



# NIGER: "THREATENED AND BROUGHT TO HEEL"

HUMAN RIGHTS AND CIVIC SPACE UNDER PRESSURE SINCE THE 26 JULY COUP

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**Cover photo:** Image illustrating demonstrations after the 26 July coup  
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# GLOSSARY

WORD	DESCRIPTION
ACHPR	African Charter of Human and Peoples' Rights
ACTED	Agency for Technical Cooperation and Development
AEC	Alternatives Espaces Citoyens
AES	Association of Sahelian States
APBE	Action pour le Bien-Être
CAT	UN Convention Against Torture and Other Cruel Inhuman and Degrading Treatment or Punishment
CED	UN Committee on Enforced Disappearance
CEDAW	UN Convention on the Elimination of All Forms of Discrimination Against Women
CNSP	National Council for the Safeguard of the Homeland
COLDEFF	Commission against Economic, financial and tax-related crimes
CPJ	Committee to Protect Journalists
CSC	Higher Communications Council
DGDSE	Directorate -General for Documentation and External Security
ECOWAS	Economic Community of West African States
EUCAP SAHEL NIGER	EU Capacity Building Mission in the Sahel-Niger
EUMPM NIGER	EU Military Partnership Mission in Niger
FPGE	National registry of persons, group of persons and entities involved in terror activities and other offences against the country's strategic interests and constituting a threat to public safety and tranquillity
FPS	Patriotic Front for Salvation
G5 SAHEL	Group of Five for the Sahel
GSIM	Group for the Support of Islam and Muslims

<b>WORD</b>	<b>DESCRIPTION</b>
<b>HALCIA</b>	High Authority against corruption and assimilated infractions
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>IS-SAHEL</b>	Islamic State- Sahel Province
<b>ISWAP</b>	Islamic State-West Africa Province
<b>JAS</b>	Jama'at Ahl as-Sunna Li Dawa't wal-Jihad (commonly known as Boko Haram)
<b>MDP</b>	Maison de la Presse
<b>MINUSMA</b>	UN Multidimensional Integrated Stabilization Mission in Mali
<b>MNJTF</b>	Multinational Joint Task Force for the Lake Chad Basin
<b>ODA</b>	Official Development Assistance
<b>PNDS-TARAYYA</b>	Parti Nigérien pour la Démocratie et le Socialisme- Tarayya
<b>RSF</b>	Reporters Sans Frontières
<b>SCLCT/CTO</b>	Central Service for Combating Terrorism and Organized Transnational Crime
<b>WAEMU</b>	West African Economic and Monetary Union

# 1. EXECUTIVE SUMMARY

This report documents the deterioration of civic space and civil and political rights violations in Niger since the military coup of 26 July 2023 to January 2025 and makes recommendations to the authorities for the protection of rights guaranteed by international human rights law and standards, as well as national law in Niger.

This report is based on 36 interviews conducted with a diversity of Nigerien actors from July 2023 to January 2025, including journalists, human rights defenders, lawyers and professionals belonging to the judiciary, and victims of human rights violations and their families. Between 3 and 12 June 2024, two Amnesty International delegates visited Niamey, Niger's capital, and conducted interviews with various stakeholders. Due to the security situation, the delegates only visited Niamey and could not conduct interviews beyond the capital city. Requests for meetings with members of the government including the Minister of Justice and the Minister for Interior were sent prior to the visit but remained unanswered. The findings of the research were also sent to the authorities on 13 February 2025 in order to reflect their observations in the report. At the date of the publication of the report, no response was received by Amnesty International.

## THE MILITARY COUP

The National Council for the Safeguard of the Homeland (CNSP), who overthrew former President Mohamed Bazoum, justified its coup on what it assessed as “continued worsening of the security situation and to the poor economic and social governance”<sup>1</sup> of the deposed regime; the rest of the army rallied behind the takeover, claiming to do so for the sake of avoiding a confrontation within the military and for the sake of national cohesion. Beyond Niger, tensions soon flared between the CNSP and the Economic Community of West African States (ECOWAS) which condemned the coup, called for the restoration of civilian constitutional rule and threatened to intervene militarily in Niger for that purpose, if the CNSP failed to oblige to its demands. Other security partners of Niger such as France, also condemned the coup and refused to recognize the legitimacy of the CNSP.

The reactions within the civil society were profoundly divided following the coup, and especially, following the threat of a military intervention by ECOWAS. While there were pro-democracy protests on 26 July that were dispersed by the military, the following weeks saw several protests in support of the military authorities in Niamey and several other cities. In August and September 2023, members of the CNSP appeared during protests at the Seyni Kountché stadium in Niamey and talked about their intention to “save Niger from colonialism”.

## A DEFECTIVE LEGAL FRAMEWORK

Immediately following the military takeover, the CNSP suspended the 2010 constitution, which guaranteed many human rights, freedoms and liberties and dissolved the government and several institutions, including the National Human Rights Council (NHRC). All executive and legislative powers were concentrated in the CNSP. Different new institutions were meant to be established according to an ordinance organizing the transition, such as a National Consultative Council, a Constitutional Council, a State Court and a National Observatory of Human Rights and Fundamental Liberties to replace the dissolved National Human Rights Council. As of January 2025, only the State Court has been established by the CNSP.

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<sup>1</sup> Niger/CNSP, “Communiqué no.1” [“Press Release no.1”], 26 July 2023 (in French).

Despite the suspension of the constitution, Niger is still bound to several international and regional treaties related to human rights, which protect the rights to freedoms of expression and peaceful assembly, guarantee fair trial and rights in detention and prohibit tortures and ill-treatment. Despite these guarantees, the authorities restricted human rights in Niger through several ordinances since July 2023. The CNSP immediately suspended activities by political parties following the coup. In June 2024, the CNSP restored prison sentences in the law on Cybercriminality (2019) for the offences of defamation via electronic means, insults via electronic communications and the dissemination of data likely to disturb public order or infringing on human dignity.

Furthermore, in August 2024, the Nigerien authorities issued a new ordinance establishing a national registry of persons, group of persons and entities allegedly involved in “terrorist” activities and other offences against the country’s strategic interests and constituting a threat to public safety and tranquility (FPGE). The list of offences falling into the ordinance is very wide, including offences related to Cybercriminality and other opinion offenses, which raised concerns of the risk of abuse. Being enrolled in the FPGE includes having individual’s assets frozen, restriction to freedom of movement and even deprivation of citizenship, even without a definitive conviction. As of January 2025, 21 Nigeriens, including former cabinet members and officials during Bazoum’s presidency in exile, and leaders of armed groups, were temporarily deprived by the government of their citizenship based on this ordinance. The deprivation of nationality that follows unfair legal proceedings will always violate the prohibition of arbitrary deprivation of nationality imposed by international human rights law. Further, considering that there are less severe measures available to address genuine criminality, deprivation of citizenship is neither a necessary nor a proportionate response. This action has significant long-term consequences for the rights of the individuals affected and their families.

## ARBITRARY DETENTION OF FORMER REGIME OFFICIALS

Several officials of the deposed administration have been subjected to arbitrary arrests and detentions since July 2023. Mohamed Bazoum, his wife Hadiza Mabrouk and his son Salem, were detained without charge in the presidential complex right after the coup. In August, the CNSP announced its intention to prosecute Mohamed Bazoum for “high treason” and “advocacy of terrorism”. In October 2023, the Appeal Chamber of the Niamey High Court ruled that the detention of Salem Bazoum was abusive and ordered his release. This ruling was never implemented by the Nigerien authorities, in violation of the rule of law. In December 2023, the ECOWAS Court of Justice ruled that the detention of Bazoum, his wife and son were arbitrary. While in January 2024, Salem Mohamed Bazoum was freed and allowed to leave Niger following a Togolese mediation. Nigerien authorities initiated in January 2024 a procedure to lift the presidential immunity of Mohamed Bazoum to pursue him before the court for “high treason” and “plotting with the purpose of threatening state security or the authority of the state”. On 14 June 2024, the Niger State Court positively assented to the request made by the military court despite infringements of the right to the defence during the proceedings. Beyond the presidential family, at least seven former government ministers have been arrested and detained on politically motivated charges. In September 2023, many of them who were assigned to their residence in Niamey, were transferred to various prisons (Filingué, Say, Kollo, Koutoukallé) and were charged before the military court with ‘threatening state security’. Ibrahim Yacouba, a former Energy Minister, who was away on 26 July 2023, was arrested at his return in Niamey in January 2024. He was presented before the military tribunal and sent to the Ouallam prison, 103 kilometres north from Niamey. On 29 July 2024, a third request for provisional release filed by his lawyers was positively approved by the control chamber of the Appeals Court according to Ibrahim Yacouba’s legal team but the notification of this grant was never issued by the Court, rendering it moot. Other former ministers, Hama Adamou Souley, Ahmat Jidoud and Dr Rabiou Abdou, are also still kept in detention despite rulings granting them provisional release according to their lawyers.

Investigations involving members of former President Bazoum’s entourage have shown clear violations of the Criminal Procedure Code, including a lack of access to lawyers, detention without a legitimate reason and unfair trials. This was especially evident in the investigation on the alleged attempt to facilitate the escape of the presidential family from detention in October 2023. Abdourahmane Ben Hamaye, a former intelligence official and advisor to former President Bazoum, has been accused of being the primary culprit. For two weeks, Ben Hamaye and his 24 co-accused were detained incommunicado by the intelligence services and denied access to legal counsel. They were transferred to the gendarmerie in November 2023 where they were detained without charge. In April 2024, a Niamey administrative court ruled that their detention was illegal and groundless, and called for their release. Two days later, Ben Hamaye and the co-accused were presented to a senior examining magistrate and charged with “plotting with the purpose of threatening state security or the authority of the state”. While Ben Hamaye and several members of the security forces



involved in the alleged conspiracy were remanded in various prisons, several of the civilian indictees were freed pending trial.

In December 2024, the United Nations Working Group on Arbitrary Detention determined that the detention of former president Bazoum and his wife, Hadiza Mabrouk, was arbitrary and violated international human rights law. The UN Working group also called for their immediate release.

**“If you criticize the government, be sure that you risk being arrested”<sup>2</sup>**

## **ABUSING THE RULE OF LAW TO REPRESS CIVIL SOCIETY**

Amnesty International also documented several cases of repression of civil society members through unlawful detention with the involvement of the Directorate-General for Documentation and External Security (DGDSE), aimed at silencing critical voices.

Indeed, the DGDSE has been increasingly involved, since the coup, in detention and interrogation, often exceeding its prerogatives and violating international human right law and national legislation with incommunicado detention and enforced disappearances. In many instances, the rights of the defence were not respected, resulting in some individuals experiencing physical or psychological ill-treatment. Hadiza\* and Samira Sabou, two female activists, were victims of enforced disappearances in 2023, before being transferred to police or gendarmerie units and legally charged with offences related to the 2019 Cybercriminality Law. During their interrogations, they were questioned about comments they posted on social media channels regarding the new authorities, at the time of the tense political context during the months following the coup, where the CNSP was under sanctions and lacked international recognition. Both were subsequently freed provisionally but have been marked by their detention.

On 3 December 2024, Moussa Tchangari, the secretary general of the civil society organization Citizens' Alternative Spaces (AEC), known for his criticism of the government, was arrested at his home in Niamey. He had just returned from a trip to neighbouring Nigeria when at least three individuals in plain clothes apprehended him. Initially, he was held incommunicado by the DGDSE and then transferred to a police unit two days later. He has been charged with “advocacy of terrorism, undermining state security and criminal association in connection with terrorism.” If convicted, he faces a prison sentence of 5 to 10 years.

## **ATTACKS AGAINST JOURNALISTIC FREEDOMS**

Since 26 July 2023, the authorities have also repeatedly infringed on media freedoms in view to control information. In August 2023, Radio France International (RFI) and France 24 were suspended from broadcasting in Niger for hosting in their shows individuals that were critical of the CNSP. Journalists based in Niger told Amnesty International of the threats and intimidation they faced from the CNSP and their supporters, even within the media corps. In December 2024, the BBC was suspended from broadcasting for three months.

Pressure fell also on the Maison de la Presse, an umbrella of 32 media organizations, that canvasses for press freedom and the interests of journalists and media professionals. According to journalists and former members of the Maison de la Presse, the organization was particularly divided following the coup, with its members taking different positions regarding the ongoing events and divided between those that believed that the Maison de la Presse had to support the authorities in their political stances against the deposed regime and ECOWAS, and those that preferred to stick with their independence or political neutrality. Following months of tension linked to the renewal of its governing board, the Nigerien authorities suspended its General Assembly in December 2023, causing a lockdown of its governance. On 30 January 2024, the ministry of Interior decided to suspend all activities of the Maison de la Presse, dissolved the board and set up an ad hoc interim committee composed of cabinet officials belonging to the ministry of Interior to manage its affairs. Ousmane Toudou, a journalist and former advisor of Mohamed Bazoum and Soumana Maiga, editor of the daily L'Enquêteur, were arrested in April 2024 and charged before a military court, respectively with “treason and plotting against the state security” and with “threatening national defence” for social media posts and republishing an article by an international media. While Maiga was freed provisionally in July 2024 pending trial, Toudou remains in detention in Kollo, 30 kms distant from Niamey. This harsh repression led certain media houses and journalists to self-censorship they feel is necessary to avoid being targeted further.

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<sup>2</sup> Observation made by a civil society member in Niamey on the current human rights environment, June 2024.

## CONCLUSIONS AND RECOMMENDATIONS

Eighteen months after the CNSP take over, most of its planned institutions are still not in place and human rights have been deteriorated in law and practice. Former president Bazoum and his wife and at least seven former cabinet ministers remain arbitrary detained. Self-censorship has become the norm among civil society, citizens and the press due to fears of arbitrary detention and enforced disappearances. To address this situation, Amnesty International recommends to the Nigerien authorities to:

- Release immediately former president Mohamed Bazoum, his wife Hadiza Mabrouk, and former cabinet ministers arbitrary detained;
- Release immediately journalist Ousmane Toudou, arbitrary detained for having exercised his right to freedom of expression and drop all charges against him; drop all charges against journalist Soumana Maiga prosecuted for having exercised the right to information;
- Release immediately Moussa Tchangari and drop all charges against him
- Ensure that all detainees are held in humane conditions, that they have access to the outside world, including their lawyer and family or loved ones, have access to care when needed, and have the opportunity to challenge their detention before a judge;
- Urgently investigate the use of enforced disappearance by the DGDSE; Amend the criminal code to make enforced disappearance an offence, in conformity with the International Convention for the Protection of All Persons from Enforced Disappearance ratified by Niger in 2015;
- Amend the criminal code to make torture and other ill-treatment an offence, in conformity with the UN Convention against torture; and investigate all suspicions of torture and other ill-treatment in detention and bring those responsible to justice.
- Abrogate Ordinance no 2024-43 of 27 August 2024 establishing a national registry of persons, groups of persons and entities involved in terror acts or other infractions against the fundamental strategic interests of the nation or remove all dispositions making it possible to list individuals in the registry for expressing their freedom of expression and right to information and cease the practice of arbitrarily depriving individuals of their nationality.
- Cease the harassment of human rights defenders, activists, journalists and other media professionals, through intimidation, detention and prosecution, simply for exercising their rights;
- Lift the suspension of the Maison de la Presse and favour a climate where the press can organize effectively to defend its interests, without prejudice to the respect of the law;
- Revise the 2019 Cybercriminality Law to remove all prison sentences for defamation and insults by way of an electronic communications medium (article 29) and dissemination of data likely to disturb public order (article 31).
- Lift the suspension of the activities of political parties that has been effective since July 2023;

## 2. METHODOLOGY

This report documents violations of civil and political rights in Niger between 26 July 2023, when the military took power by a coup, to January 2025.

It is based on Amnesty International's field and desk research. Between July 2023 and January 2025, the organization interviewed 36 people including human rights defenders, journalists, members of civil society, employees of non-governmental organizations, members of the diplomatic corps in Niger, lawyers of victims of human rights violations, witnesses and victims of human rights violations and their families. Interviewees were selected through existing networks built by Amnesty International and following referrals by victims, human rights defenders, civil society members and other researchers, working on Niger.

The majority of interviews were conducted in person during a research trip to Niger between 3 and 12 June 2024, by two Amnesty International delegates. The delegates were able to travel to Niger only after the lifting of the closure of Nigerien borders which lasted from August 2023 to January 2024. Due to the security situation, Amnesty International delegates were only able to conduct interviews in the capital, Niamey. These interviews were conducted in private or semi-private settings, including private rooms in public buildings, offices of some of the interviewees or other organizations ensuring that interviewees were comfortable with settings and security of the premises.

Other interviews were conducted remotely by phone, or at another site, due to border closures and security concerns. All interviews were conducted in French.

Given the sensitivity of the political climate and to protect the anonymity of some of the persons interviewed, Amnesty International has not used, in certain cases, their real names in this report and has replaced them with generic names or initials. Before each interview, Amnesty International informed interviewees about the nature and purpose of the research and ensured their informed consent on how the information they provide could be used. People were told they could end the interview at any time and could choose not to answer specific questions. Interviewees were not provided with incentives for speaking.

In total, Amnesty International documented and reviewed 21 cases of human rights violations between 26 July 2023 and January 2025, including arbitrary detentions, enforced disappearances, abuses of detainees' rights, violations of the judicial procedure and fair trial and several cases of violations to freedom of the press.

Amnesty International reviewed and analysed an extensive range of primary and secondary sources, including laws and ordinances proclaimed in Niger, public communications by the Niger government, regional and international actors, and secondary analysis provided by third party institutions, such as think tanks, human rights organizations and other civil society organizations. Beyond these, court documents related to some of the human rights cases, along with social media posts and media interviews were also reviewed to corroborate evidence collected through interviews. Due to the secrecy of judicial investigations, Amnesty International did not have access to all files of the investigation court cases reviewed in this report.

While in Niger, Amnesty International delegates sought to meet with Nigerien authorities, including the Ministry of Justice and Human Rights, Keeper of the Seals, and the Ministry of National Defence, but no response was provided to interview requests.

On 13 February 2025, Amnesty International addressed the key findings detailed in this report in a letter to General Abdourahmane Tiani, Head of State, and solicited a response on the conclusions of this report. At the time of the publication of this report, no responses were received regarding the conclusions of this report.

Amnesty International would like to thank all of those organizations and individuals in Niger and beyond who agreed to share their stories for this report and who provided expert insight and inspiration.

# 3. BACKGROUND

## 3.1 THE MILITARY COUP ON 26 JULY 2023 AND ITS AFTERMATH

On 26 July 2023, President Mohamed Bazoum was removed from power following a palace coup engineered by the presidential guard. The president, his spouse and his son, and several staff members were detained within the presidential complex while many cabinet ministers and officials of the deposed government were arrested and detained without charges over the following days. Military officers behind the coup announced the establishment of the National Council for the Safeguard of the Homeland (CNSP) on the night of 26 July through a declaration on national TV. They justified the takeover on what they described as “continued worsening of the security situation and to the poor economic and social governance”<sup>3</sup> of the Bazoum administration. The rest of the army rallied behind the coup a day later, in a communiqué published by the general staff of the armed forces, which stated the necessity of avoiding a confrontation within the military and for the sake of cohesion within the armed forces.<sup>4</sup> On 28 July, the head of the presidential guard, Abdourahamane Tiani declared himself president of the country. New governors for the regions were appointed by the CNSP on 1 August. By 9 August, a new government was formed with Ali Mahamat Lamine Zeine as its head.

While rumours of the coup triggered spontaneous pro-democracy protests in Niamey in the morning of the 26 July 2023, they were soon dispersed by the security forces and drowned by counter-protests in support of the military takeover. At the same time, several government members of the deposed regime, including Prime Minister Ouhoumoudou Mahamadou, and Minister of Foreign Affairs, Hassoumi Massaoudou, condemned the coup and called on Niger’s partners not to acknowledge the military takeover.<sup>5</sup>

The Niger coup occurred in a tense regional context marked by the military takeovers in Mali (August 2020 and May 2021) and Burkina Faso (January and September 2022), which upended the geopolitical balance in the region and weakened the Economic Community of West African States’ (ECOWAS) stance as a guarantor for civilian democratic rule and the rule of law.

While ECOWAS condemned the military takeover in Niger, and enacted a battery of sanctions against Niger<sup>6</sup>, which included the threat of the deployment of its standby force to return President Bazoum to power, Mali and Burkina Faso supported the military takeover by the CNSP and threatened to deploy soldiers in Niger to support its military against an “invasion” by ECOWAS.<sup>7</sup>

Beyond the region, the military coup in Niger was widely condemned by the country’s international partners. France, one of Niger’s primary security and development partners, condemned the coup on 29 July,

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<sup>3</sup> Niger/CNSP, “Communiqué no.1” [“Press Release no.1”], 26 July 2023 (in French).

<sup>4</sup> République du Niger/Ministère de la Défense nationale/État-major des Armées, « Communiqué de l’état-major des armées », [« Communiqué of the Army General Staff »], 27 Juillet 2023.

