

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Arbitrary Detention; the Independent Expert on the enjoyment of all human rights by older persons; the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Working Group on discrimination against women and girls

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(Please use this reference in your reply)

10 June 2022

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions; Working Group on Arbitrary Detention; Independent Expert on the enjoyment of all human rights by older persons; Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 44/5, 42/22, 42/12, 43/22, 49/10 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **abduction of 62 passengers from the Abuja-Kaduna train on 28 March 2022 by individuals allegedly belonging to a non-State armed group**. The passengers are reportedly being held in inhumane conditions and are in imminent danger of their lives.

According to the information received:

On the evening of 28 March 2022, approximately 400 passengers boarded a train heading from Abuja to Kaduna. 20 minutes before arriving in Kaduna, what appeared to be a planned and coordinated attack by individuals allegedly belonging to a non-State armed group occurred, the train was first attacked with explosives, followed by shots fired for an hour. Eight persons, among them at least one woman, were reportedly killed, several injured and 62 individuals abducted as a result of the attack.

Among those abducted are reportedly:

- Abdullahi Muhammad, 24 years old, male;
- Abdulrahman Nura, 22 years old, male;
- Abubakar Garba, 48 years old, male;
- Abubakar Sadiq Zubairu, 52 years old, male;
- Aisha Umar, 49 years old, female;
- Amina Baaba, 52 years old, female;
- Auwal Aliyu Marafa, 34 years old, male;
- Ayodele Asiribo, 38 years old, male;

- Azurfa Lois John, 22 years old, female;
- Gaius Gambo Mamuda, 29 years old, male;
- Gladys Brume, 66 years old, female;
- Hannah Ajewole, 26 years old, female;
- Jessy John Mamuda, 27 years old, female;
- Maryam Bobbo Abubakar, 43 years old, female;
- Maryam Idris, 32 years old, female;
- Modin Modi Bodinga, 61 years old, male;
- Muhammad Muktar, 42 years old, male;
- Muhamad Sani Abdulmajid, 43 years old, male;
- Mukhtar Shuaibu, 41 years old, male;
- Osaluwe Kevin, 42 years old, male;
- Peace Aboi, 28 years old, male;
- Rashidat Busari, 49 years old, female;
- Sherifat Abdulfattah, 51 years old, female;

- [REDACTED], six years old, female
- [REDACTED], eight years old, male;
- [REDACTED], four years old, male and
- [REDACTED], two years old, female.

According to the information received, the group of abductees includes older persons, 18 women, including at least one pregnant woman, and five minors, the youngest, a girl, who is two years old. They are being held on the border between Kaduna state and Niger state. Several of these abductees would have been denied necessary medication for life-threatening diseases by their abductors. The latter are believed to be linked to Boko Haram or a related faction.

On 30 March 2022, the abductors reportedly called one person associated with each of the abducted victims to inform them that they were being held in their custody. An immediately expected ransom call did not materialise.

On 26 April 2022, the abductors released a passenger who stated in a video recorded by the abductors that they would not be demanding a ransom, but instead would be looking to negotiate with the Government. All phones of the abductees would have been switched off.

On 25 April 2022, the abductors released four photos of the victims as proof of life.

On 14 May 2022, the abductors released another woman who was known to be eight months pregnant.

On 23 May 2022, information was released that the Nigerian Government had captured eight children of the alleged abductors, aged between one and seven years, and placed them in an orphanage in Jimeta, Adamawa State, under the

supervision of the Nigerian army. It is believed that the abduction of the 62 passengers occurred in retaliation for the arrest and detention of the abductors' children by Nigerian security forces. As a result, the kidnappers had demanded the return of their children and the exchange of several of the group's members detained by the Nigerian Government in exchange for the abducted passengers. On the same day, the abductors issued an ultimatum demanding that the Government respond to their demands within seven days, failing which they would stop feeding the abductees or kill them.

On 25 May 2022, the abductors released a video showing six of the victims, including a Pakistani national and three women, pleading the Government to initiate a relief operation to rescue them.

On 28 May 2022, a temporary agreement was reportedly reached between the Government and the abductors. The Government was reportedly given a deadline of two weeks by the abductors, counted from 30 May 2022 to release the abductors' children, otherwise the abducted passengers would be killed.

It is reported that the Nigerian Government did not respond to repeated requests from persons associated with the victims requesting to launch investigations or search operations to locate and release the abductees. Reportedly, none of the persons associated with the victims had received information about any operational measures taken by State authorities to protect the abductees.

Initially, the Nigerian Government had indefinitely suspended the resumption of train services between Abuja and Kaduna due to the attack. The recent resumption of these services raises concerns that more individuals could be put at risk, as concerns about protection against non-State armed groups in the region have reportedly not been resolved.

While we do not wish to prejudge the accuracy of these allegations, we express our most serious concern at the abduction of 62 persons including pregnant women and children by individuals allegedly belonging to a non-State armed group in connection with the attack of the Abuja-Kaduna train on 28 March 2022, and the imminent danger to their lives. We also deplore that six individuals were killed and several others injured during the attack of the train and that 60 persons continue being held in allegedly inhumane conditions.

