

INTER-AGENCY CONSULTATIVE COMMITTEE ON ELECTION SECURITY (ICCES)



CODE OF CONDUCT & RULES OF ENGAGEMENT

**for SECURITY PERSONNEL on
ELECTORAL DUTY**

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Preface

Elections are at the very core of democracy. Therefore, securing elections is not only essential to the functioning of democracy, but also to its development, deepening and consolidation. Establishing an optimal framework for election security in Nigeria has been a major challenge for many years. Such a framework would entail bringing together disparate security agencies, each with its own unique characteristics and idiosyncrasies, under a common umbrella with INEC. It was the overriding need to harmonize security operations during elections in a collaborative and efficient manner that informed the establishment of the Inter-agency Consultative Committee on Election Security (ICCES). The 2019 general election marked the third electoral cycle of ICCES, having been established prior to the 2011 general election. In that time, the inter-agency committee has developed into an effective and widely accepted framework for managing electoral security. Under ICCES, inter-agency collaboration on election security has deepened, information flow among agencies and between them and the public has improved and peer learning on election security has expanded tremendously.

Yet, there is still a lot of work to do to further perfect the functioning of ICCES. One principal lesson from the last three electoral cycles is the need for even more harmonization of operations, without prejudice to agency nuances. Three areas stand out in this regard namely, training, deployment and common standards of behaviour of security men and women on electoral duty. Great strides have been made on the first two, as common election training modules have been developed and implemented, while vastly improved cooperation between the Police as the lead agency in election security and other agencies has been achieved. However, various agencies still formulated and implemented their separate codes of conduct for their personnel during electoral activities. Broadly, these various codes of conduct were essentially identical, yet each had various insights from which other agencies could benefit. It was in this context that the ICCES established a sub-Committee to provide a broad evaluation of the work of the Inter-agency Committee since its inception and to advise on several issues, including specifically the development of a harmonised code of conduct and rules of engagement for all security agencies in electoral duties. This document is the product of the assignment of this sub-Committee, which produced an initial draft for ICCES to consider. After deliberations on the draft, ICCES approved the document as a single, harmonised code of conduct and rules of engagement for all member-agencies during electoral deployment.

The document has two broad parts namely, a section on the code of conduct and another section on rules of engagement. With this, all security men and women on electoral duty now have a common standard of reference for their actions. The introduction of this harmonized Code of Conduct and Rules of Engagement for Security personnel on Electoral Duty is not only an expression of the strength

of inter-agency cooperation within ICCES, but also a commitment to continue to improve the quality of elections in Nigeria, including the provision of first-class protection for all electoral activities. All officers and men in all the agencies of ICCES are implored to adhere strictly to the provisions of the code and rules of engagement.



Prof. Mahmood Yakubu
Chairman, INEC
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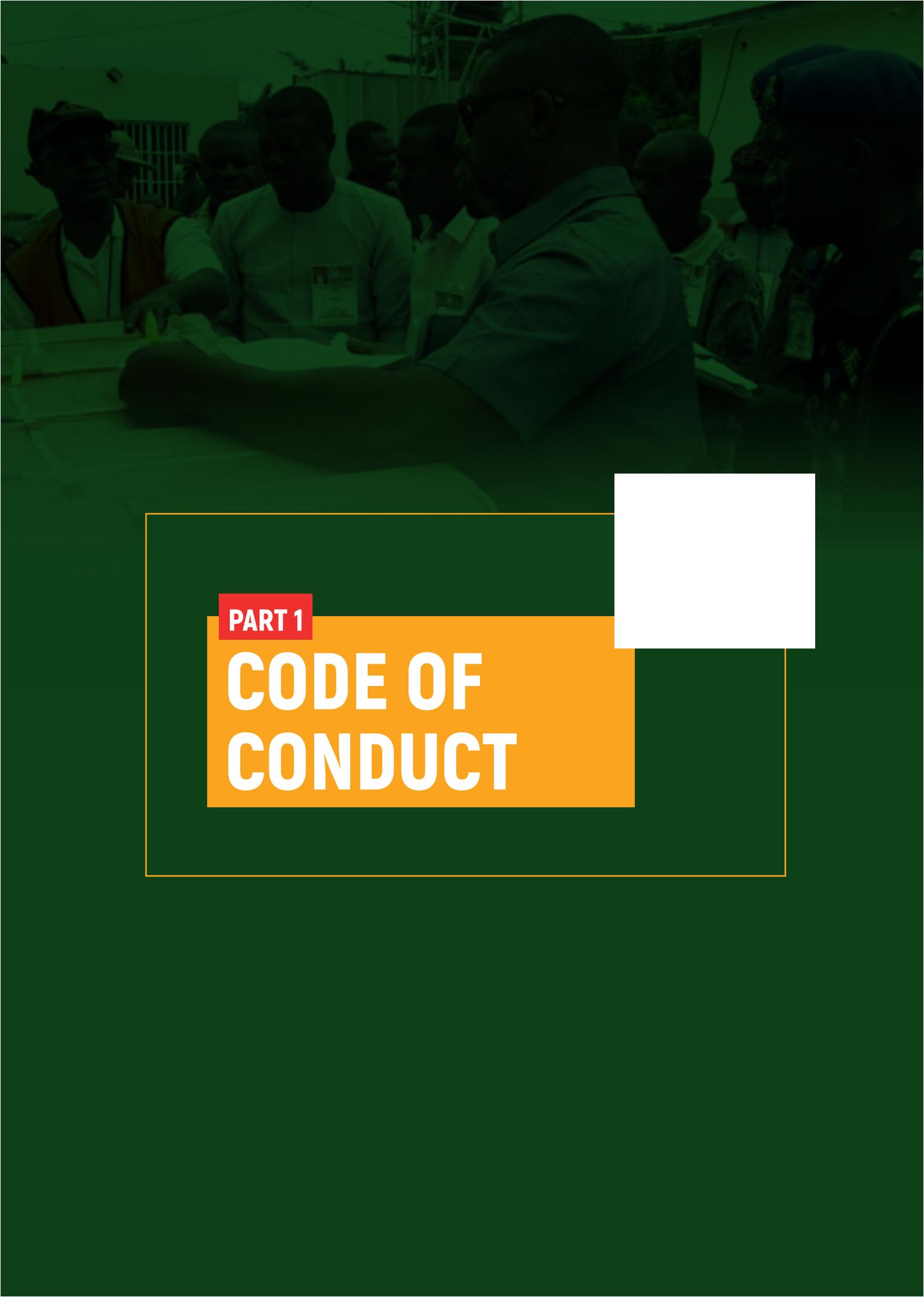


