

Appendix 3:

NOTE: This file contains two articles by Aluko, Document A and B, separated by <xxxx>.

MONDAY QUARTERBACKING: A Lunch Date with Zamfara Governor Sani Yerima

By

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July 10, 2000

Governor Ahmed Sani of Zamfara State, after delivering his paper at the symposium.

[Picture by www.gamji.com] **Introduction**

On Tuesday, May 16, 2000, there was a VOA program on Nigeria titled "Nigeria's Quest for Democracy: Governance, Sharia and Civil Conflicts" at the VOA offices in Washington, DC. Please visit the URL: <http://www.voa.gov/symposia/nigeria.html> for an audio presentation of it. It featured, among several others, President Olusegun Obasanjo, House Speaker Ghali Na'Abba and Catholic Archbishop John Onaiyekan (all by phone from Nigeria), as well as youthful Governor Ahmed Sani Yerima Bakuru of Zamfara in person (Panel 2). It was quite a lively program indeed, but no earth-shaking solutions emanated from it. Anyway, during the program, a note was passed to some of us attendees by one Mr. Sanusi Mohammed (of Africa 2020, resident in New York), inviting us to lunch with Governor Yerima at the Four Seasons Hotel in Georgetown. After some hesitation - at least on my part - we all obliged. The lunch was to last from about 2 pm to 5 pm.

There were about a total of fourteen of us at the lunch - Sanusi, Governor Yerima, Zamfara State's Attorney-General and Commissioner of Justice, equally youthful Alhaji Ahmed Bello Mahmud and five of their courtiers; and six of us invitees - Dr. Julius Ihonvbere of Ford Foundation, Rev. Fr. Amaefule Nnorom of Virginia Commonwealth University; Prof. Chudi Uwazurike of CCNY, Ms. Oby Ezekwesili of Harvard and Dr. Chima - all expenses paid apparently by Mr. Sanusi Mohammed. Both Oby and Chudi had been on panels at the program.

There were quite heated discussions, sometimes rowdy as Nigerians can sometimes get even in a posh hotel such as Four Seasons Hotel! :-)

But first some historical background on Zamfara and Governor Yerima, in order to understand some of the politics of the state.

Historical Background

(Source: "The Lawmakers - Federal Republic of Nigeria 1999 - 2003" by Chris N.D. Anyanwu) - page 224.

QUOTE

Zamfara is one of the three states carved out of the old Sokoto State (THE TWO OTHERS BEING KEBBI AND SOKOTO ITSELF.) It was created on October 1, 1996 [DURING THE TENURE OF GENERAL SANI ABACHA] and occupies a land mass of 38,414 square kilometers with a population of 2,231,472 (1991 Census.) The state shares borders with Niger Republic, Sokoto, Katsina and Niger States. Its capital is Gusau. Five major ethnic groups dominate the state: Fulani, Katsinawa, Gobirawa, Zamfarawa and Burmawa. However they all have a common language: Hausa. Farming is the major occupation there.

The people of Zamfara had been for long agitating for autonomy and self recognition. They felt overshadowed under the Sokoto emirate council. In 1962 they pressed for the creation of Zamfara emirate council, but this move was aborted by powerful forces almost when it was yielding fruit. They started agitation for a separate state and indeed the defunct second republic National Assembly [WITH SHEHU AS PRESIDENT, 1979-9183] approved their request, but before the state could be created the military [UNDER BUHARI, ON DECEMBER 31, 1983] took over government. Their quest for a state was again taken through successive military administrations until it became a reality in 1996.

Zamfara, just as Kebbi and Sokoto, has always maintained a voting pattern which favours conservatives. The Northern Peoples Congress (NPC) was in control in that territory in the First Republic [WHEN TAFAWA BALEWA WAS PRIME MINISTER] while NPN dominated in the Second Republic. In the aborted Third Republic [UNDER GENERAL BABANGIDA], there was a replay of this through the conservative NRC.

The [CURRENT] Fourth Republic while true to the past inclination has seen the emergence of new factors which affected the election outcome. Prominent among these factors was the Shinkafi phenomenon. Whereas Shinkafi and his group were in APP [ALL PEOPLES PARTY], the old breed politicians were in the PDP [THE PEOPLES DEMOCRATIC PARTY, THE DOMINANT PARTY IN THE COUNTRY, AND THAT OF THE PRESIDENT.] At the local government elections, the two parties won evenly but during the State House of Assembly, APP won overwhelmingly with 19 seats, leaving only five for PDP. Again at the gubernatorial election, youthful Alhaji Ahmed Sani of APP (40 years old) defeated more matured, experienced Malam Yahaya Abdulkarim, of PDP, a one-time governor of the old Sokoto State. There was indeed a power shift from the old breed to the new.

Apart from the Shinkafi following which was very strong, especially since he was the vice-presidential candidate for APP [UMARU SHINKAFI WAS THE VICE-PRESIDENTIAL CANDIDATE TO OLU FALAE'S PRESIDENTIAL CANDIDACY ON THE JOINT APP-AD TICKET THAT CONTESTED AND LOST AGAINST THE OBASANJO-ATIKU PDP TICKET], Sani may have won easily because in addition to his goodwill he had a head start advantage over his rival. Whereas it took PDP quite some time to choose a flag bearer, APP was never in doubt over the sole candidature of Sani, who was very popular among the talakawas (the commoners.) The national assembly results were surprising as PDP and AD had no seat in the Senate. The APP won the entire three seats. At the House of Representatives, PDP won 1 seat, while APP had 6.

