



Centre for Democracy & Development

Centre pour la démocratie et le développement

**Report of the August 9, 2014**

**Governorship Election in Osun State**

**September 2014**

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## **1. Introduction**

Following accreditation by the Independent National Electoral Commission (INEC) to observe the August 9th, 2014 governorship election in Osun State, the Centre for Democracy and Development (CDD) deployed accredited observers to observe the governorship election in several polling units in 20 local government areas of the State. On the Election Day, our observers monitored the accreditation, voting, counting, and the announcement of election results in observed polling units in selected local government areas of the State, including Obokun, Ede North, Ede South, Ejigbo, Irepodun, Iwo, Odo Otin, Egbedore, Ife Central, Ife East, Ife North, Ife South, Ilesa East, Ilesa West, Osogbo, amongst others. Consequently, the findings and recommendations highlighted in this report are based on our observations during the election period in compliance with INEC's election observation guidelines.

## **2. Pre-Election Environment**

The pre-election phase in any electoral system is mostly characterised by activities of the Independent National Electoral Commission (INEC) and Political Parties contesting in an election. While the 1999 Constitution (as amended) bestowed upon the former the mandate to register voters, among other pre-election activities, the latter often carries out their campaign rallies to mobilise votes during an election. In addition political parties play a complementary role to INEC's responsibility of educating voters on the modus operandi of an election.

In the wake of the INEC commencement of continuous voter registration and other election-related activities in Osun State, and the initiation of campaign rallies by political parties, reports on INEC preparedness and deliberate violations of provisions of the 2010 Electoral Act (as amended) by political parties, especially the All Progressives Party (APC) and the Peoples Democratic Party (PDP) started to emerge.

### **2.1 Continuous Voter Registration**

CDD's Perspective Report on the conduct of Continuous Voter Registration (CVR) exercise, carried out between 12<sup>th</sup> and 17<sup>th</sup> March 2014, pointed to some hitches that characterised INEC's preparedness for the governorship election in Osun State. In the report titled "Perspective on the Osun State Upcoming Governorship Election", CDD observed large turnout and registration of underaged persons, electoral violence and hijack of registration materials in some registration centres, and logistic challenge as being major characteristics of the voter registration exercise. In addition, it pointed out some local government areas, such as Ejigbo, Odo Otin, Ede South, Osogbo, amongst others, as election violence hot spot and called on INEC, government and other stakeholders to put in place adequate measures to forestall the incidence of violence.

## 2.2 Political Campaign vs Political Violence

The use of injurious, slanderous and abusive languages by political parties during campaign rallies ahead of the August 9, 2014 Governorship Election was apparent and reported in the media. To forestall political violence during an electioneering process, Section 95 of the 2010 Electoral Act (as amended) mandates political parties to refrain from the use of intemperate and abusive language during campaign rallies. Notwithstanding this provision, it was observed that there was a huge gap between what the law says and day-to-day practices of political parties. For example, abusive and inciting languages were deliberately used by major political parties in their respective campaign rallies.

For instance, a prominent member of All Progressives Congress (APC), Asiwaju Ahmed Tinubu, threatened violence if the People Democratic Party (PDP) rigged the Ekiti and Osun governorship elections. Bola Tinubu made the remark during the conferment of an Honorary Doctorate Degree in Management Science at the Ladoke Akintola University of Technology, Ogbomoso, Oyo State. The statement, “rig the election and be roasted”<sup>1</sup> was widely credited to him in newspaper reports. In addition, the candidate of APC in the State, Governor Ogbeni Rauf Aregbesola, in his campaign tour in Ikire Community called on the people of Osun State to take charms and verses from the Quran and Bible to their respective polling units on Election Day<sup>2</sup>.

In a related development, the PDP candidate, Senator Iyiola Omisore while reacting to the State government’s acquisition of Armoured Personnel Carriers close to the election, alleges that the APC wanted to use the Carriers to oppress, victimize and chase away the electorate on the Election Day. According to him, this was intentional and aimed at creating an atmosphere that will enable APC members perpetrate electoral fraud. Although the allegation was dismissed by the incumbent governor of Osun State, the PDP candidate called on his supporters to resist any move or attempt by desperate politicians to intimidate or instill fear in them during the election period.

