



NBA ELECTION WORKING GROUP REPORT ON BAYELSA/ KOGI 2019 ELECTIONS

NOVEMBER 2019



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PREAMBLE

The Independent National Electoral Commission (“INEC”) conducted Gubernatorial elections in Bayelsa and Kogi States on Saturday, 16th of November, 2019. INEC also conducted a re-run election for Kogi West Senatorial District, pursuant to an order of the Court of Appeal.

On October 28, 2019, the President of the Nigerian Bar Association constituted the NBA Election Working Group for the Observing of the November 2019 Bayelsa And Kogi States Elections.

OBJECTIVES

The NBA Election Working Group (NBA EWG) deployed election observers in NBA’s six (6) branches in the two (2) States (four branches in Kogi and two in Bayelsa) with the following objectives:

- i. To observe the extent of compliance of all stakeholders with the governing laws and regulations in the conduct of the elections;
- ii. To observe and report on the freeness, fairness and credibility of the election; and
- iii. To observe and note whether the results announced reflected the voters’ choices.
- iv. To observe if there had been an improvement in the electoral process flowing from the general elections.

MODUS OPERANDI

To ensure smooth operation, the NBA EWG split itself into three strategic units. The first unit manned the Situation room set up at the National Secretariat of the Association, for live feeds and real-time



reports from observers; the second and third units were hands-on in the 2 States to observe the elections and also provide physical and live reports for escalation where necessary.

The Committee also provided toll-free lines for voters, observers, lawyers and other members of the public in the two States to call in with their reports.

The Committee took advantage of the various social media platforms available and set up handles which were disseminated to members of the public and election observers. The hashtag **#NBAOBSERVERS** was created for easy identification of reports from lawyers, observers and members of the public alike. For Bayelsa State, the added hashtag was **#BayelsaDecides** while Kogi State was **#KogiDecides2019**.

A dedicated phone number was also created on the WhatsApp platform where lawyers and observers could send videos and pictorial evidence of events that transpired at their locations.

The Committee made in-depth attempts to substantiate reports, photographic images and videos sent to it from various sources before making such reports public.

OBSERVATIONS

ON DEPLOYMENT OF ELECTION OFFICIALS AND MATERIAL FOR THE ELECTIONS:

Available statistics show that 10,063 ad-hoc personnel made up of collation and returning officers were trained to conduct elections in Bayelsa State. In Kogi State, 16,139 ad hoc staff were recruited to conduct a seamless election process. Worthy of note is the recruitment of 81 persons with disabilities as ad hoc staff for Kogi State.



At most of the polling stations in both States, polls did not commence at the scheduled time - 8 am. This delay was attributed to the late arrival of the INEC officials and materials. In Otuoke of Bayelsa State, no INEC official was seen as at 8:30am. In Elefie community of Bayelsa State, material and personnel did not arrive as at 11am.

It is however remarkable to note that INEC officials and materials arrived at Polling Unit 003 Famgbe, Polo Square, Okutukutu community hall, Polling Unit 008 Ibolokini compound, Akaba community all in Yenagoa LGA, Bayelsa State within the stipulated time.

In both States, there were no complaints of shortage of voting materials and this was confirmed by the presiding officers. However, there were lack of tables in various polling centres.

In Lokongoma polling unit, Lokoja, Kogi State, party agents complained that ballot papers meant for particular units in Kabba, Kogi State were being used in Lokongonma. In some polling units in Dekina, Kogi State, 2015 INEC stamps were used to stamp the ballot papers.

ON SMART CARD READERS:

The performance of the smart card readers although not wholly unsatisfactory, raised concerns and provided sufficient basis for anxiety among the electorate.

In some polling units, the smart card readers malfunctioned. A peculiar example was in Crowther Memorial College, Lokoja, Kogi State where verification was carried out but there was no authentication of fingerprint. The card readers were fluctuating or had stopped functioning as at the time our observers visited polling units located in Kabwei market square, Polling unit 14, ward 10, Amassoma, Southern Ijaw LGA; Polling unit 8, Ward 1, Polling unit 10, Ward 1 Okaka Primary School; Polling unit 16 Ward 1, Yenagoa LGA, all in Bayelsa State.



