

## Two Steps Forward, One Step Back?

THE YEAR SAW NO SEISMIC SHIFTS FOR THE BETTER FOR HUMAN RIGHTS PROSPECTS IN THE CONTINENT. BUT IN A RELATIVE SENSE THE BACKDROP IMPROVED, THANKS PRINCIPALLY TO THE SWITCH FROM MILITARY TO CIVILIAN RULE IN NIGERIA, AND THE SUCCESSFUL SECOND DEMOCRATIC ELECTIONS IN SOUTH AFRICA. NOT SURPRISINGLY, THE GLOOM ELSEWHERE IN THE CONTINENT OBSCURED THESE AND A FEW OTHER POSITIVE DEVELOPMENTS. BUT IN A DIFFICULT ENVIRONMENT, THE CHANGES, ESPECIALLY IN NIGERIA, WHICH HAD BEEN ON THE CRITICAL LIST FOR SO LONG, GAVE SOME COMFORT. WITH THEIR GOVERNMENTS COMMITTED TO HUMAN RIGHTS PROMOTION AND WORKING JOINTLY, NIGERIA AND SOUTH AFRICA—WHOSE ECONOMIC AND MILITARY POWER BY FAR OUTRANKED ANY OTHER COUNTRY IN AFRICA—COULD PROVIDE THE REGION WITH A MORE COHERENT VISION OF THE FUTURE AND A CREATIVE SURGE OF POLITICAL, ECONOMIC, AND CULTURAL ACTIVITY.

## Nigeria Back in the Thick of Things

FINGERS CROSSED, NIGERIA WENT TO THE POLLS BETWEEN DECEMBER 1998 AND FEBRUARY 1999. FEW LEADERS HAD TO PRESIDE OVER SUCH A CRITICAL JUNCTURE OF A NATION'S HISTORY AS PRESIDENT OLUSEGUN OBASANJO WHEN HE WAS INAUGURATED AS PRESIDENT ON MAY 29. AFTER BEING SWORN INTO OFFICE, PRESIDENT OBASANJO'S FIRST ACTIONS INCLUDED SACKING OVER 150 MILITARY OFFICERS, ORDERING A REVIEW OF ALL THE CONTRACTS THAT HIS PREDECESSOR SIGNED DURING THE YEAR, AND SETTING UP AN INQUIRY INTO HUMAN RIGHTS ABUSES. EVEN SOME OF THE FIERCEST CRITICS OF THE GOVERNMENTS WHO ARGUED THAT IT HAD YET TO MAKE LASTING CHANGES, ACKNOWLEDGED THAT THERE WAS GREATER INDIVIDUAL FREEDOM. AT THE INTERNATIONAL LEVEL, NIGERIA REGAINED CREDIBILITY IN INTERNATIONAL CIRCLES AND FOUND A NEW SELF-ASSURANCE AFTER YEARS OF ISOLATION AS A PARIAH STATE.

OBASANJO HAD MADE A MODEST START IN THE CIRCUMSTANCES BUT THE HARDEST PART WAS YET TO COME. IT WOULD TAKE A LONG TIME TO REBUILD THE MORAL FABRIC OF NIGERIA AND ITS ECONOMIC AND POLITICAL CAPACITIES. WITH A LEGACY OF A KLEPTOCRATIC CULTURE THAT HAD LEFT CLAIMS TO GOOD GOVERNANCE THREADBARE, OBASANJO WAS YET TO TAKE DRASTIC MEASURES TO ADDRESS THE TRIPLE CHALLENGES OF ECONOMIC RECOVERY, CONSTITUTIONAL REHABILITATION, AND POLITICAL STABILITY. A HOST OF ISSUES REMAINED UNRESOLVED: A RUINED NATIONAL ECONOMY, OVERBURDENED WITH FOREIGN DEBT; THE IMPOVERISHED AND ENVIRONMENTALLY DEGRADED OIL-PRODUCING NIGER DELTA SEETHING WITH ANGER; PAST HUMAN RIGHTS ABUSES; A SHATTERED CIVIL SERVICE; AN UNDERMINED AND DEMORALIZED JUDICIARY; COLLAPSED INFRASTRUCTURE; THE TANGLED MESS OF CORRUPTION PREVIOUS MILITARY REGIMES LEFT BEHIND; AND THE ROLE OF THE MILITARY.