UNQUOTE

Discussions at the Lunch

After an awkward period of deciding whether we would have liquor or not (we settled for no

wine, for religio-sensitive reasons), Sanusi Mohammed and the Governor thanked us for coming, and explained that they merely wanted to provide some information about the Sharia happenings in Nigeria to some of us. We were equally delighted to meet with him, and quickly expressed the hope that he would explain his Sharia "mischiefs." Quite frankly, for the three hours that we met, the Governor and his equally youthful Attorney-General were very forthcoming with information:

(1) About the PARTY dynamics and moves behind his declaration of Sharia

Governor Sani Ahmad stated that before declaring for candidacy, he found out that Sharia was most desired from his electorate; he then promised them Sharia during his campaigns - he says that he has videos to prove it, including three shouts of "Allahu Akbar" or "God is Great" at the beginning of each stop - and NO ONE in his party or the country took him up on it. Therefore he state that Sharia was his weapon to beat the otherwise powerful PDP in Zamfara because they had money and he had none; even his own APP did not believe that he would win, and so did not support him financially.

After the election, he meant to settle down to the normal business of governing sans-Sharia, but was pushed into an early delivery on his Sharia promise by the PDP in Zamfara because they went around saying that he had promised something that he had no intention of fulfilling, and that he feared that he would have been impeached. So he quickly declared in August a Committee on Sharia; it was passed unanimously by his assembly, and he signed it into law; on October 27 1999 (an event to which he invited the president, among others) he announced that he would commence in January 2000, and that since then, he has been executing it in his state without problem. In fact, he said he has VIDEO TAPES of his numerous consultations with all Christian and ethnic leaders before Sharia was introduced in Zamfara, and all were assured of the idea.

All this time, no one, including the President or the Attorney-General had talked to him or stopped him, and that if there had been a bone of contention, he would have been prepared to suspend action to wait for the Supreme Court to have it resolved. [Attorney-General Agabi spoke to the conference by phone saying nothing in the constitution empowered the Federal Government to go to court against a state!] He said that his attempts to see the President one-on-one were frustrated by PDP aides, according to the Governor, and he finally "managed" to see the President only within the past month or so, when, to the surprise of the president, he narrated his past frustrated attempts to explain issues to him.

Sani Yerima was blunt in saying that NONE of the political parties has ANY VISION for moving the nation forward, and that there needed to be a re-alignment of political forces. He said that he was in support of a national conference. One humorous aside: when we asked him who the new Chairman of APP was, he could not remember! He had to appeal to his Attorney-General, who after mining his own brain, finally came up with the name: Yusuf Ali. And yet, Sani Yerima was the Chairman of the Convention at which the new Chairman of the party was chosen! He gave me a high-five when I teased him that "You don't even know the Chairman of your party!"

When we asked him why Sharia was now been implemented just under the Obasanjo presidency when nothing like that was introduced under past presidents, for example, during Shagari's time, he said that it was because he was not the Governor of Zamfara then! Smart(-alec) answer. :-)

He gave each one of us a copy each of the full Sharia Penal code of Zamfara, featuring 408 sections, a number of which relate to "Criminal Breach of Contracts of Service", "Breach of Official Trust", "Offences by or Relating to Public Servants", "Contempts of the Lawful Authority of Public Servants", "Forgery" and the like. Pretty comprehensive. The (barbaric - to my mind) amputation is but one of 17 punishments in the Code for specific crimes, and he insisted that amputation was no more barbaric than capital punishment by hanging, firing squad, electrocution or lethal injection.

(2) On Amputation and Buba Bello Jangebe

Governor Yerima stated that except for the AMPUTATION, that all he did was move the Sharia criminal code hearings from AREA COURTS to Sharia courts.

The story on Jengebe was a little funny, if not morbid. Apparently he was a known thief who boasted 'round town that he could steal any cow, and that once a cow got into his compound, it would vanish for ever, so that he could never be caught. Anyway, he stole this particular cow, and it did not vanish; the owner came and identified his cow; Jangebe confessed; and the punishment announced was amputation. The rest is history.

Governor Yerima said he knew then that he had trouble in his hands, no pun intended. So he called Jangebe to his governor's mansion three times to plead with the guy to appeal the sentence, to no avail. Jengede said that if that was Allah's will, so be it. So the sentence was carried out reluctantly, [I might add, with milk, maltina and meat given to the hapless Jangebe.] Sani Yerima swore that "Wallahi tallahi", amputation would NEVER AGAIN happen in his watch in Zamfara. [That evoked some head-shaking laughter, some gallows-humor, around the table.]

(3) On what non-Sharia policies he was doing to benefit his state

After regaling us with the Sharia stories, we were ready to take him up on other matters: "So exactly how are you impacting your state other than with Sharia?"

He gave an account of how he was cleaning up the corruption in Zamfara, addressing the woeful economic crisis there, and the serious problems that he is now facing both from the civil servants and the religious leaders in his state! He had set his state's minimum wage at N5,000 a long time before and had added N500 following the Federal govt's recent policy; Zamfara started a fertilizer subsidy project; he has started his poverty alleviation program to create jobs; he asked all those with certain property qualifications in the civil service to resign and go into business as there were no industries in the state. He made arrangements with a bank for a line of credit); he stopped the practice of giving money to religious leaders (he said that they now hate him for that); he reeled off figures of schools, hospitals, roads etc that have been built or rehabilitated etc.