In contravention of INEC Regulations and Guidelines, INEC officials were not seen directing voters to indicate phone numbers and thumbprints on the registers of voters before allowing them to vote in instances of voters whose fingerprints were not authenticated by the card reader. Presiding officers resorted to manual accreditation of voters to enable registered voters cast their votes.

There was also a lack of technical assistance in polling units where the smart card readers malfunctioned and in most polling units, backup card readers were not available.

ON VOTERS' REGISTER:

There were complaints of non-display of some voters' names in certain voter's register in Kogi State. This occurred in Workers' Village, Zone 3, Lokoja, Kogi State. Furthermore, some voters could not locate their polling units in particular wards. At Crowther Memorial College, Lokoja, certain voters complained that even though they had always voted at the polling units, their names which started with certain alphabets were missing from the voters register.

It was also observed that in many polling units in Lokoja the voters register was either not pasted or was being pasted at the time polling ought to have commenced.

ON VOTERS' TURNOUT:

The turnout was very impressive across polling units in Bayelsa and Kogi States as most voters were eager to cast their votes despite the envisaged fear and apprehension of violence occasioned by the pre-election buildup and projections. As early as 7:10 am, voters were at their polling units. Persons With Disabilities (PWD), the elderly and pregnant women were given priority in voting. Gender balance was adequately taken care of as there was a great turnout of women. In most cases, voters in some polling units organized themselves in an



orderly manner, after getting their serial numbers from the voters' register and awaiting the commencement of voting for a seamless voting process.

In Nembe, Bayelsa State, some polling units had a low turnout due to security challenges and violence.

In Opolo, Bayelsa State, a lot of persons were willing to vote but there were initially no INEC Officials and materials as at the time voting was to commence.

There were incidences of missing names in the voters' register. Voters could not locate their polling units in various locations. At Crowther Memorial College, Lokoja, a complete set of serial numbers were missing on the voters' register. Some voters also complained of the distance between the voters' register and the polling booths where they were to vote.

ON ELECTORAL VIOLENCE:

There were several reports of electoral violence across Bayelsa and Kogi States. Thugs and hoodlums invaded voting centers to snatch polling materials, harass, molest and intimidate voters and in some cases, INEC officials. The voting process was interfered with as cases of voter intimidation were seen. Armed men in Police uniform carted away ballot boxes across polling units in Lokoja.

In Fangbe, Bayelsa State, a young man was beaten to the state of unconsciousness by unknown young men.

At Eribo Square in Yenogoa, Bayelsa State, a member of the National Youth Service Corps was said to have gone missing after armed thugs attacked the place.

In Angiama community of Southern Ijaw LGA, thugs disrupted the electoral process by intercepting and carting away the voting materials meant for the community.



In Ologi Ward 03 of Ogbia LGA, Bayelsa State, the Independent National Electoral Commission (INEC) cancelled the voting exercise due to the spate of electoral violence and detention of an electoral official.

In Maigumeri Army Barracks, Lokoja, a public announcement was made for voters to either vote for a particular candidate or leave the polling centre, failing which they would face dire consequences. There was open intimidation of voters at the polling unit.

In Lokongoma Primary School polling unit, a police helicopter was seen hovering over the polling unit and shooting tear gas on voters. This led to a stampede at the polling unit and disruption of the voting process. At about 12:53pm, some armed persons invaded the polling unit, snatched ballots and destroyed polling material while sporadically shooting. They dispersed the voters and other officials thereby leading to a pre-mature closure of the process. One person was confirmed dead at this polling unit.

In Agabe polling unit, opposite Moremi, Lokoja, ballot boxes were seen carted away by thugs amidst stampede by voters who ran for safety.

At NTA roundabout polling unit, Lokoja, voting was disrupted as the ballot boxes were carted away by armed persons who moved into the polling units while shooting sporadically.