## South Africa Still on Course

IT WAS ALSO ANOTHER GOOD YEAR FOR SOUTH AFRICA, AS ITS CONTINUED TRANSFORMATION FROM AN AUTHORITARIAN AND OPENLY RACIST STATE TO ONE CONCERNED WITH INDIVIDUAL RIGHTS REMAINED ON COURSE. THE TREND TOWARDS MATURATION OF A DEMOCRATIC CULTURE AND RESPECT FOR HUMAN RIGHTS WAS CONFIRMED BY THE SUCCESSFUL SECOND AND LARGELY PROBLEM-FREE ALL-RACE ELECTIONS HELD IN MAY, AND THE SMOOTH SUCCESSION OF NELSON MANDELA BY FORMER DEPUTY PRESIDENT THABO MBEKI AS PRESIDENT AND HEAD OF STATE. ALTHOUGH SOME STATEMENTS BY THE NEW GOVERNMENT CAUSED CONCERN, NOTABLY SUGGESTIONS THAT INDIVIDUAL RIGHTS MIGHT HAVE TO BE ABRIDGED IN THE INTERESTS OF FIGHTING CRIME, GENERALLY SOUTH AFRICA RETAINED ITS REFORMING DRIVE AND DETERMINED COMMITMENT TO CONSTITUTIONALISM. BUT EVEN FOR SOUTH AFRICA ANY JUDGMENT HAD TO REMAIN RELATIVELY TENTATIVE, AS THE GOVERNMENT FACED THE HUGE CHALLENGE OF ADDRESSING, IN A HOSTILE INTERNATIONAL ECONOMIC ENVIRONMENT, THE VAST INEQUALITIES IN ALL ASPECTS OF LIFE INHERITED FROM THE PREVIOUS REGIME.

UNFORTUNATELY, MANY COUNTRIES IN AFRICA DID NOT BENEFIT FROM ANY KNOCK-ON EFFECT FROM THESE TRANSITIONS. WAR BETWEEN ETHIOPIA AND ERITREA AND IN THE DEMOCRATIC REPUBLIC OF CONGO (DRC; FORMERLY ZAIRE) RAGED ON FOR MOST OF THE YEAR.

CIVIL CONFLICTS CONTINUED IN ANGOLA, BURUNDI, CONGO-BRAZZAVILLE, GUINEA-BISSAU, NAMIBIA, SENEGAL, SIERRA LEONE, SOMALIA, SUDAN, AND UGANDA—SOME ATTRACTING INTERVENTION FROM NEIGHBORING COUNTRIES. AN ARMED INVASION OVER THE GUINEAN BORDER THREATENED TO DISRUPT THE SHAKY PEACE IN LIBERIA, JUST EMERGED TWO YEARS EARLIER FROM WAR. IN COUNTRIES NOT ROCKED BY CIVIL WAR, THE OUTLOOK REMAINED CLOUDED BY INTOLERANCE AND POLITICAL UNCERTAINTY. EVEN IN NIGER, WHICH COULD BE EXPECTED TO BENEFIT DIRECTLY FROM THE TRANSITION IN ITS SOUTHERN NEIGHBOR, THE TREND TO DEMOCRATIZATION SEEN IN MUCH OF THE CONTINENT CONTINUED TO BE DEFIED. IN APRIL, A MILITARY COUP LED BY COMMANDER OF THE PRESIDENTIAL GUARD, MAJOR DAOUA MALLAM WANKÛ, OVERTURNED THE GOVERNMENT OF IBRAHIM MAINASSARA, WHO HAD HIMSELF TAKEN POWER BY COUP IN 1996. MAINASSARA WAS ASSASSINATED DURING THE COUP, HIS DEATH DESCRIBED AS "AN ACCIDENT" BY THE NEW HEAD OF STATE. PRESIDENTIAL ELECTIONS TO RETURN THE

