

# EUROPEAN PARLIAMENT

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B5-0466/2002 }  
B5-0470/2002 }  
B5-0472/2002 }  
B5-0474/2002 }  
B5-0479/2002 }  
B5-0486/2002 }

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## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 50(5) of the Rules of Procedure by

- John Joseph McCartin, Maria Martens, John Bowis, Concepció Ferrer, Mario Mauro, Hanja Maij-Weggen, Doris Pack, Bernd Posselt, Miet Smet, Eija-Riitta Anneli Korhola and Agnes Schierhuber on behalf of the PPE-DE Group
- Lissy Gröner, Anna Karamanou, María Izquierdo Rojo, Elena Valenciano Martínez-Orozco, Anne E.M. Van Lancker and Fiorella Ghilardotti on behalf of the PSE Group
- Marieke Sanders-ten Holte, Bob van den Bos, Astrid Thors, Ole Sørensen and Baroness Nicholson of Winterbourne on behalf of the ELDR Group
- Monica Frassoni, Nelly Maes, Caroline Lucas, Matti Wuori and Marie Anne Isler Béguin on behalf of the Verts/ALE Group
- Marianne Eriksson, Sylviane H. Ainardi, Feleknas Uca, Luisa Morgantini, Ilda Figueiredo and Pernille Frahm on behalf of the GUE/NGL Group
- Cristiana Muscardini on behalf of the UEN Group

replacing the motions by the following groups:

- Verts/ALE (B5-0466/2002),
- PSE (B5-0470/2002),
- UEN (B5-0472/2002),
- PPE-DE (B5-0474/2002),
- GUE/NGL (B5-0479/2002),
- ELDR (B5-0486/2002),

on Nigeria: the case of Mrs Amina Lawal

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## European Parliament resolution on Nigeria: the case of Mrs Amina Lawal

*The European Parliament,*

- having regard to its previous resolutions of 11 April 2002, 15 November 2001 and 15 February 2001 on the human rights situation in Nigeria,
  - having regard to the EU Council statement of 21 August 2002 on the sentence to death by stoning of Ms Amina Lawal which ‘expects that Ms Lawal will have all opportunities for appeal at federal level’,
  - having regard to the EU Council statement of 27 March 2002, which welcomed ‘the acquittal of Safiya Hussaini by the Sokoto Sharia Court of Appeal’,
  - having regard to the resolution adopted by the ACP-EU Joint Parliamentary Assembly on 21 March 2001 on the situation in West Africa, with particular reference to the paragraphs on Nigeria,
  - having regard to its resolution of 7 February 2002 on the EU's rights, priorities and recommendations for the 58th session of the UN Commission on Human Rights,
  - having regard to the international human rights covenants ratified by Nigeria, particularly the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the African Charter on Human and Peoples’ Rights,
  - having regard to the Nigerian Constitution as amended in 1999,
- A. deeply shocked by the upholding on 19 August by Funtua Islamic Court of Appeal in the State of Katsina of the sentence of death by stoning passed on Mrs Amina Lawal ‘for adultery’,
- B. whereas on 26 August 2002 the Upper Sharia Court of New Gawu in Niger State sentenced to death by stoning for committing adultery two young lovers, Ahmadu Ibrahim and Fatima Usman,
- C. whereas in the past month further sentences to death by stoning have been handed down under Sharia law, which is in force in 12 states in northern Nigeria,
- D. deeply concerned about the regulations adopted by the states which apply Sharia law, requiring women to remain at home at night, instituting sexual segregation in transport and refusing women equal rights of inheritance,

