

UNIVERSAL PERIODIC REVIEW SUBMISSION FOR NIGER

NGO Submission

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ABOUT HRF

The Human Rights Foundation (HRF) is a nonpartisan nonprofit organization that promotes and protects human rights globally, with a focus on closed societies. HRF unites people in the common cause of defending human rights and promoting liberal democracy. Our mission is to ensure that freedom is both preserved and promoted around the world.

We focus our work on the founding ideals of the human rights movement, those which are most purely enshrined in the 1948 Universal Declaration of Human Rights and the 1976 International Covenant on Civil and Political Rights (ICCPR).

HRF's Center for Law and Democracy (HRF-CLD) is a program of HRF. HRF-CLD promotes legal scholarship in the areas of comparative constitutional law and international law, with a focus on international human rights law and international democracy law.

INTRODUCTION

This submission was prepared by HRF for the Universal Periodic Review (UPR) of the Republic of Niger (Niger). In this submission, HRF evaluates Niger's implementation of recommendations made during its previous UPR, as it relates to the current human rights situation in the country, which is characterized by systematic, widespread, and gross violations of human rights, including: the ongoing curtailment of the freedom of expression, information, association, and assembly, restrictions on the freedoms of the press, and arbitrary arrests, detentions and violations of due process of the law.

FOLLOW-UP ON THE PREVIOUS REVIEW

1. The most recent UPR of Niger by the United Nations (UN) Human Rights Council

took place on May 3, 2021.[1] The Human Rights Council considered and adopted the outcome of the country's review during its 38th Session on September 30, 2021.[2] A total of 254 recommendations were made to Niger, with the regime accepting 248 recommendations and noting 6.[3]

2. One of the most common recommendations by UN Member States was related to the ratification of and accession to international instruments.[4] As a member state of the United Nations, Niger has ratified two international legal treaties: the Universal Declaration of Human Rights (UDHR), and the African Charter on Human and Peoples' Rights (ACHPR).

NIGER'S NATIONAL FRAMEWORK FOR PROTECTING HUMAN RIGHTS

3. Since the coup d'état in July 2023, the 2010 Constitution has been suspended and replaced by Ordinance 2023-02 of July 28, 2023, on the organization of public authorities during the transition period.[5]

4. In relation to the rule of law, equal protection of individuals, and general human and civil rights and freedoms, *Article 1* states:

   The National Council for the Safeguarding of the Homeland reaffirms its commitment to the principles of the rule of law and pluralist democracy.

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[1] U.N. Human Rights Council, Working Grp. on the Universal Periodic Review of the Thirty-Eighth Session, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, U.N. Doc. A/HRC/WG.6/38/NER/1, (Feb. 26, 2021), https://documents.un.org/doc/undoc/gen/g21/050/30/pdf/g2105030.pdf?token=6rYUBSStTXHZqkeoeq&fe=true .

[2] United Nations General Assembly, *Decision adopted by the Human Rights Council on 30 September 2021*, U.N. Doc. A/HRC/DEC/48/102 (Oct. 8, 2021), https://documents.un.org/doc/undoc/gen/g21/277/30/pdf/g2127730.pdf?token=eq4XDbZxC3j1gNO1A7&fe=true.

[3] United Nations, *Note explicative – Examen périodique universel 2021* (Feb. 8, 2022), https://niger.un.org/fr/171391-note-explicative-%E2%80%93-examen-p%C3%A9riodique-universel-2021.

[4] U.N. Human Rights Council, Working Grp. on the Universal Periodic Review of the Thirty-Eighth Session, Universal Periodic Review - Niger: *Matrix of recommendations*, Retrieved from: https://www.ohchr.org/en/hr-bodies/upr/ne-index.

[5] République du Niger, *Ordonnance n°2023-02 du 28 juillet 2022 portant organisation des pouvoirs publics pendant la période detransition*,https://itieniger.ne/wp-content/uploads/2023/11/Ordonnance-portant-organisation-des-pouvoirs-publics.pdf.

