POLITICAL THUGGERY AND ELECTIONS IN NIGERIA AND THE LAW

By

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Introduction

It is common knowledge that in any given society, for there to be meaningful development, there must be relative peace. In other words, the development agenda or programme of any society or nation is more likely to be successfully implemented if there is on ground, a peaceful atmosphere devoid of hostilities and rancor. Achieving a peaceful society necessarily requires a conscious effort by government in the provision of safety and security of its territory, citizenry and of its human and natural resources. The road to this is not that easy. It is characterized with lots of challenges and threats which could be internal or external. These challenges or threats could be political or religious and made manifest in communal clashes as by fighting over ownership of a piece of land between one tribe and another, between local governments, states or even national governments. At times, the crises may be born out of the clash of one political faction with another. Instances of this nature abound in this country. The same applies in the case of religious clashes. Internally in Nigeria, instances of this again abound as in the case of clashes between the Muslims and the Christians. The operation of criminal activities like rubbers, recently the upsurge in kidnapping, militants in the Niger Delta and a host

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The extent to which any particular activity would constitute a security threat such as to result into the breakdown of law and order and adversely affect governance depends on its magnitude, sensitivity and how it is handled. The focus of this chapter is on political thuggery and elections. The fact about the existence of thuggery activities in Nigeria before, during and after election is not in dispute. It is the thesis of this chapter that these activities of thugs constitute a major security threat and if not seriously addressed, is capable of degenerating into a brake down of law and order and consequently operate to scuttle the nation’s democracy. The significant point to note is that, thuggery as viewed in this context is a phenomenon that is antithetical to the smooth conduct of election. It is an act, the consequence of which cast doubt on the acclaimed mandate by some political office holders. But how does this manifest, what are its patterns, how did it come about, what are the causes of electoral thuggery? This chapter will dwell on these questions as well as discuss the effects of electoral thuggery, thuggery and the legal framework, the attitude to prosecution of political thuggery as well as consider the way forward. What follows next however is conceptual clarification.
Conceptual Clarification

In this part, we shall look at the conceptual meaning of the following key words like “election”, “thuggery” per se and then “political thuggery.” This is given their strategic importance and centrality in the present discourse.

Election

The word election has been defined to mean a process of choosing a new leader for a country where all eligible people cast a ballot to choose a leader or decide an issue. The majority rules and the new leader is the one who has the most votes. It is also defined as a formal process by which voters make their political choices on public issues or candidates for public office. Historically, the use of election in the modern era dates to the emergence of representative government in Europe and North America since the 17th Century. Worthy of note is the fact that regular elections serve to hold leaders accountable for their performance and permit an exchange of influence between the governors and the governed as the availability of alternatives is a necessary condition to the success of a democracy.

The relevance of an election in a democratic setting cannot be overemphasized. An electoral process, depending on how free, fair and credible it is, will either make or mar a democratic system. Constitutionally, Nigeria as a country and as a democratic nation “shall be based on the principles of
democracy and social justices”. Accordingly, Section 14 (2) (a) & (6) provides that “Sovereignty belongs to the people of Nigeria from whom government through this constitution derives all its powers and authority” and that “the participation by the people in their government shall be ensured in accordance with the provisions of this Constitution.”

This by implication is a constitutional realization of the fact that the powers and authority wielded by government would not be except given to it by the people. In other words, it is the people (put in another way, the electorates) that donate their respective sovereignty by way of election to form a government. If sovereignty belongs to the people who have a right to exercise it via elections in the way they want to form a government, then it means that the electoral process ensure that the wishes of the people (electorates) find true expression. This is all the more owed to the important function election plays.

**Functions of Elections in Democratic Governance**

Elections make a fundamental contribution to democratic governance given the inevitable phenomenon that democratic government must be conducted through representatives. Elections therefore enable voters to select leaders and to hold them accountable for their performance in office. Accountability can be undermined when elected leaders do not care about reelection or when a political party or coalition is so dominant that there is effectively no choice for voters among alternative candidates, parties or policies. Notwithstanding this, the fact of periodic elections helps to

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solve the problem of succession in leadership and thus contributes to the continuation of democracy.

Election also serves as a forum for the discussion of public issues and facilitates the expression of public opinion. This is particularly so where the electoral process is competitive thereby forcing candidates or parties to expose their records, developmental agenda, programmes, future intentions or manifestoes to popular scrutiny.

Further to the above, elections serve a self-actualizing purpose by confirming the worth and dignity of individual citizen as human beings. Participation in an election reinforces in the voter, a feeling of self-esteem, respect and a sense of belonging. Indeed with voting rights in an election, deliberate refusal to vote may at times also be an expression of dissatisfaction with the political process.7

As opposed to governments of military dictatorship which comes to power by extra-constitutional means, democratic governments which are constituted by an electoral process wear a greater face of local and international acceptability. This is premised on the presupposition that by a credible electoral process, the leaders are popular, true and accepted representatives of their communities with a clear and definite mandate. By this election accords the representatives a seal of authority and consequently, a service pact.

Thuggery
Thuggery is defined to mean a violent behaviour in which people fight and attack others.8 The word is thus clothed with criminal flavour and is consequently associated with all negative synonyms such as violence, brutal acts,

hooliganism, gangsterism, assassins, criminal, delinquent, troublemakers. Etc.

**Political Thuggery**

This will obviously imply act of thuggery in relation to the political process. Thus political thuggery can be defined as any act of intimidation, violence, hooliganism, brutality or gangsterism, whether leading to death or not, calculated to pose a threat or scale political opponent or perceived political opponents before, during or after elections and aimed at achieving an undue political result or advantage. Political thuggery, especially at elections may range from such acts as inciting or causing others to act in a disorderly manner, being in illegal possession of or usage of offensive weapon/s with the aim to scare or intimidate voters, snatching or destruction of election materials, acts resulting into undue influence as by compelling any person to vote or refrain from voting against his/her will, ballot stuffing etc. This illegal interference with the electoral process no doubt is electoral fraud, is criminal and has severe consequences on democratic stability in general and national security in particular.

In a broader sense however, what has been the political thuggery witnessed in the nation’s democratic experience especially in 1999, 2003 and 2007 dispensation, what are the possible causes of this ugly phenomenon? In what ways does this affect the nation’s democratic development and security? How does the law grapples with this? These and other issues form the basis of the focus of this chapter of which in the ensuing paragraphs we shall now look at the nature and patterns of political thuggery in Nigeria.

**Nature and Patterns of Political Thuggery in Nigeria**

There is no gainsaying, the fact that in the past series of elections held in Nigerian between 1999, 2003 and 2007, activities of thugs have taken a centre stage thereby breeding
a feeling of resentment among members of the public. The activities of thugs are not noticeable in only one party; all political parties are guilty of this. Each political party in trying to wrestle power from the other or remain in power ahead of the other engages in this condemnable act. Thuggery is not known or experienced in only one part of the country, it is everywhere in the country. Indeed, hardly will one pick a national daily in a week without finding a headline about thuggery. Within the nation, different groups exist, formed and maintained by politicians before, during and after elections with the aim to intimidate, harass, distort and to perpetrate whatever activities that would give political advantage to party candidate over their opponents.

It is reported that in the Northern part of Nigeria, *Karare* is a brand of Hausa word referring to a group of people, mostly youth between the ages of 8 – 35 years, some of whom are in secondary schools or school drop-outs. These youths are used by politicians during campaigns and elections in some sections of Northern Nigeria to intimidate voters and political opponents into accepting the position of their sponsors. They are violent, unemployed and mostly drug addicts. Similar group exist in Kano known as “yan daba”. In Kaduna, they are called *Kawaye* or *yan mage* while in Borno, they are known as *ecomog*, in Bauchi, you call them *sara suka*. In Lagos, you call them area boys.9

History has it that the *yan akusa* also known as *yan daba* or *banga* in Kano were used in the First Republic by the Northern Peoples’ Congress (NPC) to check the winning streak of NEPU.10 The same phenomenon today repeats

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10. Ibid.
itself as most of these groups are formed as “soldiers” to fight in the struggle for political power.

Writing on political thuggery and violence in Nigeria a political scientist captured the wave of thuggery thus:

Without doubt, Nigerian politics has since independence, been characterized by thuggery and violence. Little wonder, politics is conceived as a dirty game and exclusive right of thugs and hooligans in Nigeria. Consequently, Nigeria politics manifest in acrimony, assault, assassination, intimidation, harassment, maiming and killing. This trend is not a phenomenon of decency; thuggery, brutality and violence (sic) political behaviour have been with us for the past four decades. Immediately after independence, the politicians, in an attempt to capture, exercise, and retain power within their regional settings involved themselves in various acts that were politically immature unwise and distratrous (sic). They adopted a style that was antithetical to democratic tenent of and good governance. They recruited, trained and empowered thugs to harass, intimidate and victimize perceived political opponents and opposing views against their political ambition. This culture of thuggery has not only imbibed and sustained as part of the country’s political behaviour since independence to the present moment, it has been one of the potent causes of the low participation of women in politics.\(^\text{12}\)

Findings in available data in the conduct of the 2007 general elections equally show the prevalence of the activities of thugs and how in some cases either clearly over

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12. Ibid.
powered the security operatives who were on duty on election days or simply, got the cooperation of these same security operatives to perpetrate their activities.

