



Republic of Niger

**Submission to the UN Universal Periodic Review
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**Submission by CIVICUS: World Alliance for Citizen
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1. (A) Introduction

- 1.1** CIVICUS is a global network of civil society organisations and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS proudly promotes marginalised voices, especially from the Global South and has members in more than 160 countries throughout the world.
- 1.2** In this document CIVICUS outlines several concerns relating to threats faced by journalists and Human Rights Defenders (HRDs) in Niger since 2011. We also outline several concerning examples which are illustrative of the government's attempts to curb the freedoms of expression and assembly. Moreover, we underscore the failure of the government to uphold and implement some of the recommendations accepted during its initial exam under the Universal Periodic Review (UPR).
- 1.3** During its review in May 2011 Niger accepted 112 recommendations including commitments to uphold the right to freedom of expression and assembly and to respect and protect HRDs. Niger also agreed to guarantee the rights of all its citizens. Despite these explicit commitments, the rights to freedom of expression and assembly have been threatened and the government has continued to target journalists for their critical reporting.
- 1.4** CIVICUS is concerned that human rights activists have been subjected to judicial persecution, intimidation and arbitrary arrest for their human rights activities. In particular, activists have been targeted for reporting on government excesses and for criticising the actions of the authorities.

- In section B, CIVICUS highlights concerns related to restrictions on freedom of expression and attacks on journalists and independent newspapers.
- In section C, CIVICUS expresses concerns over judicial persecution, harassment and intimidation of members of Civil Society Organisations (CSOs).
- In section D, CIVICUS makes a number of recommendations to address the concerns listed.

2. (B) Concerns regarding restrictions on freedom of expression and attacks on journalists

- 2.1** Article 30 of the Nigerien Constitution recognises the right to freedom of thought, opinion and expression. Furthermore, Article 9 of the African Charter on Human and Peoples Rights (ACHPR) provides for citizens to express and disseminate opinions and views within the law. Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which the Republic of Niger has acceded, guarantees the right to freedom of expression and opinion. In 2011, Niger signed the Declaration of Table Mountain – an initiative of the

World Association of Newspapers and News Publishers, which advocates for a conducive environment for freedom of expression and of the press and for the repeal of criminal defamation laws. Despite these explicit commitments to promote freedom of expression and the press, since Niger's last examination under the UPR in 2011, journalists in Niger have continued to be subjected to judicial persecution and have on occasion been charged with libel for undertaking their legitimate work.

- 2.2** On 27 January 2014, journalists Zakari Adamou, of Independent television station *Canal 3*, and Ousmane Dan Badji, editor of the *L'union* newspaper, were interrogated by security agents and later detained by the judicial police for "media offenses." Together with civil society activist Nayoussa Djimraou, they participated in a television interview during which they accused President Mahamadou Issoufou of complicity in corrupt practices.¹ All three were also accused of making "defamatory statements," while conducting the television interview. Both journalists were released on 31 January 2014 after appearing before a prosecutor. Ousmane was however ordered to avail himself when requested by the authorities because he had refused to disclose the identity of one of his sources.
- 2.3** On 23 January 2014, Soumana Idrissa Maiga, editor of independent newspaper *L'enqueteur*, was arrested and charged with conspiracy against the state.² The charges against him stemmed from a newspaper article he authored on 17 January 2014. He noted in the article that the main opposition political party will soon be holding its congress and that the term of office of the ruling party in Niger was almost over. Similarly, Abdoulaye Mamane, the host of a Hausa-language programme on Radio Television Bonferey was arrested and detained by the authorities after a guest on a programme he anchored on 16 January accused the President of corruption.³
- 2.4** On 30 September 2013 Moussa Aksan, editor of the *L'évenement* newspaper, was threatened by Lieutenant Aouali Hambali after the publication of an article which highlighted the arrest of the Lieutenant and others in relation to an unsuccessful coup. The Lieutenant was detained in Niamey on 30 August 2013 after being accused of supporting the coup.
- 2.5** On 15 February 2013, Soulemane Ousmane, and three journalists from independent radio and television stations, were physically assaulted by security forces while covering protests organised by a teachers union – *Cadre Permanent de Reflexion et d'action du Secteur Educatif* (CPRASE).⁴ During the protests, they suffered multiple injuries due to unwarranted attacks by

¹ « Les journalistes Zakari et Dambadji libères : la justice Nigérienne réaffirme son indépendance, » *Niger Diaspora*, <http://nigerdiaspora.net/les-infos-du-pays/politique-niger/politique-niger/item/66233-les-journalistes-zakari-et-dambadji-liberes-la-justice-nigerienne-reaffirme-son-independance>, accessed 5 June 2015.

² "Niger: deux journalistes en garde à vue," *RFI*, <http://www.rfi.fr/afrique/20140127-niger-deux-journalistes-garde-vue-amadou/>, accessed 5 June 2015.

³ "Niger: deux journalistes et un opposant arrêtes," *Niger Express*, www.nigerexpress.info, accessed 5 June 2015.

⁴ "Niger: Fréquentes violences policières les medias ne se laisseront pas faire!" *Medianiger.info*, http://medianiger.info/Index.asp?affiche=News_Display.asp&ArticleID=2922, accessed 5 June 2015.

security forces and indiscriminate use of tear gas. A camera belonging to the journalists was also seized.