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Abuja, June 2020



PART 1

CODE OF CONDUCT



1.0 Introduction

The Code of Conduct to guide all members of the Inter-agency Consultative Committee on Election Security (ICCES) and their personnel while on electoral duties is spelt out in this document. Electoral duties refer to activities related to elections as established by the Independent National Electoral Commission (INEC), including but not limited to voting at elections, collation of results and political party campaigns and rallies.

2.0 Mandate of the ICCES in Securing the Electoral Process

2.0 The roles of the ICCES members in securing the electoral process encompasses a wide range of activities. These include:

- a. Ensuring the safety and security of all persons and properties that will be involved, before, during and after the voting exercise without bias;
- b. Strict enforcement of the constitution of the Federal Republic of Nigeria, the Criminal/Penal Code as well as Electoral laws; and
- c. Traffic and crowd management at venues of Political Parties' conventions/congresses, campaigns/rallies and other activities relating to the elections.

3.0 General Guidelines

3.1 In the discharge of these roles, members of security agencies will ensure observance of and be guided by extant laws, rules and regulations as well as standard norms and practices, amongst which are:

- a. Fundamental Rights in accordance with the Constitution of the Federal Republic of Nigeria (1999) as amended;
- b. Various Regulations and Orders of the member agencies;
- c. ECOWAS Protocol on Good Governance and Democracy (Articles 19 (1,2) and 22 (1,2));

- d. African Charter on Democracy, Elections and Governance (Article 4);
 - e. United Nations Code of Conduct for Law Enforcement Officers)
 - f. United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
 - g. Electoral Act 2010 (As amended); and
 - h. INEC Policies, Regulations, Guidelines and Manuals for Conduct of Elections.
- 3.2 This Code of Conduct shall be carried at all times by security personnel on election duty.

4.0 Standard Operational Guidelines/Rules

- 4.1 All deployment of security personnel in electoral activities must be guided by the provision of section 29(3) of the Electoral Act 2010 (As amended).
- 4.2 All officers deployed for election duty shall be guided by the Standard Operational Guidelines/Rules herein set out to:
- a. Ensure efficiency and uniformity in methods with which their roles are discharged;
 - b. Prevent abuse of fundamental human rights and misuse of powers;
 - c. Mitigate criminal and administrative liabilities;
 - d. Ensure safe conduct of electoral activities; and
 - e. Ensure the security and safety of all involved in electoral activities.

5.0 Parade Mustering/Briefing and Debriefing Rules

- 5.1 Mustering shall be held, where personnel will be adequately briefed and inspected prior to deployment for election duty.
- 5.2 Debriefing parade shall also be held on completion of every election duty

and/or assignment to account for personnel and equipment, such as weapons and other related equipment issued to them.

- 5.3 Duty parade must not disrupt or delay the smooth conduct of elections and other electoral activities.

