



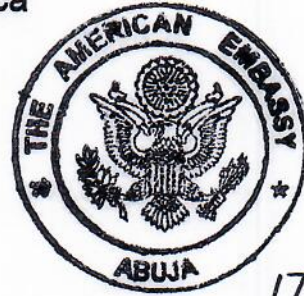
KOGI STATE GOVERNMENT

OFFICE OF THE SECRETARY TO THE STATE GOVERNMENT

KGS/GO/ADM/25/II/XXX

16 September 2020

The Ambassador Of The United States of America
Embassy of The United States of America
1075 Diplomatic Drive
Central Business District
Abuja, NIGERIA



Your Excellency,

17/09/2020
[Signature]

**RE: VISA RESTRICTIONS ON INDIVIDUALS AND INCLUSION OF THE
2019 KOGI STATE GUBERNATORIAL ELECTIONS IN US STATE
DEPARTMENT LIST OF ALLEGEDLY COMPROMISED ELECTIONS - A
LETTER OF PROTEST**

1. I have been so directed by His Excellency, Governor Yahaya Bello of Kogi State and I hereby make and forward this Letter of Protest to you in respect of the matters contained in it.
2. The Kogi State Government became aware of a United States Government list of individuals who received US visa restrictions for alleged electoral malpractices via a Press Statement to that effect posted on your Embassy website at <https://bit.ly/32vD96M>. In your own words, the still unnamed individuals are cited as guilty of 'acts of violence, intimidation, or corruption that harmed Nigerians and undermined the democratic process.' They are also alleged to 'have operated with impunity at the expense of the Nigerian people and undermined democratic principles and human rights.'
3. You also noted in the Statement that the sanctions are derived from unspecified misconducts by the said individuals which extend from the February/March 2019 General Elections in Nigeria through the off-cycle November 2019 gubernatorial elections in Kogi and

[Signature]

Bayelsa to the as yet unheld governorship contests in Edo and Ondo States. Please note that for the purposes of this protest letter we are only interested in the citations to the extent that they are referable to Kogi State and her citizens.

4. For the most part, we concede that elections in Nigeria are complex affairs which will continue to require improvements for the foreseeable future. The 2019 Kogi State Gubernatorial Election was also not without its challenges. However, it is also crystal clear from critical and composite analyses of the records (official, media, observers, etc) of the November 16, 2020 polls that regrettable incidents were limited to a few polling units, while the overwhelmingly larger portions of the ballot were free, fair and credible.
5. Further, and in line with Nigerian law, the few political parties and individuals who alleged widespread electoral malpractices had free rein to contest the outcome in court. They vigorously litigated their claims over a grueling 9-month period, through a 3-step hierarchy of courts, to the inescapable conclusion at the Supreme Court of Nigeria that the said elections satisfactorily complied with the Nigerian Constitution and the Electoral Act.
6. Our concern right now is not the prerogative of the United States of America to impose entry restrictions on anyone, for any or no reason at all, which prerogative remains unfettered, but the room for atrocious misinformation which the timing of your Press Statement and the mention of the Kogi elections therein has created in our state.
7. For the February and March 2019 General elections, your advisory came out in July 2019, long before the Supreme Court delivered her judgments in the petitions against those elections, including challenges to President Muhammadu Buhari's reelection. The presumption is that in spite of your intervention, the Supreme Court



KOGI STATE GOVERNMENT
OFFICE OF THE SECRETARY TO THE STATE GOVERNMENT

A handwritten signature in black ink, appearing to read 'A. Adekunle'.

still discovered no merit in the petitions and dismissed them accordingly.

8. In our case, ie, Kogi State, you made the tactical decision to release the update shortly after the Supreme Court delivered judgments in the 4 petitions which made it before her. Amongst a plethora of well-reasoned pronouncements the Apex Court dismissed the said petitions for failing to prove their allegations and for having no 'scintilla of merit'. The inference from your timing is that the judgment is somehow tainted and did not meet the justice of the case, thereby casting aspersions, not only on the Nigerian Judiciary, but on the second term mandate freely bestowed on His Excellency, Governor Yahaya Bello by the good people of Kogi State.
9. We find this unacceptable, and we protest your presumption. The least you could have done, if indeed this is about democracy and human rights as claimed, is create room, no matter how slim, for fair hearing. As it is now, partisan speculation as to who is indicted, who is not and for what, has become cudgels, furiously swung in the media space by all comers. Your action has therefore added abundant grist to the rumour mills and electrified the merchants of fake news.
10. For instance, a United States based blog, saharareporters.com, has made inflammatory publications in which they named His Excellency, Governor Yahaya Bello of Kogi State, among others, as a definite recipient of your visa restriction. Though you have named no names, accuracy is of no moment to them, just base political expediency, and they quote unnamed US State Department sources to give credibility to what is otherwise unproven.
11. Also, other players in the Kogi political space, including candidates and officials of opposition political parties which lost the elections and could not prove their allegations in court as aforesaid have now latched onto this action, holding media conferences and making



KOGI STATE GOVERNMENT

OFFICE OF THE SECRETARY TO THE STATE GOVERNMENT

Handwritten signature

press releases, claiming that the United States has justified their wild allegations and conspiracy theories where the courts and the administrative quarters failed. This is utterly regrettable.

12. Let it be noted that we are not challenging your visa bans in any way, whoever they may affect and for how long, but we do register the strongest protest possible as a State to the collateral and unwarranted interference in our political and social processes which it represents. You have reignited already dying embers of discord around the February/March General Elections and the November 16 Kogi State Gubernatorial Elections of 2019. This has invariably made our usual post-election duty of reconciliation with fair-minded political opponents all the more harder. We are hurt and disappointed.
13. Digressing a little beyond Kogi State to our contiguous states of Edo and Ondo, we wish to advise generally that by so preemptively interfering in their elections, both of which are yet to hold, events on ground since your publication indicate that the United States has foisted on our political process, not the expected caution or good behaviour by politicians which may have been your intent, but further calcification of hardened attitudes, more violent polemics, and increased sabre-rattling.
14. Even now every camp is trying to spin your action as evidence of US support for themselves and hostility to their opponents. Everyone involved in those elections is now stoked with an aura of invincibility and hellbent on displaying all manners of outrageousness on election day to prove their opponents the aggressors. After all, with sanctions looming over everyone like the Sword of Damocles, every stakeholder, including the security agencies are on tenterhooks and less likely to be lively. We fear you may have done our democracy more harm than good with this action, and we consider it most unfortunate indeed.



KOGI STATE GOVERNMENT

OFFICE OF THE SECRETARY TO THE STATE GOVERNMENT

A handwritten signature in black ink, appearing to read 'Mede'.

15. In conclusion, we believe that if the United States of America, despite her commanding heights and much longer experience as the acclaimed Bastion of Democracy in the world, is still locked in a fight to defend the integrity of her own electoral processes to this very day, then she ought to accord greater empathy, more civility and much less disruption, to nascent democracies.

16. Please be assured of our high regards always.



MRS FOLASHADE ARIKE AYOADE, Ph.D
Secretary to the Government of Kogi State



KOGI STATE GOVERNMENT
OFFICE OF THE SECRETARY TO THE STATE GOVERNMENT