Conscious of its responsibility to the people of Niger, the National Council for the Safeguarding of the Homeland ensures the preservation of national unity and social cohesion. It ensures equality before the law for all, without distinction of sex, social, racial, ethnic or religious origin. It also guarantees human and civil rights and freedoms as defined by the 1948 Universal Declaration of Human Rights and the 1981 African Charter on Human and Peoples' Rights.

It guarantees the restoration of the democratic process initiated by the people of Niger.

The aforementioned rights and duties are exercised within the framework of the laws and regulations in force.

5. In relation to human rights and fundamental freedoms, *Article 17* states:

   In place of the dissolved National Human Rights Commission, a National Observatory for Human Rights and Fundamental Freedoms (ONDHLF) is created, the composition, missions, and operation of which shall be determined by order of the President of the National Council for the Safeguarding of the Homeland, Head of State.

6. In relation to freedom of the press, *Article 16* on communication institutions states:

   In place of the dissolved Superior Council of Communication (CSC), a National Communication Observatory (ONC) is set up, the composition, missions and operation of which shall be determined by order of the President of the National Council for the Safeguarding of the Homeland, Head of State.

POLITICAL BACKGROUND

7. Niger is the largest landlocked country in West Africa. Originally colonized by France in 1922, it became independent in 1960[6] and has since experienced five coups d'état and four military rule periods.[7]

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[6] Clay Cane, *On this day in 1960, Niger declared Independence from French colonial rule*, AURN (Aug. 3, 2023), https://aurn.com/on-this-day-in-1960-niger-declared-independence-from-french-colonial-rule/.

[7] *Timeline: A history of coups in Niger*, Al Jazeera (July 27, 2023), https://www.aljazeera.com/news/2023/7/27/timeline-a-history-of-coups-in-niger.

8. After the February 2010 coup that removed decade-long ruler Mamadou Tandja, a new constitution was approved in October 2010.[8] The new constitution retained the structure of preceding constitutions and reproduced many provisions. However, under the new constitution, a multiparty, unitary, and semi-presidential system was established, and the two-term limit for the presidency was restored.[9]

9. In March 2011, Mahamadou Issoufou became president and successfully succeeded the transitional military government.[10] In March 2016, Issoufou was re-elected in an election boycotted by supporters of his opponent,[11] Hama Amadou, and was marred by several irregularities, including vote buying (where voters exchange registration cards for provisions, items, or money),[12] underage voting, miscounts, and regime-driven pressure on the opposition.[13] In March 2019, the ruling Party for Democracy and Socialism selected Mohamed Bazoum as its presidential candidate in the 2020 elections.[14] Former president Issoufou pledged to follow the constitution and not seek a third term in office.[15]

10. In February 2021, Mohamed Bazoum won the presidential election with 55.75% of the votes.[16] However, Bazoum's election faced opposition allegations of "massive fraud," citing unusually high voter turnout in rural and nomadic areas favoring the ruling party.[17] These claims were dismissed by judicial authorities, leading to protests across several cities that resulted in two deaths, numerous arrests, and the enforcement of stringent security measures.[18]

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[8] *Niger backs new constitution towards civilian rule*, Reuters (Nov. 3, 2010), https://web.archive.org/web/20101106054152/http://af.reuters.com/article/topNews/idAFJOE6A204C20101103

[9] *Niger profile: A chronology of key events*, BBC (Feb. 19, 2018), https://www.bbc.com/news/world-africa-13944995.

[10] *Id*.

[11] *Id*.

[12] Tournons La Page, *Niger: Deuxième tour des élections présidentielles, entre violences et vol de voix: un hold-up électoral?* https://tournonslapage.org/fr/outils-et-ressources/lections%20niger%202e%20tour%20Rapport.pdf.

[13] *Freedom in the World 2017: Niger*, Freedom House (2017), https://freedomhouse.org/country/niger/freedom-world/2017.