6.0 Dress and Accoutrement Rules

- 6.1 Except for personnel deployed on covert operations, all personnel on electoral assignment will ensure a neat turn-out in their prescribed uniform and name tags, which must be identifiable to the public. ICCES may from time to time approve a common means of identification for all security agencies on election duty. Personnel on covert operations will ensure they turn out in clean outfits, having strict regard for the authorized identification card. Officers engaged in traffic control will ensure that white gloves and arm bands are worn.
- 6.2 No un-authorized item of accoutrement/kit, like cudgel, horsewhip, etc. shall carried by any personnel on election duty.
- 6.3 At no time will personnel deployed to Polling Units be allowed to carry FIREARMS.
- 6.4 Prescribed and appropriate weapons and riot equipment are to be issued to personnel who are entitled to bear them.
- 6.5 Clearly marked vehicles are to be used for every election exercise and/or operation. The use of personal vehicles to convey personnel for duty is highly discouraged.
- 6.6 Pocket notebooks shall be carried where important incidents encountered during tours of duty can be noted, in view of the fact that all security personnel can be personally summoned to account for their actions/inactions while on election duty.

7.0 Procedures/Rules on Management of Political Parties' Conventions, Rallies, Campaigns and Crowd Control on Voting Day

- 7.1 At venues of all electoral activities, designated officers will identify areas to be classified inner and outer rings respectively to serve as a guide in deployment.
- 7.2 ON NO ACCOUNT should personnel deployed to the inner ring of the venue of political events or voting centres/polling units be assigned any lethal weapon except baton.
- 7.3 Involvement of the officers at political gatherings shall be limited to the maintenance of peace and order and enforcement of extant laws.
- 7.4 Officers shall at all-time exercise maximum restraint while covering political gatherings or deployed at voting/collation centres.
- 7.5 Officers shall not at any time turn themselves into spectators but shall at all times be conscious of happenings around them, observe precautionary measures and personal safety while on duty.
- 7.6 Security personnel shall use tact and persuasion to resolve issues when dealing with or confronted by agitated persons in the crowd.
- 7.7 Refer cases to senior officers or supervising officers to avoid escalation where there is tension.
- 7.8 Be cautious, polite and FIRM at all times
- 7.9 Where reasonable suspicion is established that any person at a political gathering or election venue possesses weapons or any dangerous object on his/her person, such individual will be isolated, and a body frisk/pat-down search shall be conducted on him/her. Such searches should be conducted by at least two (2) officers, one to perform the search while the other provides protective cover.
- 7.10 Where the suspect is a female, a female officer shall conduct the search.
- 7.11 In any instance where an arrest should be made, no violence or unnecessary force shall be used and the person to be arrested shall not be subjected to any greater restraint than what is necessary under the circumstances.

- 7.12 High-risk suspects must not at any time, be transported without proper escort and handcuffs.
- 7.13 Where a political gathering is becoming confrontational or the likelihood of an otherwise peaceful gathering becoming violent, the officer is to initiate and encourage dialogue as well as adopt Alternate Dispute Resolution (ADR) amongst leaders/organizers to prevent the situation turning to a full-blown breach of the peace.
- 7.14 Venues of political gatherings, voting, collation centres and other electoral activities, shall as much as practicable be surveyed and swept for Improvised Explosive Devices (IEDs) by Police Explosive Ordinance Disposal (EOD) personnel ahead of the event.
- 7.15 In case of an unexpected incident of explosion, Police EOD Section shall be informed promptly, if not present at the venue, and an evacuation process shall be initiated immediately, while the area is sealed to prevent obstruction during rescue operation and loss of evidential materials. However, proper coordination amongst security and Disaster Management Agencies shall be ensured by the designated Commander at the theatre of operations.
- 7.16 Designated commanders on ground are to ensure effective traffic management at the routes leading in and out of venue of political gatherings, including identifying parking areas and determining whether arrangement will be made for joint movement of people in buses.
- 7.17 Specific areas will be designated for VIP Escorts to allow the escorts engage in show of force within the arena of political gatherings.

8.0 Rules on Use of Force/Lethal Weapon

- 8.1 Personnel armed with lethal weapons shall not at any time be deployed to the inner ring of any crowd control operation, such as political parties' conventions, rallies/campaigns and manning of polling units/voting and voter registration centers.
- 8.2 Every use of lethal weapons MUST be authorized by designated commander.
- 8.3 Personnel deployed (men/women) at outer rings shall ensure that ONLY such necessary and reasonable force is applied when armed or violent confrontation ensues during election exercise.

