

NIGERIA Yunusa Rafin Chiyawa (m), farmer

Yunusa Rafin Chiyawa from northern Nigeria is at risk of imminent execution. He was sentenced to death by stoning on 21 June by a Shari'ah Court in Bauchi State. He was reportedly not represented by a lawyer during his trial and received a sentence which violates international human rights law.

The Shari'ah Court of Ningi in Bauchi State, found Yunusa Rafin Chiyawa guilty of adultery, following his confession of having sexual relations with his friend's wife in the village of Alkaleri.

The same court had previously freed the woman involved, after she swore before the court that Yunusa Rafin Chiyawa had put a spell on her. The judge concluded that the woman had suffered temporary insanity and therefore would not be punished for having committed adultery. Yunusa Rafin Chiyawa was given 30 days to appeal against the sentence. He has allegedly stated that he does not wish to appeal.

BACKGROUND INFORMATION

Amnesty International unconditionally opposes the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment. A majority of states in Africa and in the world have abolished the death penalty in law or in practice.

However, since Zamfara State introduced a new Shari'ah-based penal code in January 2000, eleven more states, from northern Nigeria, including Bauchi State have introduced new penal codes or laws inspired by the Shari'ah and applicable to members of the Muslim faith.

The new Shari'ah penal codes allow Shari'ah Courts to impose the death penalty for offences such as adultery, which previously did not carry such a heavy sentence. Under the previous Penal Code of Northern Nigeria and the Nigerian Criminal Code which is applicable in South, cases involving capital punishment can only be tried by the State High Court. Yunusa Rafin Chiyawa was however tried before a Shari'ah Court in Bauchi State.

The new Shari'ah penal codes and Shari'ah codes of criminal procedure violate many international human rights standards which Nigeria has ratified. These include the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment (CAT) and The International Covenant on Civil and Political Rights (ICCPR).

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern at reports that Yunusa Rafin Chiyawa was sentenced to death by a Shari'ah court on 21 June 2002;
- calling for the death sentence not to be carried out as it blatantly violates international legal standards, which Nigeria has ratified;
- explaining that Amnesty International opposes the death penalty in all cases on the grounds that it is a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment;

- expressing concern that Yunusa Rafin Chiyawa was reportedly not provided with legal representation at an unfair trial;
- 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.

APPEALS TO:

His Excellency
Ahmadu Mu'azu (PDP)
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Fax: + 234 7 754 2611
Salutation: Your Excellency

Alhaji Sule Lamido
Minister of Foreign Affairs
Ministry of Foreign Affairs
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Fax:+ 234 9 523 0208
Salutation: Dear Minister

COPIES TO: Diplomatic representatives of Nigeria accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.