<sup>5</sup> RFI, « Niger : des militaires affirment avoir renversé le président, l’état-major des armées annonce « souscrire à la déclaration » des putschistes », 27 juillet 2023 : <https://www.rfi.fr/fr/afrique/20230726-niger-des-militaires-affirment-avoir-renvers%C3%A9-le-r%C3%A9gime-du-pr%C3%A9sident-mohamed-bazoum>

<sup>6</sup> These sanctions included the closure of all land and air borders with Niger, and the suspension of all its members’ commercial and financial transactions with Niger.

<sup>7</sup> France 24, « Une intervention militaire au Niger serait "une déclaration de guerre" au Burkina Faso et au Mali », 1<sup>er</sup> août 2023, : <https://www.france24.com/fr/afrique/20230801-le-burkina-faso-et-le-mali-soutiennent-le-niger-face-%C3%A0-la-menace-d-intervention-militaire>

suspended all its official development assistance (ODA) to Niger and called for the return without delay of President Bazoum to power.<sup>8</sup> The European Union also refused to recognize the new military authorities and called for the liberation of President Mohamed Bazoum; it also suspended all its existing cooperation with Niger.<sup>9</sup> The United States, which had a strong military presence in the country, after trying to find an accommodation with the new military authorities, ultimately condemned the military takeover in October 2023 and suspended their development agreements.<sup>10</sup>

## 3.2 A CONTEXT OF ARMED CONFLICT IN NIGER AND ITS IMMEDIATE NEIGHBOURHOOD

The coup took place in a context of armed conflicts in Niger, occurring in Niger's eastern and western borders. The worsening security situation in the country was one of the grounds put forward by the soldiers to justify their coup.

Since 2015, Niger has been involved in an armed conflict against Boko Haram and the Islamic State in the West Africa Province (ISWAP), along its borders with Nigeria, Cameroon and Chad. These countries formed a Multinational Joint Task Force (MNJTF) to confront this threat along the Lake Chad region. Niger has also been negatively affected by the conflict that has pitted the Malian government against various armed groups since 2012, including the northern separatist groups, the Group for the Support of Islam and Muslims (GSIM), which is affiliated to Al-Qaeda, and the Islamic State in the Sahel (IS-Sahel).<sup>11</sup> The latter operates in Niger's regions of Tillabéri and Tahoua, which border Mali and Burkina Faso and launch attacks against military positions and local communities they esteem opposed to their influence.<sup>12</sup> This space, broadly known as the tri-border area of the Central Sahel region, had become a lieu of security and development interventions by international partners, and also the focus of regional partnerships between these three countries; most famously the Group of Five for the Sahel (G5-Sahel) which was created in 2014 to respond to the security and development needs of its member countries.<sup>13</sup> The G5-Sahel which also included Mauritania and Chad was long supported by France through its regional military Operation Barkhane and by the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), for its operations within Mali.<sup>14</sup>

For a decade, these arrangements underpinned the response to the conflict in the Central Sahel until their progressive breakdown in 2021. The coups d'état in Mali and in Burkina Faso, which were justified in part by their authors, by what they described as the widespread popular frustration with the expansion of the violence and with the limitations of these security partnerships, accelerated this collapse. Mali left the G5 Sahel in 2022 and Burkina Faso soon after, while Operation Barkhane and MINUSMA were asked by the Malian transitional authorities to leave Mali. In the context of tensions between Mali and Burkina Faso on one hand, and international security partners on the other hand, Niger under President Bazoum was perceived as a stalwart ally in the Central Sahel. This perception led to increased tensions between Niger under President Bazoum, and its neighbours (Mali and Burkina Faso), which hurriedly accepted the military takeover and the new authorities' stance in July 2023.

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<sup>8</sup> France Diplomatie Niger, Communiqué du ministère de l'Europe et des Affaires étrangères, 29 juillet 2023, <https://www.diplomatie.gouv.fr/fr/dossiers-pays/niger/evenements/article/niger-communication-du-ministere-de-l-europe-et-des-affaires-etrangeres-29-07-2023>

<sup>9</sup> Niger, Déclaration du Haut représentant Josep Borrell sur les derniers développements, 29 juillet 2023, [https://www.eeas.europa.eu/eeas/niger-d%C3%A9claration-du-haut-repr%C3%A9sentant-josep-borrell-sur-les-derniers-d%C3%A9veloppements\\_fr?channel=eeas\\_press\\_alerts&date=2023-07-29&langid=fr&newsid=0&source=mail](https://www.eeas.europa.eu/eeas/niger-d%C3%A9claration-du-haut-repr%C3%A9sentant-josep-borrell-sur-les-derniers-d%C3%A9veloppements_fr?channel=eeas_press_alerts&date=2023-07-29&langid=fr&newsid=0&source=mail)

<sup>10</sup> Département d'état des Etats Unis. Coup d'État militaire au Niger, 10 octobre 2023, <https://www.state.gov/translations/french/coup-detat-militaire-au-niger/#:~:text=Les%20%C3%89tats%2DUnis%20ont%20conclu.aide%20au%20gouvernement%20du%20Niger>

<sup>11</sup> The group was formerly known as the 'Islamic State in the Greater Sahara (ISGS)' but since its official recognition as its Sahelian branch by the central command of the Islamic State in March 2022, it is known as the Islamic State-Sahel province (IS-Sahel). Héni Nsaibia. Newly restructured, the Islamic State in the Sahel aims for regional expansion (30 September),: <https://acleddata.com/2024/09/30/newly-restructured-the-islamic-state-in-the-sahel-aims-for-regional-expansion/>

<sup>12</sup> Amnesty International, *I have nothing left except myself": The worsening impact on children of conflict in the Tillabéri region of Niger* (Index: AFR 43/4627/2021), 13 September 2021, <https://www.amnesty.org/en/documents/afr43/4627/2021/en/>

<sup>13</sup> Mali, Niger, Burkina Faso, Chad and Mauritania.

<sup>14</sup> International Crisis Group, "A Course Correction for the Sahel Stabilization Strategy", 1 February 2021, <https://www.crisisgroup.org/africa/sahel-burkina-faso-mali-niger/course-correction-sahel-stabilisation-strategy>, Africa Report no. 299.

### **NON-INTERNATIONAL ARMED CONFLICT IN NIGER (NIAC)**

Amnesty International considers the situation in the tri-border area between Niger, Mali and Burkina Faso, to constitute a non-international armed conflict (NIAC) opposing these countries' armed forces, to Islamist armed groups. A NIAC is defined by the International Committee of the Red Cross (ICRC) as:

**“protracted armed confrontations occurring between governmental armed forces and the forces of one or more-armed groups, or between such groups arising on the territory of a State [party to the Geneva Conventions]. The armed confrontation must reach a minimum level of intensity, and the parties involved in the conflict must show a minimum of organization<sup>15</sup> (...)”**

**“First, the hostilities must reach a minimum level of intensity. This may be the case, for example, when the hostilities are of a collective character or when the government is obliged to use military force against the insurgents, instead of mere police forces. Second, non-governmental groups involved in the conflict must be considered as “parties to the conflict”, meaning that they possess organized armed forces. This means for example that these forces have to be under a certain command structure and have the capacity to sustain military operation.”<sup>16</sup>**

Among the groups active in Niger's Tillabéri and Tahoua region, Amnesty International considers that the GSIM and IS-Sahel meet these criteria and should be considered as “armed groups”.

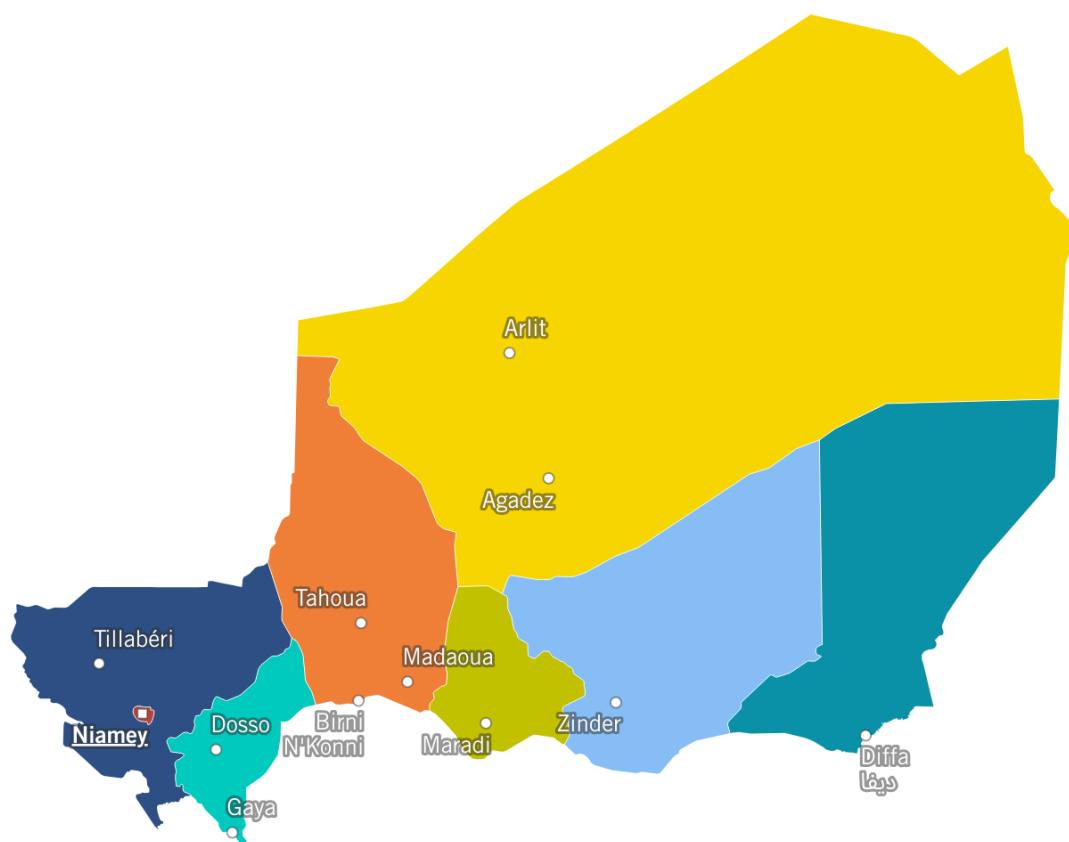
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<sup>15</sup> International Committee of the Red Cross (ICRC), *How is the Term “Armed Conflict” Defined in International Humanitarian Law?*, Opinion Paper, March 2008, <https://www.icrc.org/sites/default/files/external/doc/en/assets/files/other/opinion-paper-armed-conflict.pdf>, page 5.

<sup>16</sup> International Committee of the Red Cross (ICRC), *How is the Term “Armed Conflict” Defined in International Humanitarian Law?*, Opinion Paper, March 2008, <https://www.icrc.org/sites/default/files/external/doc/en/assets/files/other/opinion-paper-armed-conflict.pdf>, page 3.



## Administrative map of Niger

Agadez Diffa Dosso Maradi Niamey Tahoua Tillabéri Zinder



Map: Amnesty International/Datawrapper



  Map of Niger broken down by region. © Amnesty International via Datawrapper

### 3.3 ECOWAS' SANCTIONS AGAINST NIGER

Niger was suspended from ECOWAS following the 26 July 2023 coup. Four days later, ECOWAS enacted a battery of sanctions against Niger, which included the closure of all lands and air borders of its member-states and Niger, the suspension of all commercial and financial transactions between ECOWAS member states and Niger; the freezing of the Nigerien states' assets within the central banks and of Nigerien companies within public and parapublic banks and a travel ban and assets freeze of all military officers involved in the coup attempt.<sup>17</sup> The regional bloc also called for the immediate release of President Bazoum and his family, and for the release of members of the government detained by the CNSP. A one-week ultimatum was given to the CNSP to release President Bazoum, who was considered as a hostage by ECOWAS, which if it wasn't met, could lead to a use of force by ECOWAS. Although a regional force was never deployed against the CNSP, the threat of its deployment widened the gap between ECOWAS and Niger.

<sup>17</sup> ECOWAS, Cinquante-et-unième sommet extraordinaire de la conférence des chefs d'état et de gouvernement de la CEDEAO sur la situation politique au Niger, (Abuja, 30 juillet 2023), <https://ecowas.int/wp-content/uploads/2023/07/communiqué-final-cinquante-et-unième-sommet-extraordinaire-de-la-conference-des-chefs-detat-et-de-gouvernement-de-la-cedeao-sur-la-situation-politique-au-niger.pdf>



The CNSP condemned the threat of military force by ECOWAS, which they deemed as a “potential invasion”<sup>18</sup>. In this, they were supported by Mali and Burkina Faso, two countries suspended by ECOWAS following military takeovers and by several Nigerien civil society groups which organized daily sit-ins in Niamey in support of the CNSP to prevent a deployment of an ECOWAS military force in Niger. The border closures and commercial sanctions enacted by ECOWAS had a dire impact on the livelihoods of residents of Niger, a landlocked country dependent on the ports of Cotonou (in Benin) and Lomé (in Togo) for its trade.<sup>19</sup> According to civil society representatives, the border closures led to an inflation to the price of basic goods in Niamey.<sup>20</sup>

On 16 September 2023, Niger, Mali and Burkina Faso formed a new regional bloc, the Alliance of Sahelian States (ASS) whose objective was to establish a defence pact and mutual support between its member states.<sup>21</sup> In January 2024, the three countries announced their joint decision to quit the ECOWAS bloc.<sup>22</sup> This decision was followed in July by the establishment of a confederation between the three countries during the first summit of the ASS, which was held in Niamey.<sup>23</sup>

### 3.4 A DIVIDED NATION AND CIVIL SOCIETY

The reactions within the civil society were profoundly divided following the coup, and especially, following the threat of a military intervention by ECOWAS. Several protests in support of the military authorities were organized during the weeks following the coup at the Seyni Kountché stadium in Niamey, where members of the CNSP appeared and talked about their intention to “save Niger from colonialism”.<sup>24</sup>

A Patriotic Front for Sovereignty (FPS), composed of different organizations and civil society members, was soon formed and organized a permanent sit-in at the Place Toumo, at the Escadrille roundabout. In Niamey, to protest the French government’s decision not to recognize the CNSP and calling for the departure of all French troops from Niger.<sup>25</sup> Citizen watch committees were also established in Niamey and other regional capitals to control access to key points with a stated aim to prevent a regional intervention by ECOWAS in Niger. The premises of the Nigerien Party for Development and Solidarity-Tarayya (PNDS-Tarayya), the former ruling party, were attacked a day after the coup by protesters and many of its members found there were physically molested.

One of the co-founders of the FPS described the events to Amnesty International:<sup>26</sup>

**“I was outside of the country with colleagues when the coup happened. On the 26<sup>th</sup>, we were among the first to denounce the imprisonment [of the President and his family]. When we arrived in Niamey on the 28<sup>th</sup>, the CNSP made a foundational speech about the coup in a context where Niger was being threatened by ECOWAS with a military intervention.**

**We created the FPS to support the CNSP. We occupied all the key points of Niamey to prevent a military intervention following the denunciation of the military agreements with France. Denunciating these agreements was an old demand of the civil society. We organized protests to that end before. The FPS is composed of around 30 civil society organizations and opinion leaders”.**

Despite this, Nigerien civil society was and continues to be divided on how to confront the coup; these divisions are compounded by the unpopularity of the PNDS-Tarayya, the party that ruled the country for 12 years, due to alleged corruption cases and allegations of embezzlement. Many coalitions that existed prior to

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<sup>18</sup> Agence EcoFin Niger, « le CNSP alerte sur la préparation d’une opération militaire de la CEDEAO et la France à partir de pays voisins », <https://www.agenceecofin.com/actualites/1009-111606-niger-le-cnsp-alerte-sur-la-preparation-d-une-operation-militaire-de-la-cedeao-et-la-france-a-partir-de-pays-voisins>. See also Conseil national pour la sauvegarde de la Patrie, Communiqué du 10 septembre 2023, [https://x.com/NIGER\\_CNSP/status/1700682067300753475](https://x.com/NIGER_CNSP/status/1700682067300753475)

<sup>19</sup> Interview with several civil society members based in Niamey, September 2023, March and June 2024.

<sup>20</sup> Interview with several civil society members based in Niamey, September 2023, March and June 2024. See also ICG. “ECOWAS, Nigeria and the Niger Coup Sanctions: Time to Recalibrate” (December 2023).

<sup>21</sup> Alliance des États du Sahel, *Charte du Liptako-Gourma instituant l’Alliance des États du Sahel entre le Burkina Faso, la République du Mali, la République du Niger*, <https://mip.univ-perp.fr/constit/sahel2023.htm>. (Article 2).

<sup>22</sup> Le Faso.net, « Afrique de l’Ouest : Le Burkina Faso, le Mali et le Niger quittent la CEDEAO sans délai » (communiqué conjoint), 28 janvier 2024, <https://lefaso.net/spip.php?article127596>

<sup>23</sup> Sommet des chefs d’État de l’AES : Le traité instituant la “Confédération AES” adopté, 7 juillet 2024, <https://lefaso.net/spip.php?article131446>

<sup>24</sup> Interviews with several leaders of the FPS, by phone and at Niamey (November 2023, March 2024 and June 2024).

<sup>25</sup> ONEP, Point de presse du front patriotique pour la souveraineté (FPS) : maintien de la pression jusqu’au retrait total des bases militaires françaises du Niger, 6 septembre 2023, <https://www.lesahel.org/point-de-presse-du-front-patriotique-pour-la-souverainete-fps-maintien-de-la-pression-jusquau-retrait-total-des-bases-militaires-francaises-du-territoire-nigerien/>


<sup>26</sup> Interview with Ibrahim Bana, Niamey, June 2024.

July 2023, faltered afterwards, due to the seemingly popular support enjoyed by the military in Niamey according to journalists and civil society leaders interviewed by Amnesty interlocutors.<sup>27</sup> Opining on this, a veteran member of civil society told Amnesty International:

**“The whole country is threatened and has been brought to heel [by the CNSP] after this coup d’état. The whole country is tired. Potentially everyone can be arrested and questioned. The chapter of democratization has been closed. It’s a serious situation. Today, only those who agree [with the CNSP] can express themselves in a public manner. That’s why it looks as if they have the support of the population. People don’t speak out because they’re afraid. Not all voices and perspectives are welcome at this hour.”<sup>28</sup>**

In this context, the labels such as “patriots” were used to refer to supporters of the junta and those opposed to ECOWAS, while “unpatriotic” was used to refer to those that called for the restoration of civilian rule and the immediate reestablishment of liberties. Those who were opposed to the coup tended to self-censor as rights and liberties were suspended by the CNSP, and as the risks of judicial harassment and detention remained high. Pro-democracy organizations that existed prior to the coup became divided over their position and reactions towards the coup, as the discourse took an anti-imperialist and anti-colonial hue, as will be demonstrated in Chapters 5,6 and 7 of the report.<sup>29</sup>



 ↑ Vehicles parked in front of the PNDS-Tarayya headquarters that were burnt during a pro-coup protest in August 2023. Photo taken in June 2024.  
© Amnesty International

<sup>27</sup> Interviews with several journalists and civil society leaders in Niamey, June 2024

<sup>28</sup> Interview with Moussa Tchangari, Niamey, June 2024.

<sup>29</sup> Interview with several civil society leaders, Niamey, April, May, June 2024.

## 3.5 REDEFINITION OF INTERNATIONAL MILITARY PARTNERSHIPS IN A CONTEXT OF “RECOVERED SOVEREIGNTY”

One political consequence of the 26 July coup has been the breakdown of the Nigerien state's relations with its then existing international partners, which in their majority condemned the coup, and called for the return to civilian rule and the liberation of President Bazoum. Immediately after coming to power, the new authorities took positions of rapprochement with Burkina Faso and Mali, against ECOWAS and the presence of foreign military troops. These positions were relayed by populations galvanized by patriotic speeches calling for the immediate departure of all international troops in Niger and affected by ECOWAS sanctions.

On 6 August 2023, the CNSP denounced all its defence agreements with France.<sup>30</sup> On 29 August, the CNSP ordered the departure of the French Ambassador from Niger after giving him a two-day ultimatum,<sup>31</sup> a request that was refused by France, which did not recognize the legitimacy of the new authorities. From 2 September 2023, a permanent sit-in was held at the Escadrille roundabout in Niamey and the French embassy was blockaded by FPS, which refused any entry or departure from there. The rumours about a potential French military intervention in Niger in the days following the coup, to return Bazoum to power, heightened the tensions.<sup>32</sup> On 27 September, the French ambassador was allowed to leave Niamey for Paris, after weeks of standoff and soon an agreement was reached between Paris and the new authorities in Niamey, scheduling the departure of the 1,500 French soldiers stationed in Niger.<sup>33</sup> By 22 December 2023, all French troops had left Niger and the French embassy in Niamey closed.<sup>34</sup>

In December 2023, the CNSP announced that it had no intention of continuing its agreement with the EU establishing the legal basis for the deployment of the European Union Capacity Building Mission in the Sahel (EUCAP Sahel Niger) and the EU Military Partnership Mission in Niger (EUMPM Niger). The mandate of the EUMPM was not renewed following its end on 30 June 2024.<sup>35</sup>

The US's military deployment in Niger came soon under scrutiny and by April 2024, an agreement was reached with the CNSP for the total withdrawal of the 1,000-strong force by September 2024.<sup>36</sup> German troops were also withdrawn from Niger at the end of August 2024.<sup>37</sup>

The ending of these partnerships occurred while the new authorities strengthened their security and defence agreements with Russia on the other hand, which deployed heavy military material and around 200 military “instructors” to Niger in April 2024, in a move similar to what had occurred in neighbouring Mali and Burkina Faso between 2021 and 2023.

