

23 January 2001

Further information on UA 295/2000 (AFR 44/11/00, 27 September 2000) and follow-ups (AFR 44/013/2001, 14 December 2000; AFR 44/001/2001, 12 January 2001) - Fear of ill treatment / legal and medical concern

NIGERIA Bariya Ibrahima Magazu (f), sentenced to flogging

Bariya Ibrahima Magazu received 100 lashes on 19 January, at the Higher Sharia Court in Tsafe.

The Deputy Governor of Zamfara State confirmed on 22 January that the sentence had been carried out. He said that the main purpose of the punishment had been to inflict public disgrace rather than physical pain. Bariya Ibrahima Magazu was reportedly fully clothed throughout the punishment, and able to walk home afterwards. Officials had earlier said that a medical officer would ascertain whether she could withstand the punishment before it was carried out. The flogging was reportedly carried out in front of dozens of her neighbours.

A Court in Tsafe had sentenced her in September 2000 to 100 lashes for having sexual relations outside marriage, and a further 80 lashes for falsely accusing three men of coercing her into having sex. A street hawker, her exact age is unknown: she was believed to be 17, but it has been reported that she could be younger.

Following the birth of her baby in December 2000, the court announced that she would be punished on 27 January 2001. Lawyers acting on her behalf applied to the Upper Sharia Court in Gusau on 9 January for a copy of the trial court proceedings and for leave to appeal. Court officials then announced that her conviction for making a false accusation had been overturned, and her sentence had been reduced to 100 lashes. The punishment was reportedly to be postponed for at least 12 months, until her baby was weaned.

The Zamfara State authorities said that they were open to arguments based on Islamic law made through the courts. However, they were unwilling to respond to appeals from the international community, Nigerian human rights groups who had taken up the case or the Federal Government in Abuja.

It appears that the punishment was carried out without the defendants' lawyers being informed, and while their application for leave to appeal was pending in the courts. Nigerian human rights groups and the committee of Muslim lawyers, acting on her behalf, have expressed shock and concern. The action of the Zamfara State authorities in this case heightens fears that others convicted by the courts will not be able to exercise their full rights of appeal.

Many thanks to those who have sent appeals. Please send a final round of telegrams/telexes/faxes/express/airmail letters in English or your own language:

- expressing disappointment and shock that Bariya Ibrahim Magazu was flogged while an application for leave to appeal was still pending in the courts;

- expressing particular concern that the authorities carried out this punishment on a young girl without investigating or prosecuting those who abused or exploited her;
- urging that state courts respect the rights enshrined in the Nigerian Constitution and observe legal procedures available under both Islamic and secular law which would ensure a humane, equitable and fair treatment of defendants;
- urging the authorities to allow defendants sentenced to corporal punishment to exercise their full rights of appeal to the higher courts, and not to obstruct their attempts to do so on procedural grounds;
- reiterating Amnesty International's opposition to corporal punishment that amounts to cruel, inhuman and degrading treatment, and reminding the authorities that such punishment contravenes Nigerian's Constitution and international human rights treaties to which Nigeria is party.

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)

Mamuda Aliyu Dallatun Shinkafi
Deputy State Governor, Government House
Gusau, Zamfara State, Nigeria
(or through the Nigerian Embassy or High Commission in your country)

COPIES TO:

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Alhaji Sule Lamido
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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 1 March 2001.