

* This is a limited action - please restrict appeals to one per Section *

UA 46/00

Ill-treat

NIGERIAZuweira Aliyu (f), aged 16
Sani Mamman, aged 18
Bahiru Sule

A 16-year-old girl has been sentenced to 100 lashes by a *Sharia* (Islamic law) court in northwestern Nigeria. Nigeria is a party to international agreements which prohibit torture and cruel, inhuman or degrading punishment.

On 16 February 2000 Sani Mamman, a young man aged 18 years, and Zuweira Aliyu, a 16-year-old girl, were sentenced to 100 lashes. They had been convicted of sexual relations outside marriage in Tsafe, Zamfara State in northwestern Nigeria. The sentence was carried out on Sani Mamman immediately, in public and in front of his co-defendant. Officials said that the sentence would be carried out on Zuweira Aliyu after she recovered from an unspecified illness.

In an earlier case in Zamfara State on 10 February 2000, Bahiru Sule was convicted of drinking alcohol and sentenced to 80 lashes. He was beaten on his back as he lay on a bench, in front of a crowd of hundreds in the state capital, Gusau. Officials said he was arrested after he was seen drinking by a vigilante group set up to monitor observance of *Sharia* in the state.

It was not clear whether the defendants in either of these cases were allowed full rights of defence, including representation by a lawyer, adequate opportunity to challenge evidence against them, or an effective right of appeal against conviction or sentence to a *Sharia* Court of Appeal or any other higher court, including the Supreme Court.

BACKGROUND INFORMATION

Since the return to civilian rule in May 1999, several states in northern Nigeria have taken steps to apply *Sharia* more strictly. Human rights and other groups, including women's groups, have expressed fears about these moves. On 27 January 2000 the jurisdiction of *Sharia* courts in Zamfara State was extended to criminal as well as to civil and personal law cases. On 21 February the Governor of Niger State announced that a law adopting *Sharia* had been passed by the State Assembly and would come into force in May. On 22 February troops and police sought to end clashes between Muslim and Christian communities in the northern city of Kaduna after at least 25 people were killed following a demonstration against the extension of *Sharia* in Kaduna State.

Under the 1959 Penal Code which applies throughout northern Nigeria, the following offences are punishable by imprisonment or a fine and, for Muslims, a lashing: adultery, for 'those subject to any native law or custom in which extra-marital sexual intercourse is recognised as a criminal offence' (Sections 387 and 388); and the consumption of alcohol, for Muslims (Section 403). According to the Zamfara State authorities, the new legislation in Zamfara State would provide for flogging for the consumption of alcohol or lying, the amputation of limbs for stealing, and stoning to death for adultery. Under Article 34 of Nigeria's 1999 Constitution, "no person shall be subject to torture or to inhuman or degrading treatment".

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

- expressing concern at the use of corporal punishment on Bahiru Sule in Gusau on 10 February and on Sani Mamman on 16 February, and that a sentence of 100 lashes was passed on 16-year-old Zuweira Aliyu;
- explaining that Amnesty International takes no position on any legal or religious system introduced in any country but that it unconditionally opposes the judicial corporal punishment of flogging -- on the grounds that flogging amounts to torture or cruel, inhuman or degrading punishment -- and unfair trials which result in flogging, under whatever legal system they occur;
- asking for further information about the arrest and trial of the three people named above, in particular the date and place of the trials, whether the defendants were allowed representation by defence counsel or adequate opportunity to challenge the evidence against them, and whether they were allowed a right of appeal against conviction and sentence to the *Sharia* Court of Appeal or any other higher court, including the Supreme Court;
- asking whether the defendants were medically examined before punishment was carried out;
- expressing particular concern that corporal punishment was inflicted in contravention of Article 34 of Nigeria's 1999 Constitution, and to Nigeria's international treaty obligations under the African Charter on Human and Peoples' Rights which it ratified in 1983, the International Covenant on Civil and Political Rights which it ratified in 1993, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which it signed in 1988, all of which prohibit torture and inhuman or degrading punishments;
- appealing for no further corporal punishments to be carried out, and for all torture and cruel, inhuman or degrading punishments to be abolished in law.

APPEALS TO:

His Excellency
Alhaji Ahmed Sani
State Governor, Government House
Gusau, Zamfara State, Nigeria

Alhaji Ibrahim Okala
Commissioner for Justice and Attorney General
Government House
Gusau, Zamfara State, Nigeria

COPIES TO:

Chief Kanu Godwin Agabi
Minister of Justice and Attorney General of the Federation
Ministry of Justice
Abuja, Federal Capital Territory, Nigeria
Fax: + 234 9 523 5208 / c/o President's Press Office + 234 9 523 2136 (marked for attention Minister of Justice)
E-mail: president.obasanjo@nigeriagov.org (marked for attention Minister of Justice)

The Hon. Justice P.K. Nwokedi
Chairman, National Human Rights Commission
National Assembly Complex, Maitama, PMB 444, Garki
Abuja, Federal Capital Territory, Nigeria
Fax: + 234 9 523 4149

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 21 March 2000.