- 8.4 Excessive use of force is strictly prohibited.
- 8.5 Designated Commanders are to establish restricted areas and exclude unauthorized persons where use of lethal weapons result in injuries or deaths and promptly seek medical intervention.
- 8.6 In all instances where lethal weapons are to be used, security personnel shall be guided by their specific application of Rules of Engagement (ROE) and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

9.0 Rules for Escorting/Protecting of Electoral Materials

- 9.1 An officer must be designated Escort Commander for every escort duty for ease of coordination as this is a multi-agency activity.
- 9.2 Full information regarding the terrain, contact persons, and other information about the destination where the materials are being escorted shall be obtained by the Escort Team.
- 9.3 List of all persons and vehicles involved in the escort as well as inventory must be made by the Escort Commander and shared with designated INEC and superior officers.
- 9.4 If an escort will last more than a day, resting points shall be determined by the Escort Commander with due authorization from his parent unit in consultation with INEC.
- 9.5 Personnel will ensure constant communication with parent unit and designated officials en route and at destination.
- 9.6 Where practicable, a route plan will be developed.
- 9.7 A contingency plan will be prepared in readiness of unexpected incident.
- 9.8 Since more than one vehicle will be involved, Escort Commander are to set a safe and steady speed for the convoy to avoid separation of vehicles involved, with a view to maintaining the integrity of the convoy.
- 9.9 On no account should unauthorized persons be allowed to ride or join the escort.
- 9.10 Should the security situation dictate, the Escort Team will not hesitate to abort the exercise, while information regarding such action shall be immediately communicated to the home base and INEC.

10.0 Rules for Check Points and Roadblocks

- 10.1 Establishment of Check Points/Roadblocks must be part of election security plan of ICCES.
- 10.2 The location of Check Points and Roadblocks shall be approved and shared with INEC, superior Officers and all ICCES agencies.
- 10.3 Security personnel at Check Points and Roadblocks must be firm but courteous to members of the public.
- 10.4 Full searches shall be conducted where necessary.
- 10.5 Where no prior information on movements of electoral materials and personnel are available to Check Points and Roadblocks, clearance must be obtained from designated INEC officials to obtain passage.

11.0 General Conduct

- 11.1 Security personnel on election duty Shall:
 - a. Swear to an oath of neutrality in accordance with the Electoral Act;
 - b. Be at alert at all times;
 - c. Be approachable by all members of the public;
 - d. Exhibit a high degree of professionalism;
 - e. Maintain impartiality and fairness in dealings with all parties;
 - f. Ensure that they sustain ICCES primacy in securing the electoral process;
 - g. Adopt professional orientation that emphasizes democratic values and respect for human rights and dignity.
 - h. Be mindful of the duty imposed upon them by law, to protect all against illegal acts and dispense their duties without discrimination based on gender, race, religion, colour, sex, creed, associations of affiliations;
 - i. Be ready to receive instructions from designated INEC officials and

share information with authorized members of ICCES; and

- j. Be duty bound to render assistance to those in need of such, especially the vulnerable persons.

11.2 Malingering is strictly prohibited while on duty. Officers shall be attentive at all times and avoid getting distracted by gossips with colleagues. The use of mobile phones and the soliciting of food or any other items are also strictly prohibited.

11.3 Officers shall remain at designated duty posts until completion of duty or until such time as they are properly relieved.

11.4 Relief duty/shifts should be properly planned prior to deployment and shared with INEC designated officials at the theatre of operation. Ad-hoc shifts should be avoided to prevent impersonation.

12.0 Conduct During Elections Amidst the COVID-19 Pandemic

12.1 All security personnel on election duty must acquaint themselves with, observe and assist in enforcing all the provisions of the INEC Policy on the Conduct of Elections in the Context of COVID-19.

12.2 Security personnel on election duty must wear masks at all times and use other protective materials provided for them. However, they may be required to lower their face masks for proper identification when necessary.

12.3 In the course of an election or any other electoral activity, a security personnel who falls sick or develops symptoms of COVID-19 such as high temperature, coughing and sneezing, shall:

- a. Immediately inform his immediate supervisor and an electoral official at the location;
- b. Immediately isolate him/herself from other persons at the location;
- c. Request the electoral official to arrange necessary medical assistance and support; and
- d. Obey all directives issued by health officials.

- 12.4 If a security personnel on duty observes a voter or any other person at an election location to be in breach of the INEC Policy on the Conduct of Election in the Context of the COVID-19 pandemic, he/she shall politely caution the person. If the breach persists or threatens the good conduct of activities, he/she shall call the attention of the presiding officer or any other designated INEC official, who may authorise the removal or arrest of the person.
- 12.5 In enforcing the provisions of the INEC Policy on the Conduct of Elections in the Context of the COVID-19 pandemic, security personnel shall at all times be professional, humane, polite, even-handed and non-partisan.



