

**Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: UA  
SGP 6/2016:

17 November 2016

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions, and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 26/12 and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **imminent execution of Mr. Chijioke Stephen Obioha**, a Nigerian national sentenced to death for drug trafficking by a Singaporean court.

According to the information received:

On 9 April 2007, authorities in Singapore found Mr. Chijioke Stephen Obioha, a Nigerian national, in possession of more than 2.6 kilograms of cannabis. As this amount surpasses the 500 grams allowed by Singaporean law, Mr. Obioha was considered as a trafficker. He also had in his possession keys to a room containing additional prohibited substances, reinforcing against him the presumption that he was guilty.

On 30 December 2008, a Court in Singapore imposed the mandatory death sentence to Mr. Obioha for drug trafficking. His first appeal was rejected in August 2010. In April 2015, Mr. Obioha's clemency appeal was rejected, and his execution was scheduled to take place on 15 May 2015. In order to allow him to apply for resentencing, the Court granted him a stay of execution just one day before the scheduled date. The Court of Appeal subsequently lifted his stay of execution in October 2016. The High Court confirmed the sentence and Mr Obioha is due to be executed on 18 November.

Since the resumption of the moratorium on the death penalty established in July 2012, the authorities have reportedly executed at least five other people, including three for drug trafficking.

We express grave concern that the imposition of the death penalty against Mr. Obioha may be in contravention to the international standards.

Without expressing at this stage an opinion on the facts of the case, the above allegations appear to be in contravention of the rights of every individual to life, in accordance with articles 3, of the Universal Declaration of Human Rights (UDHR), and 11 of the ASEAN Human Rights Declaration.

International human rights standards prohibit the imposition of the death penalty for drug-related offences, which do not meet the threshold of the “most serious crimes”. The United Nations Safeguards guaranteeing protection of the rights of those facing the death penalty (ECOSOC resolution 1984/50 of 25 May 1984), stated that “in countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences”.

Moreover, international human rights law established a consistent *jus cogens* norm considering the automatic and the mandatory imposition of the death penalty as an arbitrary deprivation of life given the fact that this sentence does not take “into account the defendant’s personal circumstances or the circumstances of the particular offence”. (See: *Pagdayawon Rolando v Philippines*, Views of the Human Rights Committee, Communication No. 1110/2002, UN document CCPR/C/82/D/1110/2002, 8 December 2004, para. 5.2; and General Comment N°39 of the ICCPR, para 39.

Furthermore, according to universal standards of international human rights law, the disproportionate imposition of the death penalty for a crime not qualifying as a “most serious crime” (i.e. an intentional crime with lethal or other extremely grave consequences), as well as the mandatory imposition of death penalty for any crime, would violate the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as an international norm of *jus cogens* and, therefore, would also amount to an arbitrary execution.

In view of the urgency of the matter, and of the irreversibility of the punishment of the death penalty, **we respectfully call upon your Excellency’s Government, as a matter of urgency to halt the execution of Mr. Obioha, which - on the facts available to us - may constitute a violation of applicable international human rights standards, and thus an arbitrary execution. We further appeal to Singapore to annul the death sentence against him and to commute his sentence. We also call upon your Excellency’s Government to reinstate the moratorium on the use of the death penalty, with a view to its complete abolition.**

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.

It is our responsibility under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your

observations on any additional information and any comment you may have on the above mentioned allegations.

We also take this opportunity to inform your Excellency's Government that a copy of this letter will be shared with the authorities of Nigeria.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

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.

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Nils Melzer  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment