

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **Nigeria: Amina Lawal - the Nigerian government's double speech**

In the run up to presidential, general and state elections, due in 2003, and with international attention focused on the Miss World contest to be held in Abuja in December, Amnesty International is concerned that the appeal launched in August 2002 by Amina Lawal to the Upper Shari'a Court of appeal in Katsina against her death sentence still does not have a date for a hearing.

The international human rights organisation fears that conflicting statements by the Nigerian authorities at state and federal level on the case of Nigerians convicted under the Sharia Penal Codes in northern Nigeria, such as Amina Lawal, could lead to a further deterioration of their human rights situation.

"The Federal Government seems to deliberately deliver two contradictory speeches for internal and international audiences. Despite reassurances by President Obasanjo, the Government is still failing to take effective measures to ensure that the new Shari'a penal legislation is in line with the Nigerian constitution and the country's obligations under international human rights instruments."

"The argument that the states of the federation are entitled to introduce their own penal codes is untenable as these codes introduce provisions that breach human rights standards, which should apply all over the country at the federal and national levels", Amnesty International said.

President Obasanjo, who has in several occasions stated his opposition to the application of the death penalty in his country, said in a public appearance on 1 October 2002 that "... we cannot imagine or envisage a Nigerian being stoned to death (...) it has never happened. And may it never happen".

On 20 August 2002, Minister of Justice Kanu Agabi said that his government would challenge the decision by a Shari'a court to turn down Amina Lawal's appeal against a death sentence and added that "the death sentence on Amina... raised substantial issues of law and fact worthy of the attention of the Court of Appeal."

However, on 4 November Nigerian Foreign Minister Sule Lamido was reported to defend the use of Shari'a law in general shying away from the issue which is the institution and implementation of new penal codes which have brought about a drastic change in the application of Shari'a law in Nigeria. These new penal codes are posing a serious challenge to the Nigerian constitution and to Nigeria's obligations under international human rights law, including under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the

International Covenant on Civil and Political Rights, and the African Charter for Human and People Rights.

"The prolonged interval between sentence and further hearing of Amina Lawal's appeal we are currently witnessing means that she is still threatened by the death penalty. No date has been given for the next appeal hearing until now", Amnesty International said .

"The truth is that, despite the outrage widely expressed by the international community, Amina Lawal. Ahmadu Ibrahim, Fatima Usman, Yunusa Rafin Chiyawa and Sarimu Mohammed are still facing the death penalty, and that Cruel, inhuman and degrading punishments such as flogging and amputation are being passed regularly in Shari'a courts in northern Nigeria", Amnesty International added.

## **Background**

Several Northern States in Nigeria have gradually introduced new Sharia Penal Legislation since 1999. Thus, they opened the door for the application of death sentences, torture and other cruel, inhuman and degrading punishments.

The Nigerian constitution guarantees the right to life and to freedom from torture and cruel inhuman and degrading punishments and the right to fair trial. Nigeria is a state party to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights. The ICCPR protects the rights to life and establishes that, in countries which have not abolished the death penalty, sentences of death must be imposed only for "the most serious crimes". This has been interpreted by several United Nations bodies, including the United Nations Commission on Human Rights to be limited and not go beyond "... intentional crimes with lethal or extremely grave consequences and ... not to be imposed for non-violent acts." (United Nations Human Rights Commission Resolution 2002/77, para 4cc).

Amnesty International is strongly opposed to the death penalty in all circumstances on the grounds that it represents the ultimate cruel inhuman and degrading punishment and violates the right to life.

## **Public Document**

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