve their capacity to observe the entire electoral process. International support should be directed towards strengthening civil society, particularly with respect to lobbying and advocacy activities.

#### **Improve voting procedures**

50. INEC should ensure that ballot papers should include the names and pictures of candidates and not only the party symbol and party abbreviation.
51. INEC should ensure that the Manual for Election Officials should be available in each polling station and followed closely.
52. INEC should ensure that the required number of staff are present in polling stations throughout election day.
53. INEC should ensure that voting booths are distributed in sufficient time to all polling stations and all polling staff are trained to erect them and fully implement all procedures designed to ensure secrecy of the vote.

54. INEC should ensure that the ballot boxes used in the 2007 elections are replaced by translucent, hard plastic ballot boxes with secure, numbered plastic seals.
55. The Electoral Act 2006 should be amended to ensure the voting rights of all disabled and institutionalised people including those in hospital as well as soldiers, security personnel and prisoners.
56. INEC should ensure that polling station officials adhere to provisions in the Electoral Act allowing voters waiting in line at the close of polling.
57. The Electoral Act should be amended to ensure secrecy of the vote for tendered ballots.

#### **Enhance procedures for complaints and appeals**

58. All election related complaints should be lodged with INEC or RECs at state level. INEC or the lower level election officials should refer complaints to the Director of Public Prosecution if a criminal act might have been committed concerning the electoral process. Voters, political parties and other organisations should be able to defend their electoral rights by submitting a complaint or appeal to a clearly identified competent body.
59. The Electoral Act should be amended to specifically indicate where a complaint must be lodged in the first instance and in what circumstances a complaint may be submitted directly to INEC. Clear information should be provided to the public about the process and, in particular about how to make a complaint or appeal effectively.
60. A reasonable and appropriate time period should be established in the electoral legislation for complaints and appeals to be lodged and addressed. Adequate time should be allowed for information to be gathered and investigated.
61. Particular attention should be paid to establishing and enforcing appropriate mechanisms for appeals against decisions related to inaccuracies in the voter register, the refusal of nomination of candidacy and the de-certification of candidates before and after an election.
62. Consideration should be given to establishing a complaints and appeals sub-Commission to investigate and resolve complaints and appeals. If established, one member of INEC should be part of this body, with other members selected on the basis of appropriate expertise in legal disputes.
63. Civil penalties and administrative actions should be applied by INEC against those who have not complied with the electoral legislation.
64. Efforts should be made to ensure that the complaints and appeals system is transparent and publicly accountable. A centralised record of all complaints and appeals, grounds for the complaints and their outcome should be developed and maintained. These records should be regularly made public.

#### **Improve the election petition process**

65. All election related disputes should be determined before the assumption of office of those elected. Consideration should therefore be given to amending the Constitution in order to provide a more realistic timeframe between the date of the election and the inauguration into office.



66. The Electoral Act should be amended to provide time limits for the determination of petitions, shorter deadlines and single appeal processes. The law should also be amended to provide more expeditious procedures rather than those established in the Federal High Court Civil Procedures Rules.
67. The Electoral Act should be amended to allow voters, domestic observers or other election stakeholders to file election petitions.

### **Ensure the independence of the judiciary**

68. Safeguards should be introduced to ensure that the authorities do not interfere in the judicial process. In addition, INEC must be subject to the rule of law and therefore bound by court orders.

### **Promote the participation of women in the electoral process**

69. Federal and state authorities should take concrete steps to implement commitments in favour of increased participation of women in public life with respect to the 2000 National Policy on Women which seeks 30 per cent of women in all levels of government. As a first step, the authorities should introduce into the national legal framework the provisions of CEDAW.
70. Civil society and UNIFEM, in close collaboration with the Ministry of Women's Affairs and the National Commission of Human Rights, should continue their efforts to enhance the participation of women in public life. In particular, a permanent, sustained and effective nationwide grassroots campaign targeting the participation of women as voters and as candidates should be undertaken.
71. Political parties should establish effective policies to facilitate participation by female candidates in all elections. International support should be directed towards such efforts.
72. In order to enhance commitments that political parties have made in the Code of Conduct against violence and intimidation and to promote the active participation of women in the electoral processes, the Code of Conduct should include meaningful sanctions in cases of non compliance with the code.
73. Election stakeholders should engage in a renewed discussion and review of the electoral system in order to identify the best option for electing women and minorities.
74. INEC should take concrete steps to ensure greater involvement of women in the election administration at all levels.

### **Political parties**

75. A balance should be struck between ensuring an elected official is ultimately responsible to the people, and to his/her role as a member of a political party. In order to avoid the dangers of corruption and vote buying in floor crossing, while at the same time acknowledging an elected official's freedom of conscience, it may be useful to consider recognising an elected official who leaves a party as an independent for the remainder of his/her term.
76. To ensure greater intra-party democracy, the law should be amended to prevent political parties from substituting candidates, who have won primaries and who are not subject to disqualification, with other persons.
77. Political parties should provide improved training to party agents to ensure that they play an increased oversight role and add to the transparency of the process.

**Strengthen Security at Elections**

78. Law enforcement agencies should strengthen their impartiality and capacity to protect the conduct of elections in an effective and credible manner throughout the country. INEC staff, political party agents, observers and other election stakeholders should receive appropriate security protection throughout the election process.
79. Guidelines for the conduct of Police Officers on electoral duty should be expanded and included within a general permanent Code of Conduct for Police. Human Rights should be included in the training curriculum of police and INEC should give active and extensive support to the training of security forces about their role in the conduct of credible elections.

**Improve Human Rights**

80. The NHRC should be strengthened and made a fully independent body, with its members appointed free from political interference, so that it can play a more meaningful role in the promotion and respect of human rights and fundamental freedoms, including those related to elections.
81. In compliance with the Millennium Development Goals, the 2006 National Action Plan for the Promotion and Protection of Human Rights in Nigeria and Chapter II of the Constitution of Nigeria on Fundamental Objectives and Directive Principles of State Policy, the authorities at federal and state levels should take decisive action to tackle issues of poverty, illiteracy and lack of access to basic needs, including education. These are essential in order to improve the conduct of elections and facilitate the full participation of women and minorities in the economic, political and public life of Nigeria.

**ANNEX 1: ELECTION DAY INCIDENT REPORTS**

**TYPE OF INCIDENT A: INTENTIONAL/ACCIDENTAL BREACH OF ELECTORAL PROCEDURES BY ELECTORAL STAFF**

<b>Incident Report No.</b>	<b>State</b>	<b>Location: LGA/Ward/Polling Station</b>	<b>Date</b>	<b>Type of Incident A: Intentional/accidental breach of electoral procedures by electoral staff</b>	<b>Observed by EU EOM (State: "Yes" or "No")</b>	<b>If not directly observed: credible source</b>
A.02.01	Ogun	LGA 01, 02, 20	14.04.2007	Materials late, no secrecy of the vote, no polling booth	Yes	
A.02.02	Ogun	PS 1 Inf. Of Mrs. Kuti's house, Ward 12, in Abeokuta South and PS 16, 17, Meth Pry School Oke-Yeke, Ward 12, Abeokuta South	14.04.2007	Polling cancelled after 11 am	Yes	
A.02.03	Ogun	LGA 02, ward 3, PS 9	21.04.2007	Bunches of ballots stamped before	Yes	
A.02.04	Ogun	LGA 02, ward 02, PS 01, 02	21.04.2007	Polling cancelled after 1 am - ballot box snatched according to party agents; when EU observers arrived at 2 pm the PS was empty	No	party agents
A.02.06	Ogun	LGA Ogun Waterside, ward 1, PS 06	21.04.2007	No voting at all, but result was recorded for the center	No	JDPC
A.03.01	Oyo	LGA 21, Ward 08, PS 05	21.04.2007	First few voters were told by a PDP agent where to vote. Took old people's and women's thumb and put them on the "right" party.	Yes	
A.05.01	Ekiti	Irepodun/ Iyin 2/ PS 08	21.04.2007	Voter allowed to vote twice; supervisory presiding officer disregarded proper procedures; no tendered ballot used	Yes	
A.05.02	Ekiti	Ado Ekiti/ Ado J Okesa/ PS 17	21.04.2007	Transfer of results from ward to LGA not in compliance with proper procedures; collation at both ward & LGA levels suspicious - gaps in data chains; late additions of numbers of voters to register; ward results arriving strangely late and out of character with broader ward pattern; violent	Yes	

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident A: Intentional/accidental breach of electoral procedures by electoral staff	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: credible source
				disorder linked to accusations of vote rigging at LGA centre		
A.05.03	Ekiti	Irepodun/ Iyin 2/ PS 13	14.04.2007	Late opening; ink applied to wrong fingers; no secrecy; ballot papers mixed for two constituencies; inadequate supply of ballot papers	Yes	
A.05.04	Ekiti	Irepodun / Iyin 2/ PS 09	14.04.2007	Chaos at polling station; INEC staff not able to conduct polling, seeking assistance from observers and police; no secrecy; hectoring of voters by party agents	Yes	
A.05.05	Ekiti	Ido/Osi LGA/ Osi / PS 12	14.04.2007	Air of tension & hostility: no proper voters' roll; disorder - running, shouting , beating each other	Yes	
A.05.06	Ekiti	Ido/Osi: Osi Ek/ PS 03	14.04.2007	No ballot box or polling staff; man with head injury struck at adjoining PS; violence in the form of a man striking structures & swinging a stick; some wrestling; police ignoring activities; ballot box returned, with clearly marked pro-PDP ballots, in an AC stronghold	Yes	
A.05.07	Ekiti	Ido/Osi: Osi Ek/ PS 01	14.04.2007	No proper voters' register here, or at any PS in Ido/Osi	Yes	
A.05.08	Ekiti	Oye: Ayede North	14.04.2007	LGA collation did not take place; there was literally no collation or tabulation work undertaken here. Instead the EO disappeared with almost all of the result sheets from the wards, and presented them himself in Ado Ekiti. It appears that the results were created in the absence of and collation process and cannot, therefore, be verified in any objective manner.	Yes	
A.06.01	OSUN	IFE CENTRAL, LGA level	14.04.2007	All Presiding officers tempering ballot papers in favour of PDP. Widespread fraud	Yes	
A.07.01	Ondo	09 07 11	21.04.2007	PU not opened because of violence on E14, PU staff did not go to the ward to collect election	Yes	

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident A: Intentional/accidental breach of electoral procedures by electoral staff	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: credible source
				material		
A.08.01	Edo	15.6.3	14.04.2007	Polling station in total breach of secrecy of ballot. Party agents, voters, police and PO had direct view of how voter cast vote	Yes	
A.08.02	Edo	2.7.3 to 10	14.04.2007	Polling stations received from 25 to 30% of required ballots, disenfranchising hundreds of voters at polling centre. Pos phoned SPO to ask for more ballots which never arrived. PS all closed by 12.30pm	Yes	
A.08.03	Edo	2.7.1 and 2	14.04.2007	Polling stations received approx 40% of required ballots. SPO had been contacted but failed to deliver the remainder. PS closed by 1.30pm	Yes	
A.08.04	Edo	2.9.7	14.04.2007	Ward Collation Officer incapable of collating results from ward 9 and by time LGA collation was occurring her results were still incorrect but EO completed results regardless	Yes	
A.08.05	Edo	13	14.04.2007	Large number of trained Ad Hoc were removed and replaced by unknown/untrained polling staff on eve of E-Day in LGA Orionmwhon.	No	Foundation Builders NGO (credible)
A.08.06	Edo	12.12 and 5	14.04.2007	SPOs from 2 wards in Oredo never returned with the polling station results. EO claims to have contacted police to find their whereabouts. Team detect limited concern on part of EO to matter.	No	YES. Though enquiry post E-day.
A.08.07	Edo	9.12.3	14.04.2007	Polling station did not open until 15.30. Intimidation of voters inside polling station by PDP activists	Yes	
A.08.08	Edo	1 and 7	14.04.2007	Rampant violence in two LGAs Etsako Central and Akoko Edo prompt INEC to cancel results there. Five days later INEC reverse decision and award Assembly seats to PDP.	NO	INEC and AC. Team to follow up

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident A: Intentional/accidental breach of electoral procedures by electoral staff	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: credible source
A.08.09	Edo	7 INEC	21.04.2007	Army and police accompanied the escort of ballot papers to a private house.	Yes	
A.08.10	Edo	7 and 9	21.04.2007	Many polling stations in Etsako Central and Etsako West have received no material or never opened	Yes	
A.08.11	Edo	9.12.3	21.04.2007	Ballot papers being thumb printed by an unknown person. Voters were receiving pre-thumbed ballots from Presiding Officer	Yes	
A.08.12	Edo	12.5.29	21.04.2007	Polling station does not open until 1.15 because of delay in delivering Presidential ballots	Yes	
A.08.13	Edo	12.12.26	21.04.2007	No secrecy of vote. Polling staff, three police and voters have direct view of votes being cast	Yes	
A.08.14	Edo	11.7.25	21.04.2007	Multiple voting: groups of youths vote 3 times in ten minutes at different polling units. Presiding officers pre-stamped ballots and hand out to youths without checking voter register or voters cards.	Yes	
A.08.15	Edo	11.6.19-25	21.04.2007	Ward collation officer includes results from seven polling stations but had no results sheets of same	Yes	
A.08.16	Edo	11 LGA	21.04.2007	Ward Collation Officer alters figures of ballots cast and minority party results to ensure his results balance	Yes	
A.08.17	Edo	11,8	21.04.2007	Polling stations closed at 4.30pm	No	TMG
A.08.18	Edo	11	21.04.2007	Security personnel remove people who protested about double voting	No	TMG
A.08.19	Edo	LGAs	21.04.2007	No polling station results were posted	Yes	
A.08.20	Edo	2.2.3	21.04.2007	Youths stuffed whole book of ballots into ballot box in full view of agents and polling staff	No	Commonwealth Observers
A.08.21	Edo	LGAs 6,7,18	21.04.2007	Virtually no elections in these LGAs because of no delivery of ballots	No	Sunday Vanguard
A.08.22	Edo	2,5	21.04.2007	Ballot stuffing (Polling station id unknown because	No	TMG

