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U.S. Department of State

Niger Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

NIGER

On January 27, 1996 a group of army officers led by then Colonel Ibrahim Mainassara Bare overthrew the elected government of Niger. The leaders of the coup d'etat quickly established a Military Council of National Salvation (CNS) and a subordinate interim cabinet. The CNS suspended the 1992 Constitution, dissolved the National Assembly, implemented a state of emergency, and temporarily prohibited political activity. Top civilian government leaders were put under house arrest. The Government subsequently organized a Constitutional Conference, held a referendum on the new Constitution, and conducted a seriously flawed presidential election, which was won by Bare. The November 1996 legislative elections were boycotted by the opposition. Progovernment parties and supporters claimed all 83 National Assembly seats. The judiciary remains subject to executive interference.

Security forces consist of the army, the Republican Guard, the gendarmerie (paramilitary police), and the national police. The police and the gendarmerie traditionally have primary responsibility for internal security. However, since the coup, the army has had a much more prominent role. The 1996 coup was led by army officers with some support from the gendarmerie. Following the coup, members of all security forces committed human rights abuses. Security force members continued to commit abuses in 1997.

The economy is based mainly on traditional subsistence farming, herding, small trading, and informal markets. Less than 15 percent of the economy is in the modern sector. Uranium is the most important export. Per capita income is about \$260. Persistent drought, deforestation and soil degradation, low literacy, a flat uranium market, high import prices and burdensome debt further weakened the already

troubled economy. Niger is heavily dependent on foreign assistance, and one of the aftermaths of the coup was a sharp fall in foreign aid, only partially reversed in 1997.

The Government's human rights record remained the same, and serious problems remained in many areas. The 1996 coup and the fraudulent 1996 presidential election effectively disenfranchised citizens, preventing them from exercising the right to change their government. Security forces on occasion beat and intimidated opposition political figures and violated laws governing searches, treatment of and length of detention. Prison conditions remained poor. The overloaded judicial system and delays in trials resulted in long periods of pretrial confinement. The Government continued to intimidate the private press and radio and arrested, detained, and mistreated journalists. The Government also passed a stringent new press law. The Government continued to ban peaceable meetings and demonstrations, although less often than in 1996. The Government restricted freedom of movement. Societal discrimination and domestic violence against women continued to be serious problems. Female genital mutilation persists. The Government restricts some worker rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no confirmed reports of political or other extrajudicial killings by government officials. A civilian, Hassan Ali, died under suspicious circumstances while being detained by soldiers near Diffa.

Violence in the north decreased following the signing in April 1995 of a peace pact between Tuareg separatists and the Government. A similar agreement in April 1996 between the Government and the Arab/Toubou/Kanouri Front (CRA) based in eastern Niger, which seeks independence for its region, also reduced the sporadic violence in that area. However, there were numerous potentially destabilizing incidents in the north and east. The Government claimed to have killed 14 rebels near the Libyan border on January 19 after the rebels attacked a civilian convoy. Clashes took place between government forces and Toubou rebels in May and June in the Lake Chad region, resulting in about eight deaths. On September 20, Toubou rebels attacked an army outpost at Madama in northeast Niger, resulting in five military deaths and five wounded (three military and two civilians). On October 8, Revolutionary Armed Forces Union (UFRA) elements attacked a 15-vehicle truck convoy and killed one of the military escorts. During a rebel attack on Aderbissnat on October 19, 6 soldiers, 1 civilian and 20 rebels were killed. On November 14, rebels attacked an army post on the border with Nigeria; the Government claims three rebels were killed and 1 soldier injured.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the Constitution prohibits such practices, individuals widely believed to be members of the security forces detained and beat opposition political activist Elhadj Oumarou Oubandawaki on February 3 for repeated criticism of the Government on the radio. He suffered head injuries, and a broken arm, and had several teeth knocked out.