(4) For more information....

For example, to ascertain the account above, do contact Alhaji Ahmad Sani, Government House, P.M.B. 01050, Gusau, Zamfara State: Phone 063-204060; 201092; 203305. Fax 202178.

That is what the card he gave to us read. No email yet, but he happily said that he was working on it - and that I should call him when next I visit Nigeria! :-)

Of course, you can also contact Julius, Oby, Chudi and Rev. Fr. Nnorom.

My Impressions from the Yerima Encounter

My Impressions from the Yerima Encounter

First, why did Governor Yerima want to talk to some of us? Obviously, he wanted to meet some Nigerians in the Diaspora and make his case, and hope that we would state it as he said it and understand him better.

Personally, I have been struggling with whether to oblige him - hence this belated write-up. In fact, I am reminded in Proverbs 23:1-3 of lunch with rulers:

- 1 When you sit down to eat with a ruler,
Consider carefully what is before you;
- 2 And put a knife to your throat
If you are a man given to appetite.
- 3 Do not desire his delicacies,
For they are deceptive food.

And then I said, "Why not? What benefit to Nigeria if we just had lunch and no one hears what the controversial governor told us?"

All in all, Governor Yerima gave all of us - me at least - a convincing show, but I closed the discussion by telling him that he should recognize that the world outside Nigeria sees expanded Sharia and amputations as a return to barbarism, and that using local politics to do things that have an international impact on the image of Nigeria was not a good thing for Nigeria. He seemed to agree that he would have to be more careful next time. Julius Ihonvbere also pointed out during the discussion that it was improper, unfair, and unrealistic to want to be absolute in today's Nigeria on any issue, that trying to bring into play rules etc developed in the days of Prophet Mohammed or even Othman Dan Fodio to a new, complex, technology driven, and pluralistic society was unrealistic and undemocratic.

Bottom line? Firstly, Sharia, at least for Governor Yerima, was an opportunistic election ruse that may have blown up in his face. Secondly, he did not calculate the fact that it would be adopted by governors and states who did not campaign on that platform - for example he says that he was taken by surprise that Kaduna even CONTEMPLATED adopting Sharia, especially without due consultations with their constituents! Thus he felt that it was more political than religious since there was no problem in his Zamfara State. Thirdly, this Sharia thing has evolved into a battle for political turf in the North between PDP and APP using religion. Neither of the parties wants the other to gain advantage using religion. Fourthly - and perhaps most importantly - the other equation is that this Sharia debacle keeps Obasanjo off-balance, and does not enable him to claim as much success in his presidency as he otherwise would.

And Since Then in Zamfara - Elsewhere?

Sokoto (May 29) and Kano (June 21) have joined Zamfara (January 27, 2000), while Niger, Kebbi, Borno, Yobe, Jigawa, Bauchi, Nassarawa and Gombe are all "fixing" to start Sharia, with volatile Kaduna still threatening. In fact, according to TELL Magazine of July 3, 2000

(page 23):

QUOTE

Their Date with Sharia

Kano State

Bill signed - February 24, 2000

Launched June 6, 2000

To be implemented - November 26, 2000

Sokoto State

Bill signed - January 31, 2000

To be launched - June 29, 2000

Zamfara State

Adopted - October 27, 1999

Launched - January 27, 2000

Niger State

Bill signed - December 12, 1999

Kaduna State

11-man ad-hoc committee set up to look into its introduction

Katsina State

Adopts motion banning alcohol, gambling and prostitution on June 19, 2000

Borno State

To be implemented soon. No bill passed yet

Jigawa State

To be implemented - August 2

Yobe State

To be implemented - August

Is this a wildfire or what?

Some Closing Thoughts

Unfortunately, religion is such an emotive issue; the Sharia states have boxed themselves into a corner, and I don't see how they will go back on it. The imposition of expanded Sharia by some of these Northern states is a big mistake that will set them back economically and socially in a federal Nigeria. That President Obasanjo did not use the Courts to arrest the imposition, that he first thought that it would "fizzle away," and relied on an ADVISORY Council of State to appeal to the "gentlemanliness" of these states - was a big mistake.

But the genie is now out of the bottle, and we will have to live with it.

The best we can do right now in the face of Obasanjo executive pusillanimity is to ensure that those who are still thinking of imposing Sharia should know the social and economic penalties that they face, so that they might think twice about adopting the expanded Sharia system in the same manner as Zamfara and the others.

The other non-Sharia states will probably use EVERY OPPORTUNITY within the law to isolate them SOCIALLY and ECONOMICALLY. For example, I am in full support of unwilling NYSC corpers DEFERRING their service indefinitely, while being employed for that year (but not in lieu of the service) by their states of origin, or other states who are willing to do so (again not in lieu of the official service.)

The Sharia states will eventually feel economic pain; unfortunately, because they are still in NIGERIA, it will also be Nigeria feeling economic pain, and one part of the body inflicting pain on another.

It is unfortunate - and ridiculous - that it might turn out this way.

I continue to STRONGLY believe in an SNC, but the fact of the matter is that the Sharia people WILL now fight HARDER against a National Conference, because they have gotten what (according to them) is uppermost in their minds, and the other states can only come level with them at such a conference. Those states are now bound to come with a strong anti-Sharia agenda, so why give them a chance to beat up on them? So this Sharia saga ups the stakes for a National Conference.