In the 2007 general elections held in April, the National Human Rights Commission monitored the conduct of security personnel in each of the six (6) geopolitical zones involving eighteen States of the Federation and the Federal Capital Territory. In the main, the report\(^\text{13}\) indicate that in a number of States security personnel were over powered by thugs who snatched ballot boxes in some polling stations. While in some States, some security personnel were indifferent to various electoral offences like multiple voting, under aged voting, impersonation and *snatching of ballot boxes*.\(^\text{14}\)

Detailed part of the report relevant to this work for present purpose shows that in the North-Central zone comprising Plateau, Benue and Niger, it was observed that there was disruption of voting by militant armed youths at Unity Gate polling station Gindiri V ward in Plateau State. In Benue State, thugs overpowered security agents and electoral officials at the GOVERNMENT HOUSE\(^\text{15}\) polling station and snatched away ballot boxes. Violence resulted


\(^{14}\) Emphasis mine.

\(^{15}\) Emphasis added. It should be noted that like any other State house anywhere in the world, high profile security is usually provided around Government House. It should be unthinkable that thugs should have the guts and effrontery to carry their criminal acts of this nature on a subject matter which Government House would surely be interested in around Government House itself. It leaves much to be desired.
and a free-for-all fight ensued, which made voters run away.\textsuperscript{16}

In North West Zone covering Kano, Katsina and Sokoto monitored, cases of ballot box snatching amongst other offences were noticed.\textsuperscript{17} South-South Zone monitored covered Edo, Bayelsa and Rivers State. Some of the electoral offence noticed involved snatching of ballot boxes in River State and Okada in Ovia North East Local Government Area of Edo State; thumb printing of ballot papers by electoral officers and party thugs in Rivers State as well as intimidation of voters by stern looking party thugs in Rivers State.\textsuperscript{18} A police officer (female) watched helplessly while ballot boxes were being stuffed by party agents.

The story is not different from what was observed in the South West Zone where Lagos, Ogun and Oyo were monitored. Cases of snatching of ballot boxes at gun point were noticed as well as ballot box stuffing and intimidation of voters.\textsuperscript{19} Indeed, in Ibadan, Oyo States, men and women of the Nigeria Police Force were reported to collude with party agents and electoral officers to rig election and intimidate voters.

In the South East Zone where Anambra, Enugu and Abia were monitored, it was observed that cases of snatching of ballot boxes and alteration of election result abound.\textsuperscript{20} It is reported that in one of the polling stations in Anambra State, one Festus Eze of the Nigerian Police Force was seen thumb-printing ballot papers in favour of one of the political parties.

\begin{itemize}
  \item \textsuperscript{16} National Human Rights Commission Report \textit{op. cit.} Note 13 above pp.48-49.
  \item \textsuperscript{17} \textit{Ibid} p.5.
  \item \textsuperscript{18} \textit{Ibid} p.59.
  \item \textsuperscript{19} \textit{Ibid} pp.63-64.
  \item \textsuperscript{20} \textit{Ibid}.
\end{itemize}
This phenomenon of political thuggery is therefore commonplace and presently represents a common feature in political elections in the country. While Nigerians variously cried and shouted foul in the 1999 general election because of acts of thuggery, little did anyone knew that 2003 was going to be worse. As it remained the worry and concern of Nigerians for good governance, that the electoral system be improved upon in the 2007 general election to secure the votes of Nigerians and give credibility to the electoral process, what happened in 2007 election turned out to be the bomb, a sham and a total charred. The situation progressively keeps getting worst. So bad that the presence of security men at the polling station can hardly be taken to be for the protection of the votes of the masses. Indeed, it is safe to say men of the forces were drafted in not to provide security but to coordinate and perfect the rigging process. The activities of thugs under such atmosphere thrived. The struggle to outsmart the other in the rigging process for the most time result into bloodshed, loss of lives and property, breach of peace etc.21 The question now is with this progressive feature of acts of thuggery in Nigerian election, what is to be expected in the forthcoming 2011 general elections? Time will tell. But what could be the causes of the menace of this thuggery? This forms the basis of the discussion to which we now turn.

Causes of Political Thuggery
To many writers, several factors are perceived as accounting for the incessant cases of political thuggery or electoral violence in Nigeria.22 Though legion, this chapter will

21. See the discussion on consequences of thuggery infra where this is dealt with in much greater detail.
22. See generally Sule Machika Usman: http://www.nigeriavillagesquare.com/articles/quest-articles/causes-and-
identify and discuss what it considers to be the major and most central causes of political thuggery in Nigeria.