[14] *Freedom in the World 2020: Niger*, Freedom House (2020), https://freedomhouse.org/country/niger/freedom-world/2020.

[15] *Id*.

[16] *Niger: Mohamed Bazoum déclaré vainqueur de l'élection présidentielle*, TV5Monde (Feb. 23, 2021) https://information.tv5monde.com/afrique/niger-mohamed-bazoum-declare-vainqueur-de-lelection-presidentielle-36297.

[17] Elsa de La Roche Saint-André, *En quoi l'élection, en 2021, du président nigérien déchu Mohamed Bazoum a-t-elle été une première?*, Libération (Aug. 2, 2023), https://www.liberation.fr/checknews/en-quoi-lelection-en-2021-du-president-nigerien-dechu-mohamed-bazoum-a-t-elle-ete-une-premiere-20230802_XU3TVNY6ZFGFTHFGC2ZSZZJVBE/.

[18] *Id*.

11. Bazoum took office on April 2, 2021, for a five-year term.[19] He became the first elected president in Niger's independent history to peacefully receive power from another democratically elected leader.[20] A coup attempt was thwarted just two days before his inauguration.[21]

12. On July 26, 2023, part of the Nigerien presidential guard seized the presidential palace and detained President Bazoum in a coup.[22] Two days later, head of the presidential guard, General Abdourahamane Tchiani, declared himself president of the military group, forming the "National Council for the Safeguard of the Homeland" (CNSP).[23] Since then, Niger has been under the control of the military junta led by Tchiani, with President Bazoum detained and facing charges of high treason, and other regime members arrested.[24]

13. The junta dissolved all former institutions and suspended the 2010 Constitution, which enshrined fundamental human rights.[25] As for electoral competition, political parties have been suspended by the junta.[26] The inclusive national dialogue that was announced in August 2023 to define principles and priorities for Niger's transition, has yet to occur.[27] General Abdourahmane Tchiani has not outlined a transition roadmap, and political parties remain sidelined due to their suspension.[28]

FREEDOM OF THE PRESS

14. Under Bazoum's regime, independent civil society organizations (CSOs) and non-

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[19] *Niger's Mohamed Bazoum sworn in as president after failed coup*, BBC (April 2, 2021), https://www.bbc.com/news/world-africa-56613931.
[20] Giacomo Zandonini, *Mohamed Bazoum sworn in as Niger's president amid tensions*, Al Jazeera (April 2, 2021), https://www.aljazeera.com/news/2021/4/2/niger-president-to-be-sworn-in-after-attempted-coup.
[21] Elsa de La Roche Saint-André, *supra* note 17.
[22] *Niger general Tchiani named head of transitional government after coup*, Al Jazeera (July 28, 2023), https://www.aljazeera.com/news/2023/7/28/niger-general-tchiani-named-head-of-transitional-government-after-coup.
[23] European Parliament, *The coup in Niger: Consequences for EU policies in the Sahel* (Briefing), Retrieved from: https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/753951/EPRS_BRI(2023)753951_EN.pdf.
[24] *Id*.
[25] *Niger Junta Orders Top UN Official to Leave the Country*, VOA (Oct. 11, 2023), https://www.voanews.com/a/niger-junta-orders-top-un-official-to-leave-the-country-/7307454.html.
[26] *Freedom in the World 2024: Niger*, Freedom House (2024), https://freedomhouse.org/country/niger/freedom-world/2024.
[27] Djiby Sow and Hassane Koné, *Transition au Niger: éviter les dangers de l'immobilisme*, ISS (March 14, 2024), https://issafrica.org/fr/iss-today/transition-au-niger-eviter-les-dangers-de-limmobilisme.
[28] *Id*.

governmental organizations (NGOs) denounced the repression of press freedom.[29] And since the July 2023 coup, freedom of the press has worsened with Niger dropping 19 places to 80th out of 180 in RSF's 2024 World Press Freedom Index.[30]

