

14 December 2000

Further information on UA 295/00 (AFR 44/11/00, 27 September 2000) - Fear of ill-treatment / legal and medical concern**NIGERIA Bariya Ibrahima Magazu (f), aged 17, sentenced to flogging
Musa Gummi (m), aged 45, sentenced to have a hand amputated**

In early December the judge who convicted a 17-year-old pregnant girl to flogging reportedly said that the sentence will be carried out despite appeals from human rights groups.

Bariya Ibrahim Magazu is due to give birth any day and it is feared that the sentence will be carried out soon after the birth, although no judicial appeal against her conviction or sentence are known to have been heard.

Bariya Ibrahim Magazu was sentenced to 180 strokes of the cane by a *Sharia* (Islamic law) court in Zamfara State in northern Nigeria in early September. She had no legal representation and was unable to produce sufficient witnesses to substantiate her allegation that she had been forced to have sex with three men, one of whom had made her pregnant. She was sentenced to 100 lashes for having sexual relations outside marriage, and to a further 80 lashes for falsely accusing the three men. The authorities are not known to have ordered paternity tests when the child is born.

It remains unsure what happened to Musa Gummi, who was sentenced to have his hand amputated for theft, also at the beginning of September.

This year, a number of floggings and one amputation have been reported after several states in northern Nigeria introduced harsh corporal punishments under new laws and penal codes based on an interpretation of *Sharia*. Amnesty International considers such punishment to be cruel, inhuman and degrading, in contravention of Nigeria's constitution and international human rights standards to which Nigeria is a party, including the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights, 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.

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

- expressing concern that the flogging of 17-year-old Bariya Ibrahim Magazu will reportedly go ahead, although no appeal against her conviction or sentence is known to have been heard;
- urging the authorities to take action to prevent the flogging from being carried out, reminding them that such punishment contravenes Nigeria's Constitution and international human rights treaties to which Nigeria is party;
- asking that she and other defendants facing harsh corporal punishment be provided with state-funded legal counsel and guaranteed the exercise of their full rights of defence and appeal;
- 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 on the grounds that this constitutes torture or cruel, inhuman and degrading punishment;
- asking what action the authorities have taken in this case to ensure that a person who appears to be more victim than offender is not harshly punished, while those responsible for wrongdoing escape justice.

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 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
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)

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and to diplomatic representatives of Nigeria accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.