

- ▶ the independence of the Nigerian Bar Association be restored and that it be permitted to regulate and govern itself;
- ▶ the government take preventive measures to avoid further incidents of communal violence;
- ▶ the government take all necessary measures to ensure that the conditions of detention of persons deprived of their liberty fully meet the provisions of article 10 of the International Covenant on Civil and Political Rights and the Standard Minimum Rules for the Treatment of Prisoners, including through reduction of the over crowding of prisons by overcoming delays in the trial process, considering alternative forms of punishment, allowing the release on bail of non-violent pre-trial detainees and increasing the number of prison places;
- ▶ detainees be allowed visits by family members and their attorneys and be granted access to adequate medical care;
- ▶ the government consider the abolition of the death penalty, sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and, at a minimum, respect the Safeguards guaranteeing the protection of the rights of those facing the death penalty;
- ▶ section 30 of the Constitution, on the right to life, be amended so that it conforms with article 6 of the International Covenant on Civil and Political Rights;
- ▶ in order to restore public confidence in its commitment to transition to democracy, the government fully implement all the recommendations of the Secretary-General's fact-finding mission concerning the implementation of the transition programme and, in particular, abrogate Decree No. 2 of 1984, concerning arrest without trial of political opponents of the regime, and section 6 of Decree No. 1 of 1996, concerning the promulgation of the transition programme, as well as other decrees restricting political activities and freedoms, and release all political prisoners and detainees; and,
- ▶ the government make public the report of the Constitutional Conference submitted to the President in June 1995 and register all political parties to enable them to participate in the forthcoming elections.

Given the gravity and scope of human rights violations in Nigeria, the Special Rapporteurs also recommended that the Commission on Human Rights appoint a country-specific special rapporteur.

Resolution of the Commission on Human Rights

At the 1997 session, the Commission on Human Rights adopted a resolution (1997/53) by roll call vote, with 28 in favour, 6 opposed and 19 abstentions. The resolution: recalled the declaration by the government of 1 October 1995 stating its commitment to civilian rule, multi-party democracy, freedom of assembly, press and political activity; welcomed the commitment by the government to remove all military personnel from Civil Disturbances Tribunal and special tribunals; welcomed the commitment to re-establish habeas corpus and allow the National Human Rights Commission to investigate human rights abuses; welcomed the resumption of dialogue between Nigeria and the Commonwealth; expressed concern at continuing violations, including arbitrary

detention and failure to respect due process of law; expressed concern at the failure of the government to cooperate with Commission by, *inter alia*, preventing the Special Rapporteurs on arbitrary/summary execution and the independence of judges and lawyers from visiting Nigeria; expressed concern that the absence of representative government is contrary to popular support for democratic government as expressed in the 1993 elections; called on the government to respect all human rights and fundamental freedoms, including the right to life, by releasing all political prisoners, trade union leaders, human rights advocates and journalists currently detained, by improving conditions of detention, and by guaranteeing the rights of individuals including persons belonging to minorities; called on the government to fulfil the obligations voluntarily assumed under the International Covenants on civil, cultural, economic, political and social rights and the African Charter on Human and Peoples' Rights; called on the government to ensure that trials are held promptly and in strict conformity with international standards, respond in full to recommendations of the Secretary-General's mission to Nigeria, cooperate with the Commission and its mechanisms and take concrete steps to restore democratic government without delay; appointed a Special Rapporteur (SR) with a mandate to establish direct contacts with the government and people of Nigeria; requested the SR to keep a gender perspective in mind when seeking and analysing information; requested the SR to report to the 1997 session of the General Assembly and 1998 session of the Commission.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras. 4, 7, 13, 17, 18, 21, 44; E/CN.4/1997/4/Add.1, Decisions 2, 6)

The main report notes that the Working Group (WG) gave particular attention to the resolution adopted by the Commission at its 1996 session (1996/79) on the situation in Nigeria and notes that six urgent appeals, concerning 44 individuals, were sent to the government jointly by the WG with other thematic and/or country rapporteurs. The report also notes that the government had not responded either to the urgent appeals or cases previously transmitted.

Decision No. 2 (1996) related to three individuals, all members of the Movement for the Survival of the Ogoni People (MOSOP), who were reportedly arrested in August 1995 following their appearance before the Commonwealth Human Rights Committee that toured Nigeria in July 1995. The information received indicated that the arrests were carried out without warrants by the Nigeria Police Mobile Force, Rivers State Command, under the order of the Commissioner of Police, Rivers State Command, and that the forces holding the defendants in detention at a Special Military Camp, AFAM, near Port Harcourt, were the State Intelligence and Investigations Bureau (SIIB). The information also indicated that the three had not been formally charged and their arrests were part of a scheme on the part of the military authorities to muzzle MOSOP and to force the Ogoni to abandon their legitimate campaign for social justice and respect for the rights of the minority Ogoni people. The WG noted that