

**Security Council**

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Letter dated 2 June 2020 from the Permanent Representative of the Niger to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a letter dated 28 May 2020 from Mr. Kalla Ankourao, Minister for Foreign Affairs, Cooperation, African Integration and Nigeriens Abroad of the Republic of the Niger, addressed to the Secretary-General, in reaction to the allegations levelled against the Nigerien Armed Forces, as contained in a note dated April 2020 from the Human Rights and Protection Division of the United Nations Multidimensional Integrated Stabilization Mission in Mali.

I should be grateful if you would have the present letter and its annex circulated to members of the Security Council and issued as a document of the Council.

(Signed) Abdou **Abarry**
Ambassador
Permanent Representative



Annex to the letter dated 2 June 2020 from the Permanent Representative of the Niger to the United Nations addressed to the President of the Security Council

[Original: French]

In a note of April 2020, the Human Rights and Protection Division of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) accused the Nigerien Armed Forces (FAN) of the extrajudicial execution of 34 persons inside Malian territory, in the localities of Inékar, Anderamboukane and Ghiahaghmene, on 23 and 24 February, and 4 and 5 March, 2020. We wish to express our indignation at, and rejection of, these allegations, which are extremely serious for the Niger, as a country internationally recognized for its commitment to respecting human rights. During the period in question, the Nigerien Armed Forces had carried out no unaccompanied operations outside the country. Since the beginning of the year, all operations in what is known as the tri-border area have been conducted in the respective territories of the Niger, Burkina Faso and Mali jointly with the French forces of Operation Barkhane.

For those reasons, the Government of the Niger is surprised to see MINUSMA take such a step, which represents a departure from the commonly agreed principle of conducting an adversarial examination before the formalization of such a document, and requests that you call on the authors to conduct investigations in earnest, in order to correct the record on this matter.

It should not be forgotten that the Niger has always expressed its commitment to respecting, promoting and protecting the universal values of human rights in all circumstances. That commitment has been reflected in normative terms by its ratification of or accession to almost all the legal instruments for the protection and promotion of human rights.

When putting its name to these instruments, the Niger has usually refrained from attaching to them any objections, declarations, derogations, restrictions, limitations or reservations, in its desire to see them applied in full. It has also agreed to the submission of individual communications in connection with several of those instruments, as proof that it is acting in good faith and with transparency in the conduct of State affairs relating to compliance with its international commitments to promote and protect human rights.

In order to honour the international commitments arising from its ratification of those various treaties, the Niger maintains a permanent and constructive dialogue with all international and regional treaty bodies, and with the Human Rights Council responsible for the universal periodic review. As a result, it is currently up to date with the submission of all its initial and periodic reports, providing proof of its sincerity and transparency in the translation into action of the rights enshrined in those instruments. The political will of the Niger to respect, protect and promote all human rights is enshrined and embodied at the domestic level by the Constitution, which holds as sacrosanct the right to life and the strict prohibition of torture and other cruel, inhuman or degrading treatment. Moreover, various national laws and regulations reaffirm the significance and esteem attached to respect for human beings' bodily integrity and dignity.

Since 2015, the Niger has been facing a security challenge caused by its proximity to Mali, Libya, Burkina Faso and Nigeria, where there are serious flashpoints of tension. These exceptional circumstances, which bring a permanent risk of instability and serious threats to peace and the physical integrity of the population, have led the Government to declare a state of emergency in the affected areas. This

exceptional situation has only one objective, namely to give the defence and security forces the legal means to fight terrorism effectively.

In the face of the numerous attacks by terrorist groups that have plunged several countries into mourning, the President of the Niger has placed himself at the forefront of the fight against terrorism and organized crime. At the regional level, the pooling of forces in the context of both the Multinational Joint Task Force in the Lake Chad Basin and the G5 Sahel Joint Force has proven effective in this fight.

The defence and security forces involved in this war have been through several initial and refresher training courses which have included a reminder of their obligation to protect human dignity and to respect and defend human rights in all circumstances without distinction as to race, colour or national or ethnic origin.

The unchallengeable nature of the right to life and the prohibition of torture are enshrined in the international conventions which the Niger has signed and which are well known and respected by our defence and security forces in the field of operations. Those forces therefore never lose sight of the fact that, whatever the gravity of the offence committed by an individual or the nature of the exceptional situation decreed by the authorities (state of emergency, state of alert, state of war), nothing can justify extrajudicial executions.

A state of emergency does not mean a state of lawlessness; rather, it provides the defence and security forces and civilian authorities with the legal means to better ensure the security of persons and property. Training on respect for human rights and international humanitarian law is regularly supplied to the defence and security forces by the International Committee of the Red Cross, civil society organisations, the National Human Rights Commission and the Ministry of Justice. The most recent training, in March 2020, was for forces in the Diffa region. Going even further, the President of the Republic, His Excellency Mahamadou Issoufou, reiterated the commitment of the country to respect for universal human rights standards in his address to the defence and security forces in Diffa during his last visit on 9 November 2019. In that address, he urged them to lead the fight in a discriminating manner, to spare and protect the civilian population while respecting human rights and international humanitarian law. The Nigerien army is one of Africa's most professional and most respectful of its country's values and of human rights. As proof of that, the 1,500 and more Boko Haram fighters captured by the defence and security forces since the beginning of the attacks in February 2015 have been handed over to the justice system, where prosecutions have taken place with every guarantee of a fair trial. Hundreds of other terrorists of all allegiances have also been apprehended in the tri-border area and handed over to the judicial authorities of the Niger. That number includes the 80 captured most recently during a joint operation with the Malian Armed Forces in November 2019.

Our army has demonstrated this exemplary behaviour in all theatres of operation, both in the Niger and abroad. The Human Rights and Protection Division of MINUSMA has provided no proof of the allegations against the Niger, whose armed forces have not carried out any mission outside the national territory since the November 2019 mission conducted jointly with the Malian Armed Forces. At the time during which it is claimed the summary executions took place, there were indeed operations, but all of them occurred in the tri-border area and all were conducted jointly with the French forces of Operation Barkhane.

One has to wonder about the disturbing coincidence of these allegations with the moment when the Nigerien Armed Forces reversed the momentum on the ground and regained the upper hand over the armed terrorist groups sowing death and destruction in the northern regions of our country. This campaign, cleverly orchestrated by certain underground and unsuspected backers of terrorism, has no

other goal than to use the Human Rights and Protection Division of MINUSMA as a mouthpiece to break the momentum of the Nigerien Armed Forces, bring our country into disrepute and afford respite to terrorist groups.

In view of these unfounded and regrettable allegations, which are undermining the morale of our troops at a time when they are achieving success on the ground, we are prepared to accept an international fact-finding mission, having previously done so in 2017, in connection with false information about acts of torture and other cruel, inhuman or degrading treatment allegedly carried out by our defence and security forces in the Diffa region.

Please accept, Sir, the assurances of my highest consideration, and of my readiness to discuss this issue in further detail.

(Signed) Kalla **Ankourao**
