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## **INTER-AGENCY CONSULTATIVE COMMITTEE ON ELECTION SECURITY (ICCES)**

# **CODE OF CONDUCT & RULES OF ENGAGEMENT**

**for SECURITY PERSONNEL on  
ELECTORAL DUTY**



# Contents

Preface	3
<b>PART 1 - CODE OF CONDUCT</b>	<b>5</b>
1.0 Introduction	6
2.0 Mandate of ICCES in Securing the Electoral Process	6
3.0 General Guidelines	6
4.0 Standard Operational Guidelines	7
5.0 Parade Mustering/Briefing and debriefing Rules	7
6.0 Dress and Accoutrement Rules	8
7.0 Procedures/Rules on Managing Political Party Conventions/Rallies and Crowd Control	9
8.0 Rules on the Use of Force/Lethal Weapons	10
9.0 Rules for Escorting/Protecting Electoral Materials	11
10.0 Rules for Checkpoints/Roadblocks	12
11.0 General Conduct	12
12.0 Conduct During Elections amidst the COVID-19 Pandemic and other Health Emergencies	13
<b>PART 2 - RULES OF ENGAGEMENT</b>	<b>15</b>
13.0 Introduction	16
14.0 Application of Force	17
15.0 Procedure for Arrest	17
16.0 Caution to Personnel Effecting Arrest	18
17.0 Reportorial requirement	18
<b>APPENDICES</b>	<b>19-29</b>

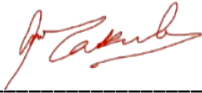
## Preface

The conduct of regular, periodic, free, fair, credible, inclusive and safe elections is at the very core of democracy. Therefore, the requirement to provide a safe and secure environment for the conduct of electoral and electioneering activities is essential to the development, deepening and consolidation of democracy and democratic governance. Since its establishment in 2011, the Inter-agency Consultative Committee on Election Security (ICCES) which brings together security and other State agencies and institutions responsible for securing elections under a common umbrella with INEC has evolved as an effective and widely accepted body for managing electoral security in Nigeria. The 2023 General Election will be the third electoral cycle during which ICCES will be working together under a common platform with INEC to promote cooperation, coordination and synergy among member agencies to address the challenge of election security in Nigeria.

Over the years and based on lessons learnt from each General Election and other elections since 2011, ICCES has found it necessary to review and strengthen the collaboration among member agencies with specific reference to their functions, roles and responsibilities. This is with the objective of improving inter-agency efficiency, enhance information flow and to facilitate rapid response in the effective management of electoral security by “acting as one”.

In the run-up to the 2019 General Election, significant efforts were made to develop a single, harmonized code of conduct and rules of engagement for member agencies to provide common standards of behaviour during electoral duty. This was done without prejudice to the unique characteristics and idiosyncrasies of each of the services. Since then, there has been significant improvement in the cooperation and synergy between the Police as the lead agency in election security and other agencies especially in the area of training, deployment, operation of a joint election situation room and the adoption of a harmonized code of conduct and rules of engagement for their personnel on electoral duties.

The ICCES code of conduct and rules of engagement for security personnel on electoral duty has been reviewed based on the field experiences and input received from member agencies. The updated document not only demonstrates the strength of inter-agency cooperation within ICCES but also reaffirms the commitment of member agencies to support the conduct of peaceful elections and democratic consolidation. The personnel of member agencies of ICCES are therefore implored to conduct themselves in accordance with the code of conduct and adhere strictly to the provisions of the rules of engagement for the delivery of free, fair, credible and inclusive elections in Nigeria.



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Abuja, December 2022



**PART 1**

# Introduction



## 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 shall be 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 voter registration centres, PVC collection centres, polling units or results collation and declaration centres and political party campaigns and rallies. Security Personnel on Electoral Duty are therefore expected to: i) maintain strict discipline and professionalism; ii) respect the human rights of citizens based on the rule of law; and iii) treat all stakeholders with dignity, fairness and impartiality.