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<sup>30</sup> CNSP. *Communiqué no. 19*, 3 August 2023, <https://cnsp.ne/communiqué-n19/>

<sup>31</sup> République du Niger/Ministère des Affaires étrangères, de la Coopération et des Nigériens à l'étranger/Division des Statuts particuliers et des privilèges et immunités, Lettre no 011660/MAE/C/NE/DGAJ/DSPPI du 29 août 2023.

<sup>32</sup> CNSP, Memorandum between French troops, Massaoudou and the Commander of the National Guard backing this intervention. CNSP. Communiqué no. 14, 30 juillet 2023, <https://www.lesahel.org/communiqués-du-conseil-national-pour-la-sauvegarde-de-la-patrie-cnsp/>

<sup>33</sup> Cyril Bensimon, Philippe Ricard et Elise Vincent, « La France amorce le processus de retrait de ses forces engagées au Niger », 6 septembre 2023,

[https://www.lemonde.fr/afrique/article/2023/09/06/la-france-amorce-le-retrait-de-ses-forces-engagees-au-niger\\_6188014\\_3212.html](https://www.lemonde.fr/afrique/article/2023/09/06/la-france-amorce-le-retrait-de-ses-forces-engagees-au-niger_6188014_3212.html)

<sup>34</sup> Morgane Le Cam et Élise Vincent, « Paris a achevé son retrait militaire du Niger et a fermé son ambassade à Niamey », 22 décembre 2023, [https://www.lemonde.fr/afrique/article/2023/12/22/au-niger-les-derniers-soldats-francais-sur-le-depart\\_6207219\\_3212.html](https://www.lemonde.fr/afrique/article/2023/12/22/au-niger-les-derniers-soldats-francais-sur-le-depart_6207219_3212.html)

<sup>35</sup> European Council, EUMPM Niger: Council decides not to extend the mandate of the mission, 27 may 2024,

<https://www.consilium.europa.eu/en/press/press-releases/2024/05/27/eumpm-niger-council-decides-not-to-extend-the-mandate-of-the-mission/>

<sup>36</sup> New York Times, “U.S. Military to Withdraw Troops from Niger”, 19 April 2024, <https://www.nytimes.com/2024/04/19/us/politics/us-niger-military-withdrawal.html>

<sup>37</sup> DW, “Germany withdraws troops from junta-run Niger”, 30 august 2024, <https://www.dw.com/en/germany-withdraws-troops-from-junta-run-niger/a-70097640>

# 4. REVISION OF THE HUMAN RIGHTS FRAMEWORK TO CURTAIL CIVIC SPACE

## 4.1 A COUNTRY WITHOUT A CONSTITUTION BUT BOUND TO HUMAN RIGHTS TREATIES

On 28 July 2023, the new authorities adopted an ordinance which suspended the 2010 constitution. The 2010 constitution includes provisions on the protection of human rights and establishes human rights institutions. The ordinance also transferred all of the executive and legislative powers to the CNSP until the restoration of all democratic institutions (Article 3).<sup>38</sup>

A second ordinance established on the same day by the CNSP organized governance following the coup. Article 1 stressed Niger's commitment to the principles of the rule of law and pluralist democracy and guaranteed the resumption of the democratic process initiated by the Nigerien people.<sup>39</sup> The same article stipulates that the CNSP "ensures equality before the law for all, without distinction of sex, social or racial origin, ethnicity, or religion. It also guarantees the rights and freedoms of the human person, and the citizen as defined by the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981".<sup>40</sup>

Article 3 of this ordinance also provides that "the State of Niger is and remains bound by the international treaties and agreements previously signed and regularly ratified". These treaties notably include the International Covenant on Civil and Political Rights (ICCPR) ratified in 1986,<sup>41</sup> the UN Convention Against Torture and Other Cruel Inhuman and Degrading Treatment or Punishment ratified in 1998,<sup>42</sup> the

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<sup>38</sup> République du Niger, *Ordonnance no. 2023-01 du 28 juillet 2023 portant suspension de la Constitution du 25 novembre 2010 et créant le Conseil national pour la sauvegarde de la patrie.*

<sup>39</sup> République du Niger, *Ordonnance no.2023-02 du 28 juillet 2023 portant organisation des pouvoirs publics pendant la transition.*

<sup>40</sup> République du Niger, *Ordonnance no.2023-02 du 28 juillet 2023 portant organisation des pouvoirs publics pendant la transition.*

<sup>41</sup> UN Treaty Collection, ICCPR, [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-4&chapter=4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-4&chapter=4&clang=en)

<sup>42</sup> OHCHR, Niger ratification status : <https://indicators.ohchr.org/>

Convention for the Protection of All Persons from Enforced Disappearances (CED) ratified in 2015,<sup>43</sup> the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) ratified in 1999.<sup>44</sup>

The ordinance also provided for the establishment of new institutions to replace those dissolved under the suspended constitution. These included a National Consultative Council (Article 12), a Constitutional Council (Article 13), a State Court (Article 13) and a National Observatory of Human Rights and Fundamental Liberties (Article 17) to replace the dissolved National Human Rights Council. As of January 2025, only the State Court has been established.

## 4.2 RIGHT TO LIBERTY AND SECURITY OF PERSON

### 4.2.1 INTERNATIONAL LAW

Article 9 of the ICCPR to which Niger is a party protects every individual's right to their liberty and security of person and protects them from arbitrary arrest or detention. Furthermore, any individual arrested ought to be informed of "the reasons for his arrest" and the "charges against him." Indeed, according to this Article:

- "Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful;
- Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation".<sup>45</sup>

Niger has also ratified the African Charter of Human and Peoples' Rights (ACHPR) in 1986<sup>46</sup> which enshrines the right not to be arbitrarily arrested or detained (Article 6).

The arbitrary nature of a detention or imprisonment is not contingent upon the lawfulness of the arrest and detention based on domestic law. Indeed, according to the United Nations' Human Rights Committee, which is the international body responsible for interpreting the ICCPR, "[t]he notion of 'arbitrariness' is not to be equated with 'against the law' but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality".<sup>47</sup> They also articulate that any detention that is a punishment for the legitimate exercise of rights guaranteed by the ICCPR is arbitrary.<sup>48</sup>

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<sup>43</sup> OHCHR, Niger ratification status: <https://indicators.ohchr.org/>

<sup>44</sup> UN Treaty Collection, CEDAW, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=IV-8&chapter=4&clang=fr#43](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-8&chapter=4&clang=fr#43). Niger has emitted reservations on articles 2 (d. f), 5 (a) and 16 (1c, e and 1g) which focuses on the enforcement by the state against discriminatory practices against women, to challenge discriminatory cultural and social norms against women, and on women conjugal and reproductive rights during marriage.

<sup>45</sup> Articles 9.4 and 9.5, ICCPR: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>46</sup> <https://achpr.au.int/en/charter/african-charter-human-and-peoples-rights>

<sup>47</sup> Human Rights Committee, *General comment 35: Liberty and security of person* (Article 9), CCPR/C/GC/35, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsrdBOH1I59790VGGB%2BWPAXjdnG1mwFFfPYGIInfb%2F6T%2Fqwtc77%2FKU9JkoeDcTWWPIpCoePGBcMsRmFtoMu58pgnmzjyiyRGkPQekcPKtaaTG>

<sup>48</sup> 'Arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21), freedom of association (art. 22), freedom of religion (art. 18) and the right to privacy (art. 17).' International Covenant on Civil and Political Rights, General comment No. 35, Article 9 (Liberty and security of person),

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsrdBOH1I59790VGGB%2BWPAXjdnG1mwFFfPYGIInfb%2F6T%2Fqwtc77%2FKU9JkoeDcTWWPIpCoePGBcMsRmFtoMu58pgnmzjyiyRGkPQekcPKtaaTG> Article 9 (Liberty and security of person)

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsrdBOH1I59790VGGB%2BWPAXjdnG1mwFFfPYGIInfb%2F6T%2Fqwtc77%2FKU9JkoeDcTWWPIpCoePGBcMsRmFtoMu58pgnmzjyiyRGkPQekcPKtaaTG>

To determine the arbitrary nature of a detention, the United Nations Working Group on Arbitrary Detention has established five categories:

- **Category I:** When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of their sentence or despite an amnesty law applicable to them);
- **Category II:** When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights;
- **Category III:** When the total or partial non-observance of the international norms relating to the right to a fair trial, spelled out in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character;
- **Category IV:** When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy; and
- **Category V:** When the deprivation of liberty constitutes a violation of international law for reasons of discrimination based on birth; national, ethnic or social origin; language; religion; economic condition; political or other opinion; gender; sexual orientation; or disability or other status, and which aims towards or can result in ignoring the equality of human rights”.<sup>49</sup>

## 4.2.2 DOMESTIC LAW

The right to be protected from arbitrary detention is enshrined in the Nigerien Criminal Code (under Articles 265, 267 and 268). Arbitrary detention is defined strictly with regards to due procedure as a detention or confinement of any persons whatsoever “without an order from the constituted authorities, and except in cases where the law orders the arrested, detained or confined said persons (...)”.<sup>50</sup> Administrative and judicial police officers “who refuse or neglect to comply with a legal request to establish illegal and arbitrary detentions, either in places intended for the custody of detainees, or anywhere else, and who do not justify having reported them to a higher authority, will be punished by imprisonment of between six months and two years”, according to the Criminal Code.<sup>51</sup>

## 4.3 ENFORCED DISAPPEARANCES

### 4.3.1 INTERNATIONAL LAW

Niger has ratified the Convention for the Protection of All Persons from Enforced Disappearances, which defines enforced disappearance “to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”<sup>52</sup> As well as being violations of this Convention, the prohibition of Enforced Disappearance is also a peremptory norm of international human rights law (*jus cogens*) which means it is binding on all states and cannot be subject to derogation.

<sup>49</sup> Working Group on Arbitrary Detention, About Arbitrary Detention: <https://www.ohchr.org/en/about-arbitrary-detention>

<sup>50</sup> Niger, Code Pénal et Code de Procédure Pénale du Niger, 2018, (CHAPITRE VI : ATTENTATS A LA LIBERTE INDIVIDUELLE), Article 265.

<sup>51</sup> Article 113, Nigerien Criminal Code.

<sup>52</sup> UN Convention for the Protection of All Persons from Enforced Disappearance, 23 December 2010, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>, Article 2.

The Convention for the Protection of All Persons from Enforced Disappearances goes on to stipulate that each State party “shall take the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law”<sup>53</sup> (Article 4) and “take appropriate measures to investigate acts defined in article 2 committed by persons or groups of persons acting without the authorization, support or acquiescence of the State and to bring those responsible to justice”<sup>54</sup> (Article 3).

## 4.3.2 DOMESTIC LAW

According to Article 208.2 of the Criminal Code, enforced disappearance is one of the elements constitutive of a crime against humanity. But the crime of enforced disappearance is not yet defined in Nigerien law, though Nigerien authorities stated during the 2022 review of the Niger report before the UN Committee on Enforced Disappearances (CED), that a draft law was adopted on 24 February 2022 to criminalize enforced disappearance, in accordance with the Convention.<sup>55</sup>

A technical committee for the revision of the Criminal Code was established in February 2022 and has submitted a draft code to the Ministry of Justice, as part of the process. The March 2023 version of the draft code includes a definition of enforced disappearance, in conformity with international law and criminalizes torture and other forms of inhumane, cruel and degrading treatment. As of January 2025, it is unclear if the new authorities are willing to advance with the adoption of this draft and whether all its provisions will be maintained.<sup>56</sup>

# 4.4 RIGHT TO A FAIR TRIAL AND JURISDICTION OF MILITARY COURTS

## 4.4.1 INTERNATIONAL LAW

Per international law, a criminal trial is only fair when the rights of the accused have been respected throughout the judicial proceedings. Article 10 of the Universal Declaration of Human Rights (UDHR) stipulates that “everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him”.<sup>57</sup> Other rights before trial include the rights to an effective defence, to be tried in a reasonable time or to be released from detention, and the right to an adequate time and facilities to prepare a defence.<sup>58</sup>

According to the African Commission on Human and Peoples’ Rights (ACHPR), military courts should be competent only and strictly on military offences committed by members of the military. Its Guidelines and Principles on the Right to a Fair Trial and Legal Assistance in Africa stipulates, in its Principle L, that:

- “The only purpose of Military Courts shall be to determine offences of a purely military nature committed by military personnel.
- (b) While exercising this function, Military Courts are required to respect fair trial standards enunciated in the African Charter and in these guidelines.
- (c) Military courts should not in any circumstances whatsoever have jurisdiction over civilians. Similarly, Special Tribunals should not try offences which fall within the jurisdiction of regular courts.”<sup>59</sup>

**This is to guarantee the maximum standards for fair trial and the right to equality before the courts.**

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<sup>53</sup> International Convention for the Protection of All Persons from Enforced Disappearance, Article 4.

<sup>54</sup> International Convention for the Protection of All Persons from Enforced Disappearance, Article 3.

<sup>55</sup> Committee on Enforced Disappearances, “Concluding observations on the report submitted by Niger under article 29 (1) of the Convention”, CED/C/NER/CO/1, 5 May 2022, Paragraph 16.

<sup>56</sup> WhatsApp chat with former member of Niger’s National Human Rights Committee, involved in the process, November 2024.

<sup>57</sup> Universal Declaration of Human Rights, <https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Article%2010,any%20criminal%20charge%20against%20him.>

<sup>58</sup> Amnesty International, “The right to a fair trial” (index: POL 30/001/2002), 31 March 2002,

<https://www.amnesty.org/en/documents/pol30/001/2002/en/> <https://www.amnesty.org/en/documents/pol30/001/2002/en/>

<sup>59</sup> African Commission on Human and Peoples’ Rights (ACHPR), Guidelines and Principles on the Right to a Fair Trial and Legal Assistance in Africa, 2001, Principle L.

Amnesty International takes the view that military courts should not have jurisdiction to try civilians, owing to the nature of these courts and because of concerns about their independence and impartiality. The UN Human Rights Committee has held that trials of civilians by military or special tribunals must be strictly limited to exceptional cases where the government can show that resorting to such trials is “necessary and justified by objective and serious reasons”, and where “with regard to the specific class of individuals and offences at issue the regular civilian courts are unable to undertake the trials”<sup>60</sup>.

## 4.4.2 DOMESTIC LAW

The right to fair trial is guaranteed by Article 20 of the 2010 Nigerien Constitution (suspended by the authorities) and by Section VII of the Code of Criminal Procedure which establishes limits for preventive detention, depending on the nature of the offences. Articles 108, 111 and 112 of the Criminal Code grants the accused, the right to be defended by a lawyer, during interrogation. The rights of the detainees to have access to the outside world are expressly stated by Section V by the 2017 law determining the fundamental principles of the Niger's prison system.<sup>61</sup>

Niger's 2003 Military Code gives jurisdiction to the military court for specific offences in times of war and in times of peace.

In peace time, the military courts are competent on:

- Military infractions as defined in the [Military] Code;
- All infractions committed by members of the military in activity, in the barracks, camps and military bases, and wherever members of military reside as part of their missions.<sup>62</sup>

Members of the military are defined as those:

- Members of the armed forces with career military status;
- Military personnel serving under contract;
- Military personnel performing military service under the conditions laid down by the law on national service.<sup>63</sup>

Different categories of the population are also considered as part of the military, including individuals who have boarded a military aircraft, engine or transportation vehicle, civilian employees of military services and buildings, prisoners of war and other members of the defence and security forces.<sup>64</sup>

The jurisdiction of military courts is expanded in times of war or exception to include all infractions against state security, irrespective of the military status of the offender, all offences of which the main culprit, a co-accused or an accomplice is a member of the military, and all offences committed against the national armed forces, their premises or properties.<sup>65</sup> In all cases, the Minister of Armed Forces/National Defence originates prosecutions within the military courts.<sup>66</sup> Judgments handed down by military courts are not subject to appeal, but may be challenged before the Supreme Court.

Thus, in this context, civilians can be tried before military courts for ordinary offences in times of war, a disposition that is in contradiction with international law as it does not guarantee fair trial.

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<sup>60</sup> Human Rights Committee, General Comment 32: Right to equality before courts and tribunals and to a fair trial (Article 14), U.N. Doc. CCPR/C/GC/32 (2007).  
[<sup>61</sup> République du Niger, \*Loi n°2017-08 du 31 mars 2017, déterminant les principes fondamentaux du Régime pénitentiaire au Niger, Titre V : Des relations du détenu avec l'extérieur.\*](http://hrlibrary.umn.edu/gencomm/hrcom32.html#:~:text=The%20right%20to%20equality%20before,a%20series%20of%20specific%20ri, para. 22.</a></p></div><div data-bbox=)

<sup>62</sup> Article 32, Code de Justice Militaire (Niger).

<sup>63</sup> Article 33, Code de Justice Militaire (Niger).

<sup>64</sup> Article 35, Code de Justice Militaire (Niger).

<sup>65</sup> Article 41, Code de Justice Militaire (Niger).

<sup>66</sup> Article 47, Code de Justice Militaire (Niger).



# 4.5 PROHIBITION OF TORTURE

## 4.5.1 INTERNATIONAL LAW

International law prohibits torture and other cruel, inhuman or degrading treatment or punishment (hereafter, “other ill-treatment”) absolutely, in all circumstances and without exception.

Niger is a state party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture).<sup>67</sup> In addition to the Convention against Torture, Niger is also a party to the International Covenant on Civil and Political Rights (ICCPR), which also prohibits torture and other ill-treatment in all circumstances and without exception,<sup>68</sup> as well as other treaties that apply to specific contexts. The prohibition against torture and other ill-treatment is also a rule of customary international law binding on all nations. According to Article 1(1) of the UN Convention against Torture, an act constitutes torture if four elements are present: (1) intention, (2) infliction of severe physical or mental pain or suffering, (3) a purpose such as coercion, intimidation, obtaining information or a confession, or discrimination and (4) a degree of official involvement.

In contrast, cruel, inhuman or degrading treatment or punishment is not defined under international law. In line with the position of many international and regional human rights monitoring bodies, Amnesty International considers that cruel, inhuman or degrading treatment or punishment may be defined negatively in relation to torture in that it lacks one or more of the above-mentioned elements of the torture definition.

The Convention against Torture obliges Niger to take “effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction”.<sup>69</sup> Niger’s obligations include the duty to criminalize torture, to investigate allegations of torture and other ill-treatment promptly and impartially, to bring suspected perpetrators to justice, to provide remedies to victims, to train all officials involved in the handling of detainees regarding the prohibition of torture and other ill-treatment, to implement safeguards to prevent torture and other ill-treatment, and to refrain from sending or returning (refouler) a person to a state where she or he risks being subjected to torture, ill-treatment or other prohibited treatment.

The prohibition of torture is also guaranteed by Article 5 of the African Charter on Human and Peoples’ Rights.<sup>70</sup> Furthermore, the African Commission on Human and Peoples’ Rights has established ‘Guidelines and Measures for the Prohibition of Torture and Cruel, Inhuman or Degrading Treatment or Punishment in Africa’, better known as the ‘Robben Island Guidelines’, which prohibits and criminalizes torture and other ill-treatment and excludes the possibility for member-states to invoke situations such as ‘war’, ‘threat of war’, ‘public order’, ‘national emergency’ to justify torture and other forms of cruel, inhuman and degrading treatment.<sup>71</sup> These Principles also enjoin states to ensure that all individuals deprived of their liberty by State structures should have that detention controlled by properly and legally constructed regulations, and that they are entitled to access to a lawyer, an independent medical examination, and notification of a relative or other appropriate third party of the person’s detention.<sup>72</sup>

## 4.5.2 DOMESTIC LAW

Torture and inhumane treatment are identified as war crimes in the Criminal Code.<sup>73</sup> Article 22 of the law organizing the penitentiary administration stipulates that no “detainees, should, for whatever reason, be subjected to torture, to abuses, or other cruel, inhumane and degrading treatment”.<sup>74</sup> Furthermore, the

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<sup>67</sup> UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Niger acceded in 1998.

<sup>68</sup> International Covenant on Civil and Political Rights, to which Niger acceded in 1986.

<sup>69</sup> *UN Convention against Torture*, Article 2(1).

<sup>70</sup> *African Charter on Human and Peoples’ Rights*, Article 5.