COUNTRY TO CIVILIAN RULE WERE HELD ON OCTOBER 17, AND A RUN-OFF ELECTION, SLATED FOR NOVEMBER 24, HAD NOT TAKEN PLACE AT THIS WRITING.

IN SOUTHERN AFRICA, HOWEVER, PROSPECTS FOR LONG-TERM PEACE AND PROSPERITY APPEARED PROMISING. THOUGH DEMOCRACY AND PEACE DID NOT NECESSARILY CORRELATE EXACTLY, DEMOCRATIC RULE IN SOUTH AFRICA SEEMED TO HAVE CREATED A MORE CONDUCTIVE AMBIENCE FOR PROGRESS ELSEWHERE. FOR SURE, A FEW COUNTRIES, INCLUDING SWAZILAND AND MOST OF ALL ANGOLA, WERE YET TO TACKLE BASIC REFORMS. BUT THE PROGRESS OF DEMOCRATIC TRANSITION DURING 1999 AND PREVIOUS YEARS IN MOZAMBIQUE, PREVIOUSLY ONE OF AFRICA'S ISOLATED AND BACKWARD COUNTRIES, OFFERED HOPES FOR THE FUTURE OF DEMOCRATIC TRANSITIONS ELSEWHERE IN THE CONTINENT. WITH A REVIVING ECONOMY AND RELATIVE POLITICAL STABILITY, THE ONLY CLOUDS ON THE HORIZON WERE AN INCOHERENT POLITICAL OPPOSITION, UNANSWERED QUESTIONS ABOUT WAR-TIME HUMAN RIGHTS ABUSES, AND THE FACT THAT THE BENEFITS OF RAPID ECONOMIC REVIVAL REMAINED ALMOST EXCLUSIVELY IN CITIES THOUGH THE OVERWHELMING MAJORITY OF MOZAMBIicans CONTINUED TO LIVE IN THE COUNTRYSIDE. BOTSWANA'S HUMAN RIGHTS AND GOOD GOVERNANCE RECORD MADE IT A BASTION OF STABILITY IN SOUTHERN AFRICA. MALAWI—DESPITE AN ECONOMIC SLOWDOWN AND POLITICAL BICKERING—CONTINUED TO MAKE REASONABLE PROGRESS ON THE ROAD FROM TOTALITARIANISM TO COMPETITIVE DEMOCRACY AND INTEGRATION WITH THE REST OF THE SUBREGION.

