

**Mandates of the Working Group on Arbitrary Detention and the Special Rapporteur on  
extrajudicial, summary or arbitrary executions**

REFERENCE: UA  
NGA 6/2014:

29 December 2014

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 24/7 and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **mass death sentences imposed on 54 soldiers by the Nigerian Army's 7 division General Court Martial**.

According to information received,

On Wednesday 17 December 2014, the Nigerian Army's 7 division General Court Martial convicted 54 soldiers for conspiracy to commit mutiny and sentenced them to death by firing squad. The facts of the case indicate that the soldiers, from the 111 Special Forces, were charged for disobeying a direct order from their commanding officer to take part in an operation on 4 August 2014 to recapture the towns of Delwa, Bulabulin and Damboa in Borno State held by the Boko Haram armed group.

The 54 soldiers refused to take part in the operation for a variety of reasons, including the failure of the army to provide them with the necessary equipment and support, the fact that many of the soldiers were ill and that there was no medical personal attached to their unit to provide medical assistance.

The trial proceedings of these 54 soldiers were reportedly unfair. Much of the trial was conducted in secret and there is a lack of clarity about the charges under which each of the soldiers was sentenced to death.

While we do not wish to prejudge the accuracy of these allegations, they seem to indicate violation of the rights to life, to liberty and the security of person, and to a fair trial as per articles 3 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 6 (1), 9, and 14 of the International Covenant on Civil and Political Rights (ICCPR), which was ratified by Nigeria on 29 July 1993. These articles guarantee the right of every individual to life, provide that this right shall be protected by law and that no one shall be arbitrarily deprived of his life. They also guarantee the right to fair proceedings before an independent and impartial tribunal.

According to articles 5 and 7 of the “Safeguards guaranteeing protection of the rights of those facing the death penalty”, approved by Economic and Social Council resolution 1984/50 of 25 May 1984, and article 6.4 of the ICCPR, capital punishment may only be carried out pursuant to a final judgment rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, including the right to adequate legal assistance at all stages of the proceedings; as well as the right to seek pardon, or commutation of sentence. Only full respect for stringent due process guarantees distinguishes capital punishment as possibly permitted under international law from an arbitrary execution.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, and of the irreversibility of the punishment of the death penalty, we call upon your Excellency’s Government to commute the death sentenced imposed on the above-mentioned soldiers, to halt their execution which, on the facts available to us, may constitute a violation of applicable international human rights standards. We further appeal to the State of Nigeria to commute the death sentence against the aforementioned individuals.

While awaiting a reply, we urge that all necessary interim measures be taken to halt any executions in Nigeria, including those of the aforementioned soldiers, and to consider imposing a moratorium on the death penalty as a step towards its complete abolition.

We may publicly express our concerns in the near future as we are of the view that the information received in this case is sufficiently reliable to warrant serious attention. Our public statement, if issued, will indicate that we have been in contact with your Excellency’s Government’s to clarify the issues in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Mads Andenas  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions