

PUBLIC

AI Index: AFR 44/001/2001

12 January 2001

**** Please limit appeals to four per section ****

Further information on UA 295/00 (AFR 44/11/00, 27 September 2000) and follow-up (AFR 44/13/00, 14 December 2000) - Fear of ill-treatment / legal and medical concern

NIGERIA Bariya Ibrahima Magazu (f), sentenced to flogging

Lawyers acting for Bariya Ibrahima Magazu, who was sentenced to 180 lashes in September 2000 for having sexual relations outside marriage, now reportedly stand a good chance of ensuring that she is allowed to appeal against her sentence. Local human rights groups have been involved in supporting her right to appeal.

She was pregnant when she was convicted, and the sentence was to have been carried out after the birth of the child. She gave birth in late December, but court officials have now reportedly said the punishment will not be carried out for at least a year, until after the baby is weaned, and will be reduced.

The Zamfara State authorities have reportedly said they are unwilling to respond to appeals from human rights groups but that they are open to arguments based on Islamic law made through the courts. There appear to be grounds for appeal, including the fact that Bariya Ibrahim Magazu was apparently coerced into having sex and that, even if she gave consent, she may be younger than previously reported and below the legal age of consent.

Under the Sharia Court Act of October 1999 and the Sharia Penal Code of Zamfara State of January 2000, she has a right of appeal to the higher courts. She was convicted by the Higher Sharia Court in Tsafe, Zamfara State, and may appeal to the Upper Sharia Court in Gusau, and then, if unsuccessful, to the Zamfara State Sharia Court of Appeal, the Federal Court of Appeal and the Supreme Court. Lawyers acting on her behalf made an application on 9 January 2001 to the Upper Sharia Court in Gusau for a copy of the trial court proceedings and for leave to appeal. The trial court proceedings are expected to be made available on 18 January.

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

- welcoming reports that the punishment of Bariya Ibrahim Magazu has been postponed, and that she may be allowed to exercise her full rights of appeal under the law;
- urging the authorities to allow her to exercise those rights of appeal, and provide her with any assistance she needs to do so;
- in the event that the appeal is rejected, urging that the punishment is not carried out.

APPEALS TO:

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

Chief Bola Ige
Minister of Justice and Attorney General of the Federation

2

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

ssa@nopa.net

c/o Presidency (marked for attention Minister of Justice)

COPIES TO:

Alhaji Sule Lamido
Minister of Foreign Affairs
Ministry of Foreign Affairs
Maputo Street, Zone 3, Wuse District
PMB 130, Abuja, Federal Capital Territory, Nigeria
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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 23 February 2001.