

THEMATIC REPORTS

Mechanisms and Reports of the Sub-Commission

States of emergency, Special Rapporteur on:
(E/CN.4/Sub.2/1997/19/Add.1, Section I)

The report indicates that a state of emergency has been in effect in the north of the country since 1992. The report also indicates that a state of emergency was declared in January 1996 and lifted in May of that year, but did not affect the situation in the north.

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NIGERIA

Date of admission to UN: 7 October 1960.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Nigeria has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights
Acceded: 29 July 1993.

Nigeria's initial report (E/1990/C/Add.31) is scheduled for consideration by the Committee at its April/May 1998 session; the second periodic report is due 30 June 2000.

Civil and Political Rights
Acceded: 29 July 1993.

Nigeria's second periodic report is due 28 October 1999.

Racial Discrimination
Acceded: 16 October 1967.

Nigeria's 14th periodic report was due 4 January 1996.

Discrimination against Women
Signed: 23 April 1984; ratified: 13 June 1985.

Nigeria's second and third periodic report were submitted as one document (CEDAW/C/NGA/2-3) which is pending for consideration by the Committee at its July 1998 session; the fourth periodic report is due 13 July 1998.

Torture
Signed: 28 July 1988.

Rights of the Child
Signed: 26 January 1990; ratified: 19 April 1991.
Nigeria's second periodic report is due 18 May 1998.

COMMISSION ON HUMAN RIGHTS

Report on the situation of human rights in Nigeria by two Special Rapporteurs

The report on the situation of human rights in Nigeria, prepared by the Special Rapporteur (SR) on extrajudicial, summary or arbitrary executions and the SR on the independence of judges and lawyers (E/CN.4/1997/62), summarizes the difficulties encountered, the lack of cooperation from the Nigerian government and the resulting failure to conduct a joint mission. The arguments against a mission and the delaying tactics used by the government included statements to the effect that: a visit in July 1996 would be inappropriate in view of the ongoing consultations between the Secretary-General and the Nigerian President; since March 1996 the government

had been compelled to manage successive missions of the United Nations, the African Commission on Human Rights and the Commonwealth Ministerial Action Group; a visit no later than October 1996, (planned from 9 to 17 October) as stipulated by the SRs to ensure that their report to the General Assembly reflected the facts received during the mission, was not possible; and, a visit in the last week of November or the second week of December 1996 would be possible. The report notes that the SRs agreed to conduct their visit from 25 November to 5 December 1996.

Notwithstanding this agreement, the delaying tactics of the government continued, and the authorities requested confirmation from the Office of the High Commissioner for Human Rights (then, the Centre for Human Rights) in terms of the details and scope of the mandate for the visit. The government's position was that: the mandates were strictly based on thematic concerns and did not function like the mandates of Special Rapporteurs with a country focus; the Rapporteurs would be required to work strictly within their mandates; the issues to be discussed and places visited must be agreed with the government prior to the visit; and the visit could not extend beyond one week's duration, and must take place during the second week of December. The government also challenged the independence and impartiality of the two Rapporteurs and stated its doubts about their ability to conduct an impartial fact-finding mission and report their finding without bias.

The report notes that by the time the Commission's 1997 session began (10 March 1997), the visit had still not been conducted and negotiations were continuing over points raised and terms used by the SRs in various of their communications with the government. The points raised and objections lodged included a statement by the government on the need to clarify the terms of reference for the visit, limit the visit to one week and agree on the meaning of several terms contained in letters from the SRs, including "restricted areas" and "unfettered access".

The report also summarizes replies received from the government to allegations transmitted related to extrajudicial, summary or arbitrary executions and the independence of judges and lawyers. In terms of the cases related to deaths, the government variously replied that: the death was murder caused by an accidental discharge of firearms; the investigation was inconclusive and the ex-sergeant of police believed responsible was on the run; the murders did not occur and no report was received indicating otherwise; the police officer responsible was found guilty and dismissed; and, in two cases, the ex-corporals involved were tried and dismissed from the force and criminal proceedings were initiated. In terms of cases affecting judges and lawyers, the government variously replied that: the lawyers cited by the SR had never been detained; delays in trial were caused by the reconstitution of the Civil Disturbances Tribunal (i.e., in future, this tribunal would not have a military member and the verdict of the tribunal would be subject to appeal to a higher judicial tribunal); and the lawyers named had been detained but were released.

The SRs reiterated their observations, conclusions and recommendations made in the interim report to the 1996 General Assembly (A/51/538), highlighting a number of human