BUT ZIMBABWE CONTINUED TO BE ROCKED BY MAJOR CRISES—ECONOMIC DECLINE, THE BATTLE OVER LAND OWNERSHIP, AND INVOLVEMENT IN THE CONGO WAR. UNDER PRESSURE FROM A GROUPING OF CIVIL SOCIETY ORGANIZATIONS EMBRACING LAWYERS, CHURCH PEOPLE, AND HUMAN RIGHTS ACTIVISTS CALLING THEMSELVES THE NATIONAL CONSTITUTIONAL ASSEMBLY (NCA), PRESIDENT ROBERT MUGABE AGREED THAT THE COUNTRY'S CONSTITUTION SHOULD BE REWRITTEN. MUGABE PROCEEDED TO APPOINT A CONSTITUTIONAL REVIEW COMMISSION TO DRAFT A NEW DOCUMENT BY NOVEMBER, IN TIME FOR ELECTIONS SCHEDULED FOR MARCH 2000. BUT THE NCA DECLINED TO BE PART OF THE OFFICIAL COMMISSION, WHICH WAS DOMINATED BY THE RULING PARTY AND SUBJECT TO ULTIMATE CONTROL BY MUGABE, AND INSTEAD DECIDED TO WRITE AN ALTERNATIVE CONSTITUTION BASED ON POPULAR CONSULTATION. THE GOVERNMENT HARASSED AND INTIMIDATED THOSE WORKING OUTSIDE ITS CONTROL FOR CONSTITUTIONAL REFORM. LAWS RESTRICTING FREEDOM OF EXPRESSION AND ASSEMBLY REMAINED IN PLACE. NAMIBIA WAS ALSO ROCKED WHEN SO-CALLED SEPARATISTS ATTACKED IN ITS CAPRIVI STRIP ON AUGUST 2. GOVERNMENT TROOPS DEPLOYED TO FIGHT THE REBELLION REPORTEDLY COMMITTED WIDESPREAD ABUSES, WHICH AT THIS WRITING WERE YET TO BE INDEPENDENTLY INVESTIGATED. THE STATE OF EMERGENCY THAT WAS IMPOSED IN THE WAKE OF THE VIOLENCE WAS, HOWEVER, LIFTED SOON AFTER THE FIGHTING DIED DOWN.

THERE WERE ALSO SOME COUNTRIES OUTSIDE THE SOUTHERN AFRICAN REGION THAT WERE MAKING GENUINE STRIDES TOWARDS ACCOUNTABLE GOVERNMENT, SUCH AS BENIN, GHANA, MALI, AND TANZANIA. WITHIN THE PAST FEW YEARS, THESE COUNTRIES HAD BEGUN TO INSTITUTE DEMOCRACY AND HUMAN RIGHTS REFORMS TOWARDS ENHANCING CIVIC PARTICIPATION AND ACCOUNTABLE GOVERNANCE, AS INDISPENSABLE COMPONENTS FOR SUSTAINED GROWTH.

## Moving Forward, Dragging the Past

CONFRONTED WITH THE TWIN CHALLENGES OF POLITICAL AND ECONOMIC RENEWAL, MUCH OF AFRICA MADE LITTLE HEADWAY IN ADJUSTING TO THE IMPERATIVES OF DEMOCRATIC RULE AND RESPECT FOR HUMAN RIGHTS. A KEY PROBLEM SEEMED TO BE THAT AFRICA WAS TRYING TO FORGE AHEAD WITHOUT ATTEMPTING FUNDAMENTAL REFORMS TO OVERCOME THE HABITS OF THE PAST. YET EXPERIENCE CONTINUED TO DEMONSTRATE THAT OPEN DEMOCRACIES COULD NOT SIMPLY BE SLAPPED ON TOP OF RICKETY AUTHORITARIAN SYSTEMS.

POLITICAL LEADERS IN MANY COUNTRIES CONTINUED TO DEMAND PERSONAL LOYALTY AND BLOCKED MEANINGFUL INSTITUTIONAL DEVELOPMENT NEEDED FOR A DEMOCRATIC CULTURE, INCLUDING MECHANISMS FOR A PEACEFUL TRANSFER OF POWER. INSTEAD OF BUILDING STABILITY THROUGH ECONOMIC GROWTH AND THE CONSTRUCTION OF DEMOCRATIC INSTITUTIONS, SOME LEADERS COUNTED ON REPRESSION THAT SMOTHERED DISSENT, MANIPULATED ETHNIC IDENTITIES, TIGHTENED CONTROL ON THE PRESS, EMPLOYED DUBIOUS METHODS TO CRUSH THE FORMATION OF INDEPENDENT OPPOSITION PARTIES, AND SCRIPTED ELECTIONS.

EVEN THE "NEW" LEADERS, HAILED BY SOME IN THE INTERNATIONAL COMMUNITY FOR BRINGING BETTER LEADERSHIP