

# £NIGER

## @Summary of Amnesty International's concerns in 1992

In March 1993, the Human Rights Committee, a body of 18 experts established under the International Covenant on Civil and Political Rights, is scheduled to consider the Republic of Niger's initial report on its implementation of that treaty which entered into force in Niger in 1986. This document reviews recent events where basic rights guaranteed by the Covenant have not been respected. The Covenant is an international treaty which binds state parties to implement many of the basic civil and political rights enshrined in the Universal Declaration of Human Rights.

The year 1992 was one of political transition in the Republic of Niger, leading to elections in early 1993. Armed opposition to the government by Tuareg rebels, which had previously occurred in 1990 and was suppressed with gross violations of human rights, emerged again in 1992. The army's response was once again characterized by violations of the rule of law and human rights, as more than 200 Tuareg were detained without charge and held outside the terms of the law. By February 1993 most had been released, but more than 50 were still held and were considered by Amnesty International to be possible prisoners of conscience<sup>1</sup>. Amnesty International was also concerned about the continuing detention of up to 45 people, mostly government officials or members of the security forces, by the Tuareg insurgents, as well as the insurgents' practice of deliberately and arbitrarily killing unarmed civilians.

The transitional period, agreed by a National Conference in 1991 at the beginning of a period of political reform, was due to end in January 1993, but was extended by two months.

A referendum on a new Constitution took place in late November 1992 and parliamentary and presidential elections started in February and were due to continue into March 1993. The new Constitution formally introduced a multi-party system which had effectively been in operation since the National Conference suspended the previous Constitution.

### **LARGE SCALE ILLEGAL ARRESTS OF TUAREG - SOME CIVILIANS ARRESTED AND OTHERS DELIBERATELY AND ARBITRARILY KILLED BY TUAREG REBELS**

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<sup>1</sup> The term "prisoner of conscience" is used by Amnesty International to refer to persons imprisoned, detained or otherwise physically restricted by reason of their political, religious or other conscientiously held beliefs or by reasons of their ethnic origin, sex, colour or language, provided that they have not used or advocated violence.

Tension between the authorities and the Tuareg community has been apparent for many years. The most recent events, prior to the current wave of violence and arrests, were in 1990, when an armed group of Tuareg attacked a prison and police station at Tchén-Tabaraden, killing three officials and three civilians. Government troops who were sent to the area in 1990 attacked Tuareg encampments and carried out hundreds of extrajudicial executions. The human rights dimension was discussed during the National Conference but only one person, an army officer, was arrested in this connection and he was soon released as a result of army pressure. Captain Boureima Maliki was awaiting trial for killing Tuareg detainees in 1990 when junior army officers took hostage a government minister and the President of the *Haut Conseil de la République* (HCR), High Council of the Republic, the transitional legislative body, in February 1992. The officers demanded improved living conditions, payment of salary arrears and the unconditional release of Captain Maliki. The authorities agreed to the material demands within a few days and in late March 1992 agreed to Captain Maliki's release, apparently fearing further action by the army. He was subsequently fully reintegrated into the army. His release and reintegration appeared to signal an end to the attempts by the authorities to hold the army accountable for the extrajudicial executions of hundreds of Tuareg in 1990, and further angered and frustrated the Tuareg community. Although the National Conference had investigated allegations of large-scale human rights violations against the Tuareg community in 1990 and confirmed that mass killings and torture had occurred, only Captain Maliki, who had publicly admitted killing Tuareg detainees, had been arrested. Apparently frustrated by this lack of redress, Tuareg rebels resumed violent attacks in late 1991.

Conflict continued in 1992 between the security forces and the Tuareg rebel organization, the *Front de Libération de l'Aïr et de l'Azawad* (FLAA), Liberation Front of Aïr and Azawad. The FLAA killed or took prisoner dozens of members of the security forces and civilian officials, as well as killing or injuring people when seizing vehicles. A truce agreed in May 1992 has not been effective and clashes continued into 1993.

A large number of Tuareg were arrested during 1992, often in apparent reprisal for actions by Tuareg rebels. Many appeared to be prisoners of conscience, arrested on account of their ethnic origin and in absence of any evidence that they had any connection with the Tuareg rebellion. In May 1992 the security forces arrested and ill-treated more than 50 Tuareg whom they detained for about 48 hours when they raided an area of Arlit in the north of the country, looking for suspected car thieves. In July 1992 many Tuareg leaders were arrested and held briefly in the town of Abalak, after the discovery of a dead body near the Gendarmerie headquarters.

More than 200 Tuareg were arrested by the army from August 1992 onwards and imprisoned outside of any legal framework. On 27 August a group of 50 soldiers arrested the Governor of Agades, the chief town in the Tuareg-populated zone of Niger, and two of his

colleagues the day after a police officer was killed by armed men, reported to be Tuareg. The soldiers were apparently protesting against the failure of the civilian authorities to deal with the increasingly violent rebellion by the Tuareg. Over the next few days, the security forces elsewhere followed their example, arresting dozens of other Tuareg in northern Niger and in the capital, Niamey. On 31 August Prime Minister Amadou Cheiffou stated that those arrested would be treated in accordance with legal procedures, effectively bestowing the government's approval retroactively on the action of the security forces. Even so, the detainees continued to be held outside the law and were not the subject of formal remand or investigation procedures provided for by the law in the Code of Criminal Procedure. Arrests of Tuareg continued into October 1992 and despite some releases at least 75 prisoners are believed to be still held.

