



## Press release

### Death sentence in Niger – a violation of the Constitution

Niamey, Paris, 22 March 2019 – *The abolitionist movement in Niger: ACAT Niger, the Niger Coalition against the death penalty (CONICOPEM) and the International Federation of ACAT (FIACAT), members of the World Coalition against the death penalty, condemn the recent death sentence pronounced by the Assize Court of Zinder.*

On 19 March 2019, the Assize Court of Zinder, holding its first sitting of the year, pronounced a death sentence on Mr. Gazally Badamassi for '*associating with criminals, conspiracy to commit theft at night, and murder.*'

Our organisations denounce the fact that this death sentence has been pronounced, because this constitutes a violation of the Constitution of Niger and also of international instruments or commitments made by Niger.

The organisations which are signatories to this communiqué wish to stress that the death penalty in Niger is against the Constitution and point out that in article 11 of the Constitution of Niger provides that '*The human person is sacred. The State has the absolute obligation to respect it and to protect it.*' and in article 12 states that '*Each one has the right to life*'. The death penalty, although provided for in national criminal legislation, is thus shown to be unconstitutional because it constitutes a violation of the right to life, the most fundamental of all human rights.

Niger has observed a *de facto* moratorium on the death penalty since 1976, when the last execution took place. In October 2014, the Government of Niger approved a draft law authorizing Niger to sign up to the Second Optional Protocol International Covenant on Civil and Political Rights to the United Nations, aiming at the abolition of the death penalty. Finally, in December 2018, Niger voted in favour of the United Nations General Assembly resolution calling for a universal moratorium on the death penalty.

Therefore, ACAT Niger, the Niger Coalition against the death penalty and FIACAT call on the competent authorities to ensure that the provisions of the Constitution are respected by the courts and that the international commitments made by the Government are respected.

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