<sup>71</sup> African Commission on Human and Peoples’ Rights, *Guidelines and measures for the prohibition and prevention of torture, cruel, inhuman or degrading treatment or punishment in Africa*, Preamble. C Section, Articles 9 and 10. [https://www.aht.ch/sites/default/files/publications/RobbenIsland2\\_ENG.pdf](https://www.aht.ch/sites/default/files/publications/RobbenIsland2_ENG.pdf)

<sup>72</sup> African Commission on Human and Peoples’ Rights, *Guidelines and measures for the prohibition and prevention of torture, cruel, inhuman or degrading treatment or punishment in Africa*, Article 20.

<sup>73</sup> Republic of Niger, Criminal Code, Article 208.3.

<sup>74</sup> République du Niger, Loi n° 2017-08 du 31 mars 2017, déterminant les principes fondamentaux du Régime pénitentiaire au Niger, Article 22.

same law stipulates that any allegations of torture, ill-treatment or suspicious death in detention, should trigger a rapid, thorough and impartial investigation by the authorities.<sup>75</sup>

Despite these legal dispositions, Niger's legislative framework fails to define clearly torture and to define it as a crime. As mentioned in section 4.3.2., Niger initiated a revision process of its Criminal Code in 2022, prior to the coup and in the draft code dating from March 2023, torture is defined clearly as a crime against humanity and is qualified as imprescriptible. Amnesty International is in possession of this draft document, which stipulates that "no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked to justify acts of torture or practices like torture."<sup>76</sup>

## 4.6 RIGHTS TO FREEDOM OF EXPRESSION, INFORMATION, AND ASSOCIATION

### 4.6.1 INTERNATIONAL LAW

#### FREEDOM OF EXPRESSION AND RIGHT TO INFORMATION

The ICCPR protects all individuals' rights to hold their opinions and their freedom of expression (Article 19). The enjoyment of these can be restricted in limited circumstances, including the "respect of the rights or the reputations of others" and the "protection of national security or of public order or of public health or morals."<sup>77</sup>

The right of any individual to receive information, and to express and disseminate their opinions within the framework of the law is also protected by Article 9 of the ACHPR.

One means used by states, including Niger, to restrict expression is the use of defamation laws, which are ostensibly designed to protect the reputations of others. However, the Human Rights Committee has made clear that "[S]tates Parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty".<sup>78</sup> The African Commission on Human and Peoples' Rights recommended that states parties to the Banjul Charter "repeal criminal defamation laws or insult laws which impede freedom of speech" in favour of sanctions that must themselves be necessary and proportionate. The African Commission considers that imposition of custodial sentences for offences such as defamation and slander are violations of the right to freedom of expression.<sup>79</sup> In addition, the ACHPR too has called on states to repeal laws that criminalize sedition, insults and the publication of "fake news" in the 2019 Declaration on principles of freedom of expression and access to information in Africa.

#### RIGHT TO FREEDOM OF ASSOCIATION

Article 22 of the ICCPR stipulates that "Everyone shall have the right to freedom of association with others"<sup>80</sup> and Article 9 of the African Charter on Human and Peoples' Rights provides that "Every individual shall have the right to free association provided that he abides by the law."<sup>81</sup>

International human rights law permits States to restrict the right to freedom of association in the interests of national security or public safety, public order ("ordre public"), the protection of public health or morals or the protection of the rights and freedoms of others. However, any restriction must be necessary and proportionate to the aim pursued and must be implemented in accordance with the principle of non-discrimination.<sup>82</sup>

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<sup>75</sup> République du Niger, Loi n° 2017-08 du 31 mars 2017, déterminant les principes fondamentaux du Régime pénitentiaire au Niger, Article 46.

<sup>76</sup> République du Niger, Avant-projet de code pénal, Mars 2023, Article 308. Amnesty International is in possession of the document.

<sup>77</sup> ICCPR, Article 19.

<sup>78</sup> UN Human Rights Committee, General comment 34: Freedoms of opinion and expression (Article 19), previously cited, para 47.

<sup>79</sup> African Union, Resolution on Repealing Criminal Defamation Laws in Africa - ACHPR/Res.169(XLVIII)10, adopted on 24 November.

<sup>80</sup> ICCPR, Article 22.

<sup>81</sup> African Union, African Charter on Human and Peoples' Rights: [https://au.int/sites/default/files/treaties/36390-treaty-0011\\_-\\_african\\_charter\\_on\\_human\\_and\\_peoples\\_rights\\_e.pdf](https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf) People's' \_ People's

<sup>82</sup> ICCPR, Article 22.

## 4.6.2 DOMESTIC LAW

### RIGHTS TO FREEDOM OF EXPRESSION AND INFORMATION

The new Nigerien authorities revised the domestic law, posing a serious threat to the rights to freedom of expression and information.

Journalists exercising their professional activities are protected by Ordinance no. 2010-035 of 4 June 2010 on press freedom.<sup>83</sup> According to this Ordinance, the offences of defamation and insults against citizens, public officials, state institutions and heads of states or against an ethnic, regional or religious group are sanctioned by fines (Article 50 to 53).

Niger adopted a law on Cybercriminality in July 2019 to police offences committed via electronic means.<sup>84</sup> Articles 29, 30 and 31 of the law sanctioned respectively the offences of defamation via electronic means, insults via electronic communications and the dissemination of data likely to disturb public order or infringing on human dignity, and schedule prison sentences and fees for these offences.<sup>85</sup> In June 2022, the Nigerien authorities revised the 2019 law and removed all prison offences for the accusations of defamation (article 29) and insult (article 30), to comply with international human rights law, after a sustained campaign by civil society organizations.<sup>86</sup>

These positive changes were reversed in June 2024 by an Ordinance of the CNSP which reestablished the possibility of prison sentences for the offences of defamation (one to three years and a fee ranging between XOF 1 million and XOF 5 million; USD 1648 to USD 8238), and insult through electronic channels (one to three years and a fee ranging between XOF 1 million and XOF 5 million; USD 1648 to USD 8238). Furthermore, the offense of disseminating data likely to disturb public order or infringing on human dignity was harshened with the possibility of prison (two to five years) and a fee (XOF 2 million to XOF 5 million), even in the case where the information shared by the offender is genuine.<sup>87</sup> This is without prejudice to whether the information is of public interest or not.

### RIGHT TO FREEDOM OF ASSOCIATION

Immediately following the coup, the new authorities suspended the activities of all political parties on 27 July 2023.<sup>88</sup> This suspension still in force in January 2025 is contrary to Nigerien human rights obligations.

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<sup>83</sup> République du Niger, *Ordonnance N° 2010-035 du 04 juin 2010 portant régime de la liberté de Presse*, <https://www.csc-niger.ne/wp-content/uploads/2020/12/ORDONNANCE-N%C2%B0-2010-035-regime-de-liberte-1.pdf>

<sup>84</sup> République du Niger, *Loi n° 2019-33 du 03 juillet 2019, portant répression de la cybercriminalité au Niger*, <https://www.africa-laws.org/Niger/criminal%20law/Loi%20no%20201933%20portant%20r%C3%A9pression%20de%20la%20cyber%20criminalit%C3%A9%20au%20Niger.pdf>

<sup>85</sup> *Loi n° 2019-33 du 03 juillet 2019, portant répression de la cybercriminalité au Niger*, Articles 29, 30, 31.

<sup>86</sup> Mohamed Bazoum, X (formerly Twitter) post : « Avec les modifications apportées à la loi relative à la cybercriminalité hier en conseil des ministres, les délits de diffamation et d'injure ne conduisent plus à la prison mais exposent à des amendes » 28 avril 2022, [https://x.com/mohamedbazoum/status/1519616204591280130?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1519616204591280130%7Ctwgr%5Eafaf3e35a36a52612a41870c5bf34e233c74df31%7Ctwcon%5Es1\\_&ref\\_url=https%3A%2F%2Fwww.rfi.fr%2Ffr%2Fafrique%2F20220429-niger-la-maison-de-la-presse-salue-la-modification-de-la-loi-sur-la-cybercriminalit%C3%A9](https://x.com/mohamedbazoum/status/1519616204591280130?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1519616204591280130%7Ctwgr%5Eafaf3e35a36a52612a41870c5bf34e233c74df31%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.rfi.fr%2Ffr%2Fafrique%2F20220429-niger-la-maison-de-la-presse-salue-la-modification-de-la-loi-sur-la-cybercriminalit%C3%A9) See also RFI Afrique. « Niger : la Maison de la presse salue la modification de la loi sur la cybercriminalité », 29 avril 2022 : <https://www.rfi.fr/afrique/20220429-niger-la-maison-de-la-presse-salue-la-modification-de-la-loi-sur-la-cybercriminalit%C3%A9>

<sup>87</sup> République du Niger, *Ordonnance no. 2024-28 du 7 juin 2024 modifiant la loi no. 2019-33 du 3 juillet 2019, portant répression de la cybercriminalité au Niger*.

<sup>88</sup> République du Niger. *Communiqué no.5, 27 juillet 2023* : <https://cnsnp.ne/communiquen-5/>

## **AN INCREASINGLY REPRESSIVE LEGAL REGIME: THE CREATION OF A REGISTER OF PERSONS INVOLVED IN TERRORISM-RELATED ACTIVITIES**

On 27 August 2024, the Nigerien authorities issued a new ordinance establishing a national registry of persons, group of persons and entities allegedly involved in terror activities and other offences against the country's strategic interests and constituting a threat to public safety and tranquillity (FPGE).<sup>89</sup>

The list of offences (Article 3) is very wide and could include being considered a threat to the nation's stability (Article 3.5), communications with a third country deemed as an enemy by the Nigerien authorities (Articles 3.9 and 3.10), participating in an enterprise designed to demoralize the army or the nation with the aim of harming national defence (Article 3.14), exposing Nigeriens to reprisals through hostile acts not approved by the government (Article 3.17), the simple sharing of information on social media (Article 3.19) and many other ill-defined offences which could be used to violate the rights to freedom of expression, association and peaceful assembly.

A national committee composed of members nominated by the President of the CNSP is also scheduled to arbitrate on:

1. Requests to add or remove individuals and groups from the registry;
2. Challenges made by individuals, groups of persons or entities to their addition to the registry;
3. Any other tasks pertaining to the management of the registry.<sup>90</sup>

Articles 8 and 9 list the potential punishment of being included in this registry, which could entail an asset freeze, restriction to freedom of movement and even deprivation of citizenship. For those charged with offences against the state's strategic interests or likely to disturb public safety and tranquillity, the deprivation of citizenship can be effective in a provisional capacity at the preliminary investigation stage against the indicted or following a request by the intelligence services, even prior to a definitive conviction.<sup>91</sup> Any individual convicted for said charges to a prison sentence superior or equal to 5 years, lose their Nigerien nationality.<sup>92</sup>

The August 2024 Ordinance is thus susceptible to arbitrary and discriminatory enforcement – possibly against human rights defenders, political activists, religious or ethnic communities such as the Fulani community, already victim of stigmatization and hateful discourses since IS-Sahel and the GSIM has recruited heavily among this community, exploiting local grievances against state governance.<sup>93</sup>

In the context of counter terrorism in Africa, the ACHPR has established Principles and guidelines on human and peoples' rights while countering terrorism in Africa that stipulates that measures used to counter terrorism that interfere with privacy "must be provided for by law, strictly proportionate with and necessary for achieving a legitimate goal, conducted in a manner consistent with human dignity and the right to privacy, and as otherwise permitted under international human rights law. No one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honor and reputation."<sup>94</sup>

Given the fact that any individual or group can be enrolled in this registry at the stage of prosecution and given the potential consequences that ensue from being listed in this registry, and the lack of legal oversight, Amnesty International considers that the ordinance fails the three- part test of being provided by law (legality), being necessary and proportionate, and being in pursuance of a legitimate aim. In other words, the law is too broad and vaguely formulated to be in accordance with the principle of legal foreseeability; it is unnecessary because there are less restrictive means of achieving its aims; and it causes harm that outweighs the aims it is intended to achieve.

Moreover, the possibility of depriving an individual of their nationality could create a situation of statelessness. A stateless person is defined as "a person who is not considered as a national by any State under the operation of its law".<sup>95</sup> The right of everyone to a nationality and not to be deprived of one's nationality is enshrined in Article 15 of the Universal Declaration of Human Rights,<sup>96</sup> and states are required not to deprive a person of their nationality if this could result in statelessness.<sup>97</sup>

Individuals deprived of their nationality must be notified in writing of the decision and should have the ability to challenge the decision by appealing to a competent court, in conformity with fair trial standards

<sup>98</sup> It is also on the competent authorities to make sure that depriving an individual of nationality won't engender a situation of statelessness.<sup>99</sup> These safeguards do not exist in the Ordinance n° 2024-43 of 27 August 2024. Given that many of the offences listed in the FPGE are already punished by the Nigerien Criminal Code, Cybercriminality Law and other legal texts, the impression that the deprivation of nationality could be used as a punitive measure targeting “dissident” voices or groups is very strong.<sup>100</sup>

Deprivation of nationality following unfair legal proceedings will always violate the prohibition of arbitrary deprivation of nationality.<sup>101</sup> In addition, in Niger the legal system lacks the necessary foreseeability and legal certainty to be considered in keeping with the principle of legality. Further, given the availability of far less draconian measures to address criminality where it genuinely exists, deprivation of citizenship is not a necessary measure – nor is it likely to be a proportionate one, given the long- term implications it has on an individual and their family.

In light of the above, Amnesty International is calling for the abrogation of this ordinance which is contrary to international human rights standards and can be used to repress peaceful dissent.

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<sup>89</sup> République du Niger, *Ordonnance N° 2024-43 du 27 août 2024 Instituant un fichier des personnes, groupes de personnes ou entités impliqués dans des actes terroristes ou dans toutes autres infractions portant atteintes aux intérêts stratégiques et/ou fondamentaux de la Nation ou de nature à troubler gravement la tranquillité et la sécurité publique et fixant les modalités d'inscription et de retrait ainsi que les effets y relatifs*, 27 août 2024.

<sup>90</sup> Ordonnance N° 2024-43 du 27 août 2024, Article 6.

<sup>91</sup> Ordonnance N° 2024-43 du 27 août 2024, Article 9.

<sup>92</sup> Ordonnance N° 2024-43 du 27 août 2024, Article 9.

<sup>93</sup> ICG, “The Niger-Mali Border: Subordinating Military Action to a Political Strategy”, *Africa Report no. 261*, 2018,

<https://www.crisisgroup.org/africa/west-africa/mali/261-frontiere-niger-mali-mettre-loutil-militaire-au-service-dune-proche-politique>

<sup>94</sup> African Commission on Human and Peoples' Rights, *Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa Part 11: Right to Privacy*, page 36.

<sup>95</sup> United Nations High Commission for Refugees, Convention relating to the Status of Stateless Persons adopted on 28 September 1954 by a Conference of Plenipotentiaries convened by Economic and Social Council resolution 526 A (XVII) of 26 April 1954.

<sup>96</sup> United Nations, Universal Declaration of Human Rights, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>, Article 15.

<sup>97</sup> UNHCR, UN Convention on the Reduction of Statelessness, 1961, Article 8(1). Niger did not enter a reservation to Article 8 when it ratified this treaty so there is no question of an exception to this rule in Niger.

<sup>98</sup> *UN Convention on the Reduction of Statelessness* Article 7.6.5 and 7.6.6.

<sup>99</sup> *UN Convention on the Reduction of Statelessness*, Article 7.6.4.

<sup>100</sup> Interviews by phone/voice calls with several human rights defenders, civil society members and researchers, September and October 2024.

<sup>101</sup> Article 15 of the ICCPR provides the right to nationality, and interference with this right on the basis of unfair proceedings will constitute a violation. Further, the Institute on Statelessness and Inclusion provide at Principle 8 of the Principles on Deprivation of Nationality as a National Security Measure that “In any proceedings concerning the deprivation of nationality, the right to equal access to a competent, independent and impartial judicial body established by law and to equal treatment before the law must be respected, protected and fulfilled.”

# 5. ARBITRARY DETENTIONS TO SILENCE FORMER REGIME OFFICIALS

## 5.1 CASE OF FORMER PRESIDENT MOHAMED BAZOUM AND HIS FAMILY

On 26 July 2023, President Mohamed Bazoum, 65 years old (at the time of his arrest), his wife Hadiza Mabrouk, 63, and their son Salem Mohamed Bazoum, 22, were arrested and detained within the Presidential Palace Complex in Niamey following the coup d'état. They have been detained without charges, not allowed to leave the presidential complex and access to them by external persons was strictly controlled by the military. Their access to the outside world was limited to visits of a medical doctor, who was allowed to visit them weekly and supply them with food rations.<sup>102</sup>

The detention of the presidential family was the main object of contention opposing the CNSP and ECOWAS, and other international partners. In August 2023, the new authorities announced their intention to prosecute the deposed President for “high treason” and “apology of terrorism”,<sup>103</sup> but no accusations were levelled against Salem Mohamed Bazoum and Hadiza Mabrouk to justify their detention.

In September 2023, the lawyers for Salem Mohamed Bazoum challenged the legal basis for his detention before the Appeal Court of the Niamey High Court<sup>104</sup> and pleaded for his release. Through a decision issued on 6 October, the High Court ruled that Salem Mohamed Bazoum was victim of “assault and battery”, ordered the cessation of his detention and the execution of the decision.<sup>105</sup> In violation of the rule of law, Salem Mohamed Bazoum was kept in detention until January 2024.

Two weeks after the court decision, in a public declaration on national TV, the CNSP accused President Mohamed Bazoum of orchestrating an escape attempt that was foiled. According to the press release, “on 19 October 2023, at around 3am, the deposed President Mohamed Bazoum, along with his family, his two

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<sup>102</sup> WhatsApp interview with family member of President Mohamed Bazoum, August/September 2023.

<sup>103</sup> La Croix avec AFP, « Niger : le régime militaire veut poursuivre le président déchu pour « haute trahison », 13 août 2023, <https://www.la-croix.com/Niger-regime-militaire-veut-poursuivre-president-dechu-Bazoum-haute-trahison-2023-08-13-1301278743>

<sup>104</sup> Interview with lawyer of Salem Mohamed Bazoum, Niamey, June 2024.

<sup>105</sup> République du Niger/Cour d'Appel de Niamey/TGI de Niamey, Attestation d'ordonnance rendue ; Salem Mohamed Bazoum contre État du Niger, 6 octobre 2023.

cooks and two elements of his guard attempted to flee from their detention”.<sup>106</sup> The communiqué also stated that two helicopters—belonging to a “foreign power”—that were supposed to exfiltrate them to Birnin Kebbi (Nigeria), were stationed in Niamey to facilitate their escape.<sup>107</sup>

In response to these accusations, the legal team defending President Bazoum, and his family refuted the allegations of an evasion attempt levelled in a press release and criticized their increasingly harsher detention conditions marked by the shutdown of their electricity supply and the denial of access to the medical doctor, who was regularly supplying them with their provisions.<sup>108</sup>

The detention of Mohamed Bazoum and his family was challenged before the ECOWAS Court of Justice in a submission filed by their legal team in September 2023. The applicants petitioned the Court to acknowledge the violation by the military authorities of their clients’ fundamental human rights, especially their right to freedom of movement, their right not to be arbitrarily detained or arrested and the political rights of Mohamed Bazoum. The plea called on the court to order the Nigerien authorities to release without conditions Mohamed Bazoum and his detained family members, and to reinstate constitutional order.

The lawyers argued that since the 26 July 2023 coup d’état, Mohamed Bazoum and his family have been detained without charges notified to them or their legal counsels. They further argued that none of them had been brought before a competent judicial authority and that there is no court decision prescribing their detention, in violation of Article 9.1 of the ICCPR which states that: “everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law”.<sup>109</sup>

In December 2023, the ECOWAS Court ruled that Mohamed Bazoum, his spouse and his son were arbitrarily detained by the military authorities in Niger following the coup and ordered their release. They found that the arrests of Mohamed Bazoum and his family was unlawful and lacked a legal basis, that they were never notified of the charges against them when they were arrested, and never been presented before a Court, and thus their rights to a fair legal procedure and trial were violated.

The Court recalled that “under the terms of article 9.4 of the ICCPR, “Everyone who is deprived of his liberty by arrest or detention shall have the right to take proceedings to a court to decide without delay on the lawfulness of his detention and order his release if the detention is unlawful”.<sup>110</sup>

As with the ruling of the Niamey High Court on the detention of Salem Mohamed Bazoum, this decision by the ECOWAS Court of Justice was never implemented by the Nigerien authorities. Accordingly, Amnesty International considers that the detention of Mohamed Bazoum and his family was in violation of international human rights law.

In January 2024, Salem Mohamed Bazoum was finally freed in a deal brokered by Togo, one of the mediators between ECOWAS and the CNSP, and his exit out of the country facilitated by Togolese Minister of Foreign Affairs. According to one lawyer, this was done expeditiously and without the knowledge of the lawyer of Salem Mohamed Bazoum<sup>111</sup>. He told Amnesty International:

**“Salem was hurriedly released as part of the negotiations led by Togo. The investigating judge just did what he was asked to do [by the authorities]. Salem's lawyer was not even informed of the whole procedure and learned of his client's departure from Niger long afterwards”.**<sup>112</sup>

Nigerien authorities initiated in January 2024 a procedure to lift the presidential immunity of President Mohamed Bazoum to pursue him before the court. Two procedures were engineered initially to lift his immunity, one by the military court for the charges of “high treason” and “funding terrorism” and the other

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<sup>106</sup> Présidence de la République du Niger, *Conseil national pour la sauvegarde de la Patrie, Communiqué*, 19 octobre 2023.