Financial Gains
The lucrative nature of political offices is alarming. It is so enormous that aspiring politicians to certain offices do whatever is possible to get there. Married with the get-rich-quick syndrome characteristically commonplace in Nigerian politics has become such a lucrative business so much that it now a matter of do-or-die in the struggle to acquire political power. Remuneration for political offices being exceedingly attractive constitute the major reason most politicians present themselves, dressed in sheep’s clothing as desiring to serve. Even if the mandate is denied them as expressed in the voting where there is any, they steal it through acts of thuggery. Recently, the Governor of the Central Bank of Nigeria (CBN) cried out that the National Assembly only in the 2010 Federal Government’s budget had an overhead of 25.1%, in 2009, 19.87% and in 2008, it was 14.19%. He pointed out that if the Federal budget is looked at, the bulk of government spending is on recurrent expenditure and it is a big problem as 25 percent of the overhead of the Federal Government goes to National Assembly.23

Statistics has also shown that a Nigerian Senator earns more in salary than Barrack Obama as the President of the United States of America (USA) and David Cameron as the

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Prime Minister of the United Kingdom (UK). It may be recalled that with the global economic recession, it took the late President Umaru Musa Yar’Adua to formally propose salary cut for the National Assembly. Before then, a Nigerian Senator earned at least 8 times as much as an American Senator and more than 3 times the American President. With the reduced salary, pay package a Nigerian Senator is said to still get paid N11million ($73,333) in regular salaries and allowances annually and N152million ($1.03M) in four (quarterly) allocation making a total of $1.11million plus irregular allowances like estacodes and duty tour allowances.\(^{24}\) The story is not different regarding of the executive arm of government. The Nigerian Minister earns more than his American, British or German counterpart, and of course enjoys other pecks of office.\(^{25}\) This trend runs from the Federal level through State to local government levels. This is not exactly the same scenario in the developed economies. Indeed, most professions and private business concerns have less attraction for public office for money given their earning from the private sector.\(^{26}\) Unless and until political offices are made less attractive and perceived as a sacrificial service and a duty call to serve the State with honour, dignity and with integrity leaving behind and forever a good name, the scramble for political offices, insofar as it is for pecuniary motivation, attendant cases of thuggery may never wane.


\(^{25}\) Ibid.

\(^{26}\) Ibid.
Money Politics
There has become entrenched a misplaced political culture where politics has been monetized. Sequel to the point above, politicians are ready to pay anything to get there. It has become business where you invest during the campaigns to reap profit when you get to the office. The investment here is that politicians buy up everybody believed to matter by distributing money or other food or valuable items. So called king makers fall prey to this. Some voters equally fall to these bates. Campaigns are thus no longer issue based. In essence, there is misplaced priority by the voting community. This may not be unconnected with the high level of poverty, illiteracy and unemployment prevalent in the society and deliberately orchestrated by the same politicians as a result of bad governance. The point sought to be made therefore is that when such huge monies are spent (invested) anything standing in the way of such an investor getting to where he will eventually recover his investment and much more will be done away with using whatever means including acts of thuggery. For many politicians now who buy up their votes, they have already settled the society. Thus, once they get to the office, they turn their back on their constituency. The

27. And in deserving circumstances, “she” as even some women politicians are caught up with this same attitude. This is notwithstanding the position taken by other writers that political thuggery and violence in Nigeria itself constitute a bane of women participation in politics. See note 11 above. This writer has his reservation on this. While it may be generally agreeable that women involvement or participation in politics is less compared to their male folk, it may not be right to posit that this is so because they are not caught up with thuggery activities. Women indeed may be less inclined to taking to the use of violence. Nevertheless, there still exist some women politicians who are thugs themselves or maintain boys known by various names whose purpose largely had been to prosecute campaigns through everyway possible including thuggery. For purposes of decorum, names will be withheld.

28. See again this author’s definition of political thuggery above.
consequences have been widespread under development, poverty and unemployment to which we now turn.

**Poverty and Unemployment**

It is common knowledge that the youth who readily submit themselves to perpetrate these acts of thuggery are unemployed and wallowing in poverty. The moments of electioneering campaigns is a moment that many put in whatever they can in the expectation of what they hope to benefit when the person they are supporting wins. For many of the thugs, some good promises are made relating to job expectations or contracts awards. For some, it is for some paltry sums of money paid to hire them. The dirty jobs these thugs do are not the kind of jobs gainfully employed people or literate people will be involved in. Not even the children of these politicians will go into the field to be directly involved in these acts of thuggery for the sake of ensuring victory for their parents. The point must be made that widespread poverty and unemployment is a result in most societies deliberately unattended to by the governments of the day. This is consciously used as a device to keep people hungry so that when they see little money, they can jump at it and do the will of the giver.