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident A: Intentional/accidental breach of electoral procedures by electoral staff	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: credible source
				reports were sent to Abuja		
A.08.23	Edo	12.2.20 and 21	21.04.2007	Younger brother of senatorial seat aspirant came with boxes and took ballots	No	TMG
A.08.24	Edo	LGA 2	21.04.2007	Result sheets were stolen before entries were made	No	TMG
A.09.01	Anambra	All state	14.04.2007	Result sheet missing in most places	Yes	
A.09.02	Anambra	All state	14.04.2007	Result sheet missing in most places	Yes	
A.09.03	Anambra	All state	21.04.2007	Result sheet missing in most places	Yes	
A.09.04	Anambra	Ontisha North	22.04.2007	Vote postponed to day after E-day	Yes	
A.09.05	Anambra	Onitsha South	22.04.2007	Vote postponed to day after E-day	Yes	
A.09.06	Anambra	Anambra west	22.04.2007	Vote postponed to day after E-day	No	
A.09.07	Anambra	Nnewi North	22.04.2007	Vote postponed to day after E-day	Yes	
A.09.08	Anambra	Nnewi South	22.04.2007	Vote postponed to day after E-day	No	
A.11.01	Enugu	Enugu South	21.04.2007	There was no counting at the polling stations of Enugu South. All materials were transported to the LG where the counting was made without following any legal procedures and sometimes under direction of PDP agents.	Yes	
A.11.02	Enugu	Igbo Etiti, PS Ibe Gama	21.04.2007	No secrecy of voting: the voters thumb printed the ballot papers in presence of the staff and other voters. The ballot papers were not folded, stamped and signed by the polling staff, but just put in the ballot box by them after being thumb marked by the voter. The voters registration cards were checked, but not the voters register. No party agents were present.	Yes	
A.12.01	Ebonyi	12 (Ohaukwa), 03 (Ezzambgo), 02 (Ndiagu Playground)	14.04.2007	Group Voting, no use of Vot Reg or checking of cards. Under age voting; PDP agent directed voters for whom to vote	Yes	
A.12.02	Ebonyi	12/03/001	14.04.2007	No Ink, nor secrecy of vote	Yes	

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident A: Intentional/accidental breach of electoral procedures by electoral staff	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: credible source
A.12.03	Ebonyi	01/07/010	14.04.2007	No Stamp, no secrecy of vote	Yes	
A.12.04	Ebonyi	12/03/002	21.04.2007	Voter Reg pre-marked. No checking of reg cards, not using the voter register; voters clearly directed how to vote. No secrecy of vote	Yes	
A.12.05	Ebonyi	12/03/004	21.04.2007	Procedures of checking voters list not followed	Yes	
A.12.06	Ebonyi	12/03/007	21.04.2007	PDP agent and supporters harassing voters, AC not on ballot paper	Yes	
A.12.07	Ebonyi	01/10/007	21.04.2007	Party agents and police taking part in the counting. Did not count unused ballots. No of used ballots did not equal valid+rejected+spoilt. Changed between counting and tabulation	Yes	
A.12.08	Ebonyi	Abakiliki LGA. Ward 10, PU 07	21.04.2007	Insufficient ballot papers for the HoR elections: 167 voters came to cast their votes, but PS received only 100 ballot papers	Yes	
A.13.01	Abia	Arochukwu		A: the EO left for Umuahia on e-day at 2.00 without having collected all the results. The EO told us that two wards were indeed missing due to the hostage taking of the INEC staff. Also 10 polling stations were missing. When the results for these wards and polling stations arrived, the EO admits he left already for Umuahia. He told us the missing results were sent later to Umuahia to be 'amended'.	No	Carol Okorafor (PDP candidate)
A.13.02	Abia	Umuahia North	21.04.2007	At 17.00 at Ibeku High School, World Bank primary school, Ndume Ibeku, Ahiaeke primary school no elections had taken place since the morning.	Yes	
A.13.03	Abia	Arochukwu	18-24.04.2007	INEC 18/4 Elections cancelled - INEC 24/4 PPA 2388	No	INEC



Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident A: Intentional/accidental breach of electoral procedures by electoral staff	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: credible source
				PDP 460		
A.15.02	CR	Calabar South LGA / 12 / 14	21.04.2007	No stamp / sign ballots	Yes	
A.15.03	CR	9/12/2003	21.04.2007	PDP agents all over PU pretending to be domestic observers or other party agents	Yes	
A.15.04	CR	Ajassor, Etung LGA	21.04.2007	Thugs checking people's ID instead of PU staff	Yes	
A.15.05	CR	Ikom	14.04.2007	No secret voting in any PU visited	Yes	
A.15.06	CR	Ikom, Etung, Odukpani, Akamkpa, Bakassi, Akpabuyo, Calabar Municipality, Calabar South LGAs	14.04.2007	EVERYWHERE late start / lack of secrecy / lack of results sheets in materials / voter list inaccuracies / polling units lost or relocated / PDP unauthorized influence on INEC staff	Yes	
A.15.07	CR	Ikang, Bakassi / Akpabuyo LGAs	14.04.2007	Relocated polling units getting lost	Yes	
A.15.08	CR	Ikom, Etung, Odukpani, Akamkpa, Bakassi, Akpabuyo, Calabar Municipality, Calabar South LGAs	21.04.2007	EVERYWHERE late start / lack of secrecy / lack of results sheets in materials / voter list inaccuracies / polling units lost or relocated / PDP unauthorized influence on INEC staff	Yes	
A.15.09	CR	Obudu LGA	21.04.2007	No Polling Stations opened, no elections	Yes	
A.15.10	CR		21.04.2007	PDP agent collecting, checking and then inserting ballot papers into ballot box; PO cooperating	Yes	Videofootage of the incident by EU observers
A.16.01	Benue	Guma LGA	21.04.2007	No Presidential Ballot papers at all distributed in the entire LGA, no presidential elections held	Yes	
A.16.02	Benue	Katsina-Ala LGA	21.04.2007	No Polling Station opened, no elections, no ward collation centre operational	Yes	
A.16.03	Benue	Vendekaya LGA/Mbedede Ward	21.04.2007	No Polling Stations opened, no elections, no ward collation centre operational	Yes	

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident A: Intentional/accidental breach of electoral procedures by electoral staff	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: credible source
A.16.04	Benue	Buruku LGA	21.04.2007	in most parts of the LGA no Polling Stations opened , no elections	No	several sources, Identities known by EU EOM
A.16.05	Benue	Gboko LGA	21.04.2007	in most parts of the LGA no Polling Stations opened, no elections	No	several sources, Identities known by EU EOM
A.16.06	Benue	Igedde Minority area: parts of LGAs Ojo, Otukpo and Okpokwu	21.04.2007	in most of this minority area, stretching through different LGAs, no polling station opened and no elections took place	No	several sources, Identities known by EU EOM
A.16.07	Benue	Katsina-Ala LGA/ College of Education PS 1 & 2	14.04.2007	No polling stations opened	Yes	
A.16.08	Benue	Vandeikya LGA/Mbadede Ward	14.04.2007	EU observers did not see any PS open; explanation given by ANPP opposition was 38 Presiding Officers with their election material had been temporarily kidnapped; this explanation could neither be verified or falsified by EU observers	Yes, plus	ANPP representatives
A.17.01	Kogi	East Kogi	21.04.2007	Underage voting	Yes	
A.18.01	FCT	AMAC/Gwarimpa/Minister's Gate	14.04.2007	Didn't start on time.	Yes	
A.18.02	FCT	FCT	14.04.2007	Violation of secrecy of vote.	Yes	
A.18.03	FCT	FCT	14.04.2007	Unsealed ballot boxes almost everywhere.	Yes	
A.18.04	FCT	AMAC/Wuse II/	14.04.2007	Copies of results were not filled out and distributed to Agents at PS.	Yes	
A.18.05	FCT	FCT	21.04.2007	Use of Manual Voter's Register instead of Electronic Voter Register was common practice across FCT.	Yes	
A.18.06	FCT	FCT	21.04.2007	Most PS's received fewer ballots than the number of voter's listed on the Voter Register.	Yes	
A.18.07	FCT	FCT	21.04.2007	Widespread violation of secrecy of the vote.	Yes	

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident A: Intentional/accidental breach of electoral procedures by electoral staff	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: credible source
A.19.01	Nasarawa	ASHIGE	21.04.2007	Electoral materials were taken to the house of the local chief instead of the designated polling unit, election staffs assisted by the chief himself and other unauthorized persons simply stuffed the ballot boxes	Yes	
A.19.02	Nasarawa	ASHIGE	21.04.2007	No election took place there in four polling stations	Yes	
A.19.03	Nasarawa	LGA 08/Ward 05/ PS 13	14.04.2007	AC polling agent disguised as PDP agent, no other party agent than him and the regular PDP agent present; people had to vote openly on desk of Presiding Officer; all voted for ruling party	Yes	
A.19.04	Nasarawa	Nass-Egon	21.04.2007	In one polling station a PDP party agent showed too much interest in the way people were voting (no booth) and the PO did nothing to correct this.	Yes	
A.21.01	Plateau	31/11/14/06	21-22.04.2007	Pres. Officer of Gyambwas disappeared with material on his way to ward.	Yes	
A.21.02	Plateau	31/05/2002	21-22.04.2007	Ali Kazaure ward: ballots for the presidentials missing in almost all 38 PUs of this ward	No	ANPP supervisor Mohamed Tanko Shito
A.21.03	Plateau	31/05/10/63	21-22.04.2007	Tabulation of results in ward Naraguta B accompanied with high tensions: During counting at PU Bushari (063) agents protested against the count of obviously pre-printed ballots favoring PDP- They were also not stamped & falsely signed.	Yes	
A.21.04	Plateau	31/05/10/69 & 71	21-22.04.2007	Ballots (two whole ballot boxes) of Nguwu and Rogogo (069 & 071) stronghold of ANPP were rejected	Yes	
A.21.05	Plateau	31/05/13/31	21-22.04.2007	Results of Wildlife Park (PU 31) came only at dawn to ward (31/05/13). The presiding officer was alone and did not bring ballots or other material. He was arrested and brought to police station	Yes	

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident A: Intentional/accidental breach of electoral procedures by electoral staff	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: credible source
A.21.06	Plateau	31/07/06/08	21-22.04.2007	Kanam: voting started at PU without presidential ballots, printed VR had 406 voters, original only 321 voters. Some under age voters in queue.	Yes	
A.21.07	Plateau	31/11/	21-22.04.2007	Mangu: On LGA level there were 2000 ballots less for the presidential elections than for the other races	Yes	
A.21.08	Plateau	31/09 & 10&14	21-22.04.2007	DPP Logo & name was not included on ballot	Yes	INEC, Peace FM
A.21.09	Plateau	31/14 & 16	21-22.04.2007	PDP Logo & name was not included on ballot	No	INEC, Peace FM
A.21.10	Plateau	31/04 & 06	21-22.04.2007	ANPP Plateau is rejecting results of House of Reps elections, since their logo was missing on ballots in Jos South/ Jos East (press release 21th April	No	ANPP
A.21.11	Plateau	Bassa/ Polling Stations Bassa Baracks	14.04.2007	There were 5 polling units sharing two tables for registration of voters assisted by polling agents.	Yes	
A.21.12	Plateau	Wase LGA	14.04.2007	Approximately 15 per cent of underage voters in PUs visited by EU observers	Yes	
A.21.13	Plateau	Jos-North LGA	14.04.2007	Approximately 5 per cent of underage voters in PUs visited by EU observers	Yes	
A.21.14	Plateau	Shandam	14.04.2007	Approximately 5 per cent of underage voters in PUs visited by EU observers	Yes	
A.22.01	Adamawa	LGA 20, Ward 01, PS 002	14.04.2007	PS, despite being officially gazetted, was simply not there, a group of 50 people looking for that, but could not find it	Yes	
A.23.01	Borno	LGA 21 Ward 13 PSs 8, 54, 57, 75	21.04.2007	No election took place there.	Yes	
A.23.02	Borno	LGA 21/Ward 11	21.04.2007	Large scale of underage voting in all Polling Stations visited in this ward	Yes	
A.23.03	Borno	LGA 21/Ward 04, PS 06	21.04.2007	Polling Station with only women queuing; party agent of ruling party ANPP intimidating the female voters and verbally forcing them to vote for ANPP	Yes	