Without making any judgment as to the accuracy of the information made available to us, the above allegations appear to be in contravention of the abductees' right to life; to be free from torture or cruel, inhuman or degrading treatment or punishment and to liberty and security enshrined in articles 6, 7, and 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Nigeria on 29 July 1993. Given that minors were reportedly among those abducted, we would like to refer to the right of every child to the protection measures required by their status as a minor, as enshrined in Article 24 of the ICCPR. We remind your Excellency's Government of its obligation to provide effective remedies to victims, including

through the duty to investigate alleged violations of human rights law under Article 2 of the ICCPR. We further highlight Article 39 of the Convention on the Rights of the Child (CRC), ratified by Nigeria on 19 April 1991, under which States are obliged to take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. The provision also stipulates that such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

In light of the reported killings and abductions as well as allegations that several of the abducted individuals lack access to medical care and may be in danger of losing their lives as a result, we recall that your Excellency's Government holds positive obligations to ensure and protect the right to life, which constitute an international customary law and *jus cogens* norm from which no derogation may be made by invoking exceptional circumstances such as internal political instability or other public emergency as provided for in Article 4(2) ICCPR. States parties are expected to take all necessary measures to prevent the arbitrary deprivation of life including by non-State actors (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18). This means that immediate preventive measures must be taken by State authorities to protect the right to life as soon as a life-threatening situation becomes known for a specific group of individuals.¹

We reiterate the observation by the Special Rapporteur on extrajudicial, summary or arbitrary executions indicating that “the State may be held responsible for the conduct of non-State actors when it can be shown that it has failed to exercise due diligence to prevent, investigate and respond to such conduct” (A/HRC/38/44); para. 22). In addition to this, the report provides in its recommendations that States should “fully implement their obligation to protect against killings by armed non-State actors and evaluate current due diligence mechanisms in light of these actors’ activities and strengthen their implementation, in full respect of international human rights law”, as well as the duty to “hold individual members of armed non-State actors to account under international human rights law and international criminal law, when applicable” (para. 97).

We are concerned by the alleged lack of transparency in relation to investigative steps taken by State authorities towards persons associated with the victims in the face of the relatives’ suffering. Furthermore, the alleged abduction and detention of the Abuja - Kaduna train passengers may inflict conditions that amount to torture or to cruel, inhuman or degrading treatment or punishment on them, therefore violating articles 1, 2 and 16 of the Convention against Torture (CAT) also ratified by Nigeria on 28 June 2001. Their captivity may also seriously affect their mental and physical health, violating their right to health protected under article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) acceded to by Nigeria on 29 July 1993.

¹ Inter-American Court of Human Rights, González et al ("Cotton Field") v Mexico, Judgment of November 16, 2009, para. 258.

We are also alarmed by the captivity of minors, placing their lives in danger, and remind your Excellency's Government, with reference to Article 24 of the ICCPR and to General Comment No. 36 adopted by the Committee on Civil and Political Rights, that the obligation to protect the right to life requires States Parties to take special measures to protect persons in vulnerable situations whose lives have been placed at particular risk by specific threats or pre-existing patterns of violence, including children (CCPR/C/GC/36, para. 23).

Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, recommended by the Economic and Social Council resolution 1989/65 of 24 May 1989, and the United Nations Revised Manual for the Effective Investigation of Extra-Legal, Arbitrary and Summary Executions (The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016)) and should aim to ensure that perpetrators are brought to justice, promote accountability and prevent impunity, avoiding denial of justice and drawing lessons necessary to review practices and policies with a view to avoiding repeated violations. Investigations must always be independent, impartial, prompt, thorough, effective, credible and transparent in accordance with the abovementioned Principles, in particular Principle 9. In the same vein, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has noted on several occasions that States must adopt reasonable measures to prevent violations and to investigate, prosecute, punish and provide reparation when human rights are violated by terrorist groups arise, in accordance with the ordinary rules of criminal law and procedure. This obligation implies that the eventual trial of a person accused of involvement in the act of terrorism must meet international standards of a fair and public hearing before an independent and impartial tribunal (A/HRC/20/14).

In addition, we refer to Principle 8 of the mentioned Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, which states that no exceptional circumstances, such as internal instability or other public emergency, may be invoked as a justification for departing from these basic principles. A failure to investigate violations of the ICCPR and bring perpetrators, including non-State actors, of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13, paras. 15).

Finally, we remind your Excellency's Government that the positive obligations of the State towards victims of terrorism go beyond the investigation of terrorist acts. All survivors of terrorism must be protected and assisted. Victims collectively have the right to be recognized, to be treated with compassion and respect for their dignity, and to be informed of their right to adequate, effective, and prompt reparation. Victims of terrorism need to have legal recognition and status, as well as access to adequate remedies, including physical and psychosocial support, legal and material assistance, justice and truth (A/HRC/16/51, para. 25).

We urge your Excellency's Government to take immediate, effective and transparent measures to ensure the right to life of all individuals involved and effectively prevent further violations that may result from the reported abduction. We request the immediate notification of persons associated with the victims as to whether such steps have been taken.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for the observations of your Excellency's Government on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the steps taken by your Excellency's Government to protect and ensure the rights to life, to be free from torture or cruel, inhuman or degrading treatment or punishment and to liberty and security of the 60 abducted individuals.
3. Please provide information on any steps taken or envisioned to be taken in order to obtain the release of the above mentioned individuals. Please also provide detailed information on the status of the investigations into the killings of the individuals and the identification of the perpetrators, including information on the investigations' compliance with the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016). In case no such investigation has been initiated, please explain why.
4. Please provide information on any steps taken to protect the women abducted, from any acts of gender-based violence including sexual violence, and that the pregnant woman who has been released have appropriate access to prenatal care and health services.
5. Please provide information on the available policies and legislations or the efforts taken to protect the rights of individuals from violations by non-State armed groups in Nigeria.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and protect and ensure the right to life of all individuals involved 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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should

be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We would like to inform your Excellency that a copy of this letter will be transmitted to the Government of Pakistan.

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

Morris Tidball-Binz

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