
NIGER

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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During the transition period that followed the coup d'état in February 2010, a new legal and institutional framework more favourable for the respect of human rights appeared, civil society was given a new lease of life and no obstruction or intimidation was observed. However, three defenders continued to be subjected to judicial harassment for having denounced corruption or the constitutional reform in 2009.

Political context

On February 18, 2010, the defence and security forces of Niger, combined within the Supreme Council for the Restoration of Democracy (*Conseil suprême pour la restauration de la démocratie* – CSRD) led by Lieutenant General Salou Djibo, overthrew President Mamadou Tandja who since 2009, had established a particularly repressive climate against people, including political opponents and the civil society who had denounced his anti-constitutional manoeuvring to ensure his stay in power. Mr. Tandja was placed in extra-judicial detention before being transferred to the civil prison in Kollo on January 16, 2011, in spite of the ruling on November 8, 2010, of the Court of Justice of the Economic Community of West African States (ECOWAS), confirming the arbitrary nature of the arrest and detention, and calling for his release¹.

Unexpectedly, the military junta subsequently succeeded with the adoption of a new Constitution², creating new institutions and organising general elections that permitted the return of a civil regime. In fact, the two-round presidential elections, which took place on January 31 and March 12, 2011, resulted in the victory of the “historic” opposition leader of the Nigerien Party for Democracy and Socialism (*Parti nigérien pour*

1/ Charged with “misappropriation of public funds” and “violation of the Constitution”, Mr. Tandja was finally released on May 10, 2011, after Niamey Appeal Court Prosecution Chamber quashed all proceedings against him. Similarly, several officials of the National Movement for the Development of Society (*Mouvement national pour la société de développement* - MNSD), the managing directors of state enterprises and the military officers who had refused to join the authors of the coup, were arrested for “subversive activities” on March 28 and 29, 2010. Since then, they all have been released.

2/ On November 25, 2010, the new Constitution creating the Seventh Republic of Niger was promulgated, after being approved by referendum on October 31, 2010 by over 90% of the electors. The new text reaffirmed the principle of the limitation of the presidential mandate, specifying that the Head of State is elected for five years and may only be re-elected once.

la démocratie et le socialisme – PNDS), Mr. Mahamadou Issoufou, with nearly 58% of the vote³.

During this phase of political change, a new legal and institutional framework appeared which was more favourable for the respect of human rights. The new Constitution introduced basic standards of respect for economic and social rights, such as the right to safe and adequate food, and the right to drinking water⁴. It also adopted the principle of the elimination of all forms of discrimination against women and the fight against the violence of which they are victims, and provides for the implementation of specific policies to give women access to public institutions. In addition, on June 4, 2010, the Government adopted a preliminary draft text on decriminalisation of press offences, replacing prison sentences with the payment of fines. On June 14, 2010, the main private radio station in Agadez, *Sahara FM*, was re-opened with the approval of the National Communication Observatory (ONC), after a two-year broadcasting ban.

Continued judicial harassment of a journalist who denounced corruption

In 2010-2011, a journalist who denounced corruption continued to be subjected to judicial harassment. At the end of April 2011, Mr. **Ali Soumana**, Director of the weekly newspaper *Le Courrier*, was still under conditional release while he waited for his trial. He had been arrested on August 1, 2009, along with seven other directors of publications, for implicating one of the sons of President Tandja in a case of corruption related to the signing of a mining contract. They had been all released without charge on the same day, with the exception of Mr. Ali Soumana who was released at a later date to wait for his trial, and the director of another publication who had been sentenced to three months in prison on August 18, 2009, for “throwing discredit on a jurisdictional act”⁵.

Continued judicial harassment of two defenders who denounced the reform of the Constitution in 2009

In 2010, two defenders who had denounced the constitutional reform in 2009, continued to be subjected to judicial harassment. After he had

3/ The parliamentary elections on January 31, 2011, gave rise to the induction on March 30, 2011, of a new National Assembly made up amongst others, of members representing the PNDS, MNSD and the Nigerien Democratic Movement (*Mouvement démocratique nigérien* - MODEN).

4/ These provisions are very important in a country where most of the population lives in a situation of food insecurity and where there is inadequate access to drinking water to the extent that around 50% of the population has no access to it. See United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, United Nations document A/HRC/WG.6/10/NER/2, October 18, 2010.

5/ See Annual Report 2010.

spoken against the reform of the Constitution in June 2009⁶, on January 25, 2010, the Niamey Appeal Court sentenced Mr. **Marou Amadou**, President of the United Front for the Protection of Democracy (*Front uni pour la sauvegarde des acquis démocratiques* – FUSAD) and the Independent Advisory and Orientation Committee for the Defence of Democratic Gains (*Comité de réflexion et d'orientation indépendant pour la sauvegarde des acquis démocratiques* – CROISADE), a member of the national board of the Network of Organisations for Transparency and Budget Analysis – Publish What You Pay (*Réseau des organisations pour la transparence et l'analyse budgétaire – Publiez ce que vous payez* – ROTAB PCQVP Niger), to a suspended three-month prison sentence for “regionalist propaganda”. The lawyers of Mr. Amadou, who was accused of “participation in the creation and/or administration of a non-declared association”, “inciting the defence and security forces to disobey” and “conspiracy against State authority”, filed an appeal before the Supreme Court. The case was subsequently closed. In addition, at the end of April 2011, the case opened against Mr. **Wada Maman**, Secretary General of the Nigerien Association for the Fight against Corruption (*Association nigérienne de lutte contre la corruption* – ANLC), an active member of ROTAB PCQVP and Secretary General of FUSAD, was still pending before the Niamey High Criminal Court. Mr. Maman, who had been arrested in Niamey in 2009 and prosecuted for “participation in an unauthorised demonstration” and “destruction of a bridge, public monuments and an administrative vehicle”, consequently remained under provisional release.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. Marou Amadou	Sentencing / Judicial harassment	Urgent Appeal NER 001/0709/ OBS 095.8	January 26, 2010