Among those arrested were Mohamed Moussa, Minister of Transport; Akoli Daouel, founder of the *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social Progress, and current leader of the *Parti nigérien pour l'unité et la démocratie* (PNUD), Nigerien Party for Unity and Democracy; and many other members of the UDPS. Almost all were Tuareg - the remainder were fair-skinned Arabic-speaking people. At least 120 were released uncharged in January 1993, and another six in February 1993, including Mohamed Moussa. They were provided with no compensation for their unlawful and arbitrary detention. According to judicial sources, at least 75 people remain held in February 1993. Although under judicial investigation, they apparently remain held without charge or trial.

Amnesty International is appealing to the authorities to release all those arrested purely on account of their ethnic origin and not known to have been involved in acts of violence. It has also appealed to the government to guarantee the safety of all those arrested by the army and urged that all such prisoners should be tried promptly and fairly or released.

The FLAA, which continues in 1993 to mount attacks, has also committed human rights abuses. At least 14 people who were seized in January 1992 were still reported to be held in February 1993. They appear to be hostages. One hostage seized at the same time, Issoufou Wadin, a district local government administrator was released in January 1992 with a demand that the government should withdraw all members of the security forces from northern Niger. By August 1992 the rebels had taken hostage at least 45 officials, some of whom were believed still to be held at the end of the year. One hostage, Chaibou Dan Bouga, a 43-year-old trader, died in January 1993 while still in rebel custody. He had been held since April 1992 and the family reportedly attributed his death to illness resulting from harsh conditions. They had also killed over 20 officials and members of the security forces. Rebels engaged in stealing vehicles or other goods have attacked and injured unarmed civilians. Since the large scale arrest of Tuareg from August 1992, there has been an increasing use of violence by the insurgents, involving the killing of government or security officials.

In January 1993, the rebels attacked the town of Abala, where Mamadou Tanja, leader of a political party and former Minister of the Interior during the army campaign against the Tuareg in 1990, was attending a political rally. In Abala, the rebels also managed to forcibly release four Tuareg who had been released from detention by the authorities for lack of evidence but swiftly rearrested by the army. The attack resulted in the death of at least 15 rebels and nine others, including one person who was accompanying a sick person to the infirmary when it was attacked by rebels.

### **THE TRANSITIONAL PERIOD AND INVESTIGATIONS INTO PAST HUMAN RIGHTS VIOLATIONS**

A commission set up by the National Conference to examine past political crimes and human rights violations, *la Commission chargée d'enquêter sur les crimes et abus politiques, économiques et socio-culturels*, continued its work in 1992. Its task was to undertake preliminary investigations into allegations of offences by state officials, including torture, corruption and unfair dismissal of state employees. Cases are then passed to the HCR, to decide if those implicated should be prosecuted. In September 1992, however, the President of the Commission, Maman Abou, a Tuareg, fled the country fearing arrest after a large number of members of the Tuareg community were arrested. This apparently weakened the Commission's ability to pursue its activities.

The *Haute Cour de Justice*, High Court of Justice, a special court set up by the National Conference to try former government and security officials, heard its first case in late 1992. In November 1992 it sentenced two retired army colonels to 10 years' imprisonment after finding them guilty of killing Vice-President Sani Souma Siddo while he was in detention in 1977 on suspicion of involvement in an attempted coup. The killing was found to be an extrajudicial execution "carried out intentionally, with premeditation and without official orders". Those convicted and sentenced by the High Court have no right of appeal; however, the Prime Minister pardoned both of the convicted men a day later on the grounds that it was in the interests of preserving national unity.

In June 1992 the former security adviser to the head of state, Amadou Oumarou, known as "Bonkano", was released from custody. Wanted in connection with a coup attempt in October 1983, he was detained after returning to Niger from exile in October 1991, when the National Conference announced an amnesty for all offences connected to the October 1983 coup attempt. As the last prisoners arrested in connection with this coup attempt were released in December 1989, the main purpose of the amnesty was to allow Amadou Oumarou and three others who had been sentenced to death *in absentia* to return to Niger to testify before the National Conference. Amadou Oumarou alone returned and

testified before the conference. He explained that in 1983 he was planning a palace coup to replace President Seyni Kountché as head of state and also admitted to having profited financially from deals made when he held government office. He was placed under house arrest after appearing before the National Conference, ostensibly for his own safety while investigations continue into accusations of embezzlement. The case against him was passed from the commission to examine past political crimes to the HCR. The HCR rejected it on the grounds that the only evidence against him concerned illegal enrichment, which had only recently become a criminal offence.

Amnesty International is continuing to appeal to the government to either bring to trial, on recognisably criminal offences, the Tuareg detainees or to release them and to the rebels to end the practice of deliberate and arbitrary killing of civilians and to release those held hostage.