

AI INDEX: AFR 43/06/99

8 September 1999

Niger: impunity enshrined

“Each new violation which does not lead to an inquiry and result in the bringing to justice of those responsible contributes to building up the wall of impunity which supports all those who refuse to accept the rule of law in Niger. The constitutional amnesty of July 1999 is the most recent sign of the current willingness to refuse to confront the truth about human rights violations of the past so as better to ensure immunity from future crimes.” (Extract from the report published today)

The culture of impunity which has prevailed in Niger for years has just been consecrated with the recent decision, before the holding of any trial, to grant amnesty to the instigators of human rights violations which took place during the coups d'Etat of 1996 and 1999, states Amnesty International, in a new report published today.

“For years, impunity from punishment has undermined the foundations for the rule of law in Niger. A succession of silences has covered up human rights violations and on these silences, capped by the enshrining of an amnesty in the constitution of July 1999, all human rights violations are based,” the organisation emphasises.

The decision to grant amnesty to those responsible for the human rights violations at the time of the coup d'Etat of April 1999 which led to the assassination of President Ibrahim Baré Maïnassara, who had himself

come to power after a coup d'Etat in January 1996, comes at a time when demands for an independent inquiry into his death are increasing.

Amnesty International has obtained the testimony of an eye witness to the assassination of Baré Maïnassara on 9 April 1999, at the military airport at Niamey. The witness is his personal servant, Hamani Amadou, who states specifically: "After having saluted the soldiers on sentry-duty, President Baré Maïnassara set off towards the helicopter. I saw Major Daouda Mallam Wanké [who commanded the Presidential Guard] raise his arm in the air. I heard a shot. Several seconds later, firing began. The President was hit in the back. His driver brought the Presidential car and a lieutenant tried to bundle the President into it. Some soldiers said: 'He's still alive'. The President's body was then riddled with bullets fired from an armoured car."

Amnesty International has received similar testimonies from eye witnesses, including military personnel who wish to remain anonymous.

On the day after the President's death, there were many calls for an inquiry to be set up. But the authorities continued to speak of "an unfortunate accident" or "accidental disappearance".

Finally, after refusing for two months, the authorities agreed, in June 1999 to entrust an inquiry to the police force. However, the impartiality of such an inquiry is in question because the police force is directly dependent on the Ministry of Defence.

"The death of the President and that of four other individuals killed along with him appear to be deliberate and arbitrary political assassinations," in the opinion of Amnesty International.

Only one Niger political party, the *Rassemblement pour la démocratie et progrès*, Assembly for democracy and progress, (RPD), supporters of the previous presidential political platform, called for an inquiry into the death of

the murdered president. Immediately after this, several party leaders had their freedom of movement restricted. At the beginning of May 1999, several Ministers of the previous government dissolved after the coup d'Etat were served with notices forbidding them to leave the capital, Niamey.

The head of the RPD, Yahaya Tounkara, the former Minister of Defence, was confined to his home for several days. He is still unable to leave the capital.

A culture of impunity has developed in Niger over the past ten years. In its report, Amnesty International has drawn up a non-exhaustive list of human rights violations which remain unpunished at this time. The report refers to the following:

The killing on 9 February 1990: the police fired on students who were peacefully demonstrating, killing at least three and injuring dozens of others;
The Tchintabaraden massacre of May 1990: a very large number of Touareg people were arrested, tortured and killed by the military during conflict between the army and several armed Touareg opposition groups.

Attacks on human rights committed under the regime of President Mainassara from 1996 to 1999: the ransacking of the premises of the independent radio station "Anfani" in March 1997; the arrest and torture of political opponents in the same year; the discovery of 150 corpses at a grave site in Bouloungoure in January 1999.

The authorities have directed inquiries into some of these violations; those responsible have been identified. But to date, none has been brought before a tribunal.

In its report, the human rights defence organisation recommends, among other proposals, that the Niger authorities ensure that the inquiry instituted by the Niger police into the assassinations committed at the time of the coup d'Etat in April 1999 affords full guarantees of independence and impartiality and require that the conclusions of the inquiry be made public.

In addition, Amnesty International demands that the military junta changes the law so as to ensure that those responsible for human rights violations throughout the decade be brought to justice.

ENDS.../

For more information please call Amnesty International's press office in London, UK, on 44 171 413 5566 or visit our website at <http://www.amnesty.org>