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident A: Intentional/accidental breach of electoral procedures by electoral staff	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: credible source
A.25.01	Gombe	05/04/003	21.04.2007	Late arrival of voting material, insufficient ballot papers, no result sheets filled at PU	Yes	
A.25.02	Gombe	05/00/000	21.04.2007	Part of voting material taken to building not designated as ward, PU or collation centre; EU observers were met by hostile crowd when trying to verify	Yes	
A.25.03	Gombe	6	21.04.2007	Late arrival of presidential ballot papers at Gombe Police HQ for distribution to LGA INECs at 12.00	Yes	
A.25.04	Gombe	06/01/006	21.04.2007	Transportation of ballot boxes and sensitive material from LGA INEC to PU by 2 polling staff, no police escort, no transportation provided	Yes	
A.25.05	Gombe	06/01/006	21.04.2007	No voters register and no inking	Yes	
A.25.06	Gombe	06/02/002	21.04.2007	Late opening (14.45), ballot papers missing, no secrecy of vote	Yes	
A.25.07	Gombe	06/02/011	21.04.2007	Late opening (14.00), ballot papers missing, voters register not used	Yes	
A.25.08	Gombe	06/10/011	21.04.2007	Late opening (16.00),ballot papers missing	Yes	
A.25.09	Gombe	06/10/012	21.04.2007	Late opening (16.00),ballot papers missing	Yes	
A.25.10	Gombe	08/03/007	14.04.2007	PU unit not open before 09.35, absence of voters register	Yes	
A.25.11	Gombe	06/11/008	14.04.2007	No secrecy of vote, PDP party agents intervening	Yes	
A.25.12	Gombe	06/11/004	14.04.2007	No secrecy of vote	Yes	
A.25.13	Gombe	06/11/001	14.04.2007	No secrecy of vote	Yes	
A.25.14	Gombe	01 02 27	14.04.2007	Late opening (12.00), voting interrupted at 13.20, interference of police	Yes	
A.25.15	Gombe	06/07/023	14.04.2007	Insufficient ballot paper, police interfering in voting process	Yes	
A.25.16	Gombe	06/04/014	14.04.2007	No secrecy of vote, police instructing Pos	Yes	

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident A: Intentional/accidental breach of electoral procedures by electoral staff	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: credible source
A.25.17	Gombe	06/04/014	14.04.2007	No secrecy of vote, insufficient ballot papers	Yes	
A.25.18	Gombe	06/04/010	14.04.2007	Insufficient ballot papers, D: underage voting	Yes	
A.25.20	Gombe	01/05/002	14.04.2007	voting material missing	Yes	
A.25.21	Gombe	01/06/010	14.04.2007	Late opening of vote , insufficient ballot papers	Yes	
A.25.22	Gombe	01 /05 /001	14.04.2007	Late opening of vote, voters register not used	Yes	
A.25.23	Gombe	03 / 02 / 012	14.04.2007	Voting and counting concluded before 14.40	Yes	
A.25.24	Gombe	03 / 09 / 006	14.04.2007	Incorrect voters register, names of voters read aloud, no secrecy, no inking,	Yes	
A.25.25	Gombe	06/02/012	21.04.2007	Massive under age voting	Yes	
A.25.26	Gombe	03 / 03 / 011	14.04.2007	Underage and proxy voting	Yes	
A.25.27	Gombe	03 / 09 / 006	14.04.2007	Underage voting	Yes	
A.25.28	Gombe	06/01/006	21.04.2007	Underage voting	Yes	
A.25.29	Gombe	06/02/002	21.04.2007	Underage voting	Yes	
A.25.30	Gombe	06/02/011	21.04.2007	Underage voting	Yes	
A.25.31	Gombe	06/10/011	21.04.2007	Massive underage voting, interference by PDP agents, helping voters to fingerprint	Yes	
A.25.32	Gombe	LGA Nafad	21.04.2007	No elections took place	Yes	
A.25.33	Gombe	Bajoga East/PU 013	21.04.2007	PU is in the neighborhood of the distribution point for election materials, but is not open, although Pres. Officer of this unit received the materials. At 18:00 a hide-and-seek play started. 2 Presiding Officers had received the Presidential ballot paper and were ready to leave. One told he is waiting for his transport car. After having spoken to EU observers, the Presiding Officer reported to a PDP agent. The PDP agent made the Presiding Officer sit in a car. The Pres. Officer then left with the election material in a different car to an unknown destination. He did not arrive at his polling station.	Yes	

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident A: Intentional/accidental breach of electoral procedures by electoral staff	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: credible source
A.25.34	Gombe	06/02/012	21.04.2007	Interference by PDP agents	Yes	
A.27.01	Jigawa	PU 01 WARD 05 LGA 19	21.04.2007	Underage voters	Yes	
A.27.02	Jigawa	PU 05 WARD 06 LGA 06	21.04.2007	Underage voters	Yes	
A.27.03	Jigawa	PU 010 WARD 07 LGA 06	21.04.2007	Underage voters	Yes	
A.27.04	Jigawa	PU 019 WARD 08 LGA 06	21.04.2007	Underage voters	Yes	
A.27.05	Jigawa	PU 019 WARD 10 LGA 06	21.04.2007	Underage voters	Yes	
A.27.06	Jigawa	PU 05 WARD 09 LGA 06	21.04.2007	Underage voters	Yes	
A.27.07	Jigawa	PU 06 WARD 09 LGA 06	21.04.2007	Underage voters	Yes	
A.27.08	Jigawa	PU 07 WARD 09 LGA 06	21.04.2007	Underage voters	Yes	
A.27.09	Jigawa	Entire State	14.04.2007	In three quarters of Polling Stations visited by EU observers underage voting on a large scale was witnessed	Yes	
A.28.01	Kano	All Polling Stations visited by EU observers	21.04.2007	2-3 cases of underage voting in every PS visited	Yes	
A.29.04	Katsina	21/00/0000	14.04.2007	Changing of tabulation at LGA	Yes	
A.29.05	Katsina	21/00/0000	14.04.2007	EU observers not allowed to check final result at LGA level.	Yes	
A.29.06	Katsina	22/00/0000	14.04.2007	No Governor elections because mistake on ballot papers.	No	INEC
A.30.01	Kaduna	1. LGA 02, Reg.Area 09, PS 24, Chikun,	14.04.2007	VR contained names of Voters from different villages. INEC staff brought ballot boxes from	yes	

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident A: Intentional/accidental breach of electoral procedures by electoral staff	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: credible source
				three different PS to this place because of the mixed VR. The people were not able to vote because they did not know were INEC has opened the new PS.		
A.30.02	Kaduna	Kaduna South	21.04.2007	In 6 out of 13 wards no presidential elections took place	Yes	
A.30.03	Kaduna	Entire State	21.04.2007	Very late openings of polling stations		
A.31.01	Niger	Bida	14.04.2007	ANPP party agents involved in election administration in one PS	Yes	
A.31.02	Niger	All Polling Stations visited by EU observers	21.04.2007	Considerable number of underage voting in all polling stations visited by EU observers	Yes	
A.33.01	Sokoto	Gwadabawa 07/ Tambar Yaweyawa/ PS 007	14.04.2007	12 underage persons queuing to vote with registration cards	Yes	
A.33.02	Sokoto	Gwadabawa 07/ Gwadabawa 06/ PS 027	14.04.2007	6 underage persons cast their ballots while 12 underage persons were seeing queuing to vote with registration cards	Yes	



**TYPE OF INCIDENT B: VIOLENCE**

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident B: Violence (any security incident, threats/intimidation of voters, government officials, electoral staff)	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: source (credible)
B.02.01	Ogun	whole state	14.04.2007	violence around the state, especially in Abeokuta and Ijabu-Ode	Yes	and many reports from JDPC and party agents
B.02.02	Ogun	whole state	14.04.2007	hijacking of ballot boxes	No	
B.02.03	Ogun	PS 1 Inf. Of Mrs. Kuti's house, Ward 12, in Abeokuta South and PS 16, 17, Meth Pry School Oke-Yeke, Ward 12, Abeokuta South	14.04.2007	polling cancelled after 11 am because of violence	Yes	
B.02.04	Ogun	PS 14, Ward 3, Abeokuta South, Oke Lantara Highschool		shooting in the morning, voters scared away	No	we arrived later, reports from many people
B.02.05	Ogun	LGAs 01, 02, 20... Sagamu Local Government: The councilor for Ward 14, Hon Ayedun Adubiagbe and Mr Jamiu Alabi were identified as those leading the team that snatched ballot papers and boxes. Also the Sagamu Youth Bus was used by the some youths to snatch some boxes. Other places where boxes were snatched include: Ward 15, booth	14.04.2007	hijacking of ballot boxes: In Ward 14, booth 003 at Oke-Agbowa, the ballot box was snatched at about 10am by armed men suspected to be party thugs. The code for the snatched ballot box is E96201133. The armed men went away with the following ballot papers: 48907001 – 48907092, 48907101 -48907200, 48907501 – 48907600.	No	JDPC

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		002; ward 4, booth 015; Ward3, booth 006; ward 04, booths 001 and 002; ward 8, booth 007, ward 1, booth 001. In Ikenne LG: ward 1, booth 003. In Ijebu North LG: Ijebu Igbo, ward 1, booth 012; Oke sopin, ward 06, booth 007; In Ijebu East LG: Imobi 1, ward 09 booth 003; Imobi 2, ward 10, booth 002. In Ogun Waterside LG: Ward 1, Iwopin, booths 002 and 006. In Abeokuta South LG: ward 3, booths 11 & 12; opposite Sacred Heart Hospital, booth 008. In Ijebu North East LG: ward 10, booths 001 & 011 (Imewuro); Isowe at Oligun Town Hall. And at Idona, the following people were arrested by policemen from Atan Division, for hijacking ballot boxes viz; Seun Adesanya, Adetola omotayo, Sunday Ogunbajo, Felix Adedayo and Adetola Abiodun. They were also				

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident B: Violence (any security incident, threats/intimidation of voters, government officials, electoral staff)	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: source (credible)
		caught with machetes and guns. They were later transferred to the Police Area Command Office, Ijebu Ode. In Remo North LG, ward 1, booths 006, 010, & 013; ward 2, booths 001, 005, 007, 008 & 015; ward3, booths 001, 004 & 005; Ward 4, booths 001, & 006; ward 7 booth 001; ward 9, booth 011. In Ijebu-Ode LG: ward 04, booths 002 & 004. In Abeokuta South LG, ward 05, booths 11 & 12 at Sawyer hall				
B.02.06	Ogun	LGAs: - Shagamu LG: In Ward 15, polling booth 003 at Ibido- Itun Alara; guns were pointed at voters in order to vote for PDP. In the same polling booth, ballot papers were hijacked by politicians.	14.04.2007	violence and intimidation of voters	No	JDPC
B.02.09	Ogun	Abeokuta Town	21.04.2007	After announcement of PDP as winner riots started in town - which went out of control in the evening	Yes, plus additional information	different informants, identity known to EU observers
B.02.10	Ogun	Shagamu	21.04.2007	PC staff left for fear of riots - came back later	Yes	
B.02.11	Ogun	Abeokuta S Ward 12 PS 16, 17	21.04.2007	When riots started 11 a.m. PSs closed	Yes	

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident B: Violence (any security incident, threats/intimidation of voters, government officials, electoral staff)	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: source (credible)
B.02.12	Ogun	Abeokuta S Ward 3 PS 14	21.04.2007	Police shot in air to chase PDP thugs away. Ballot box was filled when the election procedure started	No	people around
B.03.01	OYO	Ibadan NW, Abaje Primary School		Faked police officer, who chased voters away and did ballot paper stuffing	No	OPC
B.03.02	OYO	Ladorun Temetu, PU		Thugs with cutlances chasing voter away	No	OPC
B.03.03	OYO	Ibadan SW, Iwo-Rd		Thugs with cutlances chasing voter away, started ballot paper stuffing	No	OPC
B.03.04	OYO	Ibadan SE, Yejide area, Ibadan SW, Popoyemoja		Thugs drove party agents away, ballot paper stuffing	No	OPC
B.03.05	OYO	Oyo South,		Senatorial Candidate, Hon. Seyi Makinde, being arrested at the day of election, thus couldn't vote.	No	JPDC
B.03.06	OYO	Ibadan SW, ward 11, PU 3,4,5,6		Invasion of polling centers by thugs	No	JPDC
B.03.07	OYO	Ibadan SW, Ward 9, PU 18,19,20,21,22,23,24,25, 26,27,49,50		Harrasement of AC party agents by thugs in cooperation with police	No	AC
B.03.08	OYO	Ibadan NE, ward 8, PU 32		JDPC observer harrassed by PDP chieftain and his thugs	No	JDPC
B.03.09	OYO	Ibadan NE, ward 12, PU12		JDPC observer was threatened with death by burning for refusing to cooperate with irregularities at the PU	No	JDPC
B.03.10	OYO	Ibadan NE, ward 12, PU23		JDPC observer and INEC PO were threatened with death for refusing to cooperate in rigging	No	JDPC
B.03.11	OYO	Ibadan NE, ward 8, PU12		JDPC observer was beaten up and uniform/ID card torn by Alhadji Baba Tunde	No	JDPC
B.03.12	OYO	Ibadan NE, ward 8 PU 28/29		JDPC observer being threatened	No	JDPC
B.03.13	OYO	Ibadan NE, ward 12, unit 11/12		Thugs stormed the polling station, threatened staff, started stuffing	No	JDPC
B.03.13	OYO	LGA Igbeda, ward 3, unit 3		Hoodlums stormed station with weapons, but were dispersed by army	No	JDPC
B.03.14	OYO	LGA Lagelu, ward 5 unit		Unit invaded by thugs and forced PO to allow	No	JDPC