PART 2

RULES OF ENGAGEMENT

13.0 General Rules

13.1 The Rules of Engagement to guide the operations of all security agencies in electoral activities are as follows:

- a. The principle of minimum force and proportionality must be applied at all times;
- b. Whenever operational situation permits, every reasonable effort shall be made to control situation through measures short of using force, including personal contact and negotiation;
- c. The use of lethal force shall only be resorted to if all other means to control the situation have failed or case of unexpected attack during which a delay could lead to lose of life or serious injury to personnel;
- d. Any force applied must be limited in its intensity and duration; it must also be commensurate with the level of threat posed.
- e. Force is only to be used when absolutely necessary to achieve an immediate aim;
- f. The decision to open fire shall be made only on orders and under the control of the on-the scene Commander, unless there is insufficient time to obtain such order. Fire can however be opened if the life of a personnel or any member of the public requiring protection is in grave danger;
- g. Fire must be aimed and controlled. Automatic fire will only be opened as a last resort;
- h. Indiscriminate firing is not permitted;
- i. Avoid collateral damage;
- j. After fire has ceased, render medical assistance and record details of incident both in writing and using audio/visual equipment whether or not casualty has been recorded;
- k. Whenever in doubt, seek clarification from higher authority; and
- l. An Officer must remember that his action in using firearms which results in the killing or wounding of a human being is open to investigation by the Courts and he/she is liable to be held responsible for his/her action under criminal law, if the court finds that his/her use of fire arms was unreasonable in such circumstances.

14.0 Application of Force

14.1 Force is only to be used:

- a. Against clearly identified armed miscreants;
- b. To defend oneself and colleagues against hostile act or intent;
- c. To resist attempt to abduct or detain oneself or colleagues;
- d. To resist attempt to abduct electoral officials or cart away election material;
- e. To protect government property from vandalism;
- f. To protect law abiding citizens and their property, including election monitors and observers under imminent threat of physical violence;
- g. Against any person or group of persons that hinder freedom of action of members of the security agencies, election officials or law-abiding citizens;
- h. When there is enough evidence that suspect is caught in the act of perpetuating heinous crime; and
- i. Force must never be used as a punitive measure.

15.0 Procedure for Arrest

15.1 Any person who commits an offence or is reasonably suspected to have committed an offence shall be arrested and with documented evidence would be handed over to ASA for prosecution. The following procedure should be adhered to during arrest:

- a. Identify yourself to the suspect if possible;
- b. Explain to the suspect the nature of offence he/she has committed if possible;
- c. Arrest of suspects can be made at any time it is considered necessary;
- d. Record electronically the procedure of the arrest including exhibits;
- e. NA principle of 3:1 must be applied in carrying out arrest of a suspect; and
- f. Handcuff the suspect and be humane.

16.0 Caution to Personnel Effecting Arrest

- 16.1 Handling of exhibit in crime scene requires an expert to do so. Therefore, personnel are not to touch anything (exhibit) with bare hands.
- 16.2 Summary of Guidelines for Troops:
- a. Ensure preservation of lives and properties including your own;
 - b. Preserve all necessary evidence, photographs and other matters;
 - c. All exhibits must be documented;
 - d. All legal orders from commanders must be obeyed;
 - e. Miscreants and hoodlums must be prevented from causing harm to life and property;
 - f. Using minimum force;
 - g. Maintain public confidence;
 - h. Legal obligation to duty/not above the law;
 - i. Use only justifiable force;
 - j. Safeguard legal citizens; and
 - k. Provide security to the electoral process.
- 16.3 Human Rights doctrine approving the Use of force only in:
- a. Self Defence;
 - b. While effecting Arrest;
 - c. Defence of others;
 - d. Defence of property;
 - e. Stopping arson; and
 - f. Defence of electoral process.

17.0 Reportorial Requirement

- 17.1 Reports of all incidents or important occurrences, arrests, searches, confiscation of weapons and most importantly, use of lethal weapons must be made as appropriate, indicating circumstances necessitating such actions where necessary.

APPENDIX I

1.0 Constitution of the Federal Republic of Nigeria 1999 (as Amended) Relevant Sections of Chapter IV – Fundamental Human Rights

- a. Rights to life (section 33);
- b. Right to dignity of human person (section 34);
- c. Right to personal liberty (section 35);
- d. Right to fair hearing (section 36);
- e. Right to freedom of thought, conscience and religion (Section 37);
- f. Right to freedom of expression and press (Section 39);
- g. Right to peaceful assembly association (section 40);
- h. Fight to freedom of movement (section 41);
- i. Right to freedom of discrimination (section 42);
- j. Right to acquire and own immovable property anywhere in Nigeria (Section 43); and
- k. Power of INEC to confer powers or impose duties on any office or authority (section 160).

APPENDIX 2

1.0 Electoral Act 2010 (As amended):

- a. Deployment of security personnel for the purpose of securing the vote – Section 29 (3):

Notwithstanding the provisions of any other law and for purposes of securing the vote, the Commission shall be responsible for requesting for the deployment of relevant security personnel necessary for elections or registration of voters and shall assign them in the manner determined by the Commission in consultation with the relevant security agencies.

