

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AFR 44/032/2003 (Public)
News Service No: 222
25 September 2003

Nigeria: Amina Lawal's death sentence quashed at last but questions remain about discriminatory legislation

Amnesty International welcomes the decision today by the *Sharia* Court of Appeal of Katsina State, in northern Nigeria to quash Amina Lawal's sentence to death by stoning handed down by a *Sharia* court at Bakori, in Katsina State on 22 March 2002.

According to her defence lawyer, Amina Lawal was freed on the grounds that neither the conviction nor the confession were legally valid. Therefore no offence as such was established.

"Amina Lawal's case should not have been brought to a court of law in the first instance. Nobody should ever be made to go through a similar ordeal," Amnesty International said.

Amnesty International also welcomes the stand taken by women's groups who have mobilised ahead of today's ruling and who have condemned the gender-biased attitude in the decisions of some *Sharia* courts in Nigeria.

While Amina Lawal's conviction was quashed, an appeal for another court case involving a death penalty sentence against Fatima Usman and Ahmadu Ibrahim is still pending with a *Sharia* Court of Appeal in Minna, Niger State. This shows that the work in support of women and men exercising their right to freedom of expression and association, freedom from discrimination and the right to privacy should continue.

"The death penalty is the ultimate violation of the right to life and also constitutes a cruel, inhuman and degrading punishment in all circumstances. Amnesty International calls on the Nigerian government and civil society to seize this opportunity and address an issue that has caused unnecessary harm and distress for many Nigerian citizens," Amnesty International added.

The federal government of Nigeria should take steps to abolish the death penalty and amend all pieces of legislation which introduce the death penalty as well as cruel, inhuman and degrading punishments at all levels of the Nigerian legislation, including the *Shari'ah* penal legislation.

Amnesty International reminds that punishments such as stoning, flogging or amputation, included in the new legislation are considered cruel, inhuman and degrading treatment by international human rights standards. These punishments are in contradiction with the Convention against Torture ratified by the Republic of Nigeria in June 2001.

Consensual sexual relations outside marriage between adults are not recognizable criminal offences under emerging international human rights standards. The Human Rights Committee holds that: "... it is undisputed that adult consensual sexual activity in private is covered by the concept of 'privacy'." Charging and detaining women for sexual relations violates their right to free expression and association, freedom from discrimination, and the right to privacy.

Amnesty International continues the campaign to call for the abolition of all discriminatory laws and opposes the criminalization of consensual sexual activity between adults in private and the imprisonment of anyone solely on that basis.

Background

Amina Lawal was found guilty by a *Sharia* Court in March 2002 after bearing a child outside marriage. Under new *Sharia Penal Legislations* in force in several northern Nigerian states since 1999, this was sufficient for her to be convicted of the offence of adultery as defined in the new *Sharia Penal laws* of Katsina state and summoned to appear before a *Sharia* tribunal to respond to this charge which now carries the mandatory punishment of death by stoning. The request of appeal for Amina Lawal's court case went through several adjournments before this last hearing.

/Ends ...

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

For latest human rights news view <http://news.amnesty.org>