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident B: Violence (any security incident, threats/intimidation of voters, government officials, electoral staff)	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: source (credible)
		3		them to vote, voters were forced to vote for PDP and party agents were beaten up and chased away, ballot box for senatorial vote were stolen		
B.03.15	OYO	Ibadan SW, ward 11, uni 22/23		Thugs chased away voters	No	JDPC
B.03.16	OYO	Ibadan SW, ward 11, unit 9		Thugs with weapons chased away voters, thumb printing and staffing	No	JDPC
B.03.17	OYO	Ibadan NW, ward 6, unit 13		Intimidation by thugs	No	JPDC
B.03.18	OYO	Road to Molete	14.04.2007	PDP thugs with ballot papers in car arrested	Yes	
B.03.19	OYO	University	14.04.2007	Observers assaulted by PDP thug - Mopol interfered	Yes	
B.03.20	OYO	public place	14.04.2007	chased away in Ibadan by PDP thugs	Yes	
B.03.21	OYO	Ibadan SW	14.04.2007	many ballot boxes hijacked	No	ANPP
B.03.22	OYO	LG Eleyele/Ologun-Era	14.04.2007	ballot boxes hijacked	No	many informants, identity known to EU Observers
B.03.23	OYO	Ogbomoso	14.04.2007	AC chieftain beaten up by PDP thugs	No	Mrs. Oyewunmi State House Lawyer
B.03.24	OYO	Ogbomoso	14.04.2007	Teargas by police in front of trad. chief's house	No	several witnesses
B.03.25	OYO	Ogbomoso	14.04.2007	Voters forced to vote PDP by thugs at different PSs	No	many informants
B.03.26	OYO	Ogbomoso N	14.04.2007	PDP chieftain caught with ballot boxes in car	No	several witnesses
B.05.01	Ekiti	Ekiti South West/ Illawe 4/ PS 01	21.04.2007	PRESENCE OF LARGE NUMBERS OF POLICE/ THREATENING & TENSE ATMOSPHERE/ FRIGHTENED VOTERS & INEC STAFF	Yes	
B.05.02	Ekiti	EKITI SOUTH WEST/ ILLAWE 3/ PS 08	21.04.2007	AS IN ONE, ABOVE - COMPOUND OF 6 ps	Yes	
B.05.03	Ekiti	Ekiti south west/ Illawe 3/ PS 01	21.04.2007	AS IN ONE, ABOVE - COMPOUND OF 6 ps	Yes	
B.05.04	Ekiti	Ekiti South West/ Illawe	21.04.2007	AS IN ONE, ABOVE - COMPOUND OF 6 ps	Yes	

Incident Report No.	State	Location: LGA/Ward/Polling Station	Date	Type of Incident B: Violence (any security incident, threats/intimidation of voters, government officials, electoral staff)	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: source (credible)
		3/ PS 03				
B.05.05	Ekiti	Ido/Ose: Aaye: PS 02	14.04.2007	presence of two truck loads of SARS police officers; huge tension; no one willing to speak	Yes	
B.05.06	Ekiti	Ido/Osi: Ido town	14.04.2007	burning barricades on the road; allegations of all ballot boxes in town having been stolen by PDP	No	AC members-large group of people
B.05.07	Ekiti	Oye/ Ayede North/ PS 10	14.04.2007	town was barricaded by large numbers of AC and ANPP supporters/ both gubernatorial candidates present in town, with entourage	No	
B.05.08	Ekiti	Ido-Osi LG 8 PU 8	21.04.2007	Stolen ballot box - AC party agent bleeding from PDP attack	Yes	
B.05.09	Ekiti	LG Oye RA 09 PS 10	21.04.2007	Party agents fighting with thugs to keep ballot box	No	party agents
B.05.10	Ekiti	Ido Town	21.04.2007	Barricades and tires burning - all ballot boxes hijacked	Yes	
B.05.11	Ekiti	LG Oye and LG Ayele	21.04.2007	Barricades and huge crowds on street	Yes	
B.06.01	OSUN	EGBEDORE/OKININI/ PS 10	22.04.2007	Drunk thugs came to disturb the place. They escaped as our escort shot in the air. According to the police, who arrived immediately, these same thugs already disturb voters on previous E-Day	Yes	
B.06.02	OSUN	BORIPE/IFELODUN	14.04.2007	Polling stations were already counting at 12.00. Then EU observers saw a motorbike carrying a ballot box. When they entered the town, they met 2 TMG observers who took refuge at the King's palace since thugs wanted to kill them. Then the escort of the EU observers compelled them to move. The EU MOPOLs were obliged to shoot in the air to have free space in order to remove the many tires and logs across the street. 1 can was burning and 1 person has been reported killed	Yes	
B.06.03	OSUN	LG Ifelodun/Ilesha	14.04.2007	After announcement of result in radio from Abuja heavy clashes between PDP and AC supporters	No	many informants, identity known to

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						EU Observers
B.06.04	Osun	Osogbo	14.04.2007	AC demonstrations, tires burning (Oba's palace, Govt. houses, market place)	Yes	
B.06.05	OSUN	LG Boripe	14.04.2007	Election materials stolen by thugs	No	informants
B.06.06	OSUN	Osogbo town	14.04.2007	Rumours about killed ,man, streets blocked, car burning, tires burning, large crowds on street	Yes	
B.06.07	OSUN	Oshogbo	14.04.2007	Harassment PDP thugs of election officials, party agents,	No	many informants, identity known to EU Observers
B.07.01	Ondo	05 06	14.04.2007	A crowd of about 30 middle aged persons armed with machetes and heavy wooden sticks with iron nails on top, extremely loud and aggressive. Despite the presence of PU and our policemen they attacked the polling staff smashing the installed table, putting down on the ground respectively destroying all the material that was on the table. (Non sensitive material, ballots, forms etc.) The ballot box was thrown away.	Yes	
B.07.02	Ondo	06 05 04 & 05	21.04.2007	Police warning us to leave immediately	Yes	
B.07.03	Ondo	09 02 04	21.04.2007	Police warning not to go because of threats	Yes	
B.07.04	Ondo	09 03 01 & 04	21.04.2007	access denied by threat	Yes	
B.07.05	Ondo	LG Akure N o5, Ayede-Ogbese 02, Ogbese III 08	14.04.2007	About 30 thugs destroyed the PSs, armed with machetes and sticks with nails, ballot boxes thrown away, threatened election officials, policeman fired into air with no effect	Yes	
B.07.06	Ondo	Akure	14.04.2007	PU blocked by armed thugs	Yes	
B.07.07	Ondo	Akure Catholic Cathedral PS	14.04.2007	ballot box hijacked	No	DPA candidate
B.07.08	Ondo	Akure	14.04.2007	on way to Ward hugh crowd on street, bumps against car	Yes	
B.07.09	Ondo	Akure	15.04.2007	gunfire in town	Yes	
B.08.01	Edo	LG Oredo Benin City Ward 3 PS Oba Okama	21.04.2007	rumours about 4 killed people	No	several informants

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B.08.02	Edo	Ward Egor diff. PSs	21.04.2007	heavy attack to steal ballot boxes, shots into air, fight with polling staff	Yes	
B.08.03	Edo	Ward 07 Olua Primary Schol	21.04.2007	armed attack and hijacking of of ballot box. Met wounded man who had refused to hide ballot boxes in his house and been beaten up by PDP thugs	Yes	informants
B.08.04	Edo	Ward Egor PSs 1,2,3,9	21.04.2007	Having been attacked - election declared null and void	No	Ward Collation officer
B.09.01	Anambra	Onitsha North	14.04.2007	LGA INEC Burnt down	Yes	
B.09.02	Anambra	Awka North	14.04.2007	LGA INEC Burnt down	Yes	
B.09.03	Anambra	Awka North	14.04.2007	A citizen was killed in front of INEC	No	policemen
B.09.04	Anambra	Nnewi South	14.04.2007	LGA INEC burnt down	Yes	
B.09.05	Anambra	Ogbaru	14.04.2007	LGA INEC bombed	Yes	
B.09.06	Anambra	OrumbaNorth	14.04.2007	LGA INEC burnt down	Yes	
B.09.07	Anambra	Anambra east	14.04.2007	Some people tried to burn down INEC LGA without succes	Yes	
B.09.08	Anambra	Ihiala	14.04.2007	LGA INEC burnt down	Yes	
B.09.09	Anambra	Ozubulu	14.04.2007	LGA INEC was locked all the E-day with election material inside	Yes	
B.09.10	Anambra	Atani	14.04.2007	LGA INEC bombed	Yes	
B.09.11	Anambra	Awka South/Agu Oka/Arroma junction-04/07/01/009	14.04.2007	Ballot boxes hijacked and ballots paper burned after election	No	witness, known to EU EOM
B.09.12	Anambra	Awka N (Achalla), Onitsha N, Nnewi S	21.04.2007	INEC offices burnt down	Yes	informants, identity known to EU observers
B.09.13	Anambra	Ogbugbankwa	21.04.2007	2 police officers fled with ballot box after attack	Yes	informants, identity known to EU observers
B.09.14	Anambra	Awka and Onitha Town	21.04.2007	ballot boxes collected by unknown persons	No	informants, identity known to EU observers
B.09.15	Anambra	PS Arroma Junction	21.04.2007	ballot boxes broken up and papers burnt by thugs	No	informant, identity



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						known to EU observers
B.09.16	Anambra	PS Umudioka Ndichie	21.04.2007	shootings around	No	informant, identity known to EU observers
B.09.17	Anambra	PS Ogbunike	21.04.2007	thugs forced PS to close	No	informant, identity known to EU observers
B.11.01	Enugu	Nsuga LGA	21.04.2007	took hours to distribute the election material, huge crowd outside, demonstrations, teargas by police and shooting in air	Yes	
B.11.02	Enugu	Nsuga LGA	21.04.2007	EU observers witnessed the hijacking of polling material by armed thugs driving an official car of Enugu State (inscription "Donated by Enugu State Government. Security Surveillance")	Yes	
B.12.01	Ebonyi	LG Ohaozara, Afikpo N, Ishielu	21.04.2007	serious violence	No	informants + JCPD
B.12.02	Ebonyi	LG Ohaozara	14.04.2007	Election Officer abducted by thugs, police stand by and did not intervene	Yes	
B.13.01	Abia	Isiala Ngwa North	16-24.04.2007	- INEC 16/4 No elections due to snatched ballot boxes - Police 16/4 No elections due to attack on electoral officer. Thugs hijacked the ballot boxes, electoral materials and fired guns. - INEC 18/4 Elections were cancelled - interview of EU observer team with EO Isiala Ngwa North EO witnessed that thugs kidnapped her and threatened her with a gun pointed to her head. She was asked to sign result sheets, but she refused. - INEC 24/4	No	INEC, Police, witnesses

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				Inconclusive elections due to violence		
B.13.02	Abia	Isiala Ngwa South	18-24.04.2007	INEC 18/4 Elections cancelled - INEC 24/4 Elections inconclusive due to violence	No	INEC
B.13.03	Abia	Lga Ikwuano, o Ward Oboro III 007 Ahuwa Comm. School 008, Ntalakwu Village Square 006, Ndoro Central School 002, Okwe Community School 004.	14.04.2007	snatching of ballot boxes	No	Mr. Chris, PDP candidate for LGA election, checked by EU observer team, witnesses confirmed
B.13.04	Abia	LGA Ikwuano, ward Oboro II	14.04.2007	boys with guns and machetes told INEC officials that elections should not be hold. The INEC staff struggled but there were still no elections. The police came but the thugs outnumbered the police.	No	Mr. Chris, PDP candidate for LGA election, checked by EU observer team, witnesses confirmed
B.13.05	Abia	LGA Ikwuano, ward Ariam 009	14.04.2007	the presiding officer was attacked during the elections. He run into the bush path to return to the LGA office. The thugs demanded ballot papers and result sheets.	No	Mr. Chris, PDP candidate for LGA election, checked by EU observer team, witnesses confirmed
B.13.06	Abia	Lga Ikwuano Ward Oboro IV 008, PS Ikweke Central School 007	14.04.2007	the traditional ruler eze Larry Ojbonne (PPA) came with thugs in two busses and snatched the ballot boxes and beat the people there. His brother (PDP) recognized him.	No	Mr. Chris, PDP candidate for LGA election, checked by EU observer team, witnesses confirmed
B.13.07	Abia	LGA Isuikwato, ward 7	14.04.2007	elections cancelled due to snatching of ballot boxes	No	Police
B.13.08	Abia	Umuhia South, Ward	21.04.2007	At the LGA collation centre an altercation broke	Yes	