<sup>107</sup> Présidence de la République du Niger, *Conseil national pour la sauvegarde de la Patrie, Communiqué*, 19 octobre 2023.

<sup>108</sup> Le Monde avec AFP, « Au Niger, les avocats de Mohamed Bazoum rejettent les accusations de la junte sur une supposée tentative d'évasion du président déchu », 20 octobre 2023, [https://www.lemonde.fr/international/article/2023/10/20/au-niger-le-regime-militaire-affirme-que-mohamed-bazoum-a-tente-de-s-evader\\_6195477\\_3210.html](https://www.lemonde.fr/international/article/2023/10/20/au-niger-le-regime-militaire-affirme-que-mohamed-bazoum-a-tente-de-s-evader_6195477_3210.html), [https://www.lemonde.fr/international/article/2023/10/20/au-niger-le-regime-militaire-affirme-que-mohamed-bazoum-a-tente-de-s-evader\\_6195477\\_3210.html](https://www.lemonde.fr/international/article/2023/10/20/au-niger-le-regime-militaire-affirme-que-mohamed-bazoum-a-tente-de-s-evader_6195477_3210.html)

<sup>109</sup> Para 71, ruling of the ECOWAS Court of Justice.

<sup>110</sup> ECOWAS Court of Justice, *LA COUR DE JUSTICE DE LA COMMUNAUTE ECONOMIQUE DES ETATS DE L'AFRIQUE DE L'OUEST (CEDEAO) Dans l'affaire MOHAMED BAZOUM ET 2 AUTRES CONTRE L'ETAT DU NIGER, Requête N° : ECWICC/JIAPP/36/23 ARRET ABUJA Arrêt N° : ECW/CCJ/JUD/57/23*, 15 décembre 2023.

<sup>111</sup> Interview with lawyers of Mohamed Bazoum, Niamey, June 2024.

<sup>112</sup> Interview with lawyer of Mohamed Bazoum and Abdourahmane Ben Hamaye, Niamey, June 2024.

by an ordinary court for “funding terrorism”. According to one member of his legal defence: “the investigating judge wrote to the State Court to lift the presidential immunity of President Bazoum”. This was followed by another request made by the military court to the State Court, in which it said: “I intend to initiate charges against Mohamed Bazoum and to that end, I request the lifting of his presidential immunity”.<sup>113</sup> The State Court was set up on 28 July 2023, to replace the Court of Cassation, which made it the highest court in Niger.

In the end, the procedure by the ordinary court was dropped and only the one by the military court was considered by the State Court. The procedure hardly respected the right to a legal defence and the standards of a fair trial, as the defence team of Mohamed Bazoum had difficulties accessing some of the documents and couldn't visit their client or even presenting evidence before the court. According to an active member of the Nigerien judiciary, the “authorities wanted to prevent the defence from doing effectively its job. The lawyers [of President Mohamed Bazoum] were able to delay the case [from May 2024 to June 2024], so that they could have time to study the request [filed by the military tribunal]. We are still unsatisfied as the lawyers still cannot visit their client”.<sup>114</sup> Indeed, from July 2023 to June 2024 when the State Court reunited to address the request for the lifting of the Presidential immunity, Mohamed Bazoum's lawyers were never able to visit him while in detention or communicate with him, as the military isolated Bazoum and his spouse, from all external contacts except from their medical doctor.

One of the lawyers told Amnesty International that following the adjournment of the case from May to June 2024, they were only allowed to see the submissions made by the judges and not the report established by the court on these requests: “We only had access to part of the case and were only able to examine the two requests, not the report by the Court [on the requests].”<sup>115</sup> According to Human Rights Watch, the defence team also alleged that: “authorities amended article 141 of the court statute [concerning access to case information], while the case was already pending before the court, hindering us from consulting key documents in the file.”<sup>116</sup>

On 14 June 2024, the Niger State Court positively assented to the prosecution's request to have the presidential immunity of Mohamed Bazoum lifted, during hearings in which the defence lawyers challenged the legality of the court and boycotted the proceedings. In August 2024, Mohamed Bazoum was interrogated as part of the investigation for high treason, by judicial police officers, while in detention and in the presence of his lawyers.<sup>117</sup>

Furthermore, there are still no legal grounds for the continued detention of Hadiza Mabrouk Bazoum, against whom no charges have been raised to the knowledge of Amnesty International, with the ECOWAS Court of Justice ruling that her detention was arbitrary.

For all these reasons, Amnesty International considers the past detention of Salem Mohamed Bazoum as arbitrary since it was not based on any legal basis and that a ruling by a High Court ordering his release was not effectively implemented by the military authorities. Amnesty International also considers the detention of Mohamed Bazoum and Hadiza Mabrouk as arbitrary and calls for their immediate release. Amnesty International also denounces the use of military courts to try civilians, which imperil the right to fair trial standards, as shown by the lack of access of the defence to the accusations against their clients and exhorts the authorities to amend the jurisdiction of the military courts strictly to military offences.

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<sup>113</sup> Interview with lawyer of Mohamed Bazoum, Dakar, May 2024.

<sup>114</sup> Interview with President of the Nigerien Bar, Niamey, June 2024.

<sup>115</sup> Interview with lawyer of Mohamed Bazoum, Dakar, May 2024.

<sup>116</sup> Human Rights Watch, “Niger Court May Lift Immunity of Ex-President After Unfair Proceedings: Mohamed Bazoum Denied Access to Lawyers, Evidence” 13 June 2024.

<https://www.hrw.org/news/2024/06/13/niger-court-may-lift-immunity-ex-president-after-unfair-proceedings>

<sup>117</sup> Niger Inter (Ibrahim Elhadji), « Affaire Bazoum Mohamed : Les auditions ont démarré », 10 septembre 2024, <https://nigerinter.com/2024/09/10/affaire-bazoum-mohamed-les-auditions-ont-demarre/>



## 5.2 CASE OF IBRAHIM YACOUBA AND OTHER FORMER CABINET MINISTERS

Beyond former President Mohamed Bazoum and members of his family, at least seven former cabinet ministers have been arrested by the authorities in the days and weeks following the 26 July 2023 coup d'état. These included among others: Sani Mahamadou Issoufou, the former Petroleum minister; Hama Adamou Souley, former Interior minister, detained on the day of the coup; Kalla Moutari, a former Defence minister (2016-2019), Hadizatou Ousseini Yacouba, the former minister of Mines,<sup>118</sup> the former Transportation minister Oumarou Malam Alma, Ahmat Jidoud, the former Finance minister, and Dr. Rabiou Abdou, the former Minister of Planning.<sup>119</sup> Initially, no charges were raised against them, and they were effectively forcibly kept in their houses in Niamey. In August 2023, Hadizatou Ousseini Yacouba, the former Minister of Mines was released without charges. In September 2023, the remaining six senior officials of the deposed regime who were assigned to their residence in Niamey, were transferred to various prisons (Filingué, Say, Kollo, Koutoukallé) and were charged before the military tribunal with 'threatening state security'.

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<sup>118</sup> Freed subsequently in August 2023.

<sup>119</sup> RFI, « Niger : des officiels interpellés, dont le ministre du Pétrole et le patron de la formation PNDS », 31 juillet 2023 : <https://www.rfi.fr/fr/afrique/20230731-niger-des-officiels-interpell%C3%A9s-dont-le-ministre-du-p%C3%A9trole-et-le-patron-de-la-formation-pnds>

## Detention sites of some officials of the Bazoum administration



Map: Amnesty International • Source: Amnesty International



  *Detention sites of some officials of the Bazoum administration* © Amnesty International via Datawrapper

## Cabinet members, officials and allies of Bazoum arrested and their places of detention

Regions	Detention centers	Names	Responsibilities
Tillabéri	Filingué	Oumar Albadé	Civil Society/Student Union Leader
		Sani Mahamadou Issoufou	Petroleum Minister
	Kollo	Hama Adamou Souley	Minister of Home Affairs
		Ousmane Toudou	Journalist, Advisor to Bazoum
	Koutoukallé	Abdourahmane Ben Hameye	Advisor to Mohamed Bazoum
	Ouallam	Ibrahim Yacouba	Minister of Energy
		Colonel-Major Midou Guirey	Commander of the National Guard
	Ouallam	Commander Mohamed Mbarek	Commander, Customs Office (Tera)
	Say	Ahmad Jidoud	Finances Minister
		Kalla Moutari	Former Defence Minister (2016-2019)
Niamey	Niamey	Daouda Marté	MP, Former Vice-President of National Assembly (2011-2016)
		Pierre Foumakoye Gado	President, National Executive Committee, PNDS-Tarayya
Dosso	Birnin Ngaouré	Dr. Rabiou Abdou	Minister of Plan

Table: Amnesty International via datawrapper • Source: Amnesty International



As of January 2025, all these former ministers were still detained pending trial before military courts. Amnesty International considers their detentions as arbitrary for being politically motivated and calls for their immediate release.

Ibrahim Yacouba, the former minister of Energy under President Bazoum, who was out of the country during the coup, was not spared from arbitrary arrest either upon his return. The case of Ibrahim Yacouba is illustrative of this political targeting. He was arrested on 4 January 2024 after landing at the Niamey airport, despite reassurances that no charges would be levelled against him. While in detention, Yacouba told Amnesty International:

**“On 22 July, I left [Niger] for a mission, and while I was away there was the coup. The following Saturday [28 July], I tweeted to condemn the coup.<sup>120</sup> The new authorities contacted me about this tweet, and I said it was a normal tweet. I wanted to return to Niger, but the borders were closed over the weekend. It was hectic, and I had to go to Abidjan [rather than return to Niger]. In Niger, they started to condemn those who had condemned the coup.**

**At the beginning of January 2024, I had had enough and informed the authorities that I was going to return on 4 January. When I landed, the gendarmerie was waiting for me. I asked them to let me say hello to my wife and children, but they refused.**

**From the gendarmerie they sent me to the Niamey civil prison. I spent five days there before being sent to the Military Tribunal. They accused me of threatening the security of the state. They said I was in Abidjan to plot with others. None of that was true but they had to invent something [to detain me].”<sup>121</sup>**

Five days after his arrest in January 2024, Ibrahim Yacouba was presented before a military court and sent to the Ouallam prison, 103 kilometres north from Niamey. It seems that the reproach against Yacouba was to have participated to summits by ECOWAS in Abuja about the political situation in Niger, where sanctions were levied, and a prospective military intervention was discussed. However, according to a friend and political ally of Ibrahim Yacouba, the former minister was in Abidjan at the time, not in Abuja, and did not participate in any ECOWAS Summits following the 26 July coup.<sup>122</sup>

A request for provisional release pending the investigations was filed by his lawyers on 29 January 2024 and rejected by the court. Yacouba was interrogated by the senior investigating judge on 9 May 2024 after which the accusation of having participated to ECOWAS meetings in Abuja was removed from the case. Yet, a second request for provisional release filed after this substantive hearing was also rejected on 23 May 2024.<sup>123</sup> While in detention at Ouallam, Ibrahim Yacouba was allowed visits from his lawyer as well as from his friends and family, without hindrance.<sup>124</sup>

On 12 July 2024, the lawyers for Ibrahim Yacouba filed, for a third time, a request for provisional release before the Appeal Court. On 29 July, according to Ibrahim Yacouba’s legal team, the request was positively approved by the control chamber of the Appeals Court, but the notification of this decision was never issued, rendering it moot. Ibrahim Yacouba remained in detention in the prison of Ouallam.

On 30 August, he was transported to Niamey to be heard again by the senior investigating judge of the military court, who charged him afterwards with criminal conspiracy. According to his legal team, the decision to keep him detained ‘was taken in violation of Nigerien law, which strictly regulates any new incarceration when a person is released following a decision by the Control Chamber. A new detention order and a return to prison are prohibited, except in the event of the discovery of serious new facts and if the person concerned is able to escape. If these two conditions are met, the law also stipulates that the new detention order must be approved by the Chamber of Control.’<sup>125</sup>

The Code of Military Justice stipulates that “when it [the Control Chamber] is seized of an appeal lodged against an order of the military examining magistrate in matters of preventive detention, it shall rule at the latest within two months of the appeal; failing this, the accused person shall be automatically released provisionally, unless verifications concerning the request have been ordered or if unforeseeable or insurmountable circumstances prevent the case from being heard within the time limit provided for in this article”.<sup>126</sup> Furthermore, Article 116 of the Code rules that “the Chamber’s decisions are reasoned. They are immediately brought to the attention of the Government Commissioner, who ensures their execution. The accused and his counsel are immediately notified of these decisions by the court clerk. These decisions are not subject to appeal to the Supreme Court, but their legality may be examined during an appeal on the

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<sup>120</sup> Ibrahim Yacouba, X post (formerly Twitter account): « J'appelle la @ecowas\_cedeao, @ AfricanUnion et tous nos partenaires à se joindre à la lutte du peuple #Nigerien en vue de la libération sans délai de la famille de @mohamedbazoumet du rétablissement sans conditions de ce dernier dans son mandat de Président de la République », 29 July 2023, <https://x.com/Ibrahimyacoub/status/1685283979644092417>

<sup>121</sup> Phone interview with Ibrahim Yacouba, June 2024.

<sup>122</sup> Interview with friend of Ibrahim Yacouba, Niamey, June 2024.

<sup>123</sup> Confidential note on the case of Ibrahim Yacouba, prepared by his lawyers. Amnesty International reviewed the note which is on file.

<sup>124</sup> Interview with friend of Ibrahim Yacouba, and with lawyer of Ibrahim Yacouba, Niamey, June 2024.

<sup>125</sup> Confidential note on the case of Ibrahim Yacouba, prepared by his lawyers.

<sup>126</sup> Government of Niger, Code of Military Justice, article 114.

merits. However, an appeal may be lodged by the Government Commissioner [Military Prosecutor] against decisions to dismiss the case or to decline jurisdiction.”<sup>127</sup>

Amnesty International condemns his detention as arbitrary, denounces the abuses of the criminal procedure in the case and condemns the use of military courts to prosecute civilian political actors on politically motivated charges. Amnesty International calls for Ibrahim Yacouba’s immediate release.

As of January 2025, three other former ministers, namely Hama Adamou Souley, Ahmat Jidoud and Dr. Rabiou Abdou, are still kept in detention despite a ruling by the Control Chamber of the Investigation, that ordered their release on 29 July 2024.<sup>128</sup>

## 5.3 CASE OF BEN HAMAYE AND OTHER ACCUSED FOR THE ALLEGED ESCAPE ATTEMPT OF FORMER PRESIDENT

On 19 October 2023, the Nigerien authorities announced having foiled an attempt to break President Mohamed Bazoum and his family out of detention, and the opening of an investigation regarding that matter.<sup>129</sup> At least 25 individuals were arrested as part of this investigation, including Abdourahmane Mohamed Ben Hamaye, a councillor of Mohamed Bazoum and former director within Niger’s Intelligence services. Prior to 19 October 2023, Abdourahmane Ben Hamaye was listed among 26 officials and persons associated with Mohamed Bazoum, in hiding, and who were declared as wanted by the security forces.<sup>130</sup>

The arrests were broadcast on national TV. During the first weeks, the location of their detention was kept secret and no lawyer or family member had access to the accused, according to Ben Hamaye’s lawyer.<sup>131</sup> Over the course of their detention, the Nigerien authorities disregarded the Code of Criminal Procedure and committed several violations of their rights, such as the right to an effective defence. Ben Hamaye’s lawyer told Amnesty International:

**“Abdourahmane Ben Hamaye had been shot in the knee at the time of his arrest. Bloodied photos of him had circulated on social media following his arrest. When I was appointed to defend him, I could hardly see him because there were several constraints and restrictions imposed on us. I could not reveal his place of detention [initially].”<sup>132</sup>**

Along with Ben Hamaye, Mohamed Mbarek, a customs officer and relative of the first lady was also arrested on 7 November 2023 and detained at the gendarmerie. Their lawyer told Amnesty International:

**“I was appointed by relatives of Ben Hamaye to represent him on 10 November 2023. By then he had been in prison for a month [three weeks to be precise]. On 14 November, I also represented Mohamed Mbareck (cousin of President Bazoum's wife). I was allowed to see them, but not to reveal where they were being held. In the end, I was the one who gave Ben Hamaye his lunch money through the guards. I was the link between him and his family.”<sup>133</sup>**

Another lawyer, representing thirteen of the co-accused in this case also underlined the violent nature of the arrests. He told Amnesty International:

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<sup>127</sup> Code of Military Justice, Article 116.

<sup>128</sup> RFI, « Niger : quatre ex-ministres toujours détenus malgré une décision de justice de les libérer », 30 octobre 2024, <https://www.rfi.fr/fr/afrique/20241030-niger-quatre-ex-ministres-toujours-d%C3%A9tenus-malgr%C3%A9-une-d%C3%A9cision-de-justice-de-les-lib%C3%A9rer>

<sup>129</sup> RTN, *Communiqué du Conseil national pour la sauvegarde de la patrie du jeudi 19 octobre 2023*, <https://www.facebook.com/rtnniger/videos/6863591200368172>

<sup>130</sup> A Y. Barma, « Trahison et complot contre l'Etat, après le placement en détention d'anciens dirigeants, une trentaine de proches de Bazoum activement recherchés », *Actu Niger*, 24 septembre 2023, <http://news.aniamey.com/h/118184.html> A Y. Barma, « Trahison et complot contre l'Etat, après le placement en détention d'anciens dirigeants, une trentaine de proches de Bazoum activement recherchés », *Actu Niger*, 24 septembre 2023, : <http://news.aniamey.com/h/118184.html>

<sup>131</sup> Interview with Ben Hamaye’s lawyer, Niamey, June 2024.

<sup>132</sup> Interview with Ben Hamaye’s lawyer, Niamey, June 2024.

<sup>133</sup> Interview with Ben Hamaye’ lawyer, Niamey, June 2024.

**“[My clients] had nothing to do with Abderrahmane [Ben Hamaye]. They were living in a villa rented by President Bazoum in Niamey to accommodate his relatives from the [native] village. Among these residents, were civilians and soldiers. The civilians are close relatives to President Bazoum and, among the military, were two members of Bazoum’s close security personnel, who were waiting for their reassignment to other security services after they were dismissed following the 26 July coup. They came to live in the house after they were removed from their posts and their accommodation within the presidential palace, after the coup. It was while there that the military arrived on 18 October. They were beaten, handcuffed, hooded, insulted, and paraded in front of the national TV. Afterwards, they were sent to the DGDSE [Directorate-General on Documentation and External Security]”.**<sup>134</sup>

Pictures shown by the national TV broadcast and disseminated by the media following the alleged breakout attempt, also show Ben Hamaye, with his lower members covered in blood and his hands seemingly tied behind his back.<sup>135</sup> According to the General Prosecutor, Ben Hamaye violently resisted his arrest, fired at the security agents who were intent on arresting him, grievously wounding one of them.<sup>136</sup> These declarations were made via a TV broadcast informing the general public about the case. Money and cellphones were also collected in the house of Ben Hamaye and collected as evidence by the prosecution. In the same statement, the General Prosecutor accused Ben Hamaye and several members of the National Guard, arrested as part of the same case, of having provided intelligence to a foreign power.<sup>137</sup> Amnesty International cannot corroborate the veracity of the charges against the accused, what is clear is that their rights to detention were not respected following their arrests.

While in the custody of the DGDSE and the gendarmerie, the detainees were ill-treated according to their lawyer:

**“They suffered degrading and inhuman treatment. Their detention conditions were awful and brutal. All these people had disappeared from the judicial investigation units provided for in the Code of Criminal Procedure. There was no trace, no record of them. We couldn’t find them. It was afterwards that we heard through hearsay that they were held at the DGDSE”.**

From 19 October to 2 November, Ben Hamaye and his 24 co-accused which included students and relatives of the presidential family were held at the premises of the DGDSE, which are not recognized detention centres according to the Code of Criminal Procedure. While there, they did not have access to their lawyer or to medical help and were interviewed by security agents. The attempts by their lawyers to gain access to them while they were detained at the DGDSE were not granted. “I requested access to my clients in a letter for which I did not receive a reply. I sent it to the Minister of Defence. I asked him twice but never heard back”.<sup>138</sup>

On 2 November, Ben Hamaye and the co-accused were questioned by the gendarmerie, which was the first step in bringing back their detention in the legal fold. One of the lawyers who was representing 13 of the civilians detained told Amnesty International:

**“This group of young people, they were presented on TV as members of a commando. But they were children, young people, and that contrasted with the image of commandos they were presented with, in the press briefing at the Court of Appeal. These young people had nothing to do with Ben Hamaye (...)”**

Despite the serious nature of the accusations and the attempts by the lawyers to examine the evidence of the case, no judicial act of investigation was taken for months by the military court. Ben Hamaye, Mohamed Mbareck and the other co-accused were not presented before a judge, nor charged with anything until April 2024, in violation of the Code of Military Procedure. Article 58 of the Military Justice Code establishes the maximum period of police custody at 10 days,<sup>139</sup> a maximum delay that was already violated by their custody within the DGDSE between 19 October and 2 November 2023. This period can be extended in

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<sup>134</sup> Interview with lawyer involved in the Ben Hamaye case, Niamey, June 2024.