## 2.0 Mandate of the ICCES in Securing the Electoral Process

2.1 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 Electoral Act and relevant Criminal and Penal Codes; and
- c. Traffic and crowd management at electoral locations, venues of Political Parties' conventions/congresses, campaigns/rallies and other activities relating to 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 1999 Constitution of the Federal Republic of Nigeria (as amended);
- b. Various Regulations and Orders of the member Agencies;
- c. ECOWAS Protocol on Democracy and Good Governance (Articles 19 (1) and 22 (1));

- d. Constitutive Act of the African Union, 2000 (Article 4)
- e. African Charter on Democracy, Elections and Governance (Article 2);
- f. United Nations Code of Conduct for Law Enforcement Officers);
- g. United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- h. Electoral Act 2022; and
- i. 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 27(3) of the Electoral Act, 2022

4.2 All deployment will be guided by the provisions of the Code of Conduct for Nigerian Armed Forces Personnel on Internal Security and Aid to Civil Power Operations of February 2010.

4.3 All Security Agencies shall work together in coordination and synergy with the Nigerian Police Force as the lead agency in election security to support INEC in the conduct of free, fair, credible and inclusive elections.

4.4 All Security Agencies shall have a designated person in the operational Election Situation Room for quick resolution of any emergency;

4.5 All Security Personnel 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 duty 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 authorised 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 be 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 election 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 Officers 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 electoral and political events or voter registration centres, PVC collection centres, polling units and voting centres or collation centres 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 when deployed at voter registration centres, PVC collection centres, polling units, voting centres or 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, observing pre-cautionary 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 in handcuffs.
- 7.13 Where a political gathering is becoming confrontational or the likelihood of an otherwise peaceful gathering becoming violent, the Officer should initiate and encourage dialogue as well as adopt Alternate Dispute Resolution (ADR) amongst leaders/organisers 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 the Police or NSCDC Explosive Ordinance Disposal (EOD) personnel ahead of the event.
- 7.15 In case of an unexpected incident of explosion, the Police/NSCDC Explosive Ordinance Disposal 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 operation.
- 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 for any crowd control operation, such as political parties' conventions, rallies/campaigns and voter registration centres, PVC collection centres, polling units, voting centres or collation centres.
- 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 unauthorised 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 authorisation from his parent unit in consultation with INEC.
- 9.5 Personnel will ensure constant communication with parent unit and designated Officials enroute 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 unauthorised 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 and 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 the INEC Oath/ Affirmation of Neutrality in accordance with the Electoral Act 2022;
  - 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 emphasises 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 authorised 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. The use of mobile phones and the soliciting of food or any other items are strictly prohibited.
- 11.3 Officers shall remain at designated duty post 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 or other Health Emergencies**

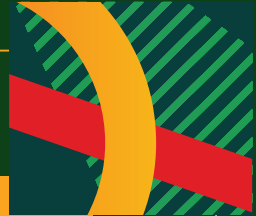
- 12.1 All Security Officials on election duty must acquaint themselves with, observe and assist in enforcing all the provisions of the INEC policy on the conduct of elections in the context of COVID-19 or other health emergencies.
- 12.2 Security Officials on election duty must, when required wear face 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 Official who falls sick or develops symptoms of COVID-19 or other health pandemic 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.

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- 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 or other health emergency, 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 or other health emergencies, Security Officials 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 or suspected Improvised Explosive Device (IED) 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 objective;
- 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 security/election personnel or any law-abiding member of the public requiring protection is in grave danger;
- g. Fire must be aim and control. 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 firearms was unreasonable in such circumstances.