In St Barnabas Secondary School, Kabba, Kogi State, ballot boxes were carted away by armed men in the presence of security officials. In one of the few efforts at preventing electoral violence and malpractice by security agents, the security officials attempted to pursue the armed men.

In Muslim Community Secondary School, Lokoja, voters were made to show their ballot papers after voting before depositing same in the ballot boxes after which they were shown to a location to collect



compensation from individuals who brazenly shared money from a tricycle parked within the voting precinct. It was possible for the voters to be made to show how they voted as a result of the positioning of the polling booth in a manner that did not guarantee the secrecy of the voting process.

Some journalists in Ward 01, Unit 004, Ayetoro Town, Kogi State were attacked by some youths after thugs made away with ballot boxes. The thugs estimated to be about 10 in number invaded the polling unit in two (2) Hilux vans and a Honda Civic car amidst sporadic shootings and a young man was shot in the leg.

Armed thugs and persons dressed in police uniform invaded a polling unit in Koton Karfe in Kogi LGA, Kogi State and carted away ballot boxes together with other electoral material. Several persons sustained injuries while trying to escape from the polling units when the invaders started shooting.

In Opolo, Bayelsa State, a young man who was shot through the eye later died as a result of the injury. The shooting raised tension in the area as well as forced many voters to run away. The violence was later brought under control by police men before the election proceeded.

The snatching of ballot boxes and destruction of electoral material by armed gunmen who used gunshots to scare away voters and other personnel was very rife in Lokoja metropolis.

It is believed that more than five persons were killed in the course of the elections in both States. The number of persons who suffered various degrees of bodily harm cannot be ascertained at this time. The violence affected the collation and or declaration of results in many polling units.



ON ELECTORAL MALPRACTICES:

In Ajilolo Ojaji 1 & 2 and Ajilolo Ajikpome, Kogi State there was no election as a party stalwart in the area turned his compound to a polling unit where only those working with him were allowed to come in and vote.

A leader of a certain political party was arrested for being in possession of firearms in Anyigba town, Kogi State.

Thugs in fake police uniform were arrested at Igala Unity Square, Anyigba, Kogi State.

In Adankolo, Lokoja, voting was seamless until about 11 am when heavily armed thugs in unregistered cars disrupted the process.

In UBE Standard College (LGEA), Ganaja, Ajaokuta LGA, youths created a blockade on roads leading to the polling units as they sighted a bus belonging to a government owned tertiary institution in Kogi State dropping off armed thugs at various polling units and being used as a vehicle for distribution of money.

A political appointee in Bayelsa State was arrested at Ekeremor Town by security personnel for allegedly hijacking election materials.

Youths alleging electoral malpractice in Opolo community took to the streets claiming that voting was not taking place in the community due to hired thugs who unleashed terror on the voters that had come out to exercise their civic rights to vote. This situation was later brought under control before the exercise commenced.

At various collation centres, some INEC officials refused to announce the election results. In Iyale, Kogi State, for example, as at 4:40pm, the returning officer of the ward collation centre left the Centre without announcing the results despite the youths challenging his stance.



ON SECURITY ARRANGEMENTS:

It was observed that security personnel posted to voting centers generally arrived on time. At the voting centers where the security personnel was seen, they were observed to be of good conduct, professional, cordial and gender balanced. Worthy of mention is the general non-interference of security personnel in the rural and urban parts of Bayelsa State even as they were heavily armed.

In Lokongoma Primary School, Lokoja, Kogi State, a security official deferred to an INEC official when he was requested to assist an elderly voter in voting. The security personnel were courteous and answered questions put to them.

There were gunshots at Opolo in Bayelsa State but immediate response came from the security agents around.

Police personnel who participated in the electoral process in Kogi State did not fully display the expected level of neutrality and professionalism. The use of a police helicopter to shoot tear-gas and in some cases fire shots over polling units, were seen as actions intended to intimidate and infuse fear in voters as well as disrupt the voting process. In cases where there were infractions of electoral laws or threats of violence or actual violence, it was observed that the police personnel and other security personnel at the polling units stayed aloof and did nothing to prevent or stem those infractions and/or acts of violence.