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		08, PS 013		out between police and some soldiers. It was unclear what was happening at the time, other than numerous police officers with machine guns and at least one long knife stormed into the LGA and began shouting loudly and angrily. Many people fled for safety in panic, including the EU observers.		
B.13.09	Abia	Umuahia N Ohulu	14.04.09	2 people died	No	informants, identity known to EU observers
B.13.10	Abia	LG Bende/Isiala-Ngwa S	14.04.2007	chaos on streets, threats with machine guns, stones, machetes	Yes	
B.13.11	Abia	whole State	14.04.2007	many reports on hijacked election material by thugs from PDP and PPA	No	informants, identity known to EU observers
B.13.12	Abia	Ward Ajata Iyienyi,	14.04.2007	attack by 50 thugs in 2 busses, heavily armed/threatened staff, hijacked 2 ballot boxes	No	informants, identity known to EU observers
B.13.13	Abia	Umuahia LG Building	14.04.2007	big crowd in front, situation very tense, observers had to leave	Yes	
B.15.01	CR	Ajassor, Etung LGA Collation Centre 004 PS Okwuru	14.04.2007	Fighting between rival supporters (no weapons)	Yes	
B.15.02	CR	Akpabuyo LGA	21.04.2007	1 killed in Atimbo East PU	No	Canadian Embassy Observers
B.15.03	CR	Nde, Ikom	14.04.2007	Fighting between rival supporters (no weapons)	Yes	
B.15.04	CR	Odukpani LGA	14.04.2007	PDP supporters violent intimidation with guns firing in the air to scare voters away and take materials / ballot stuffing - ANPP supporters confronted them - some reports of fighting / 1-3 killed	No	ANPP State Charimen; JDPC observer; TMG reports
B.15.05	CR	Ikom LGA	14.04.2007	Eye witness account of Bassey Okim, Security Advisor to the Governor, organising thugs / police	No	ANPP State Chairman

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				to fire guns into the air and scare voters away		
B.15.06	CR	Etung LGA	14.04.2007	Fighting between rival supporters	No	TMG reports
B.15.07	CR	Yakurr LGA	14.04.2007	Thugs firing in the air / violent intimidation / opposition vs PDP fighting	No	JDPC reports; DPP Candidate
B.15.08	CR	Ikom LGA	21.04.2007	Fighting PDP vs Opposition at opening of PU over conduct (no weapons)	Yes	
B.15.09	CR	Ajassor, Etung LGA	21.04.2007	Thugs checking people's ID instead of PU staff	Yes	
B.15.10	CR	Ikom LGA	21.04.2007	EU observer team threatened at Ward Collation: their driver heard some people discussing in local language whether to beat them up	Yes	
B.15.11	CR	Calabar S	21.04.2007	LG chairman hindered JDPC to do observation	Yes	
B.15.12	CR	Calabar S	21.04.2007	Security man from LG chairman told observer to stop observation	Yes	
B.15.13	CR	LG Obudu and LG Ogoja	21.04.2007	Information to PE: No elections for fear of trouble	No	informants, identity known to EU observers
B.16.01	BENUE	LGs East of K/Ala River, LG Vandeykya, LG Gboko, town Abinsi, Etulo and Igedde areas	21.04.2007	no election for fear of trouble - information to PE	No	informants, identity known to EU observers
B.16.02	BENUE	LG Buruku	21.04.2007	People tried to defend the ballot box against the military: 4 people shot, 4 wounded. Information to PE: 12 people dead (pictures shown, names given). Police afraid to give the corpses to the families since they fear heavy unrest at burial ceremonies	No	informants, identity known to EU observers
B.16.03	BENUE	Whole State	21.04.2007	many ballot boxes hijacked	Yes	informants, identity known to EU observers
B.16.04	Benue	LGA Buruku	14.04.2007	voters wanted to protect ballot box from armed military personal in one PS, a fight occurred in which 4 people were killed and 4 seriously injured	No	Police

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B.16.05	Benue	LGA Ukum/Mbayenge Ward	14.04.2007	Confiscation of election material by military forces and PDP supporters in several Polling Stations in the presence of EU observers;	Yes	
B.17.01	KOGI	Ayangba	21.04.2007	ANPP car destroyed by PDP thugs	No	informants, identity known to EU observers
B.17.02	KOGI	Kabba	21.04.2007	Riots, 4 people killed, many injured	No	informants, identity known to EU observers
B.17.03	KOGI	Ogamnana	21.04.2007	1 killed, many injured in riots	No	informants, identity known to EU observers
B.17.04	KOGI	Ogori/Magongo	21.04.2007	all election material destroyed by ANPP thugs	No	informants, identity known to EU observers
B.17.05	KOGI	Idah	21.04.2007	2 police officers killed	No	Mopol
B.19.01	NASARA WA	LAFIA		Approximately 50% of people of Assakio (Eggon) were unable to vote because of fear of violence against them, intimidation and harassment; violation of the secrecy of the vote in Assakio. (about 2.500 voters)	Yes	
B.19.02	NASARA WA	Obi		ANPP agent signed election results under "duress".	No	ANPP
B.19.03	Nasarawa	Ward Arikya	21.04.2007	REC attacked on way to Collation Centre and result sheets stolen (police had a copy)	No	informants
B.19.04	Nasarawa	Ashiga	21.04.2007	REC attacked on way to Collation Centre and result sheets stolen (police had a copy)	No	informants, police
B.20.01	Taraba	Takum LG	21.04.2007	no elections because of fighting in thr area	Yes	
B.20.02	Taraba	Wukari LG	21.04.2007	no elections because of fighting in the area	Yes	
B.21.01	Plateau	31/11	21-22.04.2007	Thugs carrying AK 47 and pump guns allegedly hired by AC kidnapped whole INEC building and prevented POs from delivering results & threatening EU observer team	Yes, plus additional information	TMG, PDP campaign officer

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B.21.02	Plateau	31/05/10/63	21-22.04.2007	Tabulation of results in ward Naraguta B accompanied with high tensions: During counting at PU Bushari (063) agents protested against the count of obviously pre-printed ballots favoring PDP- They were also not stamped & falsly signed.	Yes	
B.21.03	Plateau	31-juil	21-22.04.2007	Thugs allegedly hired by AC kidnapped whole INEC building and prevented Pos from delivering results	No	PDP campaign office confirmed by TMG
B.21.04	Plateau	31/05/....	21-22.04.2007	11 arrests carrying knives, swords & clubs ment to disrupt voting in Mangu	No	Police
B.22.01	Adamawa	LG Fufore	21.04.2007	INEC building blocked because APC candidate cancelled by INEC with no legal background	Yes	
B.23.01	BORNO	21/04/2006	21.04.2007	verbal intimidation of female voters by ANPP agent	Yes	
B.23.02	Borno	LG 21 RA 15 PSs18-21	21.04.2007	Electoral staff beaten up by APC thugs asking for more ballot papers	No	informants, identity known to EU observers
B.24.01	Yobe	Potiskum	14.04.2007	Police has secured 3 Ballot Boxes during Eday, because of harrasment of the Presiding Officers by party supporters.	No	Police / INEC
B.24.02	Yobe	Potiskum	14.04.2007	Governor candidate Waziri (PDP) claiming that one supporter of PDP was machetted by ANPP supporters on his way from one village to another during Eday.	No	Waziri (PDP governor candidate)
B.25.01	Gombe	06/02/011	21.04.2007	PDP thugs wielding sticks threaten voters and police	Yes	
B.25.02	Gombe	06/02/012	21.04.2007	PDP thugs intimidate voters, police and SSS interfere, obviously because of presence of EU observers	Yes	
B.25.03	Gombe	03 / 09 / 002	14.04.2007	ballot box snatched and burnt by group of young men from neighboring village	Yes	
B.26.01	Bauchi	Ningi	21.04.2007	At around 8.30 am on Election day the road from	Yes	

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				Bauchi to Ningi was blocked near Ningi by approximately 150 young people armed with sticks, axes and machetes. Crowd was expecting ballots delivered from Bauchi Capital to Ningi and tried to stop our car. MOPOL had to intervene to let us pass. After few hours the road block was removed by riot police squad, which arrived from Ningi.		
B.26.02	Bauchi	Warji	21.04.2007	At the EO LGA Warji a group of thugs from Ningi, approximately at 12.40, tried to interrupt the ballot papers delivery process to polling units. They were waiting outside the LGA building with machete and sticks and also tried to enter the LGA building. The police intervene and shot in the air to disperse them. One person was injured by the thugs (his ear was cut off with a machete).	Yes	
B.26.03	Bauchi	Bauchi	21.04.2007	During observation of compilation in Bauchi Capital numerous groups of youngsters armed with sticks were escorting the results transfer from ward level to LGA. They set at least one road block in the city, despite increased military and police presence.	Yes	
B.26.04	Bauchi	Bogoro	14.04.2007	PDP and ANPP supporters were clashing outside the PS for short time because they were provoking each other	Yes	
B.26.05	Bauchi	LG Dass/Bauchi	21.04.2007	Attacks and intimidation of election officials	No	informants, identity known to EU observers
B.26.06	Bauchi	Bauchi Town	21.04.2007	ANPP riots outside REC's office	No	informants, identity known to EU observers
B.28.01	Kano	LGA Fagge	22.04.2007	PDP candidate for HoR Fagge was hit on the chin during a conflict between a crowd and the police.	No	CP Kano; newspaper, NSDP

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						Guber candidate
B.28.02	Kano	RA Tudun Wada/Guno PS Makoda/Dawakin Kudu	21.04.2007	PSs burnt down, many ballot boxes missing	No	informants, identity known to EU observers
B.28.03	Kano	whole State	21.04.2007	harassment of election officials	No	DEP REC INEC
B.29.02	KATSINA	21/12/0024	14.04.2007	Ballot boxes were robbed by armed youth	No	Presiding Officer
B.29.03	KATSINA	21/12/0007	14.04.2007	Ballot box and ballot papers were robbed by armed youth	No	Presiding Officer
B.29.04	KATSINA	21/12/0019	14.04.2007	Ballot boxes were robbed by armed youth	No	Domestic Observer
B.29.05	KATSINA	21/12/0027	14.04.2007	some people threw stones and Presiding Officer disappear with one ballot box	No	TMG
B.29.06	KATSINA	21/12/0000	14.04.2007	young people burnt some ballot papers	Yes	
B.29.07	KATSINA	21/12/0000	14.04.2007	Before EU Observers' arrival, collation centre was attacked by young people.	No	Domestic
B.29.08	KATSINA	34/00/0000	14.04.2007	INEC/state cancelled elections because violence	No	REC
B.29.10	KATSINA	10/00/0000	21.04.2007	3 private houses belonging to PDP members burned down in Daura	No	Domestic
B.29.11	KATSINA	34/00/0000	21.04.2007	No elections because electoral material were robbed on LGA level	No	INEC
B.30.01	Kaduna	Kaduna town	21.04.2007	Shooting nearby hotel of EU Observers. Following the information the police had shot at a car, after it didn't stop on their advice because it carried unauthorized ballot boxes. The car rolled over	No	informants, identity known to EU observers
B.30.02	Kaduna	Kaduna town	21.04.2007	Reports about destroyed ballot boxes and unrest at around 14.00 hrs nearby the INEC building in Kaduna	No	informants, identity known to EU observers
B.30.03	Kaduna	Birmin Gwari LGA	21.04.2007	50 ANPP supporters were arrested by the police and brought to court	Yes	
B.30.04	Kaduna	Soba LGA		Voters, PDP, ANPP party agents and members were fighting, some injured, including LGA clerks	Yes	



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B.30.05	Kaduna	Kaduna South LGA		fight at LGA between different parties and LGA clerks, Police was called	No	informants, identity known to EU observers
B.30.06	Kaduna	Zaria	14.04.2007	fighting occurred and the elections in that LGA were cancelled	No	informants, identity known to EU observers
B.30.07	Kaduna	Sabon Gari	14.04.2007	street fightings close to Polling Station 18, motorbike was burnt and riots started, results were of four Polling Stations from that area were cancelled	Yes	
B.30.08	Kaduna	Kaduna South/Ward 12/Unguwani Sanusi Village	14.04.2007	No elections in 2 Polling Stations due to clash between contestants	Yes	
B.31.01	Niger	Gurara LGA, Ndiko ward, Gawu police station	21.04.2007	Six destroyed ballot boxes intercepted by police patrols after violence breakout in Ndiko.	No	DPO of Gawu police station, ballot boxes seen by EU observers
B.31.02	Niger	Minna	21.04.2007	After announcement of PDP victory outbreak of riots in Minna with destroyed cars and burning tires	Yes	
B.31.03	Niger	Bida	21.04.2007	ACCORD members hindered INEC to perform since they did not see their logo on the ballot paper (on some the Party also had another name)	Yes	

