

sion of Nigeria (NECON) and the State Creation, Local Government and Boundary Adjustment Committee.

On elections, the report notes that local government elections were held in March 1997, without violence, but were marked by severe problems arising from a flawed registration process, pre-election screening of candidates and unresolved disputes about the delineation of constituencies. The state assembly elections, held in December 1997, were marked by an extremely low voter turn-out and the government's cancellation of the results in some constituencies. Elections of state governors, originally planned for late 1997, were re-scheduled, reportedly to take place at the same time as presidential elections in the third quarter of 1998. The SR reported that only five of 17 political parties which had applied for registration were registered, and refers to reports that four of the registered parties had chosen Sani Abacha as their joint presidential candidate. The SR also pointed out that, according to an April 1997 decree, the head of state had the authority to remove duly elected local council representatives from their positions. The report states that, on the basis of these considerations, non-governmental organizations and opposition groups had expressed doubt with regard to the genuineness of the commitments to return to civilian rule and restoration of democracy.

The review of mechanisms in Nigeria for the protection of human rights covers a number of points, including that there is no constitutional guarantee for the protection of human rights, ouster clauses had undermined the independence of the judiciary and, by decree, legal challenges to any military decrees were prohibited.

The report cites the decision of the African Commission on Human and Peoples' Rights, in *Civil Liberties Organization v. Nigeria*, in which the Commission held that Decree No. 107 of 1993 — the Constitution (Suspension and Modification) Decree, which restored the 1979 Constitution and suspended the application of its human rights provisions and excluded the jurisdiction of the courts — was a breach of articles 7 and 26 of the African Charter. Not only was Decree 107 a violation of human rights in itself, but it permits other violations of rights to go unredressed. The report also notes that the authority of the judiciary is further impaired because court orders are either disobeyed or implemented only after considerable delay. This was demonstrated in a number of cases in which the Federal High Court had ordered the release of prisoners who continued to be held, often in incommunicado detention.

In the section dealing with allegations of human rights violations, the report addresses a number of areas including, *inter alia*: excessive use of force by security forces and extrajudicial killings at roadblocks, during patrols, in the course of putting down disturbances and pro-democracy rallies, when combatting crime, and when dealing with detained persons. Concerning the justice system, the report notes the imposition of the death penalty following trials which fall short of international standards regarding fair trial; the execution of persons

under 18 years of age; deaths in custody as a result of cruel, inhuman and degrading treatment, as well as neglect and harsh and life-threatening conditions of detention. Further, it describes detention without trial for an indefinite period of time and the ousting of the jurisdiction of the courts in respect of challenges to arbitrary detention; frequent extension of detention orders beyond the period of three months; despite restoration of *habeas corpus*, refusal by the government — with impunity — to produce detainees as ordered by the court; continued arbitrary detention of trade union leaders, human rights activists, lawyers and journalists as well as detention of family members and other relatives of Nigerians living in exile or "underground"; establishment of special tribunals which are neither impartial nor independent, with the confirmation of sentences ultimately resting with the military; the denial of legal assistance to the accused, insufficient time to prepare a defence, punishment before the time for appeal has expired, long delays for persons awaiting trial, challenges in appeal court by the government of court orders granting bail and obtaining a stay of these orders; the seizure of passports with no reason given and no sanction for the action in law, with the apparent purpose of preventing individuals from attending international conferences or seminars and expressing their views at such meetings; detentions of persons upon their return from travel abroad; extremely harsh prison conditions, reportedly life-threatening, such as severe overcrowding, lack of basic sanitation, lack of adequate food and clean water, lack of ventilation and health care, chronic and debilitating diseases, skin infections, and refusal of the authorities to allow detainees to avail themselves of their own medical services; the holding of political detainees in remote locations, complicating access to visits by family members or medical personnel; decree provisions providing for the proscription and confiscation of any publication likely to disrupt the process of democracy and peaceful transition to civil rule or disturb the peace and public order; and criminalization of peaceful criticism of, or activities against, the transition to civilian rule.

With regard to media, the report addresses a number of areas including the imposition of significant registration requirements on newspaper and broadcasting enterprises; the announcement in January 1997 of the government's intention to establish a "press court" in order to charge journalists who report "untruths"; the establishment of a process of appointment by the government of the National Broadcasting Commission with the power to revoke radio and television licences in instances in which it decides that the applicant does not promote national interest, unity and cohesion.

The SR referred to the promulgation of various decrees infringing on the rights of professional bodies and trade unionists such as those eroding the independence and autonomy of the Nigerian Bar Association; criminalization of the association of a trade union with any other international association without government approval; dissolution of the elected national executive council of the Nigeria Labour Congress; dissolution of the elected