15. Nigerien officials have used the "*Loi n°2019-33 du 3 juillet 2019, portant répression de la cybercriminalité au Niger*" (hereinafter the "Cybercrime Law") to curtail freedom of the press for online journalism. The law contains vague provisions that are interpreted broadly to criminalize bloggers' activities, and violations can hold sentences of up to three years.[31] It does not specify the limits of defamation or define what types of data disrupt public order or harm human dignity. Since the July 2023 coup d'état and suspension of Niger's Constitution, Nigerien and foreign journalists have faced physical attacks, cyber-harassment, threats, and intimidation.[32]

16. In January 2022, two prominent Nigerien journalists, Samira Sabou and Moussa Aksar, received respective suspended prison sentences of one and two months, under the Cybercrime Law, for sharing a Global Initiative against Transnational Organized Crime report — "Strange Days for Hashish Trafficking in Niger"[33] — that revealed traffickers' illicit reacquisition of seized drugs in the country.[34]

17. On September 30, 2023, online journalist Samira Sabou was arrested at her mother's residence by four unidentified men in plainclothes who drove her to an unknown destination with no arrest warrant.[35] She was held incommunicado until October 7 and provisionally released on October 11 after a hearing before an

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[29] *Niger, la répression de la liberté de la presse doit cesser*, Amnesty International (Jan. 13, 2022), https://www.amnesty.be/infos/actualites/article/niger-repression-liberte-presse-cesser.

[30] Freedom House, *supra* note 26.

[31] *Loi n° 2019-33 du 03 juillet 2019, portant répression de la cybercriminalité (Cybercrime Law) (July 3, 2019) (Niger)*, https://www.africa-laws.org/Niger/criminal%20law/Loi%20no%202019-33%20portant%20r%C3%A9pression%20de%20la%20cyber%20criminalit%C3%A9%20au%20Niger.pdf.

[32] *At the initiative of RSF, 80 journalists, media owners and African press freedom defenders launch a major appeal to the Niger junta*, Reporters Without Borders (Aug. 25, 2023), https://rsf.org/en/initiative-rsf-80-journalists-media-owners-and-african-press-freedom-defenders-launch-major-appeal.

[33] *Strange Days for Hashish Trafficking in Niger*, Global Initiative Against Transnational Organized Crime (May 11, 2021), https://globalinitiative.net/analysis/hashish-trafficking-niger/.

[34] Amnesty International, *supra* note 29.

[35] *Niger journalist Samira Sabou arrested by unidentified men*, Committee to protect journalists (Oct. 2, 2023), https://cpj.org/2023/10/niger-journalist-samira-sabou-arrested-by-unidentified-men/.

examining magistrate.[36] She was charged under Article 31 of the Cybercrime Law for "dissemination of data likely to disturb public order."[37]

18. On April 13, 2024, journalist and former communication advisor to the ousted president, Ousmane Toudou, was arrested after calling on democrats to oppose the military takeover on social media.[38] He was held at the gendarmerie for over a month, far exceeding the legal four-day limit, before being brought to a judge on May 24, 2024, on charges of "treason and plotting against state security."[39] He was remanded in custody at the Kollo prison for pretrial detention.[40] The chief prosecutor of the Niamey Court of Appeal abandoned the case, and the judge dismissed it, but the government commissioner appealed the decision.[41] Toudou was released on April 1, 2025, as one of the 50 figures linked to the former regime who were pardoned in line with the recommendations of the February National Dialogue for Reconciliation.[42]

19. On April 29, 2024, journalist and editor of the newspaper L'Enquêteur, Idrissa Soumana Maïga, was detained and charged under the 2019 Cybercrime Law with "undermining national defense," after publishing an article referencing a French report that alleged Russian agents were placing listening devices in public buildings.[43] Maïga was transferred to Niamey prison, where he spent two months and two weeks in detention before being provisionally released on July 9, 2024.[44] He faces a potential sentence of five to ten years if convicted,[45] and the timing of

