

Carolyn B. Lamm
President

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Via Fax : + 227 20 73 34 30

September 17, 2009

H.E. M. Mamadou Tandja
Président de la République du Niger
Niamey, Niger

Re: Human Rights and the Rule of Law in Niger

Your Excellency:

The American Bar Association (ABA) is an independent, voluntary, non-governmental organization of nearly 400,000 lawyers and judges worldwide. It regards human rights and the rule of law as cornerstones of a free and just society and has committed to strengthening them in the United States and abroad. Accordingly, the ABA is deeply concerned with reports of your alleged recent treatment of judges, lawyers, political opponents, and civil society activists in Niger.

Recent reports indicate that you dissolved the National Assembly after it refused to amend Niger's constitution; dissolved the Constitutional Court when it reaffirmed that the constitution forbids such amendment, even by referendum; and, in response to condemnation of that action, reinstated the Court with appointees who supported your actions rather than restoring the original members to their rightful positions. Your government then forcibly shut down all protests, including those of the General Assembly of the Order of Lawyers, against these actions.

With regard to civil society activists, reports involving the cases of Marou Amadou and Wada Maman are of particular concern. Marou Amadou is president of the United Front for the Safeguard of Democratic Assets (FUSAD), which is a coalition of non-governmental organizations and labor unions, and is the civil society representative to the National Independent Electoral Commission in Niger. He was detained on Aug. 10, 2009, and accused of an offense against the security of the state. After he appeared in court on Aug. 11, the judge dismissed these charges and ordered his immediate release, but later that day he was returned to custody. Reports indicate that he has been released on bail, but that charges remain pending against him. Wada Maman, a teacher and activist in Niger, is a founding member of the national chapter of Transparency International in Niger and a leading figure in FUSAD. He was arrested on August 22 in Niamey and, although released on bail on August 26, he has been charged with participating in an unauthorized gathering.

These alleged actions violate the International Covenant on Civil and Political Rights (ICCPR) to which Niger acceded in 1986. Articles 21 and 22 of the ICCPR guarantee citizens' rights to freedom of association and assembly. Further, the Economic Community of West African States (ECOWAS) Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security, to which Niger also is a signatory, expressly affirms the signatories' intention to promote and consolidate democratic governance and uphold the African Charter on Human and Peoples' Rights. Key provisions of that charter affirm that no individual is above the law (Article 3); that citizens have the right to participate freely in government (Article 13); and that all states parties have the duty to guarantee the independence of the courts (Article 26).

The ABA urges that all States abide by international law and therefore respectfully urges you to honor these international commitments to human rights principles and the rule of law. Adherence to international law requires that Niger recognize the independence of both the judiciary and the legal profession in a constitutional democracy and thus adhere to Niger's constitution; that it reinstate the original Constitutional Court justices in their rightful positions; and that it release activists and political opponents held on the basis of their support of democracy and human rights.

Sincerely,

A handwritten signature in black ink that reads "Carolyn B. Lamm". The signature is fluid and cursive, with a long horizontal stroke at the end.

Carolyn B. Lamm

cc: M. Seini Oumarou, Prime Minister, Fax : + 227 20 73 58 59
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U.S. Ambassador to Niger