Despite the presence of security men in and around the polling centers, the unhindered movement of armed political thugs in and around polling units in Lokoja, Kogi State, the rampant disruption of electoral process, snatching of ballot boxes, destruction of electoral materials, incidents of violence on voters etc., compel us to question how the thugs were able to access polling units/centres to the extent of carting away polling materials or freely burning and destroying electoral materials.



The credibility of the entire process was put in issue by the overwhelming incidents of harassment and intimidation of voters and electoral officials, destruction of electoral materials, snatching of ballot boxes and votes and the killings of persons. The specific incidents noted here, are by no means exhaustive.

ON VOTE BUYING:

Widespread vote buying was observed in most polling units across Kogi State. These acts of inducement were carried out in the presence of security personnel within the voting precincts. In Maigumeri Army Barracks, Lokoja, Kogi State, money was openly being shared and a public announcement was made for people who were not ready to vote for a particular candidate, to leave the polling unit or face dire consequences.

Ganaja in Ajaokuta LGA saw extreme cases of vote buying and same incidents occurred in Workers village, Zone 3, Muslim Community Secondary School, Lokongoma Lokoja, Itobe, Ward 002 in Kogi State and Crowther Memorial College, Lokoja to mention but a few places.

Vote buying in Kogi State was brazenly carried out.

In Bayelsa State, there were isolated cases of money inducement and vote buying.

ON SECRECY OF THE VOTING PROCESS:

INEC polling booths and tables were arranged in a way that did not provide sufficient privacy to voters. Persons had widespread, easy and unrestrained access to voting areas to either illegally supervise voting by voters or to pry into how they were voting. In some polling units, INEC officials paid scant regard to complaints by voters that the positioning of the polling booths was such as to erode the secrecy of the voting process.



At Crowther Secondary School, Lokoja we saw a polling booth that had missing sides and the INEC officials complained that they were not given the complete parts. Voters expressed concern over the matter as well as fear of using the booth to cast their vote.

Security agents were aloof in all of these situations and took no step to ameliorate the circumstances.

ON VOTER EDUCATION:

INEC officials did a good job of educating voters who were gathered at various polling units on the process and procedure for voting before commencement of voting. They were also available to take questions and clarify issues for voters who had issues that were incomprehensible to them. Majority of voters understood the electoral process and conducted themselves in an orderly manner.

ON COLLATION PROCESS:

The entire process was mostly characterised by a slow and drawn-out collation process at all levels. Due to the disruption of the voting process in some polling units in Kogi state, it was estimated that only about 40% of the results across the polling units in Kabba were declared. The eruption of violence was believed to have been engineered to prevent the counting and collation of results in the affected areas.

Peculiar cases were reported in Ugwolawo community, Ofu LGA, Kogi State as armed thugs invaded the INEC office during the collation process.

ON PRESENCE OF PARTY AGENTS:

In Bayelsa State, there were more party agents present in rural areas



than there were in the urban area. However, in Amarata, Polling units 12 & 14 Yenagoa LGA, accreditation started at 10:05am and party agents did not arrive on time thus the voting process was delayed.

In most polling units in Kogi State, the party agents were on hand and followed through with the process of commencement of voting and collation of results. They checked to ensure that the ballot boxes were properly sealed.

RECOMMENDATIONS

1. Governments and the law enforcement agencies must develop the political will and muscle that would enable them bring to book all persons and/or parties including members of any security agency who are involved in any form of electoral offences as was recorded during the elections.
2. Security agencies deployed for election duties should be alive to their responsibilities by apprehending persons who break the law or perpetrate any form of electoral malpractice. Security agencies should not form part of the criminal disruptors of election processes or aid and or condone same by their wilful refusal and or failure to take any action to prevent the commission of electoral offences.
3. Personnel of security agencies at national and state levels must always exhibit neutrality and professionalism in carrying out their election-related assignments in order to engender a peaceful environment for the smooth conduct of elections. Respect of the law by security officials should be promoted and enforced.
4. Adequate protection must be provided during the elections exercise for the Electoral officials and the general populace particularly persons who come out to exercise their voting rights.
5. INEC must put in place measures that guarantee free and unhindered access to the polling units for every citizen.