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[36] *Au Niger, la journaliste Samira Sabou en liberté provisoire*, Jeune Afrique (Oct. 12, 2023), https://www.jeuneafrique.com/1492252/politique/au-niger-la-journaliste-samira-sabou-en-liberte-provisoire/.
[37] *Id*.
[38] *Niger: Press freedom in jeopardy as journalists working on conflict intimidated and arrested*, Amnesty International (May 3, 2024), https://www.amnesty.org/en/latest/news/2024/05/niger-press-freedom-in-jeopardy-as-journalists-working-on-conflict-intimidated-and-arrested/.
[39] *Niger: Rights in free fall a year after coup*, Amnesty International (July 25, 2024), https://www.amnesty.org/en/latest/news/2024/07/niger-rights-in-free-fall-a-year-after-coup/.
[40] Ahmadou Atafa, *Niger: le journaliste Ousmane Toudou déposé à la prison de Kollo*, Air Info Agadez (May 24, 2024), https://airinfoagadez.com/2024/05/24/niger-le-journaliste-ousmane-toudou-depose-a-la-prison-de-kollo/.
[41] *Qui sont les personnes emprisonnées par la junte militaire du Niger depuis son arrivée au pouvoir?*, BBC News Afrique (Dec. 20, 2024), https://www.bbc.com/afrique/articles/c20w1yy33wyo.
[42] *Niger: la junte remet en liberté une cinquantaine de personnes, dont d'ex-ministres*, France 24 (April 2, 2025), https://www.france24.com/fr/afrique/20250401-niger-ex-ministres-du-r%C3%A9gime-d%C3%A9chu-remis-en-libert%C3%A9
[43] *Journalist Idrissa Soumana Maïga detained for 'undermining national defense' in Niger*, Committee to protect journalists (May 7, 2024), https://cpj.org/2024/05/journalist-idrissa-soumana-maiga-detained-for-undermining-national-defense-in-niger/.
[44] *Niger: le patron du quotidien "L'Enquêteur" libéré provisoirement*, TV5Monde (July 10, 2024), https://information.tv5monde.com/afrique/niger-le-patron-du-quotidien-lenqueteur-libere-provisoirement-272938.
[45] Committee to protect journalists, *supra* note 43.

his hearing remains uncertain.[46]

20. On July 28, 2024, unidentified attackers disrupted a press conference at the Nigerien Party for Democracy and Socialism headquarters, assaulting crews from the local TV channel Bonferey and radio Anfani.[47] On August 19, 2024, French Niamey-based journalists Amaury Hauchard and Stanislas Poyet were physically attacked while covering recruitment for the military junta's call to arms, "Volunteers for the Defense of the Homeland."[48] This was in response to the Economic Community of West African States' (ECOWAS) threat of military intervention if democracy was not restored in Niger.[49] The journalists were beaten and robbed of their equipment and Poyet's passport, and Hauchard required two stitches in his lip.[50]

FREEDOMS OF ASSEMBLY, ASSOCIATION, AND EXPRESSION

21. Before the coup, despite constitutional guarantees for freedom of expression and assembly, a 2022 decree gave the regime the power to censor independent organizations.[51] Article 41 of the decree states "that any project or program initiated by an NGO must obtain the approval of the State or its branches before implementation."[52] The decree also allows the regime to block funding for any project it deems a low priority or contrary to its interests, such as those involving citizen control of public action, the promotion of good governance, or the fight

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[46] Information obtained through an interview with HRF.

[47] *Threats and attacks against journalists in Niger since last week's coup*, Reporters Without Borders (July 31, 2023), https://rsf.org/en/threats-and-attacks-against-journalists-niger-last-week-s-coup.

[48] Reporters Without Borders, *supra* note 32.

[49] Manon Laplace, *Volontaires pour la défense de la patrie au Niger: cinq questions pour comprendre l'appel à la mobilisation*, Jeune Afrique (Aug. 29, 2023), https://www.jeuneafrique.com/1477336/politique/au-niger-cinq-questions-pour-comprendre-lappel-aux-volontaires-pour-la-defense-de-la-patrie/.