Consequently, I am now of the opinion that those states that do not like the present Constitution and the present Nigerian polity must FIND WAYS of chipping, chipping, chipping away at the edges of this 1999 Constitution until we all force ourselves to the table. That is why this NYSC issue is very timely, and one can imagine that many other such issues will come along the way - or should be seriously given thought to.

Best wishes all.

Some useful links on Zamfara:

<http://www.gamji.com/news/sharia1>editorial
<http://www.gamji.com/news/sharia2>begins Sharia
<http://www.gamji.com/news/sharia3>APP Oks
<http://www.gamji.com/news/sharia4>schools
<http://www.gamji.com/news/sharia5>contracts
<http://www.gamji.com/news/sharia6>start
<http://www.gamji.com/news/sharia7>softpedal
<http://www.gamji.com/news/sharia8>fears defeat
<http://www.gamji.com/news/sharia9>jobs
<http://www.gamji.com/news/shariap>violates Sharia
<http://www.gamji.com/news/shariaq>cut hand
<http://www.gamji.com/news/shariar>schools
<http://www.gamji.com/news/sharias>editorial
<http://www.gamji.com/news/shariat>Obasanjo
<http://www.gamji.com/news/shariau>Kano

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Appendix 4:

DOCUMENT B:

FRIDAY ESSAY: The Unfizzled Sharia Vector in the Nigerian State

By

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Friday, March 22, 2002

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I. The Declaration of Illegality

After many years of hemming and hawing, and after thousands of deaths as an aftermath, the Federal Government, from the pen of second-time Justice Minister Kanu Agabi, has finally made a definitive statement about Sharia. This is how the letter must have looked:

QUOTE

Federal Government of Nigeria

Ministry of Justice, Garki, Abuja, Nigeria

March 18, 2002 HAGF/SHARIA/2002/Vol. 1

MEMORANDUM

To: Governors of All States that are Practising Sharia Legal System

Zamfara - H.E. Ahmed Yerima Sani, Government House, Gusau

Sokoto - H.E. Alhaji Attashiru O. Bafarawa, Government House, Sokoto

Niger - H.E. Alhaji Abdullahi Kure, Government House, Minna

Kano - H.E. Alhaji Rabi'u Musa Kwankwanso, Government House, Kano

Katsina - H.E. Alhaji Umaru Musa Yar'Adua, Government House, Katsina

Jigawa - H.E. Alhaji Ibrahim Saminu Turaki, Government House, Dutse

Borno - H.E. Alhaji Mallam Kachalla, Government House, Maiduguri

Yobe - H.E. Alhaji Bukar Abba Ibrahim, Government House, Damaturu

Kebbi - H.E. Alhaji Adamu Aliru, Government House, Birnin

Bauchi - H.E. Alhaji Ahmadu Adamu Muazu; Government House, Bauchi

Kaduna- H.E. Alhaji Ahmed Makarfi, Government House, Kaduna

Gombe- H.E. Alhaji Abubakar Hashidu, Government House, Gombe

From: Mr. Kanu Agabi (SAN), Attorney-General of the Federation and Justice Minister

RE: Prohibition of discriminatory punishments.

Your Excellencies:

It is my solemn duty to bring to your notice the hundreds of letters which I receive daily from all over the world protesting the discriminatory punishments now imposed by some Sharia courts for certain offences. As a respected member of the world community we cannot be indifferent to these protests. I crave your indulgence, therefore, to give thought to these protests and take measures to amend or modify the jurisdiction of the courts imposing these punishments so that we do not in the end isolate either the country as a whole or the affected states. We must be seen to comply with our constitution which in Section 42 (1) (a) provides as follows:

A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person - be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religious or political opinions are not made subject.

I appreciate that your motive in conferring criminal jurisdiction on the Sharia Courts is to ensure transparency and achieve a more orderly and disciplined society. I commend this lofty objective but in achieving it we must not violate the constitution. Unless we abide by the constitution we shall have on our hands an arbitrary society based on the discretion of our rulers. That is totally unacceptable.

The fact that Sharia law applies to only Moslems or to those who elect to be bound by it makes it imperative that the rights of such persons to equality with other citizens under the constitution be not infringed. A Moslem should not be subjected to a punishment more severe than would be imposed on other Nigerians for the same offence. Equality before the law means that Moslems should not be discriminated against. As an elected governor I am certain that you would not tolerate such disparity in the allocation of punishment. It is not only against the constitution but also against equity and good conscience.

Individuals and states must comply with the constitution. A court which imposes discriminatory punishments is deliberately flouting the constitution. The stability, unity and integrity of the nation is threatened by such action. In order to implement policies or programmes inconsistent with the constitution we must first secure its amendment. Until that is done we have to abide by it. To proceed on the basis either that the constitution does not exist or that it is irrelevant is to deny the existence of the nation itself. We cannot deny the rule of law and hope to have peace and stability.

I write to you in good faith and in the interest of our country and the law. While bearing witness to your devotion to our country and to the cause of fairness and justice, I urge that you do not allow your zeal for justice and transparency to undermine the fundamental law of the nation which is the constitution.

I appeal to you, therefore, to take steps to secure modification of all criminal laws of your state so that the courts will not be obliged to impose punishments which derogate from the rights of Moslems under the constitution.

May God guide you successfully through these difficult times.

Signed:

Kanu Agabi (SAN)

Attorney-General and Minister for Justice

UNQUOTE

On the whole, a well-written letter, kudos go to Justice Minister Agabi on his second coming! One is particularly pleased at Agabi's emphasis on the argument that it is MUSLIMS that are actually discriminated against through these harsher Sharia punishments, not non-Muslims! This heavy reliance on Section 42(1) of the Constitution is apt. In a civilised society, nobody should be discriminated against, even with his or her permission!