<sup>135</sup> Akkilou Yacoubou. « Niger : le cerveau de l'exfiltration de Bazoum arrêté », Le Béninois Libre, 20 octobre 2023, <https://lebeninoislibre.bj/niger-le-cerveau-de-l'exfiltration-de-bazoum-arrete/>

<sup>136</sup> Niger Inter by Bassirou Baki, « Tentative d'évasion de l'ex-président Mohamed Bazoum : 23 suspects interpellés, a indiqué le Procureur Général au cours d'un point de presse », 3 novembre 2023, <https://nigerinter.com/2023/11/03/tentative-devasion-de-lex-president-mohamed-bazoum-23-suspects-interpelles-a-indique-le-procureur-general-au-cours-dun-point-de-presse/>

<sup>137</sup> ORTN/Télé Sahel, « Procureur Général près de la cour d'appel de Niamey a animé un point de presse sur le cas de Bazoum », 28 novembre 2023, [https://www.youtube.com/watch?v=Y4dHqB\\_7Ums](https://www.youtube.com/watch?v=Y4dHqB_7Ums)

<sup>138</sup> Interview with lawyer involved in the Ben Hamaye case, Niamey, June 2024.

<sup>139</sup> République du Niger, *loi n° 2003 – 010 en date du 11 mars 2003 portant code de justice militaire*, Article 58.

times of war to a maximum of 30 days, according to the said Code.<sup>140</sup> In this matter, the military authorities have largely abused the maximum period, and the detention of the other individuals accused of attempting to break the presidential family out of detention, had no legal standing by mid-November 2024. While at the gendarmerie, they could not be visited by their family, who were only allowed to provide them with food, but only by their lawyers.<sup>141</sup>

From November 2023 to April 2024, the lawyers pleaded the case for their liberation against their clients before the military court, without success initially. Per him:

**“The prosecutor [of the State Court] denied our request, arguing that the cases of Ben Hamaye and Mohamed Mbarek had not been referred to him. So, I wrote again and referred the matter to the Government’s Commissar-General (military court prosecutor), who hasn’t even deigned to reply to us to date. That was on 5 February 2024. On 5 March, we appealed to the President of the Niamey High Court for a summary judgment. Following this request, he ruled via an order in April for their release on the grounds that they were “detainees without a detention permit”. The conclusion from this ruling is that their detention was totally arbitrary. He ordered their release, subject to a penalty of XOF 1 million per day in case of delay. This was on 2 April 2024”.**<sup>142</sup>

Two days after this ruling, Ben Hamaye, Mohamed Mbarek and the other co-accused were interrogated by the senior examining magistrate and charged with “plotting with the purpose of threatening state security or the authority of the state”. Their fates varied following this indictment. Four of them, including two students were granted a provisional release between 4 and 10 April.<sup>143</sup>

On 4 April, Abdourahmane Ben Hamaye was remanded in custody to the Koutoukallé maximum security prison, after six months of detention at the criminal investigations’ unit of the gendarmerie in Niamey. On 10 April, eight of the accused who were members of the security staff of Mohamed Bazoum were indicted and transferred to the Koutoukallé maximum security prison and to the Say [region] prison. The remaining indicted were also remanded in custody pending their trial.

Amnesty International denounces these blatant violations of the rule of law and the code of Criminal Procedure in the procedures against Abdourahmane Ben Hamaye and his co-accused, and the arbitrary nature of the detention.

## 5.4 ABUSIVE DEPRIVATION OF CITIZENSHIP

Since October 2024, the Nigerien government has temporarily revoked the citizenship of 21 individuals, based on the ordinance no. 2024-43 of 27 August 2024 establishing the national registry of persons and groups involved in terrorism-related activities (FPG). They included close advisers and/or former cabinet ministers under Bazoum’s presidency, certain of them known for their public critics of the CNSP on social media and international media, persons close to Bazoum and leaders of armed groups that were formed in the northern regions following the 26 July coup.

On 10 October 2024, nine close advisors, and/or former members of the cabinet of former president Bazoum, with most of them being vocal critics of the current authorities, were provisionally deprived of their citizenship, based on this ordinance, for suspicions of “leading activities likely to disturb peace and public security”, “of being in intelligence with a foreign power towards hostile acts against the State”, for “plotting against state security”, “participating in a campaign to lower the morale of the army” and “publishing data likely to disturb public order”<sup>144</sup>. All of these nine have the right to appeal this abusive deprivation of citizenship which is not yet permanent.

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<sup>140</sup> République du Niger, *Loi n° 2003 – 010 en date du 11 mars 2003 portant code de justice militaire*, Article 61.

<sup>141</sup> Interview with one of the lawyers of Abderrahmane Ben Hamaye, Niamey, June 2024.

<sup>142</sup> Interview with one of the lawyers of Abderrahmane Ben Hamaye, Niamey, June 2024. See also République du Niger/Cour d’appel de Niamey/Tribunal de Grande Instance Hors Classe de Niamey. Attestation d’ordonnance rendue Abdourahmane Ben Hamaye et Mohamed Mbarek contre État du Niger représenté par l’Agence Judiciaire de l’État, 2 avril 2024, <https://www.facebook.com/photo?fbid=3520716964925777&set=a.1421239341540227>

<sup>143</sup> Interview with lawyer representing Ben Hamaye and Mohamed Mbarek, and lawyer representing 13 of the co-accused, Niamey, June 2024.

<sup>144</sup> Présidence de la République/Premier Ministre, Communiqué du Secrétariat-Général du Gouvernement, Niamey, 10 octobre 2024.

One of them Hamid Ngadé, a former communications advisor of the Presidency until the coup, told Amnesty International:

**“I learned at the same time as everybody else, that I had been stripped of my nationality when I read my name on the communiqué issued by the Council of Ministers [of 10 October 2024]. I wasn't notified of anything. I exclusively hold a Nigerien citizenship, and this temporary deprivation could make me stateless. I don't intend to contest the loss of nationality because there is no rule of law in Niger right now. And I don't have the energy. The consequences of this measure are beyond me and affect my family, especially my children, who are in Niger. My family has suffered several threats and searches since the 26 July 2023 coup”.**<sup>145</sup>

On 28 October 2024, ten additional Nigeriens, including alleged members of armed groups, were enrolled in the national registry of persons, group of persons and entities involved in terror activities and other offences against the country's strategic interests and constituting a threat to public safety and tranquillity (FPGE) and temporarily stripped of their citizenship.<sup>146</sup>

On 6 January 2025, two other individuals, close to Bazoum, and accused of activities likely to disturb public order and of disseminating and producing data likely to disturb public order were temporarily stripped of their citizenship by the CNSP.<sup>147</sup>

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<sup>145</sup> Phone interview with Hamid Ngadé, former Advisor to Mohamed Bazoum, October 2024.

<sup>146</sup> Présidence du Conseil national pour la sauvegarde de la patrie/Comité national de gestion du FPGE, *Décision no 002°P°CNSP°FPGE du 28 octobre 2024 portant inscription des personnes groupes de personnes ou entités impliqués dans des actes de terrorisme*. Among the victims of this deprivation were Hassoumi Massaoudou and Alkache Alhada, two ministers during Bazoum's regime, along with Mahmoud Sallah, the leader of an armed group that emerged in the country's north following the 26 July 2023 coup.

<sup>147</sup> Communiqué du Gouvernement du Niger, « Niger : Nouvelle déchéance provisoire de nationalité de deux personnes », 6 janvier 2025, <https://www.gouv.ne/index.php/les-communiqués-du-gouvernement/638-niger-nouvelle-decheance-provisoire-de-nationalite-de-deux-personnes>



# 6. UNLAWFUL ARRESTS AND DETENTIONS TO REPRESS CIVIL SOCIETY

**“All of the interrogations [at the DGDSE] took place without the presence of the lawyers. During their detention, they were coaxed into signing documents that could incriminate them”.<sup>148</sup>**

## 6.1 THE DGDSE ACTING OUTSIDE THE LAW

In 2022, the UN Committee on Enforced Disappearance already expressed concerns over allegations of cases of arbitrary detentions by the intelligence services, the DGDSE.<sup>149</sup> But since 26 July 2023, the DGDSE has been increasingly involved in detention and interrogation, often exceeding its prerogatives. Several human rights defenders and members of Nigerien civil society told Amnesty International about the increasing role played by the DGDSE in detaining, usually incommunicado, individuals without charges or

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<sup>148</sup> Interview with lawyer for Ben Hamaye, Niamey, June 2024

<sup>149</sup> United Nations Office of the High Commissioner, *Niger : le Comité des disparitions forcées exprime des préoccupations s'agissant d'enlèvements par des groupes armés et le rôle des tribunaux militaires dans les affaires de disparitions forcées* | OHCHR, 30 March 2022.

detaining those charged with threatening state security or national defence. Some also mentioned cases of enforced disappearances.

According to testimonies from law practitioners and human rights defenders, a typical unlawful arrest by the DGDSE starts with officers sometimes in plain clothes, and sometimes hooded, presenting themselves as police officers or gendarmes, arriving at the suspect's home or office and inviting them to get into their car and follow them, without presenting a warrant. The agents or officers arrive in several cars and carry weapons during these operations, and they also take custody of all mobile phones and at times computers of the victims. In one case, they blocked all access to the victim's house to prevent seemingly any immediate communication of the unlawful arrest. The victims and their families do not know the reasons for these arrests and no answers are given when asked about that.<sup>150</sup> The victims are then held incommunicado, ranging in the cases documented by Amnesty International from two days to sixteen days, and during that time, they have no access to their family or to their lawyers. Typically, their families and lawyers search for their locations at different police stations which deny holding them in their custody. No information is provided by the Police or even by the Prosecutor, who is often not informed about these operations. After a time, victims are transferred to a police unit under the purview of the Prosecutor.

The DGDSE is an intelligence service, directly under the authority of the cabinet of the President of the Republic of Niger<sup>151</sup>, mandated with collecting and processing intelligence relating to terrorist and criminal cells threatening Niger from outside or inside the national territory. Thus, under the terms of Decree N°2012-391/PRN of 17 September 2012, on the remit and organization of the DGDSE, as amended and supplemented by Decree N°2013-429/PRN of 11 October 2013, the DGDSE is tasked with combatting attacks on state and internal security and terrorism, on the one hand, and with ensuring external security, on the other.<sup>152</sup>

Since September 2023, and the replacement by the Nigerien authorities of the High Authority against Corruption and Related Offences (HALCIA) with a Commission against Economic, Financial and Tax-related crimes (COLDEFF) to fight corruption and other financial crimes, the DGDSE has also been particularly active in investigating suspects of financial crimes and dealings. The COLDEFF is mandated to:

- “investigate all economic, financial and tax-related offences throughout the country;
- receive and process reports on economic, financial and tax investigations, and reports on the awarding of services;
- process detailed audit reports;
- recover assets owed to the state and its agencies;
- make recommendations to the relevant authorities”.<sup>153</sup>

The COLDEFF can also seize the assets of individuals suspected of financial crimes to recover debts owed to the state or its branches. Following the report of an expert under oath, it can seize the portion of the individual or groups' asset amounted to what is owed to the state, order their sale “without any legal action other than that already pending before the courts being able to prevent or delay the operations carried out for these purposes”.<sup>154</sup>

As part of its investigations, COLDEFF can request the support of judicial police officers and agents who hold investigative powers as provided by the Code of Criminal Procedure.<sup>155</sup> As a result, COLDEFF has been able to use DGDSE officers to detain and interrogate suspects.

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<sup>150</sup> Interview with lawyers of victims of unlawful arrests, enforced disappearances, relatives of victims and witnesses of unlawful arrests/enforced disappearances, human rights defenders, and members of the Nigerien judiciary, October 2023, March 2024, June 2024, December 2024, January 2025, By phone and in Niamey.

<sup>151</sup> République du Niger, *Décret N°2014-047 du 30 janvier 2014*, portant organisation des services de la Présidence et fixant les attributions de leurs responsables.

<sup>152</sup> République du Niger, *Ordonnance no.2023-09 du 13 septembre 2023* portant création, missions, composition et modalités de fonctionnement d'une Commission de lutte contre la délinquance économique, financière et fiscale « COLDEFF ».

<sup>153</sup> Ordonnance no. 2023-09 du 13 septembre 2023 portant création, missions, composition et modalités de fonctionnement d'une commission de lutte contre la délinquance économique, financière et fiscale, en abrégé « COLDEFF », Article 2.

<sup>154</sup> Ordonnance no. 2023-09 du 13 septembre 2023, Article 23.

<sup>155</sup> Ordonnance no. 2023-09 du 13 septembre 2023, Article 20.

Legal practitioners have denounced the detention of suspects within cells managed by the DGDSE and outside of the hold of the judiciary, which constitutes a serious breach to the right to a fair trial, and to the right of defence. Indeed, the activities of the DGDSE are covered by secret-defence and the organization is under the direct authority of the Presidency and outside of the purview of the Public Prosecution.<sup>156</sup>

In February 2024, the Nigerien Bar Association issued a statement in protest against the illegal nature of these detention and interrogations. Indeed, they expressed their “deep concern that citizens are summoned to the premises of the COLDEFF where they are interrogated without the presence of their lawyers, whom they have nevertheless duly appointed, which constitutes a serious violation of their rights, particularly the right to defence.” The Nigerien Bar Association added that “the strict respect for the right to defence is one of the fundamental rules of justice. Its concrete expression is the right of every citizen, presumed to conflict with the law, to benefit from the assistance of a defender”.<sup>157</sup>

A member of the Nigerien Bar Association interviewed by Amnesty International said:

**“We cannot assist anymore our clients when they are interrogated. This is a violation [to the West African Economic and Monetary Union legal principles] that cannot be tolerated and constitutes a regression of detention rights in Niger. What is going on at the DGDSE is against all liberties, and this unit has been used to support COLDEFF’s investigations.”<sup>158</sup>**

According to a senior judge in Niger, the use of the COLDEFF to investigate financial crimes, and without the knowledge of the courts or without respect to the detainees right while in detention, has been pervasive, despite several court injunctions denouncing this type of practice.

“This COLDEFF has been used as an instrument to silence people. If you speak too much, you could be invited to COLDEFF to be interrogated”, one magistrate said to Amnesty International.<sup>159</sup>

In April 2024, the COLDEFF announced the recovery of almost XOF 43 billion (USD 70,813,690) as part of its activities.<sup>160</sup>

As described in previous section, the DGDSE was involved in the incommunicado detention and secret interrogation of Abdourahmane Mohamed Ben Hamaye and other accused for the alleged escape attempt of former president Mohamed Bazoum and his family. It was also involved in cases of enforced disappearance of people, including a political activist and a human rights defender (see section below).

Amnesty International has documented 28 cases of individuals detained by the DGDSE between October 2023 and December 2024, with most of them being later transferred to proper judicial units for investigations, later. Due to the secretive nature of their operations and the lack of supervision by the judiciary, it is difficult to ascertain exactly how many individuals have been victims of this type of detention.

The detention of suspects by DGDSE generally operating outside of the supervision of the courts, and where the rights to defence are routinely violated constitutes a violation of the right to a fair trial. The incommunicado nature of some of the detention and enforced disappearances, which will be further discussed below, favours the risk of ill-treatment or torture.

The prolonged detention in these conditions and without access to the outside world, may constitute a form of torture or cruel, inhumane or degrading treatment. Moreover, statements made by detainees subjected to moral, mental and physical stress, obtained illegally without due procedure, may be used as incriminating elements before the courts of law.

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<sup>156</sup> Gouvernement du Niger, *Décret N°2012-391/PRN du 17 Septembre 2012, portant attribution et organisation de la DGDSE modifié et complété par le décret N°2013-429/PRN du 11 octobre 2013.*

<sup>157</sup> Niger Diaspora, Point de presse de l'Ordre des Avocats du Niger, « Le Barreau du Niger dénonce les violations des droits et libertés par la DGDSE et la COLDEFF », 21 février 2024, <https://www.nigerdiaspora.net/politique/point-de-presse-de-lordre-des-avocats-du-niger-le-barreau-du-niger-denonce-les-violations-des-droits-et-libertes-par-la-dgse-et-le-coldeef>

<sup>158</sup> Interview with leader of the Nigerien Bar, Niamey, June 2024. See also West African Economic and Monetary Union, « REGLEMENT N°05/CM/UEMOA RELATIF A L'HARMONISATION DES REGLES REGISSANT LA PROFESSION D'AVOCAT DANS L'ESPACE UEMOA », 2014, <https://e-docucenter.uemoa.int/fr/reglement-ndeg05cmuemoa-relatif-lharmonisation-des-regles-regissant-la-profession-davocat-dans>, Article 5.

<sup>159</sup> Interview with leader of magistrates' union, Niamey, June 2024.

<sup>160</sup> Actu Niger, « COLDEFF : près de 43 milliards FCFA d'avoirs illicites déjà recouverts », 20 April 2024, <https://www.actuniger.com/societe/20052-coldeff-pres-de-43-milliards-fcfa-davoirs-illicites-deja-recouvres.html>

Moreover, in May 2024, the Ministry of Justice suspended the access of NGOs, including human rights organizations, and other associations to prisons and other detention centres in Niger through a circular sent to the courts and tribunals and prison authorities.<sup>161</sup> Amnesty International considers this suspension as abusive and detrimental to the protection of the rights of detainees and to the work of human rights defenders in promoting and defending rights in Niger.

## 6.2 THE ENFORCED DISAPPEARANCE OF POLITICAL ACTIVIST HADIZA\*<sup>162</sup>

In 2023, Hadiza, a political activist, was abducted and held for five days at the DGDSE in connection with posts and comments she made on a social network about the new authorities' relations with regional partners. Describing her detention to Amnesty International, she said:

**"I was in the office. Four men in civilian clothes came into the office without any identification. They said to me 'Hadiza, we have come for you'. They refused to identify themselves and I refused to follow them. I threatened to scream if they tried to take me by force. They said, 'If you don't come, we'll take you'. I told them I would scream. I think because it was so crowded, they decided to talk to my manager before they took me.**

**Eventually they picked me up and put me in a car. It was about a 40-minute drive. I was hooded the whole way. When we arrived, I didn't recognise the place. They put me in a big room. There were five people there, a woman and four men. They were all in civilian clothes.**

**They took my bag and my mobile phone. They told me to undress so they could search me. I undressed in front of them but kept my underwear on. One of the men told me to take everything off, but I refused, and he threatened to strip me by force if I insisted. The men left the room, I took everything off and it was the lady who searched me. She searched me thoroughly but found nothing".**

After her disappearance, her family and lawyer asked the police about her whereabouts, but the police denied that they had her in custody. She told the organisation:

**"Then the men came back and put me in a cell in a room full of buckets of urine. I'm asthmatic and with the dust in the cell and the smell of urine, I couldn't breathe. [After five minutes] I rang the doorbell to explain my condition, but they told me that if I complained they would put me in an even worse cell. They asked me to prove that I was asthmatic.**

**I told them I had Ventolin in my bag for my asthma.**

**They then put me in a cell where it was worse because the paint on the walls was fresh. When they searched my bag, they saw my Ventolin [and started to believe me about my asthma]. They bought me another Ventolin. I was there for five days.**

**For lunch they gave me two small bags of Solani [a local brand of milk], a handful of rice and water. There was nothing to eat at night. In this cell, the smell of my urine began to bother me [as there were no washrooms and I was forced to urinate in a bucket], as well as the smell of paint. All the time they didn't let me wash or change my clothes. I was in this cell from Thursday to Sunday. It was very small. There wasn't enough room for two people. They asked me questions about former ministers and cabinet directors [of the deposed regime] (...). They'd say to me:**

**'Who asked you to do this? Who paid you? Are the politicians using us?' They threatened me, insulted me, accused me of being a prostitute for politicians and other insults. For a while I wondered if they were real police.**

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<sup>161</sup> Ministère de la Justice/Direction générale de l'administration de la sécurité pénitentiaire et de la réinsertion, Circulaire no.000007/MJ/DH/GS/SG/DGAPS/8 du 29 mai 2024.

<sup>162</sup> This is a pseudonym to anonymize the identity of the victim of enforced disappearance for security reasons.

**“They didn't inform my family [of my arrest]. For five days, no one knew where I was. In September [2023], I was at last transferred to the Criminal Investigations Unit of the police and three days later, presented before a judge who charged me with “producing data that could disturb public order””.**

In October 2023, Hadiza was given a six-month suspended sentence and ordered to pay a fine of USD 480 (XOF 300,000).