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- E. whereas Upper Niger, Jigawa, Sokoto and Katsina States are among a dozen states in the country's predominantly Muslim north that have introduced strict Islamic Sharia law since 2000, with worsening consequences for civil liberties and respect for human rights,
  - F. whereas the current legal interpretations of the Sharia penal codes by some Sharia courts in Nigeria include the application of the death penalty, which violates international human rights agreements ratified by Nigeria, including the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights,
  - G. whereas this interpretation of Sharia law has an irreversible impact on people's lives, but is not the only one in force,
  - H. whereas Nigerian Justice Minister Agabi told the 12 northern Nigerian states applying Sharia law that 'a Muslim should not be subjected to a punishment more severe than would be imposed on other Nigerians for the same offence' and that any court 'which imposes discriminatory punishment is deliberately flouting the Constitution' [Section 42 (1a) which guarantees sexual, religious, ethnic and political freedoms],
  - I. whereas members of the Nigerian Government have taken the view that Sharia law is unjust to women and have described death sentences for adultery as a violation of human rights, stating in particular that 'the verdict of the Islamic court sentencing Amina Lawal clearly shows that Sharia law is full of bias against women and punishes them unjustly for an act in which two persons participate',
  - J. whereas the sentences passed by Sharia courts in some northern Nigerian states undermine civil liberties, denigrate human rights and prevent efforts to reconcile different ethnic and religious groups,
  - K. whereas in 2003 there will be a presidential election in which the application of Sharia law could be an electoral issue as Islamic parties urge General Ibrahim Babangida, a former military ruler, to stand,
  - L. whereas some northern Governors, especially by their decision of 29 February 2001 to suspend Sharia law in certain states already enforcing it, have tried to end the use of Sharia law, which has resulted in serious retaliatory attacks and violence,
1. Condemns the judgment given by Bakori Islamic Court in Katsina State and that of the Court of Appeal upholding the sentence to death by stoning of Amina Lawal, who was found guilty of bearing a child after her divorce;
  2. Expresses its categorical opposition to the death penalty in all circumstances because it represents the ultimate violation of the right to life guaranteed by international law;

3. Expresses its deep concern at the implementation of new Sharia-based penal codes since January 2000 in a number of northern states in Nigeria;
4. Urges the Governors of Katsina, Upper Niger and Jigawa States to follow the example of Sokoto State by exercising clemency and quashing the death penalties passed;
5. Considers punishments such as stoning, flogging or amputation as cruel, inhuman and degrading treatment by international human rights standards;
6. Condemns all forms of religious intolerance, notes with concern that the fundamentalist interpretation and application of Sharia law in certain states in Nigeria is contrary to respect for fundamental human rights and calls on the Federal Government of Nigeria to guarantee strict compliance with the Constitution and the rule of law;
7. Supports efforts by Nigeria's Federal Government to ensure that the courts and all 36 States fully respect and operate in accordance with the bill of rights in Nigeria's own Constitution and with international human rights law;
8. Encourages the efforts of the government-appointed National Human Rights Commission to investigate past human rights abuses and to promote respect for human rights;
9. Welcomes moves by the Federal Government to ensure that all who appeal against their sentences receive legal assistance and urges the Nigerian federal authorities to guarantee the constitutional right of appeal for all those condemned under Sharia-based penal codes ensuring that they are able to appeal to higher judicial bodies, not only at state level but also at federal level;
10. Urges the European Union and international organisations to coordinate and provide full technical and legal assistance for Amina Lawal and other victims, and to ensure that the young couple currently held in prison are able to receive advice and visitors;
11. Recalls its call for victims of fundamentalist persecution to be regarded as eligible to apply for political asylum, particularly if sentenced to death by stoning;
12. Instructs its President to forward this resolution to the European Council, the Commission, governments and parliaments of the EU Member States and applicant countries, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly, the Secretaries-General of the United Nations, the African Union, the Commonwealth, the OECD, the Inter-Parliamentary Union and the Organisation of the Islamic Conference, the Presidents of the United Nations General Assembly, the United Nations Security Council, the United Nations Economic and Social Committee, the European Investment Bank, the African Development Bank, the World Bank and the International Monetary Fund, and the President, Government, Parliament and 36 State Governors of Nigeria.

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