On the other hand, one is tempted to say that that the declaration is too little too late. One is tempted to say that international condemnation more than Nigerian opprobrium and needless riots and deaths forced the government's hands. One is also tempted to wonder whether an announcement as important as this should not have been made by the President himself, and not in his absence, far away in picturesque Monterrey, Mexico, for his 86th foreign trip, where he is hob-nobbing with 60 other heads of State. Or is the President building in some deniability in case some political dams burst?

II. How Sharia Progressed – The "Fizzle that did not Fizzle Out"

But how did this whole Sharia issue progress since May 29, 1999?

First remember that Kanu Agabi was Justice Minister from June 30, 1999 to June 2, 2000; Bola Ige took over from June 2, 2000 till his death December 23, 2001; and Kanu Agabi returned to his former position from March 7, 2002 till date. During this entire period, Olusegun Obasanjo was president and commander-in-chief of the armed forces of Nigeria beginning May 29, 1999.

Give or take a few days, the following table provides information on when each of the 12 states first announced/adopted Sharia law for its Muslim "citizens."

Table 1: The Sharia Vector

State First Assembly Law Date Launched/
Announced Approves Signed Commenced
By Gov.

- 1 Zamfara Oct. 22 '99 x x Oct. 27 '99/ Jan. 27, '00
- 2 Sokoto x x Jan 31, '00 May 29, 2000
- 3 Niger Jan 14, 2000 x Dec. 12, '00 May 2000
- 4 Kano x Dec 9, '99 Feb 24, '00 June 21,/Nov 26, 2000
- 5 Katsina x x x August 1, 2000
- 6 Jigawa x x x August 2, 2000
- 7 Borno x x x August 19, 2000
- 8 Yobe x x Aug 7, 2000 October 1, 2000
- 9 Kebbi x x x December 1, 2000
- 10 Bauchi x x Feb. 27, 2001 x
- 11 Kaduna x Feb 8, 2001 Nov. 2, 2001 Nov. 2, 2001
- 12 Gombe x x Dec. 14, 2001 x

x date not known from information available

Others Northern States not yet affected, to the best available information:

13. Kogi 14. Kwara 15. Benue 16. Plateau 17. Nassarawa 18. Taraba 19. Adamawa
But what did Obasanjo, Agabi and Ige say during all of this time? Emphatic statements not backed up by deeds – or just outright confusion!

QUOTE

http://www.africana.com/DailyArticles/index_19991104.htm

Nigerian State Begins Introducing Islamic Law

October 30, 1999, Obasanjo speaks to Harvard University forum on Sharia

The recent adoption of Sharia, or Islamic law, last week by one Nigerian state is unconstitutional and unlikely to remain in effect, [Nigeria's](#) president, Olusegun Obasanjo (pictured) said during a recent visit to the United States. "We have a constitution in Nigeria and the constitution is against any state religion," Obasanjo said. "To that extent, no part of Nigeria can formulate or go for anything that is a state religion -- it is unconstitutional. That is as the constitution stands." Speaking at a forum at Harvard University in Cambridge, Massachusetts, President Obasanjo also pointed out that Nigeria operates under a federal system and that Sharia law is already used in certain cases in some areas. "We practice true federalism whereby each state has power to make its own law provided it is not in opposition to a national law or the constitution," he told an overflow crowd, including many Nigerians, at Harvard. "We already have Sharia in place, in fact. At the local level we have Sharia laws in place, but it is for personal laws – marriage, inheritance and things like that. So, it is there. We even have something in the constitution saying that Sharia can serve as a court of appeal...People have their own way of doing things...but I don't think it [the effort to introduce Sharia law] will last."

<http://www.domini.org/openbook/nigeria19991213.htm>

Nigeria declares Islamic law unconstitutional

ABUJA, Nigeria, 10 December 1999 (Compass Direct) -- Nigeria's attorney general declared unconstitutional the implementation of Islamic law as planned by six northern Nigerian states. The statement follows widespread protests against the states' actions by Christians in Nigeria. "As for sharia (Islamic law), the constitution permits its limited application in personal and family issues. But the states have gone beyond that limit," said Joseph Agabi, Nigeria's minister of justice and attorney, at a press conference in Abuja on December 3. "The penal code provides for dealing with criminal cases," Agabi said. "There is no other law that is allowed by the constitution to handle criminal cases than the penal code in our judicial system. Now that sharia has been declared by these states to handle criminal cases, this is going beyond the limit permitted. It is unconstitutional and illegal."

<http://www.africaaction.org/docs00/nig0003.htm>

March 1, 2000 Speech of President Obasanjo to the Nation

As the Vice-President has announced in his press briefing, the National Council of States met yesterday, Tuesday, February 29, 2000, and deliberated on the alarming security situation in the country.

The Council was deeply saddened by recent events in Kaduna, and by subsequent events in Abia State, both of which have led to enormous loss of lives and destruction of property. The Council strongly condemned these events, and called for an immediate cessation of hostilities, and of these acts of senseless murder and destruction of property. The Council also reviewed the remote and immediate causes of the disturbances, and noted that the Penal Code currently in force in the Northern States is substantially based on Sharia Law, with the modifications that imprisonment is substituted in place of amputation of limbs, as punishment for stealing, and also as punishment for adultery, instead of stoning to death. The Council noted that these modifications are consistent with the human rights principles enshrined in our Constitution, and considered the punishments adequate in the circumstances. The Council unanimously agreed that all States that have recently adopted Sharia Law should in the meantime revert to the status quo ante. That is, Sharia, as practised in Penal Code, continues to be practiced by all States concerned.