Her enforced disappearance and detention affected her and her family. She recounted her experience:

**“When I was at the DGDSE, I would cry at night because it was all dark, and I did not know where I was, why I was there, and I was so tired. Days were passing and I was increasingly tired. Since my release, I am always worried even when I go to work. After this, my extended family stopped talking to me and judged that I brought all this on myself. But my parents supported me. My dad was particularly affected, and he was traumatized by what happened to me. When I was abducted, he had a high blood pressure crisis and stayed under observation in hospital for one week. The people questioning me knew about this and would allude to his critical health situation. They told me that if my father died, it would be my fault. My dad is better now and still worried. If I am late at work, or returning from home, he calls me to inquire where I am”.**<sup>163</sup>

Amnesty International condemns the enforced disappearance of Hadiza and the degrading conditions of her detention. No one should be subjected to enforced disappearance or even imprisonment simply for exercising her right to freedom of expression through a post on social media. Her rights to a fair trial were not respected during the pre-trial phase. For these reasons, we consider her sentence to be arbitrary. Amnesty International also calls on the authorities to prosecute those responsible for her enforced disappearance.

## 6.3 THE ENFORCED DISAPPEARANCE OF HUMAN RIGHTS DEFENDER SAMIRA SABOU

On 30 September 2023, the blogger, human rights defender, and journalist Samira Sabou was a victim of an enforced disappearance after she posted on her Facebook account a photo of a document issued by the Nigerien army concerning the transfer of a number of military officers to different parts of Niger.<sup>164</sup> She was taken at her mother's home in Niamey by masked men, in front of her several family members, forcibly taken inside a vehicle with unmarked plates and driven to an unknown destination.<sup>165</sup>

According to one of her relative, who witnessed her arrest:

**“We were at her mother's house when agents claiming to be gendarmes came to her. They showed us their professional ID cards but had no warrants and were masked, nonetheless. They insisted that Samira follow them into their car since they wanted to interview her. They forcibly took her in but 10 minutes later, they came back to her mother's home to retrieve her cell phone”.**<sup>166</sup>

For one week, Samira Sabou was detained at an unknown location and without access to her family, to her lawyer or to the outside world.<sup>167</sup>

According to information provided by multiples sources informed about her detention she was asked relentless questions about her work, her links with Western diplomatic missions and her finances. She wasn't physically or verbally abused but she lost all sense of time while in detention.<sup>168</sup>

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<sup>163</sup> Interview with Hadiza\*, Niamey, June 2024.

<sup>164</sup> Publication de Samira Sabou <https://www.facebook.com/OfficielSamiraSabou/posts/pfbid034xWXhFBFgCJvzLi37hmw4Cvj7GDKNXDx5kaXAAzoxKKgM9zScbJnbXumPwhQcZ4ZI> (29 septembre 2023).

<sup>165</sup> Reporters Sans Frontières, “Niger : RSF denounces the secret detention of journalist Samira Sabou”, 4 October 2023, <https://rsf.org/en/niger-rsf-denounces-secret-detention-journalist-samira-sabou>

<sup>166</sup> Interviews with Abdourahmane\*, by phone, October 2023.

<sup>167</sup> Interview with Abdourahmane\* and with Samira Sabou's lawyer, by phone, October 2023.

<sup>168</sup> Interviews with lawyers, journalists, civil society members, informed of the case, by phone and in Niamey, October 2023, March 2024, June 2024.

Prior to her arrest, Samira Sabou was the target of online harassment on Facebook, with posts telling her to “Prepare [her] coffin”.<sup>169</sup>

On 7 October, Samira Sabou was transferred from the DGDSE to the Criminal Investigations Unit of the Niamey Police. She was charged with “producing and distributing data likely to disturb public order”, an offence under the Cybercrime Law. She was released on 11 October 2023 pending trial.

As of January 2025, no trial has been scheduled for these charges which are still pending.

Amnesty International condemns the enforced disappearance of Samira Sabou and considers the charges against her as a legal harassment to repress her right to freedom of expression and information. Amnesty International calls the authorities to immediately drop the charges against her and to prosecute those responsible for her enforced disappearance.

## 6.4 THE UNLAWFUL ARREST AND DETENTION OF MOUSSA TCHANGARI

On 3 December 2024, Moussa Tchangari, secretary general of the civil society organization Citizens’ Alternative Spaces (AEC) was arrested at his home in Niamey, while he just returned from a trip to neighbouring Nigeria by at least three persons wearing plain clothes. He was taken without warrant and hooded and driven to a destination unknown to his wife and children, and to his lawyer initially. According to his spouse, the arrest was violent and occurred on the evening of his arrival at around 7.30 pm. “They violently broke into our home. My husband asked them if they had a warrant, but they replied that a warrant was not compulsory. They ordered him [Tchangari] to follow them quietly as they did not want anybody to know what was going on”, she told Amnesty International and Human Rights Watch.<sup>170</sup> Following his arrest, military men were posted at the gates of his home, preventing anybody from entering and leaving, in an effort to limit communications about what has just happened. Moussa’s cell phone, laptop and even the suitcase he used for his recent trip were also taken by the armed men.<sup>171</sup>

Following this arrest, the whereabouts of Tchangari were unknown. His lawyer told the organization:

**“I had to fight to see my client and I had to write several letters to judicial authorities [General Prosecutor of the Niamey Appeals Court] denouncing the deplorable conditions in which Tchangari was arrested. I shouldn’t have had to do so, but there is no respect for the rule of law in Niger [these days].”<sup>172</sup>**

For nearly two days, Tchangari’s whereabouts remained unknown. On 5 December at about 4 p.m., His lawyers finally located him at the Central Service for Combating Terrorism and Organized Transnational Crime (SCLCT/CTO) in Niamey and spoke to him, following much pressure by judicial authorities. Between his arrest at his home and his transfer to the SCLCT/CTO, Tchangari was detained at the DGDSE “which is not an investigative unit under the authority of the general prosecutor,” according to his lawyer.<sup>173</sup> He was charged with “advocacy of terrorism, undermining state security and criminal association in connection with terrorism.”

It is unclear on what are based those very serious charges against Tchangari but the conditions of his arrest and initial detention outside of the purview of the General Prosecutor’s office, are in violation of Nigerien criminal procedure code and international norms. The charges levelled against him, fall into the spectrum of offences, that could lead to a temporary deprivation of citizenship, even at the stage of investigation. Tchangari has remained an independent voice in Niger, in a context where public voices tended to self-censor themselves for security reasons. On 12 November 2024, he criticized via X (former Twitter), the

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<sup>169</sup> Reporters Sans Frontières, “Niger: RSF denounces the secret detention of journalist Samira Sabou”, 4 October 2023, <https://rsf.org/en/niger-rsf-denounces-secret-detention-journalist-samira-sabou>

<sup>170</sup> Amnesty International, “Niger: Prominent Civil Society Activist Arbitrarily Arrested: Immediately Release Moussa Tchangari; Drop All Charges”, 9 December 2024, <https://www.amnesty.org/en/latest/news/2024/12/niger-civil-society-arbitrary-detention/>

<sup>171</sup> Interview by phone with Moussa Tchangari’s colleague and his spouse, December 2024.

<sup>172</sup> Interview by phone with Me Rabiou, 5 December 2024.

<sup>173</sup> Interview by phone with Me Rabiou, 5 December 2024.

administrative decision to withdraw the license to operate of two humanitarian organizations, the Agency for Technical Cooperation and Development (ACTED) and Action for Well-Being (APBE) by the Ministry of Interior.<sup>174</sup>

On 3 January 2025, Tchangari was presented to a senior examining magistrate of the Niamey High Court, who, after interviewing him, charged him additionally with “infringing on national defence” and “intelligence with enemy countries.” He was subsequently transferred to the Filingué prison, 180 kms northeast of Niamey.<sup>175</sup> Tchangari’s arrest fall into a broader pattern where public critics of the authorities are targeted and judicially harassed to force them to silence. Amnesty International considers his detention as arbitrary since only stemming from the free expression of his opinion and calls for his release.

Amnesty International calls on the authorities to respect criminal proceedings by ensuring that every detention is carried out within the framework of legal standards, in official places of detention.

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<sup>174</sup> Moussa Tchangari, X Post : « Au #Niger, deux Ong opérant dans l’humanitaire, ACTED et APBE, se sont vu retirer leurs autorisations d’exercice par le Ministre de l’Intérieur », 12 November 2024, <https://x.com/tchangari/status/1856456351901262288>

<sup>175</sup> RFI. « Niger : l’activiste Moussa Tchangari inculpé de nouvelles charges et placé sous mandat de dépôt », 3 janvier 2025, <https://www.rfi.fr/fr/afrique/20250103-niger-l-activiste-moussa-tchangari-inculp%C3%A9-de-nouvelles-charges-et-plac%C3%A9-en-mandat-de-d%C3%A9p%C3%B4t>

# 7. VIOLATIONS OF THE RIGHTS TO FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY TO CONTROL INFORMATION

**“You criticize the government, be sure that you risk being arrested”.**<sup>176</sup>

Civil society member in Niamey, June 2024

## 7.1 ATTACKS AGAINST MEDIA AND JOURNALISTIC FREEDOM

### 7.1.1 SUSPENSION OF BROADCASTING OF INTERNATIONAL MEDIA

The tensions between the new authorities and the media arose in the days following the 26 July 2023 coup d'état. They were linked to the political polarisation in Niger, which pitted supporters of the new regime against those opposed to it, and to Niger's regional and international partners, which had not yet recognized

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<sup>176</sup> Observation made by a civil society member in Niamey on the current human rights environment, June 2024.



the legitimacy of the CNSP and were insisting on the reinstatement of the deposed regime. In this context of division between those perceived as ‘patriots’ and ‘un-patriotics’, the ability of journalists, especially foreign media correspondents, to cover effectively the events became progressively restricted.

A journalist working for an international media outlet based in Niger told Amnesty International:

**“Two weeks after the coup, a military officer called me to introduce himself and to complain about the coverage of our media group on the coup d’état and the new authorities. He was very angry and was telling me that us, correspondents of foreign media, were paid millions to tarnish the reputation of Niger and its authorities. Me and my colleagues were harassed and threatened on social media and called unpatriotic. In August, the General Secretary of the Ministry of Communications summoned me for a meeting with the minister; I met the minister with his whole cabinet and advisers. Basically, they wanted to control our narrative and coverage of the political event. They “exhorted” me to “encourage” one of my colleagues who was covering the security situation in Niger, so that her work would be less “negative”. To me, it was really an attempt to intimidate me and my colleagues”.**<sup>177</sup>

It was in this context that the CNSP decided to suspend broadcasting by two French media outlets, RFI and France 24, on 3 August 2023.<sup>178</sup> No reasons were given as the programs were just suspended nationwide overnight.<sup>179</sup> But the suspension is perceived by many journalists as a retaliatory measure to their coverage of the events and for inviting members of the deposed regime to their broadcasts.<sup>180</sup> The same month, a French foreign correspondent was physically assaulted by pro-military protesters near the Seyni Kountché stadium in Niamey, while covering a demonstration.<sup>181</sup> Amnesty International viewed a video shared on Tiktok where the journalist was hastily escorted outside of the premise of the gathering, after having been attacked by some of the protesters.

In December 2024, the BBC media group was suspended by the Nigerien government from broadcasting in Niger, for three months, accusing the media of “spreading erroneous information aiming to destabilize the social quiet and [military] troops morals.”<sup>182</sup> This was after the broadcast by the BBC and various media of an attack by armed groups against the army in Chatoumane (Tillabéri region) which allegedly caused the death of 90 soldiers and at least 40 civilians.<sup>183</sup> This death toll was denied by Nigerien authorities which accused the media group of “disseminating unfounded information likely to disturb social quiet”. In the same communiqué, the authorities announced filing a complaint against RFI for “inciting to genocide and inter-communal massacres”<sup>184</sup> for sharing the same information about the death toll caused by the attack against the army and the community of Chatoumane.

## 7.1.2 SUSPENSION OF THE MAISON DE LA PRESSE (PRESS HOUSE)

The Higher Communications Council (CSC), an organization mandated with ensuring and guaranteeing the freedom and independence of all media (print, audiovisual and electronic) and their compliance with the law, was suspended on 27 July 2023 along with several other institutions via an ordinance.<sup>185</sup>

Soon, the Maison de la Presse (Press House), an umbrella of 32 media organizations, that campaigns for press freedom and the interests of journalists and media professionals came to be targeted too. According to journalists and former members of the Maison de la Presse, the organization was particularly divided following the coup, with its members taking different positions regarding the new authorities. The organization was pressured into adopting a pro-government line, and when it refused, problems arose.

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<sup>177</sup> Interview with foreign media correspondent in Niamey, May 2024.

<sup>178</sup> RFI/France 24, « RFI et France 24 s’indignent de la suspension de leur diffusion au Niger », Niamey, 3 août 2023.

<sup>179</sup> Committee to Protect Journalists, « Le Niger bloque RFI et France 24 à la suite du coup d’État », 9 August 2023, <https://cpj.org/fr/2023/08/le-niger-bloque-rfi-et-france-24-a-la-suite-du-coup-detat/>.

<sup>180</sup> Interviews with Nigerien journalists and former foreign correspondents in Niger, August, September 2023; June 2024.

<sup>181</sup> Interview with French foreign correspondent in Niamey, by phone, August 2023.

<sup>182</sup> AfricaRadio, « Niger : les autorités suspendent la BBC pour trois mois et portent plainte contre RFI », 12 décembre 2024, <https://www.africaradio.com/actualite-108429-niger-les-autorites-suspendent-la-bbc-pour-trois-mois-et-portent-plainte-contre-rfi>

<sup>183</sup> Le Monde avec AFP, « Au Niger, la junte suspend la BBC pour trois mois », 13 décembre 2024, [https://www.lemonde.fr/afrique/article/2024/12/13/au-niger-la-junte-suspend-la-bbc-pour-trois-mois\\_6445458\\_3212.html](https://www.lemonde.fr/afrique/article/2024/12/13/au-niger-la-junte-suspend-la-bbc-pour-trois-mois_6445458_3212.html)

<sup>184</sup> République du Niger/Présidence du CNSP, Communiqué no 009/CM/2024 : Communiqué du conseil des Ministres du jeudi 12 décembre 2024.

<sup>185</sup> République du Niger, Ordonnance no-2023-02 du 28 juillet 2023 portant organisation des pouvoirs publics pendant la période de transition.

According to a former member of the board, “It all started with the events of 26 July 2023. I was at the Radisson Hotel with the president of the Maison de la Presse when we started hearing echoes of the events. We only found out what was happening in the evening. There were calls for resistance and for the defence of democracy everywhere against the coup. I went home but the president [of the Maison de la Presse] took part in the demonstrations as a citizen. This demonstration against the coup was dispersed. The president had taken a selfie in the middle of the demonstration. After the coup, pressure was put on us to support the coup. These pressures came from the Ministry of Communications. (...) The president informed the minister that we were apolitical and that we could not support a coup d'état. The Maison de la Presse cannot get involved like that. The meeting did not go well. After that there were tensions and crises with the minister. We were accused of not being patriotic.”<sup>186</sup>

The board of the Maison de la Presse met several times with the Ministry of Communications to discuss matters related to the governance and public positions of the organization, but to no avail. According to a former board member, the authorities accused the board of the organization, of overstepping their term and informed them that they would be financially audited to see how they managed their accounts, and if they were receiving funds from abroad. Tensions rose ahead of the General Assembly of the organization, where a new board was due to be elected on 21 December 2023. The initial date for the general assembly was delayed to the 30 December 2023. But on 29 December 2023, a day before this, the ministry of Interior forbid the holding of the general assembly, invoking ‘risks to public order’.<sup>187</sup>

On 30 January 2024, the Ministry of Interior suspended all activities of the Maison de la Presse, dissolved the board and set up an ad hoc interim committee to manage its affairs.<sup>188</sup> The ad hoc committee did not include any journalists but was made up of cabinet officials belonging to the Ministry of Interior and Communications,<sup>189</sup> with no prior experience in the media. With this suspension, journalists and media professionals lost a key platform to canvass and defend press freedom and freedom of expression.

Amnesty International considers that the administrative lockdown of the Maison de la Presse through the forcible installation of government officials onto its board violates the right to freedom of expression. In its General Comment on freedoms of opinion and expression, the UN Human Rights Committee clearly stated that “A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society.”<sup>190</sup> The Committee goes on to provide that even where a media institution is owned by the state, which the Maison de la Presse clearly is not, it should remain editorially independent.<sup>191</sup>

## 7.2 ARBITRARY DETENTION OF JOURNALISTS

Since they came in power, the military authorities increasingly targeted journalists that were working on sensitive issues or were associated with the deposed regime. Press freedom has been curtailed through the detention of journalists and intimidation tactics that led many of them to self-censor themselves out of security concerns.

### 7.2.1 CASE OF JOURNALIST OUSMANE TOUDOU

On 13 April 2024 Ousmane Toudou, a journalist and former communications advisor to President Bazoum was arrested and detained at a gendarmerie post in Niamey. He was kept in custody at the gendarmerie for 43 days<sup>192</sup> without being presented to a judge, 13 days beyond the 30-day maximum stipulated in Niger’s

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<sup>186</sup> Interview with former board member of the Maison de la Presse, Niamey, June 2024.

<sup>187</sup> Ministre de l'Intérieur à Monsieur le Président de la Maison de la Presse, Lettre no 007218/MI/SP/AT/DGAPJ du 29 décembre 2023.

<sup>188</sup> Ministère de l'Intérieur, de la Sécurité Publique et de l'Administration du territoire. « Arrêté no.001065/MISP/AT/DGAPJ/DLP du 20 janvier 2024 portant suspension de l'autorisation d'exerce accordée à l'association dénommée « Maison de la Presse-MDP » ».

<sup>189</sup> SG du MINT, SG MINCOMMS, Directeur Affaires Juridiques. MINT, Directeur Législation ministère des Communications. DART MINT.

<sup>190</sup> UN Human Rights Committee, General Comment 34: Freedoms of Opinion and Expression, para 13.

<sup>191</sup> Ibid. Para 16.

<sup>192</sup> Interview with Ousmane Toudou's lawyer, Niamey, June 2024.

Code of Military Justice before which he is being prosecuted.<sup>193</sup> It was only on 24 May that he was presented before a military court and accused of “treason and plotting against the state security.” The accusation relies mainly on a post that Ousmane Toudou shared and disseminated via WhatsApp days after the coup, in which he called on judges, journalists, civil society and all citizens to resist the coup and defend democracy.

His lawyer told Amnesty International that “the incriminated article by Ousmane Toudou dates to 29 July 2023. It had been shared in a WhatsApp group, from where it was disseminated on Facebook and other platforms. Since then, he hadn't written a word until he was arrested. They arrested him eight months after the dissemination of this article.”<sup>194</sup>

Six months after his arrest, according to medias, the investigating judge of the military tribunal along with the Chief Prosecutor of the Niamey appeal court ruled that the charges against Toudou should be dropped and the case closed. But by an appeal motion was filed by the military prosecutor.<sup>195</sup> Ousmane Toudou remained in the Kollo prison, 30 km distant from Niamey. There is no trial set so far for his case.

Amnesty International reviewed the post from July 2023 that the authorities allege justified the imprisonment of Ousmane Toudou and can ascertain that it does not include any language that incites violence or advocates hatred or discrimination towards any group of people. For these reasons, Amnesty International considers Ousmane Toudou's detention as arbitrary and calls for his immediate and unconditional release. No one shall be detained for simply exercising their human rights, in this case their right to freedom of expression.

Amnesty International also denounces the violation of the Code of Criminal Procedure and the use of the military courts to try civilians, who are judged by the Nigerien authorities as critical to their rule.

## 7.2.2 CASE OF JOURNALIST SOUMANA MAIGA

On 25 April 2024, Soumana Idrissa Maiga, another journalist and editor of the newspaper L'Enquêteur, was arrested. L'Enquêteur is the only private daily newspaper in Niger and was founded 26 years ago. Maiga was arrested in the afternoon at the office of the L'Enquêteur in Niamey by seven police officers who took him to the police station. According to Maiga's lawyer, the police officers did not have an arrest warrant with them, the absence of which concerned Maiga and made him call his lawyer: “...we agreed to meet at the headquarters of the criminal unit of the police. The police commissioner came to us and told us that the reason for his arrest is an article published on 25 April 2024, and which threatens state security and the sovereignty of the state.”<sup>196</sup> The incriminated article, which was republished from the French daily, Le Figaro, related to the alleged installation of electronic interception equipment in Niamey by Russian military instructors.

Maiga, his lawyer and his journal deny making allegations of electronic interception and defends themselves by saying that they simply republished an article by the French daily, Le Figaro.<sup>197</sup>

On the first night of his arrest, Maiga was interrogated from 6pm to midnight before being taken into the Criminal Investigations Unit of the police in Niamey. Four days later, Maiga was brought before an investigating judge for another hearing, after which he was charged with threatening the national defence. Despite his lawyer's pleas for Maiga to be allowed to return home, given his availability for court appearances, and concerns about his health status<sup>198</sup>, the journalist was remanded in custody in Niamey's civil prison.

