

PUBLIC

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EXTRA 88/99

Impunity

16 July 1999

NIGER

Proposed new Constitution which provides an amnesty for those

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On 18 July a new Constitution will be submitted to popular referendum in Niger. Article 141 of the draft constitution provides an amnesty for the authors of the military coups of January 1996 and April 1999. Amnesty International is concerned that this amnesty will give impunity to the soldiers responsible for human rights violations and killings, including that of former President Ibrahim Baré Maïnassara.

President Baré Maïnassara was killed on 9 April 1999 by members of the presidential guard at the military airport of the capital, Niamey. Four others were extrajudicially killed in the same incident.

The next day the main human rights association in Niger, the *Association nigérienne de défense des droits de l'homme*, Nigerien Association for the Defence of Human Rights, together with 16 members of the Economic Community of West African States (ECOWAS), asked for an independent inquiry into the killing.

The military authorities who took power after the coup maintained that President Baré Maïnassara's death was an "accident" but eventually agreed to ask the national gendarmerie to investigate this killing. Amnesty International considers that an investigation carried out by gendarmes who answer directly to the Minister of Defence cannot be independent. In view of the amnesty offered by the draft constitution, this represents a gesture aimed simply at appeasing national and international pressure.

#### BACKGROUND INFORMATION

In 1990 one-party rule ended in Niger and the first democratic presidential elections took place in 1993. In January 1996, however, the elected government of President Mahamane Ousmane was overthrown by a military coup.

The new authorities, led by General Ibrahim Baré Maïnassara, were responsible for many human rights violations including arbitrary detentions, torture and ill-treatment. None of these violations were investigated, nor were those responsible brought to justice.

For years perpetrators of human rights violations in Niger have enjoyed impunity. Although some of those responsible for such violations were arrested in 1991 they were freed after a military mutiny demanding their release. Since then there have been no independent investigations into the many allegations of human rights violations reported by Amnesty International.

#### RECOMMENDED ACTION: Please send telegrams and faxes only, in French or your own language:

- expressing concern that Article 141 of the draft constitution to be submitted to a referendum on 18 July 1999 provides an amnesty for those responsible for the military coups of 1996 and 1999;

- asking the authorities to open a full and independent investigation into the death of President Baré Maïnassara and four others killed on 9 April 1999, to bring those responsible to justice and make the results public, in line with international rights standards, including UN principles;
- expressing concern that those responsible for human rights violations have enjoyed impunity for many years and that this perpetuates the cycle of human rights violations;
- reminding the authorities that the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions provide that "in no circumstances, including a state of war, siege or other public emergency, shall blanket immunity from prosecution be granted to any person allegedly involved in extra-legal, arbitrary or summary executions".

**APPEALS TO:**

Head of State

Major Daouda Mallam Wanké  
Président du Conseil national de réconciliation  
La Présidence, Niamey, Niger

**Telegrams: President, Niamey, Niger**

**Faxes: + 227 733430**

**Salutation: Excellence / Dear President**

Minister for Justice

Monsieur Laouli Mahamane Danda  
Ministère de la Justice et des Droits de l'homme, Garde des Sceaux  
Ministère de la Justice, Niamey, Niger

**Telegrams: Ministre Justice, Niger**

**Faxes: + 227 735231**

**Salutation: Monsieur le Ministre / Dear Minister**

**COPIES TO:**

Minister of Foreign Affairs

Madame Aïchatou Mindaoudou  
Ministre des Affaires étrangères et de la coopération  
Ministère des Affaires étrangères

**Faxes: + 227 735231**

and to diplomatic representatives of Niger accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**