

DECISION No. 39/1993 (NIGER)

Communication addressed to the Government of the Republic of the Niger on 22 February 1993.

Concerning: Mohamed Moussa, Akoli Daouel, Moktar el Incha, Alhassane Dogo, Elias el Mahadi, Alhadji Kane, and Rabdouane Mohamed, on the one hand, and the Republic of the Niger, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.
2. The Working Group notes with concern that to date no information has been forwarded by the Government concerned in respect of the cases in question. With the expiry of more than ninety (90) days since the transmittal of the cases, the Working Group is left with no option but to proceed to render its decision in respect of the cases of alleged arbitrary detention brought to its knowledge.
3. (Same text as paragraph 3 of Decision No. 43/1992.)
4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Niger. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the cases in question, especially since the facts and allegations contained in the communication have not been challenged by the Government.
5. It is reported in the communication from the source that about 100 persons of Tuareg origin, including a number of children, were arrested in Niger from 27 to 31 August 1992 and are held in detention in an unknown place, without charge or trial, apparently because of their ties with the Tuareg rebel movement. The detainees are said to include the following persons: Mohamed Moussa, Minister of Transport, Commerce and Tourism (arrested in Niamey on 30 August 1992); Akoli Daouel, founder and leader of the Union for Democracy and Social Progress (UDPS); Moktar el Incha, Prefect, Governor, head of the local administration, Agadez; Alhassane Dogo, Provincial Deputy-Prefect, assistant head of the local administration, Arlit; Elias el Mahadi, captain in the armed forces; Alhadji Kane, Director of the Office of Tourism, Agadez, and a member of the UDPS; and Rabdouane Mohamed, a teacher. The arrests were reportedly made by members of the armed forces after a police inspector was killed on 26 August 1992 by a group of armed men suspected by the authorities of belonging to the Tuareg rebel movement. According to the source, the arrests were made without a warrant or any other judicial authorization. The army demanded the release of 30 hostages, including 14 members of Republican Guard and 8 gendarmes, held in captivity by the Air and Azaough Liberation Front (FLAA), a Tuareg rebel movement, since February 1992; according to the source, however, the persons arrested by the

armed forces from 27 to 31 August 1992 have no ties with the FLAA and are being held simply because they belong to the Tuareg ethnic group or are members of the UDPS opposition political group.

6. It is apparent from the facts as described above that Mohamed Moussa, Akoli Daouel, Moktar el Incha, Alhassane Dogo, Elias el Mahadi, Alhadji Kane and Rabdouane Mohamed have been detained solely because they belong to the Tuareg ethnic group or because they belong to the UDPS opposition political party.

7. In the light of the above, the Working Group decides:

The detention of Mohamed Moussa, Akoli Daouel, Moktar el Incha, Alhassane Dogo, Elias el Mahadi, Alhadji Kane and Rabdouane Mohamed is declared to be arbitrary, being in contravention of articles 7, 9, 19 and 20 of the Universal Declaration of Human Rights and articles 2, 9 and 19 of the International Covenant on Civil and Political Rights, and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

8. Consequent upon the decision of the Working Group declaring the detention of the above-mentioned persons to be arbitrary, the Working Group requests the Government of the Republic of the Niger to take the necessary steps to remedy the situation in order to bring it in conformity with the principles and provisions incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 29 September 1993