The intense political atmosphere that characterized the pre-election phase was greeted with a barrage of thuggery and political violence. Governor Rauf Aregbesola campaign rally in Ile-Ife, the stronghold of his political rival, Senator Iyiola Omisore, was met with a clash between APC and PDP supporters, which left 15 people injured<sup>3</sup>. Also, Omisore’s visit to Ilesa led to the death of Tolu Adeosun, who was reportedly shot in front of his house in Osun Ankara<sup>4</sup>.

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<sup>1</sup> Ekiti, Osun guber polls’ll be rig and roast – Tinubu - See more at: <http://www.vanguardngr.com/2014/04/ekiti-osun-guber-pollsll-rig-roast-tinubu/#sthash.ySbdiCD0.dpuf>

<sup>2</sup> Take charms to polling booths – Aregbesola: <http://www.punchng.com/politics/take-charms-to-polling-booths-aregbesola-urges-voters/>

<sup>3</sup> 15 injured as APC, PDP supporters clash in Ile-Ife: <http://www.tribune.com.ng/news/top-stories/item/10061-15-injured-as-apc-pdp-supporters-clash-in-ile-ife/10061-15-injured-as-apc-pdp-supporters-clash-in-ile-ife>

<sup>4</sup> Osun 2014: Omisore Boys Unleash Violence and death in Aregbesola’s local government area, *Osun Defender*, <http://www.osundefender.org/?p=179258>

### **2.3 Use of Hooded Security Personnel**

The use of hooded security personnel by the governorship candidate of the Peoples Democratic Party (PDP), Senator Iyiola Omisore<sup>5</sup>, during his campaign rallies contravenes Section 95 (4) of the Electoral Act, which prohibits the use of masquerades for political campaign or any political activities. Despite the fact that the attention of the Inspector General of Police and INEC were drawn to this illegal act and the potential reverberating effects it may have on the electoral process, no proactive action was taken by the officials concerned.

### **2.4 Militarisation of the State**

The deployment of about 73,000 security operatives<sup>6</sup>, including 15,000 soldiers, 30,000 police officers (both conventional and mobile police officers), 8,000 operatives of the Department of State Security (DSS) and 20,000 civil defence officers, ahead of the election received mixed feelings. The Federal Government decision was anchored on the need to forestall the reoccurrence of the post-election violence that occurred in 2011. Also, the need to curtail intensification of political rivalry between the two major political parties warranted the huge deployment of security officials. However, the presence of masked security operatives, particularly from the Department of State Service, became disturbing when they reportedly shot sporadically along Olaiya and Oke-fia Junction of Osogbo LGA few days into the election and, as such, created an atmosphere of fear and public disorderliness.<sup>7</sup>

### **2.5 Arrest of Political Opponents**

On the eve of the election, there were reported cases of some APC members arrested, including Lai Mohammed, Publicity Secretary of APC, Sunday Dare, the Media Aide to Bola Tinubu, and Afolabi Salisu, Deputy Chief of Staff to Governor Ibikunle Amosun of Ogun on the 8<sup>th</sup> of August<sup>8</sup> by hooded security personnel. In another incident, the hooded security officers were reported to have carted away valid election materials in Ward 6 and 15, Osogbo LGA. Also some of the INEC staff were arrested on the eve of election for allegedly diverting voting materials.<sup>9</sup>

### **2.6 Indiscriminate Use of State Resources**

Recognising vast disparities in wealth and access to State resources by existing political parties in Nigeria, the 2010 Electoral Act (as amended) establishes basic principles to create equal

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<sup>5</sup> Osun Election: APC attacks Omisore for use of 'Ninja' security - See more at:

<https://www.premiumtimesng.com/news/164571-osun-election-apc-attacks-omisore-for-use-of-ninja-security.html#sthash.Bz49IFlx.dpuf>

