

* This is a limited action - please restrict appeals to four per Section *

UA 295/00 Fear of ill-treatment / legal and medical concern

27 September 2000

NIGERIA Bariya Ibrahim Magazu [f], aged 17, sentenced to flogging
Musa Gummi [m], aged 45, sentenced to have a hand amputated

A man has been sentenced to have his hand amputated, and a 17-year-old girl has been sentenced to flogging in Zamfara State in northern Nigeria. Amnesty International is concerned that these and other cruel, inhuman and degrading punishments could be carried out in the near future.

Bariya Ibrahim Magazu was sentenced to 180 strokes of the cane by a *Sharia* (Islamic Law) court in Tsafe, Zamfara State, in early September 2000. She is to receive 100 lashes for having sexual relations outside marriage and a further 80 lashes for allegedly falsely accusing three men of having sexual relations with her. She had no legal representation and was unable to produce witnesses to substantiate her claim that the three men paid to have sexual relations with her, and that one of them could be the father of the child she is expecting. She was arrested in July by police and is currently in the care of her parents. The sentence will not be carried out until at least 40 days after the delivery of her baby, which is expected in November.

On 23 September a Zamfara State official reported that Musa Gummi, a man from the village of Gummi, had been convicted of stealing three bicycles and sentenced to have his hand amputated. No further information was available on his case.

BACKGROUND INFORMATION

In January, Zamfara State introduced harsher punishments under the new Zamfara State *Sharia* Penal Code, extending the jurisdiction of *Sharia* courts to criminal as well as to civil and personal law cases. Since then, a number of floggings and one amputation have been reported in the state (see UA 46/00, AFR 44/01/00, 22 February 2000 and UA 72/00, AFR 44/02/00, 28 March 2000).

In the town of Kaura-Namoda, two men recently received 80 lashes each for drinking alcohol: Hassan Umoru on 15 September and Lawali Jekada on 22 September. On 22 September, also in Kaura-Namoda, Kabiru Salisu was given 50 strokes of the cane and sentenced to six months' imprisonment for stealing a shirt, reportedly having been arrested, convicted and punished all on the same day. In the village of Dutsi, Haruna Dutsi and his wife Aishat were flogged in public on 22 September, receiving 80 lashes each for allegedly making a false accusation against a village leader of having sexual relations with their daughter. On 26 September, Garuba Bagobiri-Unguwaro and Mohammadu Danige received 20 lashes each in front of a large crowd near Maru after being convicted of gambling.

Nigeria is a party to international human rights treaties which prohibit torture and cruel, inhuman or degrading punishment, including the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child, the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the UN Convention on the Rights of the Child.

The Federal Nigerian Government has advised citizens whose rights have been violated to appeal to the higher courts. However, sentences may be carried out very quickly after conviction and most defendants have no means to bring an appeal.

There is a serious risk that women who have been raped or coerced into prostitution, or people who try to stop the sexual abuse of children, may be unable to obtain justice or redress. They may also be deterred from reporting such offences for fear of being convicted of slander and sentenced to a lashing, especially since they are unlikely to be able to meet the requirement, in the absence of a confession, to produce four witnesses to the offence.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- expressing concern that Bariya Ibrahim Magazu, a 17-year-old girl, has been sentenced to flogging and that Musa Gummi has been sentenced to having his hand amputated;
- explaining that although Amnesty International takes no position on any country's religious or legal system, it is unconditionally opposed to the use of flogging and amputation as punishment, as these constitute torture or cruel, inhuman or degrading punishment;
- asking for further information about the arrests and trials in these two cases, in particular the dates and places of the trials, the charges and nature of the evidence, whether the defendants had legal counsel during their trials, and whether they were advised of their right to appeal to higher courts, including the Supreme Court;
- asking whether the defendants will be medically examined before the punishment is carried out and what criteria will be used to determine whether they are deemed physically able to withstand it;
- urging the authorities to abolish all torture and cruel, inhuman or degrading punishments, and to bring law and practice into line with obligations under Nigeria's 1999 Constitution and the legally-binding international agreements mentioned above;
- appealing for these and other sentences of corporal punishment to be commuted.

APPEALS TO:

His Excellency
Alhaji Ahmed Sani
State Governor, Government House
Gusau, Zamfara State, Nigeria
(or through the Nigerian Embassy or High Commission in your country)

Alhaji Ibrahim Okala
Commissioner for Justice and Attorney General
Government House
Gusau, Zamfara State, Nigeria
(or through the Nigerian Embassy or High Commission in your country)

COPIES TO:

Chief Bola Ige
Minister of Justice and Attorney General of the Federation
Ministry of Justice, Abuja, Federal Capital Territory, Nigeria
Fax: + 234 9 523 5208 c/o Minister of Foreign Affairs (marked for attention Minister of Justice)

E-mail:president.obasanjo@nigeriagov.org or ssa@nopa.net
c/o Presidency (marked for attention Minister of Justice)

Alhaji Sule Lamido
Minister of Foreign Affairs
Ministry of Foreign Affairs
Maputo Street, Zone 3, Wuse District
PMB 130, Abuja, Federal Capital Territory, Nigeria
Fax:+ 234 9 523 0208

and to diplomatic representatives of Nigeria accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 7 November 2000.