[50] Reporters Without Borders, *supra* note 32.

[51] *Décret portant modalités d'application de l'article 20.1 de la loi n° 91-006 du 20 mai 1991, modifiant et complétant l'ordonnance n° 84-06 du 1er mars 1984, portant régime des associations* (Decree establishing the terms and conditions for the application of Article 20.1 of Law No. 91-006 of May 20, 1991, amending and supplementing Ordinance No. 84-06 of March 1, 1984, on the regime governing associations) (Feb. 24, 2022) (Niger), https://wacsi.org/wp-content/uploads/2022/06/DECRET-2022-182-SECTEUR-DES-ONG-3-1-1.pdf.

[52] Tournons La Page, *Niger: l'espace civique en voie d'extinction* (June 2022), at 17, https://tournonslapage.org/fr/outils-et-ressources/Rapport%20Niger-Tournons-la-Page_web-LD%20(1).pdf.

against corruption.[53] Moreover, Bazoum's officials frequently repress peaceful assemblies of civil society, hindering freedom of association by detaining activists and banning numerous protests and meetings from taking place.[54]

22. A protest planned by the movement "Tournons la page" (TLP) for December 5, 2021, demanding the removal of foreign military bases and honoring two protesters killed during a French military transit convoy in Téra a week earlier,[55] was banned by Niamey city officials on December 1, invoking risks of public order disruptions.[56] The first instance court initially approved the protest on December 3 and asked that the police be allowed to be present to ensure participants' safety.[57] However, the Court of Appeal upheld the ban on December 5, leaving insufficient time for everyone to be informed about it.[58] Seven people who attended the protest, unaware of the ban, were arrested for illegal assembly.[59]

23. On December 10, 2021, five activists — Armadan Moussa, Biliyaminou Idi, Moubarak Habou, and Hima Hamani from the pro-democracy movement Tournons la Page Niger and Mathieu Pourchier, former advocacy officer for the CSO Agir Ensemble Pour Les Droits Humains — were arrested for organizing an awareness-raising event[60] called the "Citizen Caravan of Democracy" on International Human Rights Day.[61] They were not presented with arrest warrants and were held in harsh detention conditions.[62] They were provisionally released three days later and charged with "illegal assembly," despite the fact that local

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[53] *Id.*

[54] *Public meetings and protests banned; Activists arrested for defamation*, CIVICUS (March 25, 2022), https://monitor.civicus.org/explore/public-meetings-protests-banned-activist-arrested-defamation/.

[55] *Five activists charged with "illegal assembly" for event on the occasion of Human Rights Day*, CIVICUS (Jan. 13, 2022), https://monitor.civicus.org/explore/niger-five-activists-charged-with-illegal-assembly-for-event-occasion-human-rights-day/.

[56] Tournons La Page, *supra* note 52 at 197.

[57] *Id.* at 230.

[58] *Niger : interdiction d'une manifestation contre les bases militaires étrangères*, AMNESTY INTERNATIONAL (Dec. 5, 2021), https://information.tv5monde.com/afrique/niger-interdiction-dune-manifestation-contre-les-bases-militaires-etrangeres-33852

[59] CIVICUS, *supra* note 55.

[60] The event featured a convoy of taxis, which is classified differently from demonstrations and thus not bound by the same regulations, as it is regarded as a cultural event. The vehicles traveled in procession, conveying their message through loudspeakers. Information obtained by HRF through an interview.

[61] CIVICUS, *supra* note 55.

