

URGENT ACTION

RETRIAL ORDERED FOR SINGER ON DEATH ROW

On 21 January, an Appeal Panel ordered the case of 22-year old Yahaya Sharif-Aminu be retried by a different judge on the basis that he was not represented by a legal representative throughout his trial. The singer was convicted and sentenced to death by hanging for blasphemy in August 2020. He was accused of circulating a song on Whatsapp that allegedly contained derogatory comments against Prophet Muhammad SAW. The charges against Yahaya Sharif-Aminu must be dropped and he must be released immediately and unconditionally.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Dr. Abdullahi Umar Ganduje
Governor of Kano State
Office of the Governor,
Government House, Kano State,
Nigeria
Email: info@kanostate.gov.ng

Your Excellency,

*I am writing in concern for **Yahaya Sharif-Aminu**, a 22-year-old singer. On 10 August 2020, an Upper Shari'a Court in Kano state convicted Yahaya Sharif-Aminu of blasphemy for circulating a song on WhatsApp that was considered blasphemous against Prophet Muhammad and sentenced him to death. He remains held in Kano prison.*

Yahaya Sharif-Aminu and his lawyer appealed the sentence. On 21 January, the Appeal Panel, presided by the Chief Judge of Kano State, ordered the retrial of Yahaya Sharif-Aminu's case. The Panel ordered that the case be returned to the same Upper Shari'a Court where Yahaya Sharif-Aminu was sentenced but should be retried by a different judge on the basis that the defendant was not represented by a legal representative throughout his trial, adding that it was the duty of the court to ensure that he was duly and legally represented especially given the magnitude of the case, which involved the death penalty. The Panel therefore submitted that the failure of the defendant to be represented by a legal representative during the trial at the Upper Sharia Court was a clear omission which renders the proceedings of the case a nullity. The Appeal Panel's decision for Yahaya Sharif-Aminu to be retried provides a significant opportunity for him to be provided access to legal representation and ensure he receives a fair trial.

Yahaya Sharif-Aminu should never have been sentenced to death in the first place. No one should be sentenced to death for freely expressing their opinions. The imposition of the death penalty following an unfair trial violates the right to life and hasty trials undermine the ability of defendants to seek effective remedies for the lack of legal representation during trial. Moreover, the use of the death penalty for blasphemy violates Nigeria's obligations under the International Covenant on Civil and Political Rights which restricts the use of the death penalty to the "most serious crimes", which according to international law are crimes that involve intentional killing.

I therefore request that you:

- **Drop all charges against Yahaya Sharif-Aminu**
- **Ensure immediate and unconditional release of Yahaya Sharif-Aminu**

Yours sincerely,

ADDITIONAL INFORMATION

The death sentence handed down to Yahaya Sharif-Aminu by the Upper Sharia Court in Kano state, Nigeria was

widely criticized across Nigeria and also by Amnesty International after a huge outcry by several individuals and religious bodies urging the Governor of Kano state not to sign his execution warrant. There were serious concerns about the fairness of Yahaya Sharif-Aminu's trial and the framing of the charges against him. Before and during the trial, he was not permitted legal representation. He was granted access to legal advice to prepare an appeal after human rights lawyers and activists pressured the court to respect his right to legal representation. In Kano state under the Sharia law, blasphemy is a criminal offence with a death penalty.

The death penalty remains a legal sanction in Nigeria and continues to be imposed throughout the country. In 2019, over 54 death sentences were recorded. In total, over 2, 700 people were under death sentence by the end of the year. In Nigeria, the 2004 National Study Group on Death Penalty and the 2007 Presidential Commission on the Administration of Justice both stressed that the Nigerian criminal justice system cannot guarantee a fair trial and called for a moratorium on the death penalty.

In 2008, the African Commission on Human and Peoples' Rights (African Commission) adopted its second resolution on the death penalty, calling on States Parties to the African Charter on Human and Peoples' Rights – such as Nigeria – to “observe a moratorium on the execution of death sentences with a view to abolishing the death penalty” and to ratify the ICCPR-OP2. In a study published on 19 April 2012, the Working Group on the Death Penalty of the African Commission reaffirmed the necessity of the abolition of capital punishment and suggested ways for its achievement.

PREFERRED LANGUAGE TO ADDRESS TARGET: [English]

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 26 March 2021

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: [Yahaya Sharif-Aminu] (He, His, Him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/afr44/2968/2020/en/>