- b. Dereliction of duty - Section 123 (1):

Any officer appointed for the purposes of this Act, who without lawful excuse commits any act or omits to act in breach of his official duty commits an offence and is liable on conviction to a maximum of ₦500,000 or to imprisonment of 12 months or both.

APPENDIX 3

2.0 Police Act and Regulations:

2.1 Police Regulation 338: Furtherance of the Good Name of the Force

Every Police Officer is required to use his best endeavours to uphold the good name of the force, and to further good relations with the public.

2.2 Police Regulation 339: Standards of Conduct of Police Officers

The standards of conduct required of police officer are that he shall:

- a. Offer prompt obedience to lawful orders;
- b. Be determined and incorruptible in the exercise of his police duties;
- c. Have a strict regard to the correctness of his general behaviour; and
- d. Take a proper pride in his appearance both in uniform and out of uniform.

2.3 Police Regulation 340: The Attribute of a Police Officer

A Police Officer is required to have a thorough understanding and knowledge of the laws, and of Police orders and instructions, and to develop the attributes of:

- a. Efficiency and thoroughness through meticulous attention to details in the performance of his duties;
- b. Courtesy, forbearance and helpfulness in his dealings with members of the public;
- c. Tact, patience and tolerance, and the control of his temper in trying situations;
- d. Integrity, in refusing to allow religious, racial, political or personal feelings, or other considerations to influence him in the execution of his duties;
- e. Impartiality, in the avoidance of feelings of vindictiveness, or the showing of vindictiveness towards offenders; and
- f. Strict truthfulness in his handling of investigations, and in the giving of evidence.

2.4 Police Regulation 341: Liabilities of Misuse of Powers

In the individual exercise of his powers as a Police Officer, every police officer shall be personally liable for any misuse of his powers, or for any act done in excess of his authority.

2.5 Police Regulation 353: General Conduct of Police Officers

A Police Officer shall not conduct himself in such manner as to bring his private interests into conflict with his public duties or in such manner as is likely to cause a suspicion in the mind of any reasonable person that he has:

- a. Allowed his private interests to come into conflict with his public duties; or
- b. Used his public position for his private advantage.

— APPENDIX 4 —

3.0 Force Order No. 237

3.1 It is obviously not possible to deal with all the circumstances in which it may be necessary for an officer to use firearms. The following notes are principles by which an officer should be guided. It must be realized that these notes cannot override the law and that if an officer is charged with an offence arising out of his use of firearms; it is for the court to decide whether, in the circumstances, his action was justified.

3.2 It is of the utmost importance that all officers realize how very essential it is to guard against the slightest misuse of firearms and to exercise the utmost forbearance humanly possible and that prudence can dictate, before resorting to the use of a lethal weapon which may result in the wounding or killing of a human being. An officer must remember that his action in using firearms which results in the killing or wounding of a human being is open to investigation by the courts and he is liable to be held responsible for his action under criminal law, if the court finds that his use of firearms was unreasonable in such circumstances.

3.3 An Officer may use Firearms under the following circumstances

- a. When attacked and his life is in danger and there is no other way of saving his life;
- b. when defending a person who is attacked and he believes on reasonable grounds that he cannot otherwise protect that person attacked from death;
- c. When necessary to disperse rioters or to prevent them from committing serious offences against life and property; N.B Remember that 12 or more people must remain riotously assembled beyond a reasonable time after the reading of the proclamation before the use of firearms can be justified;

- d. if he cannot by any other means arrest a person who being in lawful custody escapes and takes to flight in order to avoid re-arrest; providing the offence with which he is charged or has been convicted of, is a felony or misdemeanour; and
- e. if he cannot by any other means arrest a person who takes to flight in order to avoid arrest, provided the offence is such that the accused may be punished with death or imprisonment for 7 years or more.

3.4 With regards to 3.3 (a), an officer would have to prove that he was in danger of losing his life or of receiving an injury likely seriously to endanger his life. It would be most difficult to justify the use of firearms if attacked by an unarmed man. If a concentrated attack were made upon him by persons armed with machetes, firearms or bow and arrow or other lethal weapons he would be justified in using a firearm to save his life. In a case where he is attacked by one man, he would also be justified by using necessary applicable force to defend himself. If attacked by an individual with a non-lethal weapon (a heavy stick or machete), he would have to prove that he could not disable him with his baton or rifle butt and that other means available to him were not sufficient to protect his life.

3.5 With regards to 3.3 (b), this is self-explanatory and does not require further elucidation.

3.6 Fire should be directed at the knees of the rioters. Any ring-leaders in the forefront of the mob should be singled out and fired on. Only the absolute minimum number of rounds necessary to suppress the riot should be used.