[62] Information obtained by HRF through an interview with the Executive Director of Tournons La Page, Mathieu Pourchier.

officials did not ban the event.[63] Additionally, the charge contradicts Article 97 of the Penal Code, which specifies that uniformed police must request protestors to disperse three times before making any arrests.[64]

24. On February 7, 2024, Nigerien police arrested 25 citizens who were protesting the high cost of living by blocking roads.[65] The police stated that they resorted to "minimum force" after protesters allegedly became violent, attacking the police with stones, bottles, sticks, cutlasses, and damaging police vehicles, following an initial attempt to disperse them.[66] However, a report by the International Centre for Investigative Reporting highlighting tactics Niger's police tend to qualify as "minimum force,"[67] notes that the police often harass and shoot at harmless protesters, frequently using tear gas to prevent them from protesting against the government.[68] The state governor ordered the protesters' release the next day, attributing their arrest to a misunderstanding.[69]

ARBITRARY ARRESTS, DETENTIONS, AND VIOLATIONS OF DUE PROCESS OF THE LAW

25. Since the July 2023 coup in Niger, the military junta has engaged in arbitrary arrests and detentions, especially targeting political figures, in violation of due process laws.

26. Former president Mohamed Bazoum and his wife, Hadiza Bazoum, have been detained since the July 2023 coup that ousted his government, as he still refuses to

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[63] CIVICUS, *supra* note 55.
[64] République du Niger, *Code Pénal et Code de Procédure Pénale* (Jan. 2018), http://www.justice.gouv.ne/images/lois/pdfs/Code_penal_et_CPP_Edition_Janvier_2018.pdf.
[65] Mustapha Usman, *Police arrest 25 for protesting high cost of living in Niger*, International Centre for Investigative Reporting (Feb. 8, 2024), https://www.icirnigeria.org/police-arrest-25-for-protesting-high-cost-of-living-in-niger/.
[66] *Id*.
[67] Olugbenga Adanikin, *Report: Police prefer using live bullets on unarmed protesters, but govt seems indifferent*, International Centre for Investigative Reporting (Feb. 28, 2020), https://www.icirnigeria.org/report-police-uses-live-bullets-on-unarmed-protesters-killed-scores-but-govt-seems-not-to-care/
[68] *Id*.
[69] *Niger orders release of 25 protesters of economic hardship*, Vanguard (Feb. 8, 2024), https://www.vanguardngr.com/2024/02/niger-orders-release-of-25-protesters-of-economic-hardship/.

formally resign.[70] At the time of their arrest, they were not charged with any offense, nor presented with a warrant.[71] The detention order, however, only came on October 3, 2023.[72] Following false accusations of an evasion attempt on the night of October 20, 2023, Mr. Bazoum and his wife were transferred from the presidential palace to a nearby small apartment, which they are not allowed to leave.[73] The UN Working Group on Arbitrary Detention noted that the couple is being held in "precarious, undignified and degrading conditions" and called for their release.[74] During the first months of their detention, their phones were taken away, and they were deprived of electricity, which caused health problems due to the 40°C temperature, and Mrs. Bazoum also suffered a severe bout of malaria.[75] On August 9, 2023, the UN Secretary-General is reported to have denounced the "deplorable living conditions that Mr. Bazoum and his family were enduring" and to have called for their release.[76] The ECOWAS Court of Justice also ordered their immediate and unconditional release on December 15, 2023.[77]

27. On June 14, 2024, the new court created by the military junta, "the Court of State," stripped Mr. Bazoum of his presidential immunity, thereby enabling him to be tried on accusations of "conspiracy and attacks aimed at undermining the security and authority of the State" and treason, respectively punishable by life imprisonment and the death penalty, according to Niger's Criminal Code.[78] The military junta bases its accusation on a phone call with French President Emmanuel Macron and former US Secretary of State Anthony Blinken, discussing