**Unpopular Candidates**

It is believed and expected that candidates who are popular amongst the people will not even have to go through so much pains trying to convince the electorates. They will not have to bribe their way through. They will not have to entice the electorates with little sums of money to vote for them. That is to say not to talk of employing criminal ways such as the use of thuggery to intimidate, harass, kill or influence or steal mandate. The trend of forcing or imposing candidates on the electorates by their so called godfathers has led in several quarters to vehement opposition and rejection. When this is
perceived or happens, given their unpopularity, knowing that they will not genuinely compete with the generally acceptable and popular opposition candidates, they resort to violence by the use of political thugs in order to actualize their must-win attitude. This is an attitudinal problem which will have to be dealt with decisively. This is if elections as an indispensable feature of democracy must be appreciated within the context of the functions it plays.

The Role of Security Agents

During, before and after elections, security agents of the State have duty at all material times to ensure that security of lives and property is guaranteed and that there is peace and order in the society. The dispatch and presence of security officers at political functions, conventions, primaries, general elections etc would presuppose that this will scare off or defer the activities of political thugs. By the antecedents of the previous general elections in the country particularly the 2003 and 2007 general elections conducted by former President Olusegun Obasanjo, it is doubtful to say whether security agents (in some place, made up of the police military, civil defence etc) dispatched at election polling booths were to ensure peaceful conduct of the election or the help perpetuate “official thuggery” so as to rig the process. Reports are replete both in the national dailies and reports of election observers concerning the role of security agents during elections. 29 At other times, it is even a case of helplessness on the part of the police given their ill-equipped nature or inadequacy of strength. 30 The bottom line however

29. See footnote 13 above.
30. Ibid. See also The Nation newspaper of December 6, 2010 under the heading “What punishment for election riggers? Particularly the comment credited to the former Inspector General of Police, Sunday Ehindero regarding the helpless of the police at times. P.13.
is that the security officers have performed below expectations in safeguarding the votes of the electorates especially given their complicity in the thuggery process as exemplified in the 2003 and 2007 general elections in the past.

As the menace of political thuggery persists, and the perpetrators have their way celebrating stolen mandates and feeling that they are elected leaders, the other side of the coin represents the ugly side, a side that spells the consequences for the country’s democracy, economy as well as the nation’s image before the international community at large. This indeed is the focus of the ensuing discussion.

**Effects or Consequences of Political Thuggery**

The consequences of political thuggery are numerable depending on the perspective one looks at it. Hence, they range from constituting a major threat to national security; instills fear and causes low turn out or participation by eligible voters, flowing from that, it thus casts doubt on the credibility of the purported elected leaders before the eyes of the local and international community; similarly, it could affect the respect from the governed and this could further affect the general acceptability of the popularity of the government, amounts to stealing of genuine mandate from the voters; diminishes good governance and makes the people’s hopes and expectations dashed and finally, it hinders or does away with public accountability by the so called elective officers. These consequences are certainly not exhaustive. They are straight forward and may need no further elaboration. However, emphasis must be placed on some.

**National Security**

Security is one of the greatest concerns of every nation of the world. Conceptually, national security appears ambiguous
and bogus. It is a concept that emphasizes the overall and holistic security of a nation politically, economically, socially, environmentally and what have you. The United States Armed Forces defines national security (of the United States) as a collective term encompassing both national defense and foreign relations of the United States. This includes amongst others, a defense posture capable of successfully resisting hostile or destructive action from within or without, overt or covert.\textsuperscript{31} The Encarta Encyclopedia defines national security as the protection of a nation from attack or other dangers by maintaining adequate armed forces and guarding state secrets.\textsuperscript{32} It is therefore conducive to saying that national security is the requirement to maintain the survival of the nation-state through the use of economic, military and political power and the exercise of diplomacy. Possessing national security necessarily implies that a nation needs to possess amongst other things, economic security.\textsuperscript{33}

Because of its inevitable relevance to a nation and its citizens, much money is put in other to provide and maintain security in the society. The brake down of security, law and order spells doom and does no one any good. Once there is brake down of security in a society, lives are lost, properties are destroyed, business activities are crippled, investments of people are lost, the nation lost heavy revenue, tourism is destroyed, Foreign Direct Investment is lost. Depending on


\textsuperscript{33} Ibid. p.1.
the magnitude of a particular brake down of security, law and order, sometimes, it has degenerated into civil war in some States, sometimes, a ground for military intervention into civil rule in the past in Nigeria for instance. These can potentially be the fall outs of political thuggery where it degenerates into brake down of law and order and insecurity ensues.

Furthermore, insecurity looms in the society as a result of the activities of resultant criminality arising from the wide circulation of arms and ammunition in the hands of criminals which were used for thuggery at election. It becomes difficult to retrieve these arms from the hands of the thugs. Whether eventually settled or not, the thugs find another lucrative use for the arms by indulgence in criminality – armed rubbery and it is the society that pays for it.