6. We must devise a way of not making our elections do-or-die affairs. There must be a way of letting politicians know that winning elections must not be at the cost or expense of human lives and limbs and that not winning an election does not result or lead to the end of the world. The spike and brazenness in incidents of electoral violence and commission of electoral offences over the years is most alarming and deplorable.
7. Transmission of results generally, including but not limited to, from the polling units to the collation centers, should be improved upon. Electronic transmission should be adopted. If the electoral system is automated, the chances of rigging, destruction of ballot papers or result sheets will be eliminated. Automation will also reduce cost of election as a lot of paper and transportation costs will be avoided.
8. There should be improvement in the mode of transporting ad-hoc personnel and electoral material.
9. Information dissemination generally, including but not limited to members of the public, should be prompt and detailed.
- 10 There is need to embark on rigorous capacity-building programme for INEC officials to ensure credible election process.

CONCLUSION

In the light of the large scale acts of violence, disruptions of the electoral process, snatching of electoral material by armed persons some of whom were dressed in police uniform, coupled with sporadic gunshots that scared voters away from voting centres, as observed by the NBA EWG, the election in Kogi State failed to meet the minimum standard of a credible election.

We are very grateful to the President of the Nigerian Bar Association for the opportunity to serve our Association and Nigeria generally at this time and in this capacity. We hope that measures will be put in place to forestall the ugly incidents listed in this report as well as ensure



that the sanctity of the electoral process as well as lives of voters remain inviolable.

A handwritten signature in black ink, appearing to read 'Mazi Afam Osigwe'.

Mazi Afam Osigwe, FCI Arb (UK)
Chairman, NBA Election Working Group
November 17, 2019





SCHEDULE 1

VOTING STATISTICS OF BAYELSA AND KOGI STATES

No. of Polling Units (P.U)	1,804; 2548
No. of Registered Areas (R.A)	105; 239
No. of Local Government Areas (L.G. As)	8; 21
No. of Registered Voters	923,182; 1, 646, 350
No. of PVCs Collected as at 30th September, 2019	889,308; 1, 485, 828
No. of PVCs uncollected as at 30th September, 2019	33,874; 160, 522
GENDER DISTRIBUTION OF VOTER POPULATION:	
FEMALE:	424,392 (45.97%); 820, 687 (49.9%)
MALE	498,790 (54.03%); 825, 663 (50.1%)

SCHEDULE 2

NBA Election Working Group Members

1. Mazi Afam Osigwe	(Chairman)
2. Kunle Edun	(Member)
3. Joshua Enemali Usman	(")
4. Akorede Habeeb Lawal	(")
5. Sam Owoyomi	(")
6. Siaka O Odege	(")
7. Dr. M F M Obamero	(")
8. John U Okpanachi	(")
9. Felix Okorotie	(")
10. Dise Ogbise	(")
11. Rosemary N Emovon	(")
12. Mukosolu Okafor	(")
13. Isah Abubakar Aliyu	(")
14. Barbara Omosun	(")

- 15. Samuel Obot (“)
- 16. Victor Giwa (“)
- 17. Liman Salihu (“)
- 18. Tolu Babaleye (“)
- 19. Adamma Isamade (“)





Pictorial evidence of vote buying:
Itobe Ward 002 and Maigumeri
Army Barracks, Lokoja, Kogi State.



UBE Model School Ganaja, Ajaokuta LGA, Lokoja; where youths set up a blockade after armed thugs were deposited with a Government Institution owned Bus.



Consequences of eruption of violence: Ballot papers strewn and a dead man.