<http://allafrica.com/stories/200009130037.html>

Obasanjo Carpets Patrons of Sharia (in Rome)

[Vanguard](#) (Lagos) September 13, 2000

President Olusegun Obasanjo, yesterday in Rome, Italy took a fresh swipe at the brains behind the current "introduction" of Sharia some Northern states, saying they are insincere. "What we have now is what I call political Sharia. I am not afraid of it because I believe it will fizzle out and Sharia will be welcomed because it had been part of us," President Obasanjo told newsmen in Rome.

<http://www.thisdayonline.com/archive/2001/03/04/20010304news01.html>

The Attorney General's Sallah Gift... Sharia is Constitutional, Says Ige

ThisDay Online March 4, 2001

An unexpected backing for the Islamic legal system, sharia, currently in place in most northern states has come from the Attorney General and Minister of Justice, Chief Bola Ige (SAN) who declared it constitutional. In a surprise expression of support which is expected to strengthen the arguments of the pro-sharia elements especially in the north, home of Ige's most vociferous critics, the minister saw nothing illegal in the adoption of the sharia by these states. "To tell you the truth, none of the states, which have passed what they call sharia law have violated any part of the Nigerian constitution" Ige told THISDAY in an interview, but he was quick to add that "they have also not acted as if the penal code is the criminal code by which Muslims are to be governed," The Minister who was asked to clarify the position of the laws setting up the sharia in the northern states of Zamfara, Kano, Bauchi and others that have adopted the Islamic legal system, as against the 1999 constitution said emphatically "they are not in conflict with the 1999 constitution."

<http://www.vanguardngr.com/news/articles/2001/November/15112001/f4151101.htm>

Sharia: FG won't allow Safiya to die —IGE

[Vanguard](#) Thursday 15th November, 2001

IBADAN — THE Federal Government has stepped into the recent death sentence passed on Safiya Tungar-Tudu, 33, by a Sharia court in Sokoto State, with the Attorney-General of the Federation and Justice Minister, Chief Bola Ige declaring that Abuja would not fold its hands and watch her killed.

But the Sokoto State Government says her fate will be decided by an appeal court. Safiya, said to be now in hiding was sentenced to death by stoning following her conviction by the court for adultery.

<http://www.ngrguardiannews.com/news2/nn845010.html>

How Ige met U.S.-based Nigerian lawyers on Safiyat

[Guardian](#) Tuesday, January 8, 2002.

But Ige was clear, according to Oloko, when he told the delegation of the Nigerian Lawyers Association that "No one will be stoned to death in Nigeria for adultery." "He told us of the political issues of the Sharia and that it was all a smokescreen. Chief Ige told us that only poverty and illiteracy make people susceptible to such manipulation," Oloko recalls. He said

the former Oyo State Governor, in that vein, sought support for two bills, one to establish a minimum education rights for all Nigerians and second to establish a minimum age of marriage. He wanted us to focus on those two issues as vehicles that will inhibit such manipulation that the resurgence of Sharia is in Nigeria of today. "Chief Ige told us that Sharia is really a political issue and that the legal standing to implement Sharia had always been there, but now, it is now being used for political purposes."

UNQUOTE

On second thoughts, Kanu Agabi has merely restated in March 2002 what he first stated in December 1999!

III. Clearing the land of cow thieves, sexual deviants and other perverts

Anyway, what has been the substantive effect of the application of Sharia law so far in those states that have adopted it?

Well, following the Maliki Law of Jurisprudence adopted by the various states, the following "celebrated" cases have been reported. I have included the names of the State, town, accused(s) and the judges wherever possible – so that the world may know. Due to my human imperfection, I must necessarily omit a few cases.

February 2000 – Zamfara - Bahiru Sule, was given eighty lashes in front of a crowd of around five-hundred people near the Emir's palace in the state capital Gusau for drinking alcohol

http://news.bbc.co.uk/hi/english/world/africa/newsid_639000/639454.stm

February 2000 – Zamfara - An 18-year-old male youth in Zamfara State in northern Nigeria is reported to have been flogged 100 lashes (while his female partner watched) for having sex (with the 16 year old girl) before marriage. A soon as she recovers from an undisclosed illness, she is also to

be punished.

http://news.bbc.co.uk/hi/english/world/africa/newsid_646000/646983.stm

March 22, 2000 – Zamfara - Mallam Buba Bello Kare Garhie Jangebe, hand severed for stealing a cow [presiding Alkali: Alhaji Ibrahim Maigandi Zarumi, in court sitting in Taleta Mafara]

<http://www.postexpresswired.com/postexpress.nsf/24c35a000fe637798525691a0076c2cb/9e0893af7d076847852568af002e0600>

2000 - Lawali Isa, a fire-wood seller, hand amputated for stealing two bicycles

July 2000 – Zamfara - Nigerian official sentenced to receive 80 lashes for falsely accusing his wife of adultery

Zamfara - September 2000 - teenage Ms Bariya Ibrahim Magazu, sentenced to 180 lashes for pre-marital sex and bringing false charges against men with whom she allegedly had sex. Sentence of 100 lashes carried out in January 19, 2001

http://news.bbc.co.uk/hi/english/world/africa/newsid_1131000/1131189.stm

http://news.bbc.co.uk/hi/english/world/africa/newsid_1131000/1131096.stm

January 2001 – Kano - Two men found guilty of drinking alcohol flogged before large crowds, receiving 80 lashes

Kazaure, Jigawa State - traditional ruler , Alhaji Abba Ajiya of Kazaure, sentenced to one year

imprisonment and 40 strokes of the cane, for "camping" a housewife, Faiza Bala

Birnin Kebbi, Kebbi State - 35-year-old man, Attahiru Umar, was sentenced to death by stoning, for committing sodomy with a minor .