## 14.0 Application of Force

### 14.1 Force is only to be used:

- a. Against clearly identified armed troublemakers;
- 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 personnel or cart away election material(s);
- e. To protect government property from vandalism;
- f. To protect law abiding citizens and their property, including voters, election monitors and observers and the media 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 the 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 by troops 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 Security Personnel:
- 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. Troublemakers 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 law abiding 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;
    - a. Defence of property;
    - b. Stopping arson; and
    - c. Defence of the 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 ONE —

### 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 officer or authority (Section 160).

## — APPENDIX TWO —

### 2.0 Electoral Act, 2022:

- a. Deployment of security personnel for the purpose of securing the vote – Section 27 (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.***

**Provided that the Commission shall only request for the deployment of the Nigerian Armed Forces for the purpose of securing the distribution and delivery of election materials and protection of election officials.**

- b. Dereliction of duty - Section 120 (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 =N=500,000 or to imprisonment of 12 months or both..***

## APPENDIX THREE

### 3.0 Police Act and Regulations:

#### 3.1 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.

#### 3.2 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.

#### 3.3 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:

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

#### 3.4 Police Regulation 341: Liabilities of Misuse of Power

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.

### 3.5 **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 FOUR —

### 4.0 **Force Order No. 237**

**4.1** 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.

**4.2** 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.

### **4.3 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.

**4.4** 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.

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

**4.6** Fire should be directed at the knees of the rioters. Any ringleaders 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**

**4.7** 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.

**4.8** 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.

- 4.9** 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 FIVE —

### **5.0 ECOWAS PROTOCOL ON DEMOCRACY AND GOOD GOVERNANCE, 2001**

#### **5.1** Article 19 (1):

- a. The armed forces and police shall be non-partisan and shall remain loyal to the Nation; The role of the armed forces shall be to defend the independence and territorial integrity of the State and its democratic institutions.
- b. The Police and other security shall be responsible for the maintenance of law and order and protection of person and their properties.

#### **5.2 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 authorised; and
- b. All cruel inhuman and degrading treatment shall be forbidden.

## — APPENDIX SIX —

### **6.0 CONSTITUTIVE ACT OF THE AFRICAN UNION, 2000**

#### Article 4

The Union shall function in accordance with the following principles:

- a. Respect for democratic principles, human rights, 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 activities;
- c. Condemnation and rejection of unconstitutional changes of governments.

## **6.0 AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE 2007**

### Article 2

Objectives of the Charter are to:

- a. Promote adherence, by each State Party, to the universal values and principles of democracy and respect for human rights;
- b. Promote and enhance adherence to the principle of the rule of law premised upon the respect for, and the supremacy of the Constitution and constitutional order in the political arrangements of the State Parties;
- c. Promote the holding of regular free and fair elections to institutionalize legitimate authority of representative government as well as democratic change of governments;
- d. Prohibit, reject and condemn unconstitutional change of government in any Member State as a serious threat to stability, peace, security and development;
- e. Promote and protect the independence of the judiciary;
- f. Nurture, support and consolidate good governance by promoting democratic culture and practice, building and strengthening governance institutions and inculcating political pluralism and tolerance.



## — APPENDIX SEVEN —

### SPECIFIC FUNCTIONS OF ICCES AGENCIES

S/No.	AGENCY	SPECIFIC ACTIVITIES
1	Office of the National Security Adviser	<ul style="list-style-type: none"> <li>i. Coordinate with the INEC Chairman to oversee the activities of ICCES.</li> <li>ii. Liaise with the IGP and Service Chiefs on election security in support of INEC.</li> <li>iii. Ensure security surveillance during electoral activities.</li> <li>iv. Monitor the performance of security agencies during electoral activities.</li> <li>v. Dissuade public officials from misusing security details attached to them for political purposes.</li> </ul>
2.	Ministry of Police Affairs	<ul style="list-style-type: none"> <li>• Provide support to the Nigeria Police Force to perform their assigned roles and responsibilities during electoral activities.</li> </ul>
3	Nigerian Police Force	<ul style="list-style-type: none"> <li>• Lead and coordinate other security agencies for election security duty.</li> <li>• Provide adequate personnel to maintain law and order at Polling Units, Registration Area Centres, Collation Centres and other INEC facilities.</li> <li>• Provide security for the safe deployment and retrieval for electoral personnel and materials during electoral activities.</li> <li>• Apprehend law breakers, investigate and prosecute them.</li> <li>• Dissuade public officials from misusing Police security details for political purposes.</li> <li>• Confine suspected troublemakers and their sponsors ahead of any electoral activity.</li> <li>• Conduct pre-emptive raids on criminal hideouts.</li> <li>• Work with recognized local/community security outfits to monitor illegal activities during electoral activities.</li> <li>• Enforce restriction on movement of persons that may constitute nuisance during electoral activities.</li> <li>• Arrest and investigate persons involved in vote trading.</li> </ul>

