

human rights activists and journalists and respecting the rights to freedom of opinion and association as well as the rights of persons belonging to minorities; called on the government to repeal all relevant decrees ousting the jurisdiction of the courts; also called on the government to ensure that all trials are held fairly and promptly in conformity with international standards, ensure that the treatment of prisoners and conditions of detention conform to international standards, abide by its freely undertaken obligations under relevant international human rights treaties and to respect the decisions of the African Commission on Human Rights; called on the government to take concrete and credible steps to restore democratic government without delay, end rule by decree and permit an observer presence during the transition; called on the government to abide by relevant ILO conventions related to trade union rights, ensure the independence of the National Human Rights Commission and implement fully its interim undertakings to the Secretary-General without delay; and, called on the government to cooperate fully with the Commission and its mechanisms, including requests by the SR to visit Nigeria and implement fully all other recommendations of the SR. The Commission extended the mandate of the SR for another year and requested the SR to submit an interim report to the 1998 General Assembly and a final report to the 1999 Commission.

The resolution was adopted by a vote of 29 in favour, 9 opposed, 16 abstentions.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on:

(E/CN.4/1998/44, paras. 14, 16, 19, 20; E/CN.4/1998/44/Add.1, Decision No. 37/1996, Decision No. 38/1996) Three urgent appeals were transmitted on behalf of 21 individuals. No details of the cases were provided. The report also notes that the government contested the conclusions reached by the Working Group (WG) in decisions 2/1996 related to the cases of General Obasonjo and 22 others, and 6/1996 related to the detention of two individuals.

Decision No. 37/1996 concerned three persons. The first individual, a poet and environmental activist and member of the Oilwatch International Network, was arrested in June 1996 as he was leaving Nigeria to go to Ghana to attend an environmental conference organized by Friends of the Earth. The report notes that the purpose of the detention was apparently to prevent him from speaking at the conference. The second individual, a journalist who is the defence correspondent for an independent newspaper, the Vanguard, was reportedly arrested in May 1996, in connection with an article he wrote concerning the reshuffling of military personnel. The third individual is a civil servant, and the sister-in-law of colonel Bello-Fadile who was charged with

treason. The report notes that the woman was reportedly charged with being an accessory after the fact, in connection with treason for having passed to others the text of the defence submission of colonel Bello-Fadile.

The WG notes the persons concerned were being detained merely for having exercised their right to freedom of opinion and expression. In the case of the civil servant, her conviction was pronounced after a trial by a secret military tribunal. The WG decided that the detention of these persons was arbitrary since, on the one hand, it is in violation of all or part of the international provisions relating to the right to a fair trial, and was imposed in violation of these persons' right to freedom of opinion and expression.

Decision No. 38/1996 related to: the arrest of an assistant editor with the weekly magazine "Tell", by a special military tribunal and a sentence of life imprisonment for "publishing materials which could obstruct the work of the coup plotters tribunal" and for "misleading the public", noting the sentence was reduced to 15 years in prison; and an author who was arrested in February 1995 and subsequently held without charge or trial, possibly in connection with a documentary film he was planning to make reviewing the Nigerian cultural, economic and political life since the 1980s, for which he reportedly received a verbal agreement from the President's Press Office in November 1994.

The WG noted: resort to various emergency procedures against journalists, authors, political leaders, human rights defenders, and others who are often sentenced to heavy prison terms (and sometimes even to capital punishment) for merely having peacefully exercised their right to freedom of opinion and expression; and that convictions are pronounced after a trial by a secret military tribunal, where the defendants' rights to fair trial and due process are not respected. The WG decided that the detention of these two individuals was arbitrary.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 14, 17, 39, 57, 91, 92; E/CN.4/1998/68/Add.1, paras. 297–302)

The Special Rapporteur (SR) transmitted to the government an allegation related to murder of Kudirat Abiola, wife of Chief Moshood Abiola, who had campaigned for her husband's release. Information indicated that her killing might have been carried out by members of the state security forces acting with or without the knowledge of the central authorities. The SR noted that the investigation had been undertaken but that no progress had been made in determining who was responsible. The report notes the government's reply asserting that the allegation had been transmitted in order to justify a statement made by the SR in Mauritius, in October 1996, attributing the death of Kudirat Abiola to government officials.

The government also replied to an allegation sent during 1996 which concerned 43 persons reportedly publicly