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<sup>193</sup> Code of Military Justice, Article 61.

<sup>194</sup> Interview with Ousmane Toudou's lawyer, Niamey, June 2024

<sup>195</sup> BBC News Afrique, « Qui sont les personnes emprisonnées par la junte militaire du Niger depuis son arrivée au pouvoir ? », 20 December 2024, <https://www.bbc.com/afrique/articles/c20w1y33wyo>

<sup>196</sup> Interview with Me Kafougou, representing Soumana Maiga, Niamey, June 2024.

<sup>197</sup> L'Enquêteur (Facebook Post), « Éclaircissement : Le directeur de Publication du journal l'enquêteur a été arrêté en relation avec un article publié dans le journal du jeudi 25 mars 2024, qui citait clairement une source externe concernant l'installation présumée de dispositifs d'écoute sur des bâtiments publics », 27 avril 2024, <https://www.facebook.com/photo?fbid=926874976107290&set=pb.100063543878289.-2207520000>, 27 April 2024 ; Interview with Ben Kafougou, Niamey, June 2024.

<sup>198</sup> According to his lawyer, Maiga suffers from a non-communicable disease that warrants constant medical attention.

**“I had his medical file with me, and I wanted it to be included in his indictment file. The judge said he took note of his condition and that he was ill, but that in detention centres there are health professionals. He told us that the article was not an attack on sovereignty, that it was more like an attack on national defence.**

**We explained that the article speaks of the alleged installations of electronic interception equipments and uses conditional phrases such as “if the information is true.” Soumana had taken precautions, and the article specified that the information came from Le Figaro.**

**The judge said that the national defence classification was very serious and that he should be remanded in prison while the investigations were carried out.”<sup>199</sup>**

The arrest of Soumana Maiga might have been a signal to the press, to toe the government line in a context of rumours about the deployment of Russian military instructors in Niger and of political and military tensions between Niger and Benin. A journalist interviewed by Amnesty International: “[Maiga] was eagerly awaited [by the authorities]. He took the liberty of speaking out. His latest publications pressured the regime on subjects they didn't want nobody to talk about. Now he is under investigation for undermining state security.”<sup>200</sup>

The effects of these two arrests were chilling at the domestic level. Few national press organizations called for the release of Ousmane Toudou and Soumana Maiga, or to drop the charges against them. Compared to previous military regimes, the threats faced by journalists have become more subtle and insidious with those openly critical being accused of being on the pay of foreign powers or trying to destabilize Niger. A former member of the CSC and journalist told Amnesty International:

“Soumana Maiga didn't mince his words. He's an experienced journalist, and we experienced the death squads under Baré Mainassara,<sup>201</sup> where journalists were beaten up, and media outlets like Anfani<sup>202</sup> and Le Républicain were ransacked. During previous coups d'état, journalists were beaten up and their offices attacked, but now the threat doesn't come from the military, it comes from their supporters.”<sup>203</sup>

Attacks against journalists and their abilities to independently do their work are not new in Niger. “Since 2000, we have seen this type of abusive prosecution to detain individuals and keep them from doing their work. It's a delaying strategy. This is a fake indictment anyway. We know how it goes. From my experience, I know that they can keep him abusively in detention as long as they like. They may even free him without my knowledge”, his lawyer told Amnesty International.<sup>204</sup>

Two requests for provisional release were submitted by the lawyers. The first one was rejected on 25 May 2024 on the grounds that “an investigation has been opened, the reason for detention in prison still exists and that the case cannot be dismissed, as the investigation is still in its early stages”.<sup>205</sup> A second request was filed on 7 June and on 9 July 2024, Soumana Maiga was freed on bail pending his trial.

Amnesty International considers that Soumana Maiga was arbitrarily detained solely for exercising his right to freedom of expression; because L'Enquêteur, has used its editorial freedom to discuss security issues of public interest, Maiga as the editor was detained and accused of threatening national defence. Amnesty International calls on the Nigerien authorities to drop all charges against him, relating to this case.

## 7.3 SELF-CENSORSHIP AS A FORM OF PROTECTION

The suspension of the Maison de la Presse, and the arbitrary detentions of journalists had a huge effect on press freedom and freedom of expression in Niger. Journalists interviewed by Amnesty International spoke

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<sup>199</sup> Interview with Me Kafougou, representing Ousmane Toudou, Niamey, June 2024.

<sup>200</sup> Interview with former board member of the MdP, Niamey, June 2024.

<sup>201</sup> President of Niger between 1996 and 1999, following a coup against a democratically elected regime in 1996.

<sup>202</sup> Media group led by Ousmane Toudou.

<sup>203</sup> Interview with former member of the CSC, Niamey, June 2024.

<sup>204</sup> Interview with Me Kafougou, Niamey, June 2024.

<sup>205</sup> Interview with Me Kafougou, Niamey, June 2024.

about the absence of solidarity among journalists currently in Niger, and the deep divisions rooted in whether or not they support the course taken by the CNSP.

One journalist working for an international organization told Amnesty International: “Today, the situation has changed us. You have to be cautious when you write. The press is wearing gloves when treating information. One must think thoroughly before writing something because there is no institution defending the press and journalists, nowadays, as was the case with the Maison de la Presse.”<sup>206</sup>

Journalists in Niger told Amnesty International that they face threats linked to their coverage of the events by their media. Threats extend to their daily activities on the streets with some expressing fear of being attacked by supporters of the regime, for not toeing the line or being affiliated to a media group, perceived as opposed to the CNSP. In general, journalists based in Niger have told Amnesty International that they do not feel safe.

In this weighty environment, many journalists, human rights defenders and members of the civil society told Amnesty International that they tend to self-censor their opinions for fear of being attacked, harassed or detained. “I have to censor myself because I know that the first article I write, I will be arrested. I'm apolitical, though, and I'm experienced and recognized for my credibility”, an investigative journalist told Amnesty International.<sup>207</sup>

Moussa Tchangari, prior to his arbitrary arrest in December 2024, told Amnesty International about risks to press freedom: “Journalists that are critical [of the new authorities] risk reprisals. There are threats to press freedom. Journalistic freedom has consequences. People are free to write or speak, but they write about certain subjects at their peril. Self-censorship is rampant because arbitrary is rampant. They decide whether to speak freely or not. But the environment is not conducive to free expression. So, they censor themselves. The threats against dissenting voices also come from the streets. Some people are organized, while others act on their own initiative”.<sup>208</sup> Another social activist added: “Self-censorship is rampant, and people prefer not to say what they think to avoid being lynched by the media. [...] To be honest, I censor myself. I haven't posted anything on Facebook since the coup. I have four children, including minors. If I were arrested, it would be a disaster for my children.”<sup>209</sup>

## 7.4 ATTACKS AGAINST PRO-DEMOCRACY PROTESTERS

Freedom of peaceful assembly and association were also curtailed following the coup. On 26 July 2023, the rumours of a coup d'état triggered a spontaneous protest from supporters of the ruling party PNDS-Tarayya and others supportive of democracy in Niamey, calling on the military to release President Bazoum from detention. This protest was quickly dispersed by the security forces and on 27 July 2023, the headquarters of the PNDS-Tarayya was attacked and set on fire by counter-protesters.<sup>210</sup> Some of the staff workers and party members were beaten during the counter-protest and scores of vehicles parked in front of the headquarters were burned.<sup>211</sup>

On 27 July, through a decree, the activities of all political parties were suspended;<sup>212</sup> a suspension that was still in place as of January 2025.

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<sup>206</sup> Interview with former board member of the MdP, Niamey, June 2024.

<sup>207</sup> Interview with investigative journalist, Niamey, June 2024.

<sup>208</sup> Interview with Moussa Tchangari, SG AEC, Niamey, June 2024.

<sup>209</sup> Interview with female leader of a peace organization, Niamey, June 2024.

<sup>210</sup> AA (by Salif Omar), « Niger : des manifestants brûlent le siège du parti de Mohamed Bazoum », 27 July 2023, <https://www.aa.com.tr/fr/afrique/niger-des-manifestants-br%C3%BBlent-le-si%C3%A8ge-du-parti-de-mohamed-bazoum/2955979>

<sup>211</sup> Amnesty International, “Niger: Authorities putting rights at risk” 26 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/niger-authorities-putting-rights-at-risk/>

See also Mamane Abdou. « De nombreux actes de vandalisme à Niamey », La Roue de l'Histoire, 2 août 2023. France 24/Les Observateurs, « Niger : témoignages de Niamey, 48 heures après le coup d'État » <https://observers.france24.com/fr/afrique/20230728-niger-niamey-coup-etat-militaires-putsch-pnds>, 28 juillet 2023.

France Info avec AFP, « Niger : des incidents à Niamey lors d'une manifestation de soutien aux militaires putschistes », 27 July 2023, [https://www.francetvinfo.fr/monde/afrique/niger/niger-des-incidents-a-niamey-lors-d-une-manifestation-de-soutien-aux-militaires-putschistes\\_5975192.html](https://www.francetvinfo.fr/monde/afrique/niger/niger-des-incidents-a-niamey-lors-d-une-manifestation-de-soutien-aux-militaires-putschistes_5975192.html)

<sup>212</sup> CNSP, Communiqué no.5, <https://cnsp.ne/communique-n-5/>

In the following weeks, with the threat of a regional military intervention and increased political polarization, protests in support of the military authorities were organized and sponsored by the CNSP; with many of its members appearing at the Seyni Kountché stadium, alongside protesters.<sup>213</sup>

Illegal searches and controls of persons were made by pro-military protesters and vigilantes at roundabout against other citizens suspected of not falling in line with the new authorities. One pro-democracy activist and civil society member told Amnesty International: “The military organized counter-protests with some civil society actors. Some of these actors had converging goals with the military and they were used to organize protests in support of the military or calling for the departure of international troops. At the Escadrille, you had a permanent sit-in with music, free food, and protesters would relay themselves at the roundabout. After they had occupied the space, the police just withdrew from that area. They would arrest people, ask them why they were not carrying the national flags, and would ask drivers to open their car trunk so that they could check if there wasn't any “Frenchman” hiding there. It was illegal but everybody complied to avoid being physically assaulted or due to intimidation. Sometimes, police would be there during those incidents”.<sup>214</sup> This weighty mood and threat of violence at the roundabouts was also voiced by several journalists and civil society members questioned by Amnesty International on this topic.<sup>215</sup>

In August 2023, at least four women were sexually and physically assaulted by pro-military supporters during illegal patrols at Niamey's main roundabouts, according to the police and to the Nigerien League for Women's Rights.<sup>216</sup> The victims have filed complaints before the Nigerien police against their abusers, but most of them decided not to pursue the matter due to fear of stigmatization and pressure from their social circles. No one has been charged for these offenses.

The leader of a civil society organization based in Niamey told Amnesty International: “We live in a state of exception that constitutes a serious challenge for CSOs [civil society organizations]. People are afraid of speaking their mind. And they are afraid of organizing activities that could be perceived as critical to the authorities. Since 2018, the Nigerien civil society had a platform of action and consultation, that was key in organizing protests. But that platform doesn't exist anymore as it is fractured between those that support the coup and those that do not support it.”<sup>217</sup>

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<sup>213</sup> ANiamey.com, « Niger : les soutiens de la junte donnent de la voix au stade Général Seyni Kountché de Niamey », 6 August 2023, <http://news.aniamey.com/p/88683.html>

<sup>214</sup> Interview with civil society leader and pro-democracy activist by phone, March 2024.

<sup>215</sup> Interviews with journalists, civil society members and residents of Niamey, September 2023, October 2023, June 2024.

<sup>216</sup> Ligue Nigérienne des Droits des Femmes, “Communiqué no.002”, 8 septembre 2023, <https://liguenigerienne.org/communiqué-n002-de-la-ligue-nigerienne-des-droits-des-femmes/>,

<sup>217</sup> Interview with civil society leader by phone, March 2024.

# 8. CONCLUSION AND RECOMMENDATIONS

**“Niger is in the process of redefining relations between the state and its citizens, same as Mali and Burkina Faso. Human rights priorities will be redefined, and the freedoms of peaceful assembly and expression will naturally have to be limited during this period.”<sup>218</sup>**

Interview with Ibrahim Bana, one of the leaders of the FPS, Niamey, June 2024

The 26 July 2023 coup is a watershed moment in Niger’s recent political history, but also in the protection of human rights in the country. The fifth coup d’état since 1974 by the army is one of the country’s most significant as it created a shift in the country’s geostrategic alliances, political direction and in the state’s relations with key segments of the society, such as the political class, the press and the civil society.

Tensions between Niger’s CNSP and international actors have influenced the domestic political discourses around patriotism, and caused rifts among civil society organizations, the press and citizenry in general. The public discourse has been increasingly polarized over attitudes towards still unfolding events, with a division between the alleged ‘patriots’ who are backing the CNSP and alleged ‘unpatriotic’ Nigeriens who question the direction taken by the CNSP. This discourse has also been coloured by an anti-imperialist hue, which denounces the unequal partnerships Niger has developed with countries such as France, and other international partners, and which has long driven the mobilization of the civil society way prior to the events of the 26 July 2023. The tensions are perceived by the CNSP and its supporters within Niger as ‘existential’ to the political options taken by the CNSP and warranting a ‘state of exception’ to lift the yoke of imperialism around Niger’s neck.

In this context, arbitrary detentions and arrests, enforced disappearances, attacks against human rights defenders, activists and against journalists and media professionals as well as figures of the deposed regime are perpetrated by the authorities through the police, the DGDSE, the gendarmerie and even by the judiciary, without much public uproar. Self-censorship seems to be the rule as dissenting voices are well aware of the

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<sup>218</sup> Interview with Ibrahim Bana, leader of the FPS, Niamey, June 2024.

risks, they might face by expressing freely their opinion, risks that come from the state but also from its supporters within and outside the country.<sup>219</sup>

Eighteen months after the coup d'état, it is hard to define the current political moment in Niger as a transition, but rather as a defining turn. A series of ordinances have reshaped the human rights legal framework in Niger, especially regarding prison terms for opinion offences with the June 2024 amendment to the Cybercriminality Law, the suspension of all political parties' activities, the denial of access to prisons and other detention centres for NGOs and independent observers, and the indefinite suspension of the Maison de la Presse. All of these have been taken without nationwide consultations with key stakeholders on the direction, duration and objectives of the transition, despite this being one of the commitments by the CNSP in August 2023.

In light of these findings, Amnesty International recommends to

## **THE NIGERIEN AUTHORITIES**

### **ON THE RIGHT TO LIBERTY AND SECURITY OF PERSON AND THE RIGHT TO A FAIR TRIAL**

- Guarantee the respect of the provisions of the Code of Criminal Procedure which protect the right not to be arbitrarily arrested or detained, the right to have their cause heard, the presumption of innocence until proven guilty by a competent court, the right to defence and to be defended by a counsel of their choice, and the right to be tried within a reasonable time by an impartial court.
- Immediately and unconditionally release all detainees and prisoners held solely for the peaceful exercise of their human rights;
- Release immediately former president Mohamed Bazoum and his wife Hadiza Mabrouk arbitrary detained
- Release immediately all former cabinet ministers arbitrary detained, including Sani Mahamadou Issoufou, the former Petroleum minister; Hama Adamou Souley, former Interior minister, Kalla Moutari, a former Defence minister, Ahmat Jidoud, the former Finance minister, Dr. Rabiou Abdou, the former minister of Planning, and Ibrahim Yacouba, former minister of Energy.
- Ensure that all detainees are held in humane conditions, that they have access to the outside world, including their lawyer and family or loved ones, have access to care when needed, and have the opportunity to challenge their detention before a judge;
- Reinstate access of NGOs, including human rights organizations and other third-party observers, to detention centres;
- End the use of arbitrary detention and inform all detainees about the reasons for their detention;
- Revise the Code of Military Justice and restrict the jurisdiction of the military court strictly to military offences committed by members of the military; for cases of human rights violations committed by members of the military, ordinary courts should have a primacy of jurisdiction over military courts;
- Abrogate Ordinance no 024-43 of 27 August 2024 establishing a national registry of persons, groups of persons and entities involved in terror acts or other infractions against the fundamental strategic interests of the nations or remove all dispositions making it possible to list individuals in the registry for expressing their freedom of expression and right to information and cease the practice of arbitrarily depriving individuals of their nationality.

### **ON THE PROHIBITION OF ENFORCED DISAPPEARANCES AND TORTURE AND OTHER-ILL TREATMENT**

- Ensure all people arrested are detained in official detention facilities in the framework of legal proceedings;
- Cease the use of enforced disappearance by the DGDSE as part of the State's policy against people suspected of breaking the law;

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<sup>219</sup> Interview with journalists and civil society members in Niamey, Niamey, June 2024.



- Amend the criminal code to make enforced disappearance an offence, in conformity with the International Convention for the Protection of All Persons from Enforced Disappearance ratified by Niger in 2015;
- Investigate all acts of enforced disappearances committed by persons or groups of persons and bring those responsible to justice;
- Amend the criminal code to make torture and other ill-treatment an offence, in conformity with the Convention Against Torture ratified by Niger in 1998;
- Exclude from juridical proceedings any evidence from interrogations conducted by the DGDSE, in particular “confessions” of detainees obtained without the presence of a lawyer and with a high risk of torture and, more broadly, prevent any interference by intelligence services in ongoing judicial proceedings;
- Investigate all suspicions of torture and other ill-treatment in detention and bring those responsible to justice.

### **ON THE RIGHTS TO FREEDOM OF EXPRESSION, INFORMATION, ASSOCIATION, AND PEACEFUL ASSEMBLY**

- Respect international and regional treaties ratified by Niger which protect the rights to freedom of expression, information, association and peaceful assembly;
- Release immediately human rights defender Moussa Tchangari arbitrary detained for having exercised his right to freedom of expression and drop all charges against him;
- Release immediately journalist Ousmane Toudou arbitrary detained for having exercised his right to freedom of expression and drop all charges against him;
- Drop all charges against journalist Soumana Maiga prosecuted for having exercised the right to information;
- Cease the harassment of human rights defenders, activists, journalists and other media professionals, through intimidation, detention and prosecution, simply for exercising their rights;
- Lift the suspension of the Maison de la Presse and favour a climate where the press can organize effectively to defend its interests, without prejudice to the respect of the law;
- Lift the suspension of the activities of political parties and other associations, currently ongoing in Niger;
- Revise the 2019 Cybercriminality Law and remove all prison sentences for defamation and insults by way of an electronic communications medium (article 29) and dissemination of data likely to disturb public order (article 31).
- Respond favourably, with no further delay, to the proposed dates for the visit by the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism.
- Extend an invitation to the UN Special Rapporteur on the Situation of Human Rights Defenders and the Working Group on Enforced or Involuntary Disappearances to visit Niger and respond favourably, with no further delay, to the visit request by the Working Group on Arbitrary Detention.
- To seek the assessment of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in conformity with the mandate, of the proposed revisions of the Criminal Code and the Code of Criminal Procedure to ensure the inclusion of a definition of the crime of torture in line with international law.

## **THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS**

- Carry out a fact-finding mission or country visit to Niger to investigate the deterioration of civic space and civil and political rights violations in the country since the military coup of 26 July 2023 and make recommendations to the authorities for the protection of rights guaranteed under the African Charter on Human and Peoples’ Rights and other relevant regional and international human rights instruments;

- Through its relevant special mechanisms, issue a public statement raising concerns regarding violations of the right to freedom of expression, attacks on journalists, repression of civil society, intimidation of human rights defenders, and arbitrary detention of former regime officials;
- Call on Nigerien authorities to conduct prompt and independent investigations into cases of enforced disappearances and torture and ill-treatment in Nigerien prisons and other detention centres since July 2023;
- Through its Committee for the Prevention of Torture in Africa, support the Nigerien authorities in the revision process of their Criminal Code and Code of Criminal Procedure to make sure that torture is clearly defined therein.

## **THE AFRICAN UNION TO**

- Call on the Nigerien authorities to respect their international human rights obligations, and to release all of the victims of arbitrary detentions.

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## TO HEEL

### HUMAN RIGHTS AND CIVIC SPACE UNDER PRESSURE SINCE THE 26 JULY COUP

This report documents the deterioration of civic space and civil and political rights violations in Niger since the military coup which happened in July 2023 up to January 2025.

While the new authorities committed to respect human rights, they have failed to do so in law and practice by attacking freedoms of expression, of press, and violating the rule of law. The military authorities have weakened human rights protection in the legal framework, suppressed important institutions, suspended all activities by political parties, and arbitrarily detained several public figures, including the deposed president Mohamed Bazoum, his wife, and seven former cabinet ministers, as well as several civil society members and journalists.

Amnesty International documented in detail 21 cases of human rights violations between July 2023 and January 2025, including arbitrary detentions, enforced disappearances, abuses of detainees' rights, violations of the judicial procedure and of the right to a fair trial, as well as several cases of violations to press freedom. It also highlights how self-censorship has become the norm for fear of reprisals.

The report recommends the Nigerien authorities to protect human rights in accordance with their commitments and international and regional human rights conventions ratified by the country.