- 2.6** On 13 February 2013, three journalists from Anfani Private Radio station and union leader Ismael Salifou were arrested after Ismael Salifou criticised President Issoufou during an interview on 22 January. The authorities accused Ismael Salifou of insulting the President and promoting ethnic hatred. The two other journalists were held as accomplices.⁵ They were all released after the prosecutor dismissed the case.
- 2.7** On 7 October 2011, Zakari Alzouma and Ayouba Karimou of *L' Opinion* newspaper were arrested and detained for several hours at the Criminal Investigative Department in Niamey following a complaint against them made by the state prosecutor of the High Court in Niamey. They were interrogated about an article on corruption in the judiciary which was published in September 2011.

3. (C) Concerns regarding judicial persecution, harassment and intimidation of members of civil society organisations

- 3.1** Article 12 of the United Nations Declaration on Human Rights Defenders mandates member states to take necessary measures to protect human rights defenders. The ICCPR guarantees the freedoms of expression, association and assembly. However, it is a matter of deep concern that civil society members have been subjected to harassment and judicial persecution for undertaking their legitimate activities and for attempting to hold the government to account.
- 3.2** On 18 May 2015, Moussa Tchangari a human rights defender and Secretary General of civil society organisation, *Alternative Espace*, was arrested and detained by the Anti-terrorist Brigade in Niamey after conducting an interview with Radio France Internationale (RFI). The interview focused on the status of traditional leaders arrested by the authorities in the region of Diffa⁶ on suspicion of conspiring with Boko Haram insurgents in Nigeria.⁷ Prior to Moussa's arrest, *Alternative Espace* released a publication which was critical of the decision by the authorities to forcefully remove thousands of Nigeriens from Lake Chad Islands following attacks by Boko Haram in Karamga. He was released on 27 May and charged with "undermining national defence." Another human rights defender Nouhou Arzika was arrested and detained at the Anti-terrorist Brigade for taking part in a press conference with the legal representatives of Moussa Tchangari in which Nouhou Arzika called on the authorities to release Moussa.⁸

⁵ « Le syndicaliste Ismaël et trois journalistes de la radio Afani placés en garde à vue, » *Niamey.com*, <http://news.niamey.com/h/12169.html>, accessed 5 June 2015.

⁶ "Niger: Moussa Tchangari mis en liberté provisoire," *RFI*, <http://www.rfi.fr/afrique/20150527-niger-moussa-tchangari-mis-liberte-provisoire-evacuation-lac-tchad/>, accessed 5 June 2015.

⁷ "Niger: Moussa Tchangari mis en liberté provisoire," *RFI*, <http://www.rfi.fr/afrique/20150527-niger-moussa-tchangari-mis-liberte-provisoire-evacuation-lac-tchad/>, accessed 5 June 2015.

⁸ « Niger: Moussa Tchangari et Nouhou Arzika héritent de la liberté provisoire, » *Wadr*, <http://www.wadr.org/Niger-Moussa-Tchangari-et-Nouhou.html?lang=fr>, accessed 5 June 2015.

- 3.3** On 18 July 2014, Ali Irissa coordinator of the Network for civil society organisations for Transparency in Extractive Industries and Budgetary Analysis (ROTAB) and 10 other civil society activists were arrested in Niamey after calling on the government to ensure transparency in its engagements with extractive industries during a state visit by French President Francois Hollande. Civil society organisations urged their members to use yellow scarves as a symbol of protest against the exploitation of Niger's natural resources by foreign companies on the occasion of the visit by the French president.
- 3.4** On 24 May 2014, Ali Adoulaye, HRD and coordinator of the NGO *Volontaires pour L'integration Educative* (VIE) was arrested after raising concerns during a radio programme about famine in the Oualam region, including instances of starvation among children. He was detained for a month and a week at the offices of the National Security Directorate in Niamey and later released on 7 June after a court in Ouadam Tillaberi pronounced there was no evidence to justify his arrest and detention.

4. (D) Recommendations to the Government of Niger

CIVICUS is concerned by the failure of the Government of Niger to meaningfully implement the recommendations it accepted relating to civil society space and human rights defenders during its previous review in 2011.

CIVICUS urges the government of Niger to create an enabling environment for journalists and civil society to operate in accordance with the rights enshrined in the Constitution of Niger, ICCPR and the UN Declaration on Human Rights Defenders. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made.

4.1 Concerns regarding restrictions on freedom of expression and attacks on journalists

- Harassment of journalists by security agencies, including through judicial persecution should be stopped. Existing cases against journalists should be reviewed.
- Independent investigations into all cases in which journalists have been physically assaulted for conducting their legitimate work should be carried out with a view to bringing the perpetrators to justice.
- Attacks on and threats to journalists should be publicly condemned by senior government officials to ensure protection by law enforcement agencies.

4.2 Regarding judicial persecution, harassment and intimidation of members of civil society organisations

- All cases of intimidation and harassment of representatives of civil society and human rights defenders should be fully investigated with a view to bringing the perpetrators to justice.
- Guarantee at all times the physical and psychological integrity of all civil society activists and human rights defenders.
- Ensure that provisions of the UN Declaration on Human Rights Defenders are adhered to, particularly Article 12 which states that “the state shall take all necessary measures to ensure the protection by the competent authorities of everyone individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present declaration.”

4.3 Regarding restrictions on freedom of assembly

- Best practices on freedom of peaceful assembly prescribed by the UN Special Rapporteur on Freedom of Peaceful Assembly and Association should be adopted by the government of Niger.
- Security forces in charge of crowd control should be equipped with non-lethal weapons and provided training across the board on humane means of crowd control as well as on the UN Basic Principles on the use of Force and Firearms.
- Recourse for judicial review and effective remedy should be provided including compensation in cases of unlawful denial of the right to freedom of assembly by state authorities.