Delivering a paper on Nigeria: Electoral Violence and National Security, the one time Inspector General of Police, Tafa A. Balogun conceded to these facts when he said:\n
\[…\] electoral violence, could, in conjunction with other prevailing factors lead to anarchy and ultimately to political instability.

Our experience in the recently concluded elections indicate that there is unbridled flagrancy in the smuggling and use of arms and ammunition by political thugs and party supporters. The result has been that political opponents are either intimidated or out rightly killed or injured.

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The implication of all these are that illegal arms get into the hands of unauthorized persons who used them for criminal activities. Resources which ordinarily would have been spent on developmental projects are spent combating such crimes or repairing damages caused by these hoodlums. Worse still the economic community are (sic) put on the edge and many investors are scare(d) away by the apparent lack of security for their investment.

The foregoing is tantamount to a threat to our national security. The recent episode in Anambra State illustrates what damage unbridled political gangstarism could cause.\textsuperscript{35}

It need be emphasized that politics cannot be played with national security. The dangers are unbearable and are better imagined than experienced. Nigeria cannot afford to be thrown into the political quagmire that gave rise to the civil war experience in the late 1960s.\textsuperscript{36}

There is therefore the dire need for all hands to be on deck to work assiduously towards averting the repetition of this ugly phenomenon in the country. The time is indeed ripe as the country matches toward 2011 polls. It is the concern of every well thinking Nigerian that the polls should be credible, the votes should count, it should be devoid of violence, rancor, thuggery and above all, free from the above mentioned attendant consequences of thuggery.

While the sure way to achieving this is a total reevaluation of our value systems and involves all Nigerians, the immediate measure which commonly comes to mind is the legal framework. The law is usually preemptive and seeks

\textsuperscript{35} Ibid.

\textsuperscript{36} As well as for instance, the first, second and the third Tiv Riots of 1961, and twice in 1964 respectively with the 1961 popularly dubbed the “anande-anande” meaning by burning and the last known popularly as “atemyo” meaning head breaking, reported to have been quite horrible and bloody. See Tyu Abeghe: \textit{Tiv Riots and The Aftermaths} (2005) 1st ed. (Oracle Business Ltd. – Makurdi) Chapters 6, 8 & 10.
to prevent the occurrence of acts inimical to the society by prohibiting and providing for punitive measures in order to serve a deterrent measure. In this context, what is the position of the Nigerian penal laws regarding this criminal act of political thuggery at elections? This in the main is the focus of the next discussion.

The Law Relating to Political Thuggery in Nigeria

Political thuggery by its very nature and manifestation does not necessarily presuppose the commission of offences wholly new and previously non-existent. The fact only remains that these acts are perpetrated by the thugs in relation to election either during the electioneering campaigns, during the elections proper or after elections have been conducted. To this extent, the already existing penal laws of the land applicable in given circumstances may be invoked. For purposes of this discourse, only offences provided by the Electoral act 2010 will be examined.

Just like political thuggery activities are noticed even before the main election date, attempt is equally made by the electoral Act to criminalize any such activity seeming to be a preparation towards the perpetration is violence. Section 95(5) provides that no political party or member of a political party shall retain, organize, train or equip any person or group of persons for the purpose of enabling them to be

37. See the definition of political thuggery provided above and the discussion on the nature and patterns of political thuggery.

38. For example, where the act of thuggery results in bodily injury, death to another, arson, threat to life with political connotations, kidnapping for political motives etc. These acts and much more are variously covered by the Criminal Code Act the Penal Code Act as well as the kidnapping laws of various States. It must however be borne in mind that this segment is not discussing electoral offences in general, but only such offences that wear the face of thuggery.

employed for the use or display of physical force or coercion in promoting any political force objective or interest. This of course is the way it usually starts.

Furthermore, the Act prohibits the use of force or violence during political campaigns.\textsuperscript{40} Thus, no candidate, person or group of persons shall directly or indirectly threaten any person with the use of force or violence during any political campaign in order to compel that person or any other person to support or refrain from supporting a political party or candidate.\textsuperscript{41} Penalty for violation in the case of an individual is N50,000.00 or imprisonment for a term of six months and N250,000.00 fine for political parties.\textsuperscript{42}

**Electoral Offences under the Act Which Conduce to Thuggery**

Political thuggery essentially usually translates to disorderly conduct at election dates. Under the Act, any person who at an election acts or incites others to act in a disorderly manner commits an offense and is liable on conviction to a maximum fine of N100,000.00 or imprisonment for 12 months or both.\textsuperscript{43} It is equally an offence under the Act to be in possession of any offensive weapon or wear any dress or have any facial or other decoration which in any event is calculated to intimidate voters. No one is allowed to snatch or destroy any election materials. Any person who snatches or destroys any election materials commits an offense and is liable on conviction to 24 months imprisonment.\textsuperscript{44} The above prohibited acts are the typical modus operandi political thugs employ in order to actualize their goals. They carry offensive

\textsuperscript{40} See section 96 of the Act hereinafter referred to as the Act.
\textsuperscript{41} Ibid, section 96 (1).
\textsuperscript{42} Ibid, section 96 (2) (a-b).
\textsuperscript{43} See, section 128 of the Act.
\textsuperscript{44} See, section 129 (1) (f) & (j) and (4) of the Act.
weapons, over power security agents at times, scare voters from coming close or voting, snatch electoral materials to unknown destinations in order to perfect their ballot stuffing. In other instances, it is to unduly influence voters through threats.