On April 10, four unidentified men, again widely believed to be security officers, seized Souley Adj, an

academic who had written critically of the Government, at his home, drove him outside of Niamey, stripped him naked, and beat him into unconsciousness. Government inquiries into both beatings produced no results.

Police used tear gas and force to break up a peaceful protest march in January injuring over two dozen persons (see Sections 1.d. and 2.a.).

Prison conditions are poor. Prisons are underfunded and understaffed. They are overcrowded and diet, health, and sanitary conditions for prisoners are very poor. The national health budget for prisoners was \$40,000 (cfa 23.9 million) a slight increase from 1996.

Prisoners are segregated by sex, but minors and adults are incarcerated together. Family visits are allowed, and prisoners can receive supplemental food and other necessities from their families. There are no reports of unduly harsh treatment, beyond the very poor conditions of detention, but petty corruption among prison staff is also reported to be rampant.

Human rights monitors visit the prisons.

d. Arbitrary Arrest, Detention, or Exile

Although the Constitution prohibits arbitrary detention, and laws officially prohibit detention without charge in excess of

48 hours, police violate these provisions in practice. If police fail to gather sufficient evidence within the detention period, the prosecutor gives the case to another officer, and a new

48-hour detention period begins.

The judicial system is seriously overloaded. There are no statutory limits on pretrial confinement of indicted persons; detention frequently lasts months or years, and some persons have been waiting as long as 7 years to be charged. Of 795 prisoners in Niamey's prison in May, 696 (86 percent) were awaiting trial.

The law provides for a right to counsel, although only one defense attorney is known to have a private practice outside the capital. A defendant has the right to a lawyer immediately upon detention. The State provides a defense attorney for indigents.

Bail is available for crimes carrying a penalty of less than

10 years' imprisonment. Widespread ignorance of the law and lack of financial means prevent full exercise of these rights.

On January 11, police put former president Mahamane Ousmane, former National Assembly Speaker Mahamadou Issoufou, and opposition party leader Tandja Mamadou under house arrest for

3 days, ostensibly for "threatening state security." They were then detained in undisclosed security facilities for 9 days before being released on January 23. No charges were brought against any of them.

On January 11, police also detained dozens of other opposition activists, including many women who had attempted to stage a peaceful protest march. About 26 persons were injured when the police, using

tear gas, forcefully broke up the march (see Section 2.a.). Police held the majority of the detainees without charges for about 10 days before releasing them. All were released by January 23, and there was no evidence of mistreatment by the police while they were detained.

On January 23, police arrested Souley Oumarou, a lawyer for the political opposition, apparently to intimidate him from bringing legal charges against President Bare over the coup d'etat. He was released 3 days later.

In March police detained nine persons after a peaceful assembly, in which several of the arrestees had apparently not even participated. They were sentenced to 2 months' imprisonment for alleged "armed illegal assembly."

In March 23 electric utility workers were arrested for sabotage, in most cases without evidence. In April two of those arrested were sentenced to prison terms of 2 months, and two others to

2 years; the rest were released. The workers sentenced to

2 years of imprisonment were subsequently released and have resumed work at the electric utility.

In February and April, coinciding with Muslim holy days, President Bare pardoned all prisoners with less than 6 months yet to serve, all juveniles, nursing and pregnant women, prisoners over 55 years old, and those with certain illnesses. The April pardon was also extended to certain other convicts with less than 1 year remaining on their sentences.

The Constitution prohibits exile, and there were no reports of its use.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but it is subject to executive interference. Although the Supreme Court has on occasion asserted its independence, human rights groups assert that family and business ties influence the lower courts and undermine their integrity. Judges sometimes fear reassignment or having their financial benefits reduced if they render a decision unfavorable to the Government, though such coercive tactics are reportedly less frequently used.

Defendants and prosecutors may appeal a verdict, first to the Court of Appeals, then to the Supreme Court. The Court of Appeals reviews questions of fact and law, while the