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COMMISSION ON HUMAN RIGHTS
Fifty-second session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia, Austria, Belgium*, Bulgaria, Canada, Czech Republic*, Denmark,
Estonia*, Finland*, France, Germany, Greece*, Hungary, Iceland*, Ireland*,
Italy, Liechtenstein*, Lithuania*, Luxembourg*, Malta*, Netherlands,
Norway*, Poland, Portugal*, Spain*, Sweden*, Switzerland*, United Kingdom
of Great Britain and Northern Ireland and United States of America:
revised draft resolution

1996/... The situation of human rights in Nigeria

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other human rights instruments and the Vienna Declaration and Programme of Action,

Reaffirming that all Member States have the duty to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments in this field,

Mindful that Nigeria is a party to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling Assembly resolution 50/199 of 22 December 1995 on the situation of human rights in Nigeria,

Deeply concerned about the human rights situation in Nigeria and the suffering caused thereby to the people of Nigeria,

Expressing concern that the absence of representative government in Nigeria has led to violations of human rights and fundamental freedoms, and recalling in this regard the popular support for democratic government as evidenced in the 1993 elections, and noting that local government elections on a non-party basis were held in March 1996,

Recalling the announcement made by the Government of Nigeria on 1 October 1995 in which it affirmed the principle of multi-party democracy and the principle of power-sharing, and its intention to lift the ban on political activities and the press, to devolve power to the local levels of government and subordinate the military to civilian authority,

Strongly disappointed that only limited action in this regard has followed, while noting some relaxation of restrictions on the media,

Taking note of the mission sent to Nigeria by the Secretary-General in pursuance of General Assembly resolution 50/199, following an invitation by the Government of Nigeria,

Noting with deep concern reports of grave violations of human rights, including arbitrary executions, arbitrary arrests and detention, failure to respect due process of law and excessive use of force against demonstrators, as described in, inter alia, reports submitted to the Commission on Human Rights by the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions,

Taking note also of the request of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/1996/37) and the request of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4) to undertake a joint investigative mission to Nigeria,

Noting with alarm that, among those detained, further persons may be tried by the same flawed judicial process which led to the arbitrary execution of Ken Saro-Wiwa and his associates,

1. Expresses its deep concern about violations of human rights and fundamental freedoms in Nigeria, and calls upon the Government of Nigeria urgently to ensure their observance, in particular by restoring habeas corpus, releasing all political prisoners, trade union leaders, human rights advocates

and journalists who are at present detained, guaranteeing freedom of the press and ensuring respect for the rights of all individuals, including persons belonging to minorities;

2. Calls upon the Government of Nigeria to ensure that trials are held strictly in conformity with international instruments to which Nigeria is party;

3. Also calls upon the Government of Nigeria to accede to the request of the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers to pay a joint investigative visit to Nigeria;

4. Further calls upon the Government of Nigeria to abide by its freely undertaken obligations under the International Covenant on Civil and Political Rights and other instruments on human rights, including the African Charter of Human and Peoples' Rights;

5. Calls upon the Government of Nigeria to cooperate fully with the relevant existing mechanisms of the Commission on Human Rights;

6. Notes the declared commitment of the Government of Nigeria to civilian rule, and urges it to take immediate and concrete steps to restore democratic government;

7. Requests the two thematic Special Rapporteurs who have requested a joint investigative visit to the country to submit to the Commission at its fifty-third session a joint report on their findings, along with any observations of other relevant mechanisms, in particular the Working Group on Arbitrary Detention, and requests them to submit an interim report to the General Assembly;

8. Decides on the basis of these reports to consider the situation of human rights in Nigeria at its fifty-third session under the same agenda item.