**TYPE OF INCIDENT C: FRAUD**

Incident Report No.	State	LGA/Ward/Polling Station	Date	Type of Incident C: Fraud (ballot box stuffing; unauthorized changing of results; buying voter cards, ballot paper tempering etc)	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: source (credible)
C.02.01	Ogun	LGA 02, ward 12, PS 17	21.04.2007	Ballot stuffing	Yes	
C.02.02	Ogun	LGA 02, ward 12, PS 16	21.04.2007	Ballot stuffing	Yes	
C.02.03	Ogun	LGA 02, ward 10, PS 07	21.04.2007	Ballot stuffing	Yes	
C.02.04	Ogun	LGA 02, ward 07, PS 17	21.04.2007	Ballot stuffing	Yes	
C.02.05	Ogun	PS 14, Ward 3, Abeokuta South, Oke Lantara Highschool		ballot stuffing	No	EU observers arrived later, reports from many people
C.02.06	Ogun	LGAs 01, 02, 20... Sagamu at Upper Agura Road, Ward 5, polling unit 4.	14.04.2007	Buying and selling of votes	No	JDPC
C.02.07	Ogun	Ijebu North, Ward 8, code 001; Ijebu North, Ward 9, Code 015, St. Paul's school; Ijebu North, ward 8, code 008; Ijebu Ode, LGAs: Ward 3, Itantebo; Remo North, Ward1, booth 002; Ijebu North East, ward 10, booth 006; Ijebu East, Ebute Imobi, ward 10, booth 002; Fotedo Ward 9, booth 003; Abeokuta South, Abule Oloni, Ward 3, booths 11 & 12; Opposite Sacred Heart Hospital, booth 008; Ward 12, Okeyeke	14.04.2007	Stuffing of ballot boxes	No	JDPC

Incident Report No.	State	LGA/Ward/Polling Station	Date	Type of Incident C: Fraud (ballot box stuffing; unauthorized changing of results; buying voter cards, ballot paper tempering etc)	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: source (credible)
		primary school, booth 016.				
C.02.08	Ogun	LGA Remo North, ward 10, PS 10, ward 1 PS 2, ward 3 PS 1 and 2		Ballot boxes were not seen at the PS but were later found at the collation center	No	JDPC
C.02.09	Ogun	LGA 02, 01	21.04.2007	Most of the electoral fraud happened at the Ward and LGA collation centres during the collation process. PS where EU observers witnessed the counting: Out of 488 registered voters 58 voters had voted, 30 votes for PDP. At the ward result summary still 488 registered voters, but turnout now - 488 voters, 400 votes for PDP. § Same observation in Abeokuta North, although the EU observers were here, in contrary to Abeokuta South not allowed to take pictures or notes from the results! ("their" ward disappeared and they never saw the ward summary result forms – but the results were in the summary of the LGA, suddenly, somehow.	Yes	
C.03.01	Oyo	Ibadan North	21.04.2007	Thumb Printing, Chairman of INEC LGA together with other INEC officials because of thumb printing for PDP	No	TMG
C.03.02	Oyo	Ibadan SE, Yejide area, Ibadan SW, Popoyemoja		Thugs drove party agents away, ballot paper stuffing	No	OPC
C.03.03	Oyo	HoR Const. Ibadan/Okearemo, Ward 3		Ballot Boxes snatched and later retrieved with stuffed ballot paper; PO counted the ballot box,	No	AC
C.03.04	Oyo	Alladorin, Ward 12		Gbolarumi (PA of deputy gov.of Akala) thumbprinting ballots	No	AC
C.03.05	Oyo	Ibadan SW, Ward 11		Ballots were pre-thumbed by PDP; the ballots were not counted	No	ANPP
C.03.06	Oyo	HoR Const. Ibadan NW/SW, Ward		Ballot paper thumb printing in connection with PO and police	No	AC

Incident Report No.	State	LGA/Ward/Polling Station	Date	Type of Incident C: Fraud (ballot box stuffing; unauthorized changing of results; buying voter cards, ballot paper tempering etc)	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: source (credible)
		9,10,11,12				
C.03.07	Oyo	Ibadan SW, ward area One&Sons		hijacking of ballot boxes	No	AC
C.03.08	Oyo	Ibadan SW, Ward 11, PU 60		Multiple voting	No	AC
C.03.09	Oyo	Ibadan N, ward 11, unit 15		Thumb printing	No	JDPC
C.03.10	Oyo	Ibadan NE, ward12, unit 11/12		Thugs stormed the polling station, threatened staff, started stuffing	No	JDPC
C.03.11	Oyo	Ibadan NE, ward 12, unit 23		PDP members seized a ballot paper booklet, thumb printed and stuffed	No	JDPC
C.03.12	Oyo	Ibadan NE, ward 11, unit 29		Multiple voting was allowed with the full consent of INEC, police, agents	No	JDPC
C.03.13	Oyo	LGA Igbeda, ward 11, unit 23		Multiple voting, TMG observer colluded with party agents and INEC to rig the elections for PDP	No	JDPC
C.03.14	Oyo	LGA Igbeda, ward 10, unit 11		PDP chief bribed party agents, INEC, CLO observers to allow multiple voting	No	JDPC
C.03.15	Oyo	LGA Igbeda, Iwo Raod		Thugs, ed by Tokyo, were allowed to vote without registration card	No	JDPC
C.03.16	Oyo	LGA Igbeda, ward 11, unit 6,14,15		INEC officials allowed multiple voting, army arrested one of the chairman, but he was released one hour later	No	JDPC
C.03.17	Oyo	LGA Lagelu, ward 7 unit 5		Ballot paper were snatched by PDP, thumb printed and stuffed	No	JDPC
C.03.18	Oyo	LGA Lagelu, ward 5 unit 3	21.04.2007	Unit invaded by thugs and forced PO to allow them to vote, voters were forced to vote for PDP and party agents were beaten up and chased away, ballot box for senatorial vote were stolen	No	JDPC
C.03.19	Oyo	Ibadan SW, ward 10, unit 26/27		Presiding INEC officials were arrested by army, because of inviting PDP thugs to vote without cards	No	JDPC
C.03.20	Oyo	Ibadan SW, ward 10, unit		Multiple voting by thugs	No	JDPC

Incident Report No.	State	LGA/Ward/Polling Station	Date	Type of Incident C: Fraud (ballot box stuffing; unauthorized changing of results; buying voter cards, ballot paper tempering etc)	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: source (credible)
		14/15				
C.03.21	Oyo	Ibadan SW, ward 11 unit 9		Voters were voting without accreditation, PDP, LP, AC agents agreed with the support of INEC to thumb print a certain number of ballot papers for their candidates	No	JDPC
C.03.22	Oyo	Ibadan SW, ward 11, unit 9		Thugs with weapons chased away voters, thumb printing and staffing	No	JDPC
C.03.23	Oyo	Ibadan SE, ward 10, unit 6		Bribing of PO and agents to favor PDP candidates, underage voting, number of PS were reduced in comparasion to last week	No	JDPC
C.03.24	Oyo	Oluyole, ward 4, unit 1		Hoodlumps with weapons were arrested by soldiers	No	JDPC
C.03.25	Oyo	Oluyole, ward 10, unit 10		Multiple voting	No	JDPC
C.03.26	Oyo	Ibarapa E, ward 10, unit 10		Unit closed at 2.00pm	No	JDPC
C.03.27	Oyo	Akinyele, ward 10, unit 2		Multiple voting	No	JDPC
C.03.28	Oyo	Ibadan NW, ward 6, unit 6		Thumb printing	No	JPDC
C.03.29	Oyo	Ibadan NW, ward 6, unit 9		Stolen ballot boxes	No	JPDC
C.03.30	Oyo	Ibadan NW, ward 3, unit 6 and 9		Stolen ballot boxes - cancelled at LGA level though	No	JPDC
C.04.01	Kwara	Ilorin West08/W03, PS04	21.04.2007	When we arrived at 16.40, we noticed 4 big piles of 100 nicely folded ballot papers for presidential elections. Big majority of ballot papers was finger printed with blue ink, and had same small fingerprint (photo documents available). - At the same PS, there were 501 registered voters. Out of 424 votes cast exactly 400 were cast for PDP. Most of the ballots have same fingerprint. (photo documents available) - Although INEC has cancelled Senatorial elections for Kwara Central district due to	Yes	

Incident Report No.	State	LGA/Ward/Polling Station	Date	Type of Incident C: Fraud (ballot box stuffing; unauthorized changing of results; buying voter cards, ballot paper tempering etc)	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: source (credible)
				incomplete ballot paper, we yet found around 400 fingerprinted ballots for the Senate elections in that same ballot box.		
C.04.02	Kwara	PS03/RA06/LGA06	21.04.2007	PO opening ballot box and placing stamped ballot papers in box. Upon closer examination several thumbprinted ballots all for PDP were found on the poll clerk's desk.	Yes	
C.04.03	Kwara	PS04/RA06/LGA06	21.04.2007	At 15.00 23 people had voted. We returned at 16;00 and 300 people had voted. There were piles of ballots placed in the box.	Yes	
C.04.04	Kwara	PS04/RA06/LGA06	21.04.2007	Poll clerk did not check off the VR correctly. He ticked random pictures rather than checking	Yes	
C.04.05	Kwara	PS09/RA01/LGA06	21.04.2007	PO was observed stamping and signing a great number (50+) of ballot papers in advance, only half an hour before closing with no voter in sight.	Yes	
C.04.06	Kwara	PS13/RA04/LGA08	21.04.2007	There were recorded 22 more ballot papers cast than actually delivered to the PS.	Yes	
C.04.07	Kwara	PS11/RA08/LGA06	21.04.2007	EU observers have checked the numbers of people who voted till 16.30 - the number of people who had voted till 16.30 was 33, there were no queuing and the Polling Staff were preparing for closing. However the number of cast votes recorded on the protocol brought to Ward collation center one hour later stated number 204	Yes	
C.04.08	Kwara	PS12/RA08/LGA06	21.04.2007	Number of people who have voted till 16.30 were 56, one and half hour later the number on the protocol stated 140 cast votes. (127 for PDP)	Yes	
C.04.09	Kwara	PS13/RA08/LGA06	21.04.2007	Number of people who have voted till 16.30 were 27, one and half hour later the number on the protocol stated 236 cast votes. (225 for PDP)	Yes	
C.04.10	Kwara	PS8, RA9, LGA 6	21.04.2007	From the EC8B and C unlikely results could be found. In PS8, RA9, LGA 6 there was a 100	Yes	

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				percent turnout and 100 percent vote for PDP. In PS 1, 3, 7, 19, 18, 15, 13 of the same ward the PDP scored 100 percent of the votes.		
C.04.11	Kwara	Ward 7, LGA 6	21.04.2007	At Ilorin East LGA Collation Centre, EU observers looked at Ward Tabulation Papers where turnout figures (and PDP votes) differed greatly. For example, in Ward 7, LGA 6, in 3 PS the turnout was under 20%, compared to 100% in others in same ward, where PDP had between 300 and 700 votes, exact figures not available.	Yes	
C.04.12	Kwara	LGA06	21.04.2007	At the LGA many corrections were made to the ward protocols in order for numbers to match.	Yes	
C.05.01	Ekiti	Oye: Ayede North	14.04.2007	LGA collation did not take place; there was literally no collation or tabulation work undertaken here. Instead the EO disappeared with almost all of the result sheets from the wards, and presented them himself in Ado Ekiti. It appears that the results were created in the absence of any party agent or domestic observer and the collation process cannot, therefore, be verified in any objective manner.	Yes	
C.05.02	Ekiti	Oye/ Ayede North/ PS 10	14.04.2007	Credible allegation that there had been an attempt to steal the ballot box	No	AC gubernatorial aspirant alleged PDP had attempted the theft; PDP party agent agreed that there had been an attempted theft, but would not attribute responsibility
C.06.01	Osun	IFE CENTRAL, LGA	14.04.2007	Widespread fraud. Circumstances: For security	Yes	

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		level		reason no collation at ward level, PO directly proceeding to LGA collation centre. A big number of Presiding officers and other polling staff thumb printed ballot papers in favour of PDP, included these ballots in counting process and then filled out the result sheets.		
C.06.02	Osun	BORIP/IFELODUN	14.04.2007	Polling stations were already counting at 12.00. Then EU observers saw a motorbike carrying a ballot box. When they entered the town, they met 2 TMG observers who took refuge at the King's palace as they were afraid of thugs who allegedly wanted to kill them. The EU observers' police escort compelled them to move. They were obliged to shoot in the air to have free space in order to remove the many tires and logs across the street. 1 can was burning and 1 people has been reported killed	yes	
C.07.01	Ondo	06 05 12	21.04.2007	Stealing of presidential ballot papers	No	PU PO
C.09.01	Anambra	Awka South/Amawbia/Eziegege square - 04/07/02/003	21.04.2007	Ballot boxes hijacked	No	witness, identity known by EUEOM
C.09.02	Anambra	Oyi	14.04.2007	Election material hijacked after election	No	witness, identity known by EUEOM
C.11.01	Enugu	Enugu North/Polo Park Ward/ PU 1-6	14.04.2007	EU observers found out that the results of the above mentioned polling stations at the ward level were completely changed: While there was a low turnout recorded for these PU during the counting at PU level, the results now entered at LGA level were showing an almost 100 per cent turnout. Almost all additional votes were recorded for the ruling party (see tables on the right) The result sheets were also different in the sense	Yes	



