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Niger: Impunity -- as enshrined in the constitution

By granting an amnesty to the perpetrators of human rights violations that took place during the coups of 1996 and 1999, the Niger government has institutionalized the veil of impunity that surrounds the security forces, Amnesty International said in a new report published today.

"For years, impunity has undermined the foundations of the rule of law in Niger," Amnesty International said. "However, by incorporating this amnesty into the new national constitution of 18 July 1999, the Niger government has demonstrated to the international community its complete disregard for human rights."

Amnesty International has obtained the testimonies of several eye witnesses to the assassination of President Baré Maïnassara on 9 April 1999, at the military airport at Niamey which seem to suggest that his death was not "an accidental disappearance" or "an unfortunate accident".

Hamani Amadou, President Baré Maïnassara's personal servant, 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."

"The death of the President and his four aides appears to be a premeditated political assassination," the human rights organization added.

Following the assassination and the coup which established power in the hands of the military *Conseil de Réconciliation Nationale* (CRN), members of political parties demanding an inquiry into the death of President Baré Maïnassara, have been harrassed and had their movements restricted.

In June, Major Daouda Mallam Wanké, leader of the CRN, publicly threatened "any political party or individual" attempting to "challenge" the process of national reconciliation with "disqualification from the forthcoming elections". Yahaya Tounkara, the former Minsiter of Defence was kept under house arrest for several days. He, along with other officials of the previous government, is still unable to leave the capital, Niamey.

The amnesty enshrined in the constitution is the latest incident in a long line of events that has fostered an endemic culture of impunity. In its report, Amnesty International has drawn up a non-exhaustive list of human rights violations from the last ten years, which remain unpunished, including:

- The deaths of at least three students and the wounding of dozens of others on 9 February 1990 when police opened fire on a peaceful demonstration;
- The Tchintabaraden massacre of May 1990 in which a large number of Touareg people were arrested, tortured and killed by the military at a time of conflict between the army and armed Touareg opposition groups;
- Human rights violations committed under the regime of President Baré Maïnassara from 1996 to 1999, including the arrest and torture of political opponents and the discovery of 150 corpses at a grave site in Bouloungoure in January 1999.

Although the Niger authorities have held inquiries into some of these incidents most of the suspects detained following judicial decisions were released as a result of pressure from the military.

Amnesty International calls on the government to hold independent and impartial investigations into all cases of serious human rights violations committed during the past decade, including the killings of 18 July 1999, and to ensure that those responsible are brought to justice.

In addition, the organization urges the military government to amend the constitution to ensure that those responsible for human rights violations during the two coups of January 1996 and April 1999 are brought to justice.

"As long as those responsible for committing human rights violations remain unpunished there can be no serious hope for establishing a rule of law in Niger."

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For more information or to obtain a copy of the report, *Niger: Impunity enshrined in the constitution*, please call Amnesty International's press office in London, UK, on +44 171 413 5566 or visit our website at <http://www.amnesty.org>

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