In this wise the Act further provides that a person who directly or indirectly, by himself or by another person on his behalf, makes use of or threatens to make use of any force, violence or restraint; or inflicts or threatens to inflict by himself or by any other person, any minor or serious injury, damage, harm or loss on or against another person in order to induce or compel that person to vote or refrain from voting, or such person having voted or refrained from voting commits an offence. No one is allowed, by abduction, duress or a fraudulent device or contrivance, to impede or prevent the free use of the vote by a voter or thereby compel, induce or prevail on a voter to give or refrain from giving his vote. Such intimidatory acts such as preventing any political aspirants from free use of the media, designated vehicles, mobilization of political support and campaign at an election also constitutes an offence prohibited under the Act. All these offences are punishable on conviction to a fine of N100, 000.00 or imprisonment for 3 years.45

It must be noted that while the Electoral Act 2010 recognizes these acts as criminal acts in the election process and punishes accordingly, no where in the Act are they described or classified as offences of thuggery. This writer posits that these acts conduce to thuggery. By whatever name called, it is a matter of nomenclature. If the different patterns by which thuggery is perpetrated are captured under the Act, it suffices. What matters is a careful and purposeful

45. See generally, section 130 of the Act.
implementation of the Act in order to bring about sanity and credibility in the electoral process.

The bogging question is to what extent has these provisions been effectively utilized before, during and after elections to stern and counter political thugs? In order words, what to the attitude of the State in the prosecution of cases of electoral violence or political thuggery in Nigeria?

**Political Thuggery and the Attitude to Prosecution**

Criminal offences are usually offences against the State. Therefore, it is the State that prosecutes. The irony here is that for the most time, the most dominant cases of thuggery are usually perpetrated in favour of wining candidate or the ruling party. The prevalent attitude therefore is a progressive proclivity to down play those acts and decline prosecution. The most successful thugs acting for the ruling party enjoy the protection of the State. The result is that even where they are apprehended by the security operatives, because the State has interest, gradually, investigation just dies and that becomes the end of the matter. With this assurance of State protection to them, these groups grow stronger and stronger and go about the commission their acts with impurity. If the perpetrator of political thuggery is ever being dealt with, he most likely is of the opposition party. Essentially, the point to note is that State interference because of State interest in some of the cases of thuggery gives a major cause for concern. This has constituted a big incentive and a big boost to the proliferation of cases of political thuggery in the country. By the existence of this very phenomenon, it has greatly affected the public confidence especially in the lower courts regarding their objectivity in the handling of the cases.
Commenting on this, professor Epiphany Azinge, SAN had this to say:\footnote{46}

In the recent past, there has been series of allegations against lower courts Judges bothering on impugning their integrity. Indeed, the general impression is that lower court Judges are easily compromised by litigants and superior officers of government. Given this scenario, there are bound to be doubts about the capacity of lower court Judges to handle electoral offences cases objectively and impartially. This automatically presents the issue of the limits of independence of Judges of lower courts which ever way it is viewed; the preponderant opinion is that lower court Judges are sandwiched between the executive and the judiciary. Executive in this context means the office of the Attorney General of the State and the judiciary means the Chief Judge or Grand Khadi’s. Research has however shown that most lower court Judges defer more to the executive than the judiciary control which the executive demonstrates. Against this background the public are perfectly entitled to question the credibility and integrity of judges who are likely to be teleguided by the Attorney-General in electoral offences in which the Attorney-General is not only the Chief Prosecutor but also a representative of a political party in power either at the State level or at the Federal level.\footnote{47}

Aside executive interference or in a wider sense, ruling party influence and interference, there is also the issue of security of witnesses for the prosecution.