Incident Report No.	State	LGA/Ward/Polling Station	Date	Type of Incident C: Fraud (ballot box stuffing; unauthorized changing of results; buying voter cards, ballot paper tempering etc)	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: source (credible)
				that while at the PS level they used blank paper sheets and duplicate result sheets, at the ward level – surprisingly – we found the original result sheets with the completely different numbers. Sunday morning at 08:45, when visiting the LGA, EU observers found out that the results of the ward followed by EUEOM team were cancelled. The Election Officer explained that they did not receive any results from that ward at all		
C.11.02	Enugu	Enugu South	14.04.2007	In Enugu South during ward level tabulation an EU observer team discovered that behind the building many people were tearing ballot papers from the pad, thumbprinting and signing them, than putting them all into a ballot box. After being stuffed, the ballot boxes were transported to a better illuminated area in front of the building. There, they were opened by the ad hoc members. In a complete chaos and disorder, the electoral staff counted the votes and filled the sheets of results but also some blank sheets of papers with numbers. As the EU observers approached them, they were reluctant to give information. The staff doing the counting did not carry any accreditations or other identification.	Yes	
C.11.03	Enugu	Enugu South	21.04.2007	In one part of the LGA collation centre EU observers saw groups of people working in the dark with stamp material and signing ballot papers before putting them into ballot boxes. As they approached them they hid all materials and left. They refused to answer any questions of the EU observers	Yes	
C.12.01	Ebonyi	LGA collation centre Abakiliki	14.04.2007	3 Polling Stations with turnout of more than 100 per cent: According to the Ward Result Sheets	Yes	

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				(EC.8B) in PU Igweorie Open space (Ward 6) 601 ballots were cast for PDP even though there were only 223 registered voters. In PU Obeagu Ibom Village Square (Amachi Ndegu ward) the total number of ballots cast (500) exceeded the number of registered voters. In the same ward in PU Ete Village Square number of ballots cast was 600, while registered voters were 513. When this was pointed out by party agents it appeared that attempts were made to adjust it while no procedures were in place to deal with disputed and obviously fraudulent polling units.		
C.12.02	Ebonyi	12/03/002	21.04.2007	Voter Reg pre marked. No checking of reg cards. Voters clearly directed how to vote. No secrecy of vote	Yes	
C.12.03	Ebonyi	01/10/007	21.04.2007	Party agents and police taking part in the counting. Did not count unused ballots. No of used ballots did not equal valid+rejected+spoilt. Changed between counting and tabulation	Yes	
C.12.04	Ebonyi	01/10/	21.04.2007	tampering with results sheets to make them tally. Use of duplicate result sheets	Yes	
C.13.01	Abia	Osisoma	14-24.04.2007	Elections started at 12:00 due to switching of manual voter register between Osisoma North and South and went very slow. - INEC 16/4 No elections due to missing PPA logo on ballot papers - Police 16/4 No elections in wards 4, 6, 7, 8 because of switching of ballot papers between Osisoma North and South. - INEC 18/4 Elections in Osisoma North and South cancelled	Yes/partially	INEC, Police

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				- INEC 24/4 Results for Osisioma North PDP : 13223 PPA : 360 Results for Osisioma South PDP : 29437 PPA : 582 - INEC 25/4 On the election, there was tremendous pressure of PPA agents to cancel the elections in this LGA. So INEC cancelled the elections. The de-cancellation happened after a meeting of party agents and police. Things were sorted out and they say there was no reason to cancel the election. There were indeed problems with the ballot papers. PPA was missing. But the EO took care of that by changing one party that appeared on the ballot paper by PDP. (How can some 10.000 ballot papers be changed at the eleventh hour remained a mystery for the EU observers). - Police 25/4 The Deputy police officer was not aware of such a meeting. He also told us that Osisioma is a PDP stronghold.		
C.13.02	Abia	Ohafia North	16-24.04.2007	EU observers discovered major fraud on the polling station – ward result sheets. They could not find out whether it were the results for Ohafia North or South. PDP should have lost the elections based on the polling station result sheets, PPA should have won. The ward result sheets for the gubernatorial elections declared PDP the winner. This was achieved by tempering	Yes	

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				with the result sheets. EU observers detected major changes: In Ward 6 the results from the Polling Stations were altered when filled in the collation result sheet by adding another digit to the PDP results: from 21 to 121, from 83 to 183 etc; in Wards 1 and 7 party names were switched, the result for PPA become the one for PDP and vice versa.		
C.13.03	Abia	Umuahia North, Ward 05, PS 15	21.04.2007	Opening at 18.10. According to the JDPC observer some persons voted more than once. This was possible due to the lack of picture check.	Yes	JDPC observer
C.13.04	Abia	Ikwuano, Ward 05, PS 02	21.04.2007	Party agents have a clear view on the voting table. When one person wanted to vote for PPA some party agents yelled 'no!'. The PPA agent intervened. There were no pictures on the voter register. The ballot box was wide open. The ad hoc staff did not check the voter register. Every voter with a voter card could vote.	Yes	
C.13.05	Abia	Umuahia North, ward Urban I, PS UGB IV Orié Ugba 4	21.04.2007	PS received 500 ballot papers and had 496 valid votes (483 for PPA); this means a voter turnout of almost 100%	Yes	
C.13.06	Abia	Umuahia North, ward Urban I, PS Ohokabe Afara/Umuokeyi 13	21.04.2007	PS received 500 ballot papers and had 461 votes were cast; this means a voter turnout of almost 100%, Party agents accused PO of allowing ballot stuffing	Yes	
C.13.07	Abia	Umuahia North, ward Urban I, PS Umuolasi Ugba Village 37	21.04.2007	There were 1000 registered voters, 932 casted votes and 922 for PPA this means a voter turnout of almost 100%.	Yes	
C.13.08	Abia	Arochukwu	18-24.04.2007	INEC 18/4 Elections cancelled - INEC 24/4	No	INEC

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				PPA 2388 PDP 460		
C.13.09	Abia	Obingwa East	16-25.04.2007	Police 16/4 No original result sheet was sent to the LGA as a result of which the youths disrupted the elections. - INEC 16/4 INEC denies the report of the police. - INEC 18/4 PPA won the elections - INEC 24/4 Elections are inconclusive due to violence In Obingwa west PPA won with 27943 votes. This is the highest result for PPA in a constituency. PDP does not appear on the result list. - Police 25/4 The Deputy Police Commissioner does not understand how it is possible that there is a result for Obingwa LGA. The police officer in charge of this LGA told him there were almost no elections at all at this difficult LGA known for its production of locally made arms. Therefore the police strongly questions this LGA in particular. The changes between the declaration of results and announcement of results (after the visit by the REC to INEC HQ Abuja) show us that in 3 out of 4 cases PDP benefits from the changes. Two of them are very disputable (Osioma's), one of them it appears that the change is correct, and thus thwart the fraudulent attempt of PPA.	No	INEC, Police
C.13.10	Abia	Umuahia South, Ward 08, PS 013	21.04.2007	At PS 8, ward *theft of election materials	No	PO Amechi Chinedu
C.13.11	Abia	Umuahia South, ward 08,		Theft of 83 ballot papers and advised that any	No	PO Uchebgu U.

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		PS 04		result from there should not be recorded.		Charity
C.13.12	Abia	Umuahia North, Ibeku Central School Worldbank	21.04.2007	Thugs carried the ballot box away after counting and returned it a bit later. PPA won at this PS with 500 votes (a booklet of ballot papers)	No	
C.13.13	Abia	Umuahia North, Union primary school Afara	21.04.2007	PPA snatched the ballot paper booklets (18.00).	No	people around polling station
C.13.14	Abia	Ummuneochi	14.04.2007	<p>The collation did not take place at this LGA according to the police. After a discussion among the party agents, INEC and the party agents decided to bring all the ballot boxes to Umuahia to collate at the INEC office there, escorted by the police.</p> <p>At ward 8, Ubahu-Akawa/Arikpa EU observers found a lot of polling stations with 100% voter turnout:</p> <ul style="list-style-type: none"> <li>- PS 1: 600 Voters Registerd, 600 Votes</li> <li>- PS 2: 161 VR, 161 V</li> <li>- PS 3: 397 VR, 400 V</li> <li>- PS 6 : 440 VR, 440 V</li> <li>- PS 9: 100 VR, 100 V</li> </ul> <p>None of the results on the ward result sheet matched the results on the respective PS result sheets. PDP won here with 1016 votes against 984 votes for PPA.</p>	Events not observed, but the result sheets have been seen by EU observers	Police
C.14.01	Akwa Ibom	LGA Oron/Ward 10/PS 2	21.04.2007	The whole ballot booklet for senate was pre thumb printed for PDP and the PO official was stamping the back and putting them in the ballot box.	Yes	
C.14.02	Akwa Ibom	LGA Ibonio-Ibom/Ward 11/PU 02	21.04.2007	Polling had allegedly started at 13.00 (although a TMG observer claims 14.00) and at 15.15, when EU observesr visited the PU; all 376 registered voters had voted (although none were present).	Yes	

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				The PO was then stamping the ballots that had allegedly already been cast		
C.14.03	Akwa Ibom	LGA Ibonio-Ibom/PUs from Wards 1,2,5,7,9,10	21.04.2007	At 17.00 EU observers saw approx. 50 result sheets from Polling Units from ward 1, 2,5,7,9 and 10. All these result sheets showed exactly the same number of registered voters and the same numbers of votes cast. Approx 99% of the votes were allocated to the PDP.	Yes	
C.14.04	Akwa Ibom	LGA Ibonio-Ibom	21.04.2007	At 17.30 the whole INEC staff moved to the Council Hall nearby where at 18.15 hrs the collation started at LGA level. Tabulation at LGA level then finished at 20.45 when the results were announced Summary of results : for the Presidential elections in total 60.020 votes were cast out of 61.268 registered voters. The PDP scored 59.758 votes in this election. (turn out 97.9 %). For the Senate : out of 61.268 registered voters 60.288 votes were cast of which 60.108 went to PDP. (turn out 98.4%) Conclusion: these high turn outs are impossible in light of the short time available for voting.	Yes	
C.15.01	CR	Calabar South LGA / Ward 12	14.04.2007	EU observers observed POs being led to two 4x4s parked in a field next to the collation centre where they were given three pre-prepared ballot boxes and completed forms. When we followed them through the process: a) the POs did not know their PU details; b) they claimed that turnout had been high / all materials and results sheets had been delivered in morning / they had opened on time / several party agents witnessed the count and signed the sheets (all inconsistent with our observations); and c) upon inspection, there were no party agent signatures on the sheets and the	Yes	

Incident Report No.	State	LGA/Ward/Polling Station	Date	Type of Incident C: Fraud (ballot box stuffing; unauthorized changing of results; buying voter cards, ballot paper tempering etc)	Observed by EU EOM (State: "Yes" or "No")	If not directly observed: source (credible)
				results were unrealistically high in favour of PDP. o Two PUs concerned CALABAR SOUTH, WARD 12, PU 028 & 032 o 032 (Gov): DPP 3, PDP 130, Total 133 o 032 (HoA): DPP 1, PDP 132, Total 133 o 028 (HoA): DPP 6, PDP 220, Total 226 o When these PU results were submitted, one of the INEC collation team commented that these PU had not received materials earlier in the day		
C.15.02	CR	Calabar South LGA / Ward 12	14.04.2007	POs creating new final results sheets at the collation centre – on several occasions we observed a PO with two sets of sheets, one with low turnout and a realistic spread of votes, and one with unfeasibly high turnout and heavy PDP support. POs were also highly evasive when we asked them to show the various sheets they were working on. o Example #1 CALABAR SOUTH, WARD 12, PU 015 - Final Result Form (Gov): - Total nbr voters 1,341 - Total votes 1135 - PDP 1,105 - DPP 20 - NDP 10 - Final Result Form (HoA): - PDP 1,100 - In addition, when the Collation Officer asked to see the Voter List from the PU, there were no 'ticks' against the names to indicate 1,135 people had voted during the day o Example #2 CALABAR SOUTH, WARD 12, PU 010	Yes	



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				- Two different results forms: - One with c60 votes recorded, c30 PDP and c20 opposition parties (out of 897 registered) - Another one with 758 votes recorded for both races with 713 PDP o Example #3 CALABAR SOUTH, WARD 12, PU 003 - PDP 1,200 + opposition parties = more than registered voters (1,236)		
C.15.03	CR	09 / 08 / 07 / 08	21.04.2007	EU observers closing PU was 09 / 08 / 07 / 08. They had no results sheet so also went to the ward collation centre to count. There was no Ward Collation Officer and to the knowledge of the EU observers still no results sheets. After counting, the SPO sent all the POs home and took the materials to the LGA Collation Centre. After a short while the Ward Collation Officer arrived with the collated results. EU observers had neither seen her nor the results. When they pointed this out, it became a 4+ hours cat and mouse game during which time: a) they refused EU observers access to the results sheet; b) the INEC EO was clearly directed by SSS and / or PDP; c) the collation officer revised the Ward results and presented incorrect and highly inflated figures for PDP over 95% advantage and turnout over 95%.	Yes	
C.15.04	CR	09 / 11 / 04 / 01	21.04.2007	EU observers wanted to attend closing of PU 09 / 11 / 04 / 01. When they arrived at 4.30 the PU was already closed and the PO was heading off to the ward collation to count. The count at the ward collation level was 500 votes cast (494 PDP) with a voter registration of 304. The results were then collated with a voter registration amended to 500.	Yes	