<sup>6</sup> Osun guber: 73,000 security operatives deployed: <http://sunnewsonline.com/new/?p=75932>

<sup>7</sup> APC, PDP disagree over deployment of DSS operatives: <http://www.punchng.com/politics/apc-pdp-disagree-over-deployment-of-dss-operatives/>

<sup>8</sup> Osun Election: How we were arrested, detained, released – APC spokesperson, Lai Mohammed - See more at: <https://www.premiumtimesng.com/news/166364-osun-election-how-we-were-arrested-detained-released-apc-spokesperson-lai-mohammed.html#sthash.7s9BOKB1.dpuf>

<sup>9</sup> Osun Election: INEC confirms arrest, release of its officials over suspicious movement of electoral materials - See more at: <https://www.premiumtimesng.com/news/166302-osun-election-inec-confirms-arrest-release-of-its-officials-over-suspicious-movement-of-electoral-materials.html#sthash.D3vn0XpL.dpuf>

political opportunities for political parties. Section 100 (2) of the Act prohibits indiscriminate use of media (print or electronic) by political parties in an election, so as one do not gain political advantage over other political parties. It further states that equal airtime coverage should be allotted to any political party participating in an election, subject to the payment of appropriate fees<sup>10</sup>.

Our monitoring team on the broadcast of campaign rallies of political parties in Osun State observed a sharp divide in terms of access to state media by political parties that participated in the election. We observed that Osun State Broadcasting Corporation (OSBC) mostly broadcast live campaign rallies of the APC candidate, Governor Rauf Aregbesola at the expense of other political parties that vied for the governorship seat. Also APC had bill boards in virtually in all strategic places in the state.

### **3. Election Day**

INEC handling of logistics during the governorship election is commendable. The introduction of Super Registration Area Centre (SuperRAC) by the Electoral Management Body (EMB) has, to a large extent, addressed the problem of late arrival of election materials to polling units (PUs). On the Election Day, we observed the early arrival of election materials in most of the polling units, and virtually all the polling units commenced accreditation by 8:00am. In most PUs, accreditation went on smoothly without any reported disruption. After the conclusion of accreditation exercise, voting started at about 12:30 pm in PUs visited and ended around 3: 00 pm in most of the polling units.

The mandatory manual counting and reconciliation of the unused and spoilt ballots were followed appropriately in most of the PUs observed. These were carried out in the presence of Party Agents (PAs) present. The Peoples' Democratic Party (PDP), All Progressive Congress (APC), Progressive Peoples' Alliance (PPA), Peoples' Democratic Movement (PDM), Labour Party (LP) and National Conscience Party (NCP) party agents were present in most polling units despite the fact that about 20 political parties contested in the election. Copies of the results sheets were offered to all party agents present at the polling units and pasted.

### **4. Incidents Encountered on Election Day**

#### **4.1 Disagreement over Folding of Ballot Paper**

A disagreement over folding of ballot papers before handing out same to voters by the electoral officials was witnessed. In Ward 2 Polling Unit 14, Ejigbo Town, Ejigbo local government, for example, disagreement among voters and electoral officers on the folding of ballot paper delayed timely commencement of voting. The inability of Presiding Officer of the PU to manage the situation politely led to physical threat by some voters.

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<sup>10</sup> See Section 100 (3-6) of the Electoral Act (as amended)

#### **4.2 Assistance of Aged and PWDs**

Also in some polling units, voters refused INEC officials to allow the aged and persons with disabilities (PWDs) to be assisted by relatives or individuals in voting contrary to the INEC guidelines. Nevertheless, this was not the situation in other PUs as the aged and PWDs were allowed to be assisted in other observed polling unit. For instance, in Matanmi Mosque, 001 polling unit, Osogbo local government area, two aged man and woman, were allowed to be assisted in voting.