[70] Benjamin Roger, *Au Niger, un an de réclusion et de solitude pour l'ancien président Mohamed Bazoum,* Le Monde (July 25 2024), https://www.lemonde.fr/afrique/article/2024/07/25/au-niger-un-an-de-reclusion-et-de-solitude-pour-l-ancien-president-mohamed-bazoum_6257701_3212.html.
[71] United Nations General Assembly, *Opinions No. 56/2024, concerning Mohamed Bazoum and Hadiza Bazoum (Niger)*, A/HRC/WGAD/2024/56, (Dec. 17, 2024), https://digitallibrary.un.org/record/4077268?v=pdf.
[72] *Id.*
[73] Mayeni Jones and George Wright, *Niger junta says ousted President Mohamed Bazoum tried to escape*, BBC (Oct. 20, 2023), https://www.bbc.com/news/world-africa-67166122.
[74] United Nations General Assembly, *supra* note 71.
[75] *Id.*
[76] *Id.*
[77] *Id.*
[78] Benjamin Roger, *supra* note 70.

a "military intervention" to maintain Mr. Bazoum in power amidst the military coup.[79] No trial date has been set as of yet.[80]

28. In July 2023, several ministers were arrested at the same time as Mr. Bazoum, including former Minister of the Interior Hama Adamou Souley, former Minister of Finance Ahmat Djidoud, and former Minister of Planning Rabiou Abdou. After several days in detention, they were sent to prison.[81] Former Minister of Energy Yacouba Ibrahim, who was traveling when the coup occurred, was arrested at Niamey airport on January 4, 2024.[82] The four of them are accused of criminal conspiracy, treason, and endangering national security.[83] On July 29, 2024, the "Chamber of Instruction Control," acting as an appeal instance, ordered that four of the detained former ministers be temporarily released.[84] At the time of writing, former Minister of the Interior Hama Adamou Souley remains detained.[85]

RECOMMENDATIONS

29. HRF calls on Niger to:

    a. Protect, respect, and promote, without reservation, the rights of all individuals to the freedoms of expression and association, and ensure that activists, journalists, and opposition groups can operate peacefully and safely within Niger, without fear of retribution in the form of censorship, harassment, arbitrary arrest, and detention, among other types of punishment;

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[79] *Id.*

[80] *Au Niger, l'ONU dénonce la détention "arbitraire" du président déchu, Mohamed Bazoum*, Le Monde (Feb. 11, 2025), https://www.lemonde.fr/afrique/article/2025/02/11/au-niger-l-onu-denonce-la-detention-arbitraire-du-president-dechu-mohamed-bazoum_6541549_3212.html.

[81] Franck Koffi, *Niger: quatre anciens ministres du Président déchu Mohamed Bazoum libérés lundi,* Afrik.com (July 30, 2024), https://www.afrik.com/niger-quatre-anciens-ministres-du-president-dechu-mohamed-bazoum-liberes-lundi

[82] Mathieu Olivier and Manon Lapalce, *Niger : l'ancien ministre Ibrahim Yacouba arrêté à Niamey*, Jeune Afrique (Jan. 5, 2024), https://www.jeuneafrique.com/1522203/politique/niger-lancien-ministre-ibrahim-yacouba-arrete-a-niamey/.

[83] *Niger: quatre ex-ministres toujours détenus malgré une décision de justice de les libérer*, RFI (Oct. 30, 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.

[84] *Id.*

[85] *Libérations au Niger: la société civile prolonge le débat*, RFI (April 13, 2025), https://www.rfi.fr/fr/afrique/20250413-niger-la-soci%C3%A9t%C3%A9-civile-r%C3%A9clame-de-nouvelles-lib%C3%A9rations-dont-celles-de-l-ancien-pr%C3%A9sident-bazoum.

b. Protect and respect the freedoms of assembly, association, and expression by refraining from using disproportionate force against peaceful protesters and journalists;

c. Protect the due process rights of every accused person to a fair, speedy, and public trial and ensure that, absent compelling evidence of criminal conduct, individuals who have been arbitrarily detained, in violation of their rights to freedom of expression and association, are released, and that those in detention receive humane treatment; and

d. Carry out independent investigations on all human rights violations, including the violence, abuse, and judicial harassment of protesters, opposition leaders, and journalists conducted under previous administrations.