Never Under Any Circumstances Will Warning Shots Be Fired Over The Heads Of Rioters

3.7 As to 3.3. (d), firearms may be used to arrest a person who escapes from lawful charged or of which he has been convicted is a felony or misdemeanour. This power is conferred by sections 271 and 135 of the Criminal Code. A person charged with a felony or misdemeanour who escapes from lawful custody, by his escape commits a felony punishable to years of imprisonment. Firearms must only be used as a last resort. A person charged with or convicted of a simple offence who is escaping from lawful custody shall not be fired upon.

3.8 As to 3.3 (e), this covers the case where a fugitive has not been in lawful custody if the offence with which charged or of which he has been convicted is a felony or misdemeanour. This power is conferred by section 271 and 135 of the Criminal Code.

3.9 As to 3.3 (e), this covers the case where fugitive has not been in lawful custody and escape in order to avoid arrest in the first instance. The fugitive

may then only be fired upon when the offence is punishable by 76 years or more. As in the previous case if escaping from lawful custody, firearms should only be used if there are no other means of effecting his arrest, and the circumstances are such that his subsequent arrest is unlikely. An officer who cannot effect such a criminal's arrest by any other means should warn the criminal that unless he stops and surrenders, he will fire upon him. If the criminal fails to stop, the Police Officer is then justified in firing at the criminal.

— APPENDIX 5 —

4.0 ECOWAS PROTOCOL ON GOOD GOVERNANCE AND DEMOCRACY

4.1 Article 19 (1a):

- a. Armed Forces of Nigeria and Nigeria Police shall be non-partisan and shall remain loyal to the Nation; and
- b. The Police and other security shall be responsible for the maintenance of law and order and protection of person and their properties.

4.2 Article 22 (1)

- a. The use of arms for dispersing non-violent meetings or demonstrations shall be forbidden. Whenever a demonstration becomes violent, only the use of minimal or proportional force shall be authorized; and
- b. All cruel inhuman and degrading treatment shall be forbidden.

— APPENDIX 6 —

5.0 AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE

(Article 4)

Objectives of the Charter are as follows:

- a. Respect for democratic principles, human rights and the rule of law and good governance;
- b. Respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive actions;
- c. Condemnation and rejection of unconstitutional changes of government; and
- d. (Constitutive Act of the AU, 2000: 7).

APPENDIX 6

SPECIFIC FUNCTIONS OF ICCES AGENCIES

| S/No. | AGENCY | SPECIFIC ACTIVITIES |
|-------|---|---|
| 1 | Office of the National Security Adviser | <ul style="list-style-type: none"> • Liaise with the Service Chiefs to assist INEC. • Ensure security surveillance during registration/election. • Coordinate the activities of ICCES. • Monitor the performance of security agencies during voter registration and elections. • Dissuade public officials from misusing security details attached to them for political ends. |
| 2. | Ministry of Police Affairs | <ul style="list-style-type: none"> • Provide support to the Nigeria Police to perform their role during registration/ election-vehicles, communication, etc. |
| 3 | Nigerian Police Force | <ul style="list-style-type: none"> • Provide adequate personnel to man/ maintain order at polling units, registration area centres and other INEC facilities. • Provide security for registration/election equipment and other materials during delivery, registration/election/retrieval. • Apprehend law breakers and prosecute them. • Dissuade public officials from misusing police security details. • Confine suspected troublemakers to keep the peace. • Conduct pre-emptive raids on criminal hideouts. • Work with recognized local/community security outfits to monitor the illegal activities during the registration/election. • Enforce restriction on movement of persons that may constitute nuisance during registration/election. |
| 4. | Police Service Commission | <ul style="list-style-type: none"> • Monitor the registration/election process, particularly the performance of police officers on election duties. • Train police officers on conduct during elections. • Develop a reward system for police personnel who perform creditably during election. • Develop and share with the police a template to monitoring activities of police officers on election duties. |

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| 5 | Nigerian Army | <ul style="list-style-type: none"> • Provide surveillance in the vicinities of registration/election areas as determined by engagement rules to be developed by ICCES. • Assist in restricting movement during the registration/election exercise • Assist in protecting registration/election materials where police and other agencies are not able to do so. • Establish a Standby Rapid Deployment Squads in all States in case of serious crisis. • Assist in delivery of INEC materials where necessary. • Assist in retrieving INEC registration/election where necessary. • Prepare to assist and evacuate civilians in the case of serious crises. |
| 6. | Nigerian Navy | <ul style="list-style-type: none"> • Increase surveillance of Nigeria's seaports and continental shelf during the elections. • Assist in the deployment of INEC equipment personnel where necessary. • Assist in restricting movement along waterways during the registration/election exercise. • Assist in protecting registration/election equipment/ materials where police and other agencies are not able to do so. • Establish a Standby Rapid Deployment Squads in all States in case of serious crises. • Assist in the delivery of INEC materials where necessary. • Assist in retrieving INEC registration/election where necessary. • Prepare to assist and evacuate civilians in the case of serious crises during registration/ election. |