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C.15.05	CR	Ikom LGA	14.04.2007	EU observers observed that a completely different result for the PU where they attended the closing was presented at the LGA Collation Centre, after they had been deliberately diverted when trying to follow the PO & ballot box	Yes	
C.15.06	CR	Ikom, Etung LGAs	14.04.2007	Widespread ballot stuffing at PUs visited	Yes	
C.15.07	CR	Ikom, Etung LGAs	21.04.2007	Widespread ballot stuffing at PUs visited	Yes	
C.15.08	CR	Calabar South LGA / Ward 12 / 046	21.04.2007	No materials arrived all day / no voting occurred	Yes	
C.15.09	CR	Etung LGA	14.04.2007	No election occurred	No	ANPP State Chair; TMG reports
C.15.10	CR	Obubra LGA	14.04.2007	No election occurred	No	TMG reports
C.15.11	CR	Three wards on Akpabuyo, Akamkpa LGA border	14.04.2007	No election occurred	No	EU observers interviews with villagers
C.15.12	CR	Entire State	14.04.2007	§ Throughout state, seemingly systematic failure to deliver results sheets to PUs in a correct manner. Some received them at closing, some only received the duplicate sheets with the original having been removed, some never received them at all	Yes/No	TMG
C.16.01	Benue	Ukum LGA/Zaki Biam	14.04.2007	LGA collation centre: Army personal brought in manipulated result sheets in favour of PDP	Yes	
C.16.02	Benue	Ukum LGA/Mbazum Ward	14.04.2007	Armed people & PDP supporters brought in stuffed ballot boxes in favour of PDP several times	Yes	
C.18.01	FCT	AMAC/Wuse II Collation Centre	14.04.2007	Presiding Officer from PS18 arrested when he arrived alone at Ward Collation Centre - without security or Agents.	Yes	
C.18.02	FCT	AMAC/City Centre Ward Collation Centre	14.04.2007	PDP Agents had obviously altered results in 3 PSs. This was evidenced in that original Results Forms held by the Ward Collating Officer and the copies held by ANPP Agents were the same, but	Yes	

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				the copies held by PDP Agents had been altered. The Collation Officer (colluding with PDP) would not tally and announce results for the Ward using these three 'contested' PSs.		
C.18.03	FCT	AMAC/Wuse II Collation Centre	21.04.2007	ANPP attempts to alter results for 2 PS (18 and 20) caused havoc at City Centre Ward Collation Centre.	Yes	
C.18.04	FCT	AMAC/Wuse II/OAU Quarters	21.04.2007	Last Saturday the PO for PS18 was arrested upon his arrival at the Ward Collation Centre as he arrived unaccompanied by security or Party Agents but with the Results and electoral materials. Apparently, the same PO was on duty at PS18 this morning when he was accused of concealing hundreds of ballot papers (800 for each election) in his car. The police were called and he was taken away. One of the ad hoc staff took over his function. During counting, the PO returned and resumed his function. The crowd of supporters and Agents were upset about his presence and there were raised emotions. However, the counting was conducted well and concluded with Agents signing observed results. Upon arrival at the Ward Collation Centre, the PO remounted his car with two others (unidentifiable, but might have been Agents) and left the Ward Collation Centre without turning in results. He returned 30 minutes later and worked at avoiding EU observers. He passed on the Results Form to one of the ad hoc staff and disappeared. The ad hoc staff member (posing as the PO) was, along with the PO from PS 20, among the last two PS's to present results to the Returning Officer. EU observers observed that he had altered the results	Yes	

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				for ANPP by putting a '1' in front of the vote count. Nonetheless, the RO sent him and the other PO away as their math was poor and the figures did not add up. Realising his predicament the 'PO' exchanged his forged results sheets for the originals. This indicating that he had blank copies of Results Forms at his disposal. The crowd and agents who were present realized something was amiss and a complete chaos ensued. The two PO's were taken into police custody and arrested. Following 5hs of increasing tension and amid an atmosphere of heightened emotions and increasing police presence, the FCT Commission of Police arrived and the situation cooled. At 03:00 an agreement was reached and parties elected to accept original PS results – EU observers' confirmation of these results to INEC, police and party officials went a long way to creating a sense of credibility in the results EU observer observed at closing and counting. It also helped to diffuse a volatile situation.		
C.19.01	Nasarawa	Lafia LGA/Ashige Ward/Gidan Buba Primary School PS (076)	21.04.2007	Polling Station moved from Primary School to the front of house of village chief; INEC staff together with party agents stamping ballot papers without allowing people (long queue) to vote; EU observers returned after 45 minutes: "voting" was over, ballot box and papers had been moved into the house of village chief, where INEC staff together with party agents conducted counting; party agents pretended to represent different parties, but appeared to work for PDP	Yes	
C.21.01	Plateau	31/13/09/01	21-22.04.2007	Panshin: obviously ballot box stuffing: the ballots in the upper, i.e. visible part of the ballot box	Yes	

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				were all carrying the same fingerprint favoring PDP		
C.21.02	Plateau	31/05/04..	21-22.04.2007	Thugs allegedly hired by AC kidnapped whole INEC building and prevented Pos from delivering results	No	PDP campaign officie confirmed by TMG
C.21.03	Plateau		21-22.04.2007	Bokkos: 4 suspects arrested for possessing ballots	No	Police
C.21.04	Plateau	31/05/04....	21-22.04.2007	Jos-North possession of 3 voters cards and 1 ballot booklet, arrest	No	Police
C.21.05	Plateau	31/05/....	21-22.04.2007	Dillimi Junction Jos North suspects arrested for possession of large quantity of ballot papers	No	Police
C.21.06	Plateau	31/11/....	21-22.04.2007	Mangu/ Village Gindiri: supporters of Mantu (sen. Candidate of PDP) invading voters centers and shooting in air, 1 police shot in hand, 1 police beaten up	No	Police
C.21.07	Plateau	31/05/10/12&13&09	21-22.04.2007	Mazah: 1 police, 1 PO bringing results without agents and without ballots, figures changed	No	CLO Plateau
C.21.08	Plateau	31/07/.....	21-22.04.2007	INEC staff at LGA Kanam was kidnapped, ballot boxes hijacked, LG chairman beaten up, figures of 15000 votes changed in favor of PDP	No	CLO Plateau
C.21.09	Plateau	31/....	21-22.04.2007	snatching of 6 ballot boxes in Plateau Central	No	JDPC
C.21.10	Plateau	31/05/....	21-22.04.2007	Johuraba Road: PO arrested for thumbprinting ballots	No	CPAN
C.21.11	Plateau	31/05/13/053	21-22.04.2007	Attempt to bribe PO with 4000 Naira to print ballots at PU JMDB	No	CPAN
C.21.12	Plateau	31/03/.....	21-22.04.2007	Only 30 % of ballots was delivered to PU - rest was pre-printed and added later	No	
C.24.01	Yobe	Gujba	14.04.2007	Outgoing governor (ANPP) and at the same time senatorial candidate was on his way to cast the vote distributing money in the villages on the road. 200 Naira notes were thrown to the air. His visit to village usually caused high level of disorder at PSs.	No	Villagers, INEC officials
C.24.02	Yobe	Potiskum	21.04.2007	A PDP supporter found carrying around 100	No	Police

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				thumb printed presidential and around 30 senatorial ballot papers in favour of PDP in his car. He was arrested by police and investigation is ongoing (as of 24.04.2007)		
C.25.01	Gombe	06/02/012	21.04.2007	2 incidents of ballot stuffing observed,	Yes	
C.25.02	Gombe	01/02/PS	14.04.2007	<ul style="list-style-type: none"> <li>- voting started at 12.00 and finished at 16.00 despite around 50 people in the queue waiting to be allowed to vote</li> <li>- Female were prevented from entering this PS by gathering of men outside</li> <li>- Counting was done in presence of about 70 people,</li> <li>- But no result form was filled out, EU observers received result written on a piece of paper (turnout around 160 while 783 voters registered)</li> <li>- On way to LGA Collation Centre PO stopped at the house of the PDP chairman of that ward and went for 30 minutes into the house, he also visited the Emir's palace, by 19.00 he had not arrived in Collation Centre.</li> <li>- As the situation appeared hostile the EU observers left the place. The day after they found out, that the result has been changed: Now the turnout was almost 100 per cent and almost all additional votes had been given to the ruling party.</li> </ul>	Yes	
C.25.03	Gombe	05/04/000	21.04.2007	Result figures created and corrected at ward level	Yes	
C.25.04	Gombe	06/02/012	21.04.2007	Cast vote figures changed during counting and collation	Yes	
C.27.01	Jigawa	PU 01 WARD 05 LGA 19	21.04.2007	Buying votes: PDP supporters handed out money from cars with two big shopping bags with full money to people; they had a register with the names of the people and crossed out whom they	Yes	

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				have given money, observed 20-30 people receiving money, when they detected EU observers the place was changed; 400 Naira for a man, 200 Naira for a women		
C.27.02	Jigawa	PU 05 WARD 06 LGA 06	21.04.2007	Buying votes, similar as above	Yes	
C.27.03	Jigawa	PU 010 WARD 07 LGA 06	21.04.2007	Buying votes, similar as above	Yes	
C.27.04	Jigawa	PU 019 WARD 08 LGA 06	21.04.2007	Buying votes, similar as above	Yes	
C.27.05	Jigawa	PU 019 WARD 10 LGA 06	21.04.2007	Buying votes, similar as above	Yes	
C.27.06	Jigawa	PU 05 WARD 09 LGA 06	21.04.2007	Buying votes, similar as above	Yes	
C.27.07	Jigawa	PU 06 WARD 09 LGA 06	21.04.2007	Buying votes, similar as above	Yes	
C.27.08	Jigawa	PU 07 WARD 09 LGA 06	21.04.2007	Buying votes, similar as above	Yes	
C.28.01	Kano	LGA Fagge	21.04.2007	Close to a polling unit EU observers observed a group of 30-40 young men. It turned out that a PDP agent (with INEC accreditation) was writing down all their names, in order 'not to lose anybody' since they were going to vote together. Some boys were under age. It seems vote buying, but cannot be proved.	Yes	
C.29.01	Katsina	18/07/0000	21.04.2007	EU observers found persons in the middle of ballot box stuffing. They discovered 5 ballot boxes and piles of approximately 1,000 unused ballot papers in an INEC bag and about 200 in the ballot boxes in an open building that was not a polling station; unauthorized persons were handling stamps when EU observers arrived	Yes	
C.30.01	Kaduna	Karkuri/Markera	14.04.2007	PDP members took the ballot box into the house	No	yes, source known

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				of one of their members		to EU EOM
C.30.02	Kaduna	Ikara LGA	14.04.2007	Irregular thumbprinting of ballots, clashes in 8 wards	No	yes, source known to EU EOM
C.30.03	Kaduna	Kumano chiefdom		Chiefs received 5,000,000 Naira's to share between them in order that they preprint the ballot papers for PDP in their houses. In the same area INEC ad hoc staff refused to work and was replaced by PDP members.	No	yes, source known to EU EOM
C.30.04	Kaduna	Kakargo LGA		No AC and ANPP candidate on the ballot paper, when the voters complained about that the police took the ballot box to an unknown place.	Yes	
C.31.01	Niger	Magama LGA No. 14, RA Nasko No. 10, Nasko Primary School PU No. 06.	21.04.2007	When EU observers arrived at PU, the ballot box was missing. After few minutes it was brought by the policeman, who explained that he had to secure ballot box as supporters of PDP and ANPP started fight in the PU. The returned ballot box was looked stuffed with all visible votes for PDP, officially 678 voters out of 679 cast ballots by 3 pm. No further voting procedures continued. Presiding officer and his assistant looked underaged.	Yes	
C.31.02	Niger	Magama LGA No. 14, RA Ibelu Central No. 06, Makaranta Primary School PU No. 07.	21.04.2007	No voting activity taking place at 3.45 pm. Person who claimed to be presiding officer did not have any ID or anything to prove he was INEC staff. He claimed that votes have already been counted and showed an INEC bag (not the ballot box) full with ballot papers. However, he could not provide any counting forms or tell what was the result. At the same location which was also supposed to be a ward collation centre, another ballot box, visibly stuffed with ballot papers thumbprinted for PDP was found unattended. No one could explain whose the ballot box was and where it came from.	Yes	



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C.31.03	Niger	Wushishi LGA No. 25, RA No. 8, PU No. 4	21.04.2007	Voter bribing activities observed - PDP affiliates were bringing groups of voters to the PU, then paying them 40 Naira and instructing to vote for PDP. Police and INEC staff did not take any action, opposition party agents did not complain. ANPP party agent said he was threatened by PDP supporters present.	Yes	
C.31.04	Niger	Bosso/Polling Station	14.04.2007	Police interfered in the voting process by instructing voters to mark the ballot for ruling party	Yes	
C.31.05	Niger	Katcha LGA	14.04.2007	Secretary of Katcha LGA was intercepted by opposition supporters with five ballot boxes stuffed for PDP. Secretary escaped, his car burnt.	No	Reported by ANPP and AC Minna, confirmed by CP Niger