



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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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”¹ 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.

¹ 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”²

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.

² 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;