July 4, 2001 – Sokoto - State Executive Council approves the amputation of the right hand wrist of Umaru Aliyu, who was confirmed to have stolen some item

<http://www.vanguardngr.com/news/articles/2001/July/07072001/wn470701.htm>

July 6 – Kano - the right hand of a 30-year-old man amputated as punishment for stealing a goat, worth about \$40

http://news.bbc.co.uk/hi/english/world/africa/newsid_1428000/1428159.stm

August 2001 – Sokoto – The director of the Sokoto National Orientation Agency, Mohammed Jobi, and the agency's accountant, Issa Abdullahi, were given forty lashes each, fined ninety dollars and made to pay back the money they stole. The two federal government employees found guilty of stealing the cash gratuity meant for an man who was about to retire.

http://news.bbc.co.uk/hi/english/world/africa/newsid_1493000/1493182.stm

October 9, 2001 – Sokoto - housewife 35-year-old Safiya Hussaini Tungar Tudu, allegedly raped by one Yakubu Abubakar, the man who allegedly impregnated her, sentenced to death by stoning. Abubakar freed for lack of evidence. Sentence suspended following appeal heard on November 27 .

<http://www.vanguardngr.com/news/articles/2001/October/25102001/n1251001.htm>

<http://www.vanguardngr.com/news/articles/2001/November/15112001/f4151101.htm>

November 5, 2001 Katsina City - a man, Sani Rodi, sentenced to death by knifing after he was convicted for taking the lives of a housewife and two of her children

November 2001 – Zamfara - the Deputy Speaker of State House of Assembly, Alhaji Abdulsalami Ahmed Asha, arraigned before a Sharia court in Samaru, Gusau, for selling his official Peugeot car at the cost of N2.1 million.

Funtua, Katsina State - two policemen receive 100 strokes of the cane following their conviction over illegal confiscation of petrol from fuel vendors

Nov. 27, 2001 - Toro Local Council, Bauchi – pregnant woman, Hajo Poki, allegedly impregnated by one Suleiman Poki, sentenced to 100 strokes of the cane sentenced for committing fornication and for accusing the plaintiff falsely. [The judge, Mika'ilu Sabo Ningi]

<http://www.vanguardngr.com/news/articles/2001/December/01122001/wn101201.htm>

December 13, 2001 - Sokoto - a 28-year-old man, Mohammed Ali, sentenced to nine months imprisonment for stealing. He initially renounced his faith following his arraignment in Sokoto Upper Sharia Court. Ali, who first professed to be a Christian, said he should be tried according to Biblical injunctions, which he said forbid amputation. After the light sentence, he reaffirmed his faith, Islam, after escaping amputation. [Judge: Mallam Bawa Salabi Tambuwal]

December 2001 – Sokoto - Malam Sani Shehu (a.k.a Wang Yu) and Malam Garba Dandare (a.k.a Dan Jega), found guilty for stealing a policeman's beret, belt and bicycle. Court orders the amputation of the right hands and left legs of two convicted armed robbers. [The judge, Kadi Bawa Sahabi Tambuwal]

January 3, 2002 - Sani Yakubu Rodi, aged about 21, convicted in Katsina and hanged in Kaduna Prison.

Rodi was "found....guilty of the murder of a woman and her two children: a four-year-old boy and a three-month-old girl. The victims were stabbed to death in their home. Sani Yakubu Rodi was reportedly caught at the scene of the murder and immediately arrested by the police. Sani Yakubu Rodi did not have legal representation at any stage of his trial; he apparently told the court that he would defend himself. In the initial hearing on 5 July, he pleaded not guilty. However, in a subsequent hearing on 4 September, he changed to a guilty plea. The court sentenced him to death on 5 November. He did not take up the opportunity to appeal, and his death sentence was subsequently confirmed and his execution authorized by the Governor of Katsina State. "

January 23, 2002 – Sokoto - 18-year-old, Hafsatu Abubakar acquitted after accusation of having sex outside marriage. She and the baby have been held in prison pending the trial.

http://news.bbc.co.uk/hi/english/world/africa/newsid_1778000/1778614.stm

March 18, 2002 – Sokoto – Decision on Sufiya Husseini’s adultery case delayed till March 25.

http://news.bbc.co.uk/hi/english/world/africa/newsid_1879000/1879506.stm

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The long and short of the Sharia story so far? It is pretty dangerous to be a petty thief in these Sharia states – or to have a libido. Thieves and lechers - beware. Murderers like Rodi too – beware!

IV Sharia-Related & Sectarian (Muslim/Christian) Violence

I have always wondered: if you die from a machete wound, fighting another Christian or another Muslim ostensibly because you hate him or her, would God admit you to heaven, saying “Come, enter into my rest, you hate-filled soul?”

Certainly not!