4.	Police Service Commission	<ul style="list-style-type: none"> <li>• Monitor the electoral process and the performance of Police Officers on election duties.</li> <li>• Train Police Officers on conduct during elections.</li> <li>• Develop a reward system for Police personnel who perform creditably during electoral activities.</li> <li>• Develop and share with the Police a template for monitoring activities of Police personnel on election duties.</li> </ul>
5	Defence Headquarters (DHQ)	<ul style="list-style-type: none"> <li>• Provide operational guideline of election security to the Nigerian Army, Navy and Airforce, as well as the Defence Intelligence Agency.</li> </ul>
6.	Nigerian Army	<ul style="list-style-type: none"> <li>• Provide surveillance in the vicinities of electoral locations as determined by ICCES.</li> <li>• Assist in restricting movement during the electoral activities.</li> <li>• Assist in protecting electoral personnel and materials where the Police and other security agencies are unable to do so.</li> <li>• Establish a Standby Rapid Deployment Squads in all States during electoral activities in case of serious crisis.</li> <li>• Assist in delivery and retrieval of INEC personnel and material as requested by the INEC Chairman.</li> <li>• Assist in the protection and evacuation of civilians in the case of serious pre/post-election crisis.</li> </ul>
7.	Nigerian Navy	<ul style="list-style-type: none"> <li>• Increase surveillance of Nigeria's seaports and continental shelf during electoral activities.</li> <li>• Assist in restricting movement along the waterways during electoral activities.</li> <li>• Assist in protecting electoral personnel and material where the police and other security agencies are unable to do so during electoral activities.</li> <li>• Establish a Standby Rapid Deployment Squads in all littoral States in case of serious pre/post-election crises.</li> <li>• Assist in the delivery and retrieval of INEC personnel and materials as requested by the INEC Chairman.</li> <li>• Assist in the protection and evacuation of civilians in the case of serious pre/post-election crisis.</li> <li>• Undertake the inspection and certification of boats to be used for electoral activities.</li> </ul>

8.	Nigeria Air Force	<ul style="list-style-type: none"> <li>• Increase surveillance of Nigeria's airspace and airports during electoral activities.</li> <li>• Assist in the deployment and retrieval of INEC personnel and material as requested by the INEC Chairman.</li> <li>• Assist in restricting movement along waterways during electoral activities.</li> <li>• Assist in protecting electoral personnel and material where the police and other security agencies are unable to do so.</li> <li>• Establish a Standby Rapid Deployment Squads in case of serious pre/post-election crisis.</li> <li>• Assist in the protection and evacuation of civilians in the case of serious pre/post-election crises.</li> </ul>
9.	State Security Services	<ul style="list-style-type: none"> <li>• Monitor all electoral activities closely and alert INEC and other security agencies of any risks and threats.</li> <li>• Develop a framework for sharing intelligence regularly with other agencies during the electoral activities.</li> <li>• Enforce restriction on movement of persons that may constitute a threat during electoral activities.</li> <li>• Assist INEC in protecting electoral personnel and material.</li> <li>• Assist in the deployment and retrieval of INEC personnel and material as requested by the INEC Chairman.</li> <li>• Assist in the enforcement of rules and regulations guiding the electoral activities.</li> <li>• Confine suspected troublemakers and their sponsors ahead of any electoral activity.</li> <li>• Conduct operations to subdue criminal hideouts and mop-up illegal weapons in the run up to any electoral activity.</li> </ul>
10.	National Intelligence Agencies	<ul style="list-style-type: none"> <li>• Monitor and report to the appropriate authorities any external risk and/or threat to the electoral process.</li> <li>• Develop a framework for sharing intelligence regularly with other agencies during electoral activities.</li> </ul>

