

EXTERNAL

AI Index: AFR 43/01/97

UA 19/97 Legal concern / Fear of ill-treatment /
Probable prisoners of conscience

17 January 1997

NIGER

At least 100 members and supporters of the *Front pour la restauration et la défense de la démocratie* (FRDD), Front for the Restoration and Defence of Democracy, a coalition of eight opposition parties, including:

Mahamane Ousmane, former President, leader of the *Convention démocratique et sociale* (CDS)

Mahamadou Issoufou, former President of the National Assembly, leader of the *Parti nigérien pour la démocratie et le socialisme* (PNDS)

Mamadou Tandja, leader of the *Mouvement national pour la société et le développement* (MNSD), the former single party

At least 100 people arrested since 11 January 1997 are being held incommunicado and without charge in various places of detention in the capital, Niamey, and throughout Niger. Their lawyers and relatives have been denied access and information about their exact whereabouts. Amnesty International is concerned that they may face torture or ill-treatment.

The detainees are members and supporters of several opposition political parties belonging to the FRDD (see above). They appear to have been arrested solely as an attempt by the authorities to stop a peaceful national campaign by the FRDD calling for a return to democracy and free access to the press. The first arrests took place in Niamey on 11 January 1997 when the security forces broke up a demonstration called by the FRDD, which they claimed had been banned. Fifty-eight people were arrested, including nine women who were subsequently released. Twenty-six people were reportedly injured, one seriously. Although the demonstration appears to have been peaceful, after it was dispersed some protestors were reported to have blockaded the roads and set tyres on fire.

The government has accused the FRDD of planning a campaign to destabilize the country and dozens of opposition members and supporters were reported to have been arrested in Niamey and other towns in the hours and days following the demonstration. They included Mahamane Ousmane, former President, Mahamadou Issoufou, former President of the National Assembly, and Mamadou Tandja, leader of the MNDS (see above). Initially held under house arrest, the three were moved to an unknown place of detention on 14 January.

None of those arrested appears to have been charged and they continue to be held incommunicado beyond the normal 48 hours' legal limit of *garde à vue*, the period after which detainees must be referred to a judicial authority. On 14 January the government announced that Mahamane Ousmane, Mahamadou Issoufou and Mamadou Tandja would be tried by a state security court for *atteinte à la sûreté de l'Etat et renversement du régime*, threatening the security of the state and overthrowing the regime. This special court was established by legislation in 1974 which also allows for detention without charge for up to two months. The state security court was re-established by presidential decree on 14 January and its members were sworn in on 17 January.

BACKGROUND INFORMATION

There has been a serious decline in the human rights situation in Niger since 27 January 1996 when Colonel Ibrahim Baré Maïnassara overthrew the democratically elected government of President Mahamane Ousmane in a military coup. After presidential elections in July 1996, Colonel Maïnassara remained as head of state although the opposition contested the results of the elections which were marked by serious irregularities. In protest, the opposition boycotted legislative elections held in November 1996.

Since the coup in January 1996, the authorities have on several occasions sought to contain opposition by suppressing peaceful demonstrations and resorting to prolonged detention without charge, house-arrest, and torture and ill-treatment of political detainees, in particular during the presidential campaign in July 1996. Amnesty International documented separate incidents of torture and ill-treatment of detainees including beatings, shaving of heads and mock executions. In an incident in Zinder on 11 July 1996, some detainees were reportedly publicly humiliated by being forced to undress completely and simulate the sexual act on the ground.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in French or your own language:

- expressing concern that at least 100 opposition members and supporters including former President Mahamane Ousmane, former President of the National Assembly Mahamadou Issoufou and the leader of the MNSD, Mamadou Tandja, are reported to be detained incommunicado and without charge;
- seeking clarification of the legal basis for their continuing detention and urging that their places of detention be made public and that they be given access to lawyers and relatives;
- seeking assurances that the detainees are being treated humanely in accordance with international standards for conditions of detention;
- stating that Amnesty International recognizes the right of any government to maintain law and order but expressing concern that most of the detainees appear to be have been arrested only because of their peaceful political activities and urging that all prisoners of conscience be immediately and unconditionally released and that any others be charged with recognizably criminal offences and promptly and fairly tried according to international standards.

APPEALS TO:President

Son Excellence
Monsieur le général Ibrahim Baré Maïnassara
Président de la République
La Présidence, Niamey, Niger

Telegrams: President, Niamey, Niger

Fax: + 227 733430

Salutation: Excellence / Dear President

Prime Minister

Monsieur Amadou Boubakar Cissé
Premier Ministre
La Primature, Niamey, Niger

Telegrams: Premier Ministre, Niamey, Niger
Fax: c/o Ministry of Foreign Affairs +227 735231
Salutation: Monsieur le Premier Ministre / Dear Prime Minister

Minister for the Interior

Monsieur Idi Ango Omar
Ministre de l'Intérieur
Ministère de l'intérieur, Niamey, Niger
Telegrams: Ministre Interieur, Niamey, Niger
Telex: 5214
Faxes: +227 722176
Salutation: Monsieur le Ministre / Dear Minister

Minister for Justice

Monsieur Boubé Oumarou
Ministre de la Justice et des Droits de l'Homme, Garde des Sceaux
Ministère de la Justice, Niamey, Niger
Telegrams: Ministre Justice, Niamey, Niger
Faxes: +227 735231
Telex: 5214
Salutation: Monsieur le Ministre / Dear Minister

COPIES TO:

Monsieur Ibrahim Hassane Mayaki, Ministre d'Etat, chargé des Relations Extérieures, Ministère des Affaires étrangères, Niamey, Niger.
Fax: 227 735231

and to diplomatic representatives of Niger accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat or your section office, if sending appeals after 10 March 1997.