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| 7. | Nigeria Air Force | <ul style="list-style-type: none"> • Increase surveillance of Nigeria’s airspace and airports during elections. • Assist in the deployment of INEC equipment and personnel where necessary. • Assist in restricting movement along waterways during the registration/election exercise. • Assist in protecting registration/election materials where police and other agencies are not able to do so. • Establish a Standby Rapid Deployment Squads in all States in case of serious crisis. • Assist in the delivery of INEC materials where necessary. • Assist in retrieving INEC registration/election where necessary. • Prepare to assist and evacuate civilians in the case of serious crises. |
| 8. | State Security Services | <ul style="list-style-type: none"> • Monitor the registration/election closely and alert INEC and other security agencies, especially in the framework of ICCES on security problems. • Develop a framework for sharing intelligence regularly with other agencies during the registration/election. • Enforce restriction on movement of persons that may constitute nuisance during registration/election • Assist in the security and the deployment of registration/election equipment and other materials. • Assist in the enforcement of rules and regulations guiding the registration/election exercise. • Confine key troublemakers and their sponsors ahead of the registration/election. • Conduct mop-up operation of illegal weaponry and raid of criminal hideouts. |
| 9. | National Intelligence Agency | <ul style="list-style-type: none"> • Monitor likely external threats to the registration/election (e.g. arms trafficking for purposes of registration/election, etc.). • Develop a framework for sharing intelligence regularly with other agencies during registration/election |

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| 10. | National Drug Law Enforcement Agency | <ul style="list-style-type: none"> • Intensify surveillance of hard drug production, movement and use. • Conduct pre-emptive operations on hard drug dealer and users' hideouts. • Closely monitor vicinities of registration / election areas for drug use likely to lead to violence |
| 11. | Nigeria Customs Service | <ul style="list-style-type: none"> • Closely monitor imports into the country at all ports and border crossings points to prevent imports that could undermine the registration/election process and security (e.g. Weapons, fake registration/election materials, etc.) • Liaise closely with other security agencies to cover all porous border areas. • Assist INEC to clear bottlenecks in importation of registration/election equipment and materials. |
| 12. | Nigeria Immigration Service | <ul style="list-style-type: none"> • Closely monitor Immigration of foreign nationals likely to undermine registration/ election (e.g. Illegal immigrants brought into for registration/election). • Provide personnel to help man registration/ election centres. • Liaise with customs to monitor flights that might bring illegal registration/election materials. |
| 13. | Federal Road Safety Corps | <ul style="list-style-type: none"> • Enforce traffic regulations and control movement of vehicles and persons around registration/election venues. • Intensify spot checks on roads to dissuade activities that could undermine registration/ elections. • Provide personnel to help man registration/ election areas and protect registration/ election materials. • Enforce restriction on movement of persons that may be in force during registration/ election. |

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| 14. | Nigerian Security and Civil Defence Corps | <ul style="list-style-type: none"> • Provide personnel to help man registration/ election areas and protect registration/ election materials. • Work with recognized local/community security outfits to monitor illegal activities during registration/election. • Intensify the monitoring of vandals during election periods. • Intensify surveillance on critical infrastructure especially at polling units and collation centres. • Provision of Civil Defence Ambulance for evacuation at INEC Headquarters for any emergency and disaster that may occur. |
| 15. | Nigerian Correctional Service | <ul style="list-style-type: none"> • Provide personnel to help man registration/ election areas and protect registration/ election materials. • Enforce restriction on movement of persons that may constitute a nuisance during registration/election. |
| 16. | Ministry of Interior-NSCDC | <ul style="list-style-type: none"> • Civil Defence sniffer dogs at INEC Headquarters against planning/planting of bombs. • Provide Civil Defence Ambulance for evacuation at INEC Headquarters against any emergency and disaster that may occur |
| 17. | Federal Fire Service | <ul style="list-style-type: none"> • Protect INEC warehouses and offices from threat of arson by disgruntled members of the public. • Conduct Search and Rescue operations during emergencies. • Evacuation of victims and dead persons to health care facilities. • Provide support against any Fire outbreak. |

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| 18. | EFCC and ICPC Specific Functions | <ul style="list-style-type: none"> • Monitor party and Campaign finance. • Track illegal financial flows in the electoral process. • Monitor and check vote buying. • Sensitize public and election officials against economic and financial crimes/corrupt practices related to elections. • Contribute personnel to manning electoral activities when required. • Provide early warning threat/ assessments of financial crimes and corrupt practices in the electoral process. • Arrest, investigate and prosecute in collaboration with INEC breaches of electoral laws on campaign finance and vote trading. |
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