Anyway, here are a few dates of religion-related mayhem in Nigeria:

February 2000 – Kaduna

http://news.bbc.co.uk/hi/english/world/africa/newsid_660000/660239.stm

September 7 – 9, 2001 – Jos, Plateau - Clashes between Christians and Muslims leave at least 50 people dead and causes thousands to flee

http://news.bbc.co.uk/hi/english/world/africa/newsid_1534000/1534404.stm

October 6, 2001 – Kaduna - attack on at least one church and some shops

http://news.bbc.co.uk/hi/english/world/africa/newsid_1586000/1586476.stm

November 3 – 5, 2001 Gwantu, Kaduna - Ten people killed and hundreds more fled after a weekend of violence

http://news.bbc.co.uk/hi/english/world/africa/newsid_1638000/1638282.stm

V. EPILOGUE

As we have argued elsewhere, Sharia law as currently practiced in Nigeria not only discriminates against Muslims, but it is against the spirit and the letter of a federal system where the LEGAL PROCEDURE should be UNIFORM everywhere, even if the PUNISHMENT differs from federating unit to unit. For example, as it occurs in the US, a STATE REGULATION may EXCEED federal (minimum) standards, but state PUNISHMENT may not EXCEED federal (maximum) guidelines. In the present application of Sharia in Nigeria, BOTH the legal procedure (Sharia vis-a-vis common law) and punishment differ substantially. That situation is unacceptable until we have a confederation.

Finally, despite Agabi’s latest letter to their Excellencies, we have not heard the last of this issue. Simply because Agabi or Obasanjo says Sharia is illegal does not make it so in a presidential system with separation of powers. If the states do not accept that interpretation, then we will still have to hear from the Supreme Court.

That is what should have been done in the first instance, and should still be done: take this Sharia issue to the Supreme Court.

APPENDIX

Sharia Takes Hold in:

Zamfara - http://news.bbc.co.uk/hi/english/world/africa/newsid_486000/486982.stm

http://news.bbc.co.uk/hi/english/world/africa/newsid_620000/620058.stm

http://news.bbc.co.uk/hi/english/world/africa/newsid_620000/620181.stm

Sokoto - http://news.bbc.co.uk/hi/english/world/africa/newsid_767000/767961.stm

Niger - http://news.bbc.co.uk/hi/english/world/africa/newsid_603000/603681.stm

Kano - http://news.bbc.co.uk/hi/english/world/africa/newsid_798000/798630.stm

- http://news.bbc.co.uk/hi/english/world/africa/newsid_1041000/1041579.stm

- http://news.bbc.co.uk/hi/english/world/africa/newsid_558000/558880.stm
Katsina - http://news.bbc.co.uk/hi/english/world/africa/newsid_860000/860660.stm
<http://www.hrw.org/press/2002/01/nigeria0108.htm>
Niger, Sokoto, Kano, Yobe -
http://news.bbc.co.uk/hi/english/world/africa/newsid_653000/653422.stm
Yobe - http://news.bbc.co.uk/hi/english/world/africa/newsid_871000/871061.stm
Jigawa - <http://allafrica.com/stories/200008030315.html>
Kebbi - <http://allafrica.com/stories/200012040003.html>
Jigawa - http://news.bbc.co.uk/hi/english/world/africa/newsid_862000/862662.stm
Borno - http://news.bbc.co.uk/hi/english/world/africa/newsid_887000/887355.stm
Bauchi - http://news.bbc.co.uk/hi/english/world/africa/newsid_1194000/1194502.stm
Kaduna - http://news.bbc.co.uk/hi/english/world/africa/newsid_1161000/1161144.stm
- http://news.bbc.co.uk/hi/english/world/africa/newsid_1634000/1634403.stm
http://news.bbc.co.uk/hi/english/world/africa/newsid_1634000/1634403.stm
http://news.bbc.co.uk/hi/english/world/africa/newsid_761000/761725.stm
http://news.bbc.co.uk/hi/english/world/africa/newsid_652000/652419.stm
http://news.bbc.co.uk/hi/english/world/africa/newsid_652000/652118.stm

A General Catalogue: Sharia in Nigeria: <http://www.gamji.com/NEWS113.htm>

Other relevant articles:

http://www.nigeriannews.com/Sam_Aluko.htm

The Social and Economic Implications of Sharia Law

by Sam A. Aluko

28th November, 1999

Contribution to the Seminar Organised by the Chapel of Annunciation,
Archbishop Vining College of Theology, Akure, Ondo State, on Sunday,

http://www.nigerianlaws.com/frames/docs/Cr_Soc/LS26.html

Bello, ex-chief justice, faults Sharia's adoption

Source: The Guardian (NIG) February 11, 2000.

FORMER Chief Justice of the Federation, Justice Mohammed Bello, has faulted the adoption
of Sharia law by some Northern states and affirmed that the 1979 Constitution was superior
to the Islamic law.

<http://www.ngex.com/personalities/voices/sm031200baluko.htm>

SUNDAY MUSINGS: Sharia - Catalyst for the Present SNC Discourse

Mobolaji E. Aluko

Sunday, March 12, 2000

http://www.shariah2001.nmnonline.net/yadudu_paper.htm

BENEFITS OF SHARIAH AND CHALLENGES OF RECLAIMING A HERITAGE

Prof. Auwalu Hamisu Yadudu

At the Commonwealth Conference Centre, Commonwealth Institute, Kensington High Street,
London, April 14th, 2001