#### **4.3 Campaign Materials on Election Day**

It was also gathered from the observation mission that major political parties, including APC, PDP, and Labour Party did not comply with the electoral laws and INEC guidelines on the removal of posters across the state as campaign posters and billboards were seen littering polling units on the Election Day. For instance, both APC and PDP candidate posters were seen in almost all the Polling Units observed.

#### **4.4 Vote Buying**

There allegations of vote buying. For example, in ward 4 collation centre, PU 001 Boripe LGA; people were in groups bargaining vote buying for five thousand naira (N5, 000). While at the Ayetoro Testing Ground 006 polling unit, Olorunda LGA, some voters asked for their money to be paid before voting while they were promised getting their money after voting. However, we did not witness any arrest made in this regard.

#### **4.5 Intimidation of Electoral Observers and Voters**

There were also reported cases of denied access of independent election observer to carry out their primary mandate during the election. For instance soldiers denied observer entry into Oriade LGA. Our team of observers who were assigned to cover and report on election activities in the local government area was forced to turn back by soldiers manning entrance into the local government area on the reason that their driver had no accreditation approval from INEC. It was also observed that some INEC officials were very hostile to election observers. In PHCN area 003 polling unit, Oloti-Iragbaji, Boripe LGA, INEC officials demanded observers to seek their permission before they could take pictures, talk to any of the voters or security men. This generated a debate and disagreement among observers and INEC officials. In addition, the intimidation of voters by security men was obvious on Election Day. In Matanmi Mosque, 001 polling unit, Osogbo LGA, Okerewe Ward PU 0032 and 3 polling unit 008 Ife LGA and Ayetoro Testing Ground 006 polling unit, Osogbo LGA soldiers were seen intimidating voters. Also at Ife soldiers stopped observers from coming close to the polling unit to exercise their mandate.

### **5. Conclusion and Recommendations**

Although the Election Day activity was seen to be free and fair, it is important for INEC to begin to address challenges affecting the entire election process. For example, the Continuous Voter Registration exercise which is a pre-election exercise witnessed several challenges across the state. In addition, the use of security agents intimidate political opponents during the pre-election

period became so apparent in the governorship election. The arrest of Lai Mohammed and others is a clear example. Consequently, it is important that constitutionally-guaranteed rights of Nigerians to move around freely, associate with any party of their choice and express their opinions without being molested or arrested during election are respected. The 2014 Osun governorship election further laid the foundation for strengthening Nigeria's electoral process. Although, the election is deemed to be free and fair, a number of reforms and improvements will need to be put in place before the 2015 general elections in order to consolidate the achievements recorded. From the foregoing the following recommendations are made:

- The authority and responsibility of each level of election administration should be explicitly defined in the Electoral Act or INEC guidelines. The law or regulations should stipulate how INEC operates; voting rules and includes clear provisions for transparency so that the work of INEC can be observed and monitored.
- To further improve the transparency of the process, official results should be published and broken down into polling unit level. The Electoral Act should include provisions for the publication of results per polling unit, collation centres, wards and constituencies. From the proclamation of the winners, such results should be available to the public, by using among other means the INEC's website.
- INEC and state RECs should hold official periodical consultative meetings with stakeholders, particularly with political parties, candidates and CSOs. However, more efforts should be undertaken to involve representatives of domestic and international observers.
- Taking into account that only INEC headquarters deals with accreditation, it is necessary that timely and clear procedures for accrediting domestic observers and journalists are developed and implemented for smooth distribution of the accreditation kits.
- Prompt prosecution of people involved in election violence should be pursued.
- Clear instructions regarding the closing time for the voting should be issued by INEC in order to make the election process more predictable for voters.
- INEC should make adequate logistics arrangement for people with disability and the aged.
- INEC should make a clear pronouncement on the use of camera to cover Election Day activities, including accreditation, voting procedure, and counting in PUs.
- There should be training for security personnel deployed during elections regarding rules of engagement.
- INEC should state in clear terms the duties of election observers and train its ad-hoc staff accordingly



- INEC should strengthen the capacity of the Election and Party Monitoring Department to monitor campaign financing seriously