11.	National Drug Law Enforcement Agency	<ul style="list-style-type: none"> <li>• Intensify surveillance on the production, movement and use of hard drugs and psychotropic substances during electoral activities.</li> <li>• Carry out pre-emptive operations on the hideouts of hard drug dealers and users in the run up to any electoral activity.</li> <li>• Closely monitor vicinities of electoral locations for drug usage.</li> </ul>
12.	Nigeria Customs Service	<ul style="list-style-type: none"> <li>• Closely monitor imports at all air/sea ports and border crossings to prevent imports that could undermine the electoral process and election security into the country.</li> <li>• Liaise closely with other security agencies to cover all porous border areas during electoral activities.</li> <li>• Assist INEC to in the clearance of imported electoral material and equipment.</li> <li>• Provide personnel as required to support the NPF for election security duties.</li> </ul>
13.	Nigeria Immigration Service	<ul style="list-style-type: none"> <li>• Closely monitor migration of foreign nationals likely to undermine the electoral process through illegal registration and voting.</li> <li>• Provide personnel as required to support the NPF for election security duties.</li> <li>• Liaise with Customs Service to monitor persons that might import illegal election materials.</li> </ul>

14.	Federal Road Safety Corps	<ul style="list-style-type: none"> <li>• Enforce traffic regulations and control movement of vehicles and persons around electoral locations.</li> <li>• Intensify spot checks on roads to dissuade activities that could undermine electoral activities.</li> <li>• Provide officials to help protect personnel and materials.</li> <li>• Enforce restriction on movement of persons that may be in force during electoral activities.</li> <li>• Provide personnel as required to support the NPF for election security duties.</li> <li>• Undertake the inspection and certification of vehicles to be used for electoral activities.</li> </ul>
15.	Nigerian Security and Civil Defence Corps	<ul style="list-style-type: none"> <li>• Provide personnel as required to support the NPF for election security duties.</li> <li>• Collaborate with recognized local/community security outfits to monitor and report illegal activities during electoral activities.</li> <li>• Intensify the monitoring of hoodlums and vandals during electoral activities.</li> <li>• Intensify surveillance on critical infrastructure especially at all electoral locations.</li> <li>• Protect INEC facilities and electoral infrastructure.</li> <li>• Support the evacuation of victims of any emergency and/or disaster that may occur during electoral activities.</li> <li>• Provide sniffer dogs at INEC facilities to detect and forestall planting of bombs or IEDs.</li> </ul>
16.	Nigerian Correctional Service	<ul style="list-style-type: none"> <li>• Provide personnel as required to support the NPF for election security duties.</li> <li>• Enforce restriction on movement of persons that may constitute a nuisance during electoral activities.</li> <li>• Intensify surveillance on Prison inmates to prevent any security breach during electoral activities.</li> </ul>

17.	Federal Fire Service	<ul style="list-style-type: none"> <li>• Provide personnel as required to support the NPF for election security duties.</li> <li>• Protect INEC facilities and electoral infrastructure from arson.</li> <li>• Conduct search and rescue operations during emergencies.</li> <li>• Evacuate victims and dead persons to health care facilities.</li> <li>• Support INEC against any fire outbreak.</li> </ul>
18.	EFCC and ICPC	<ul style="list-style-type: none"> <li>• Monitor party and campaign finances.</li> <li>• Track illegal financial flows in the electoral process.</li> <li>• Monitor, arrest and prosecute persons suspected of and/or involved in vote trading.</li> <li>• Sensitize election officials and the public against economic and financial crimes/corrupt practices related to elections.</li> <li>• Provide personnel as required to support the NPF for election security duties.</li> <li>• Provide early warning threat/ assessments of financial crimes and corrupt practices in the electoral process.</li> <li>• Arrest, investigate and prosecute in collaboration with INEC breaches of electoral laws on party and campaign financing.</li> </ul>



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