\footnote{47. Ibid. See also note 30 above.}
The do-or-die culture in the crave for political power has become deeply entrenched that even when prosecution is attempted, the prosecution stands the difficulty of procuring witnesses because of their fear on security grounds. The courts have had to resort to holding proceedings behind closed doors. Hence, in the trial of Boyelayefa Debekeme, a former Speaker of the House of Assembly Bayelsa State accused of arming and paying thugs to intimidate opponents, the court reasoned that “it is a reasonable course of action (sic) to protect the lives of the witnesses.” 48 It must however be noted that prosecution in this case became necessary because Debekeme found himself out of favour with the new governor in Bayelsa State and with the Federal authorities. This was after Alamieyeseigh was ousted in December 2005. 49

The critical point of emphasis is that the attitude to prosecution of electoral offences is not encouraging. It is generally one of reluctance because of the vested interests of the ruling parties. The reverse is noticed only if it involves political opponents. This is not good and has to stop. The unity and security of this country is paramount and ranks first and foremost. Double standards must be done away with. The rebranding Nigeria Project must take into consideration and seriously tackle these areas if we must take our pride of place in the committee of nations. It must be focused to achieve meaningful result. Leadership at the highest echelon must be targeted. They need the rebranding even much more. Their attitude to leadership, corruption and governance must change.

49. Ibid.
The Way Forward
There must be a way forward for Nigeria most especially as we look forward to the 2011 general elections. The campaigns are on. Party primaries would soon commence. All hands must therefore be on deck. A free, fair and credible election in the forthcoming elections is not negotiable. The voters’ votes must count. Nigerians need a credible leadership that is truly a reflection of their votes. It is against this backdrop that the following key areas must be looked into especially as it pertains the activities of political thuggery as it affects National Security.

Political Offices to be made less Attractive
As pointed out above, the do-or-die struggle for political power is largely because of the exceedingly lucrative nature of these offices. If the pecks of political offices are reduced and made less attractive or at least in line with the practice in other jurisdictions, if may perhaps bring about a little change. Presently, the National Assembly is at war with the governor of the Central Bank of Nigeria over the later’s statement that 25% of the Federal government overhead goes to the former. Earlier in his administration, late President Yar’Adud proposed a reduction in the salaries of National Assembly members. This must be pursued and periodically review. It must be followed down to the State and Local Governments. Rather than make political offices more attractive and risk the bloody clashes in the fight for the offices, it is posited that professionals and technocrats should be encouraged and made more comfortable in their pricing and remuneration. This will pay the more for the country.

51. Ibid.
National Security to be Placed Over and Above Parochial, Political and Selfish Interests

In this wise, State security operatives should be further equipped, retrained and given reorientation on how to go about their duties. The training curriculum to security agencies should include modules on their roles and responsibilities while on election duties. They have to be trained on human rights and electoral standards. Adequate number of security personnel should be prepared and provided in all polling stations and collation centres in future elections.\textsuperscript{52} Given that national security cannot be compromised, politics should not be played with it. Security agents in future elections should not at all be involved in facilitating the activities of thugs for any political party. Stiff penal sanctions should therefore be provided for in the Electoral Act and/or the respective enabling legislations of the security outfits in dealing with any security officer against whom a report in lodged of having hands in aiding and abating political thuggery. This should include dismissal where appropriate.

Illiteracy, Poverty and Unemployment

The thugs themselves are mostly the unemployed youths of the society. In a society where there is wide spread poverty and unemployment these are the consequences that follow. It is the duty and responsibility of the government to tackle poverty, provide education and employment opportunities for its citizens. Bad governance cannot bring about these things. There must therefore be good governance. This comes with a total reorientation of the elected leaders to see themselves as coming to serve and touch on the lives of people. With good

\textsuperscript{52} See monitoring of the conduct of security personnel in the April 2007 General Elections Report \textit{op.cit.} Note 13 above.
governance, most of these vices will not find a placed to thrive.

**Changing value system** which is closely related to the above. There is the need to move away from money politics where money is used for campaigns, people are not told any reasonable things, food items are distributed and unrealistic promises are made. Campaigns should be more of issue-based. An enlightened society should be looking at things like that. In this regard, candidates should be evaluated on the basis of what they have to offer in terms of stuff and leadership qualities and not what we can get from him at the time of campaigns.

**Conclusion**

In this chapter, we have addressed the major concepts relevant to the discourse and in doing so, pointed out the functions or relevance of elections in a democratic setting. Against this background, the chapter emphasized the need for the electoral process that truly is a reflection of the wish of the voters. The chapter equally takes a look at the nature and patterns of political thuggery in Nigeria, establishing that this is a phenomenon that features very strongly in our political process. An exposition of the causes and consequences of political thuggery was embarked upon. The chapter then examined the law relating to political thuggery in Nigeria and after considering the attitude to prosecution of electoral offences in Nigeria, came to the conclusion that there is generally reluctance in the prosecution of these offences. This, the chapter argues that it is owed to state interest involved.

However, bearing in mind the importance of national security which potentially stands at the risk of being threatened by the acts of thugs in relation to elections, the chapter strongly cautions that politics should not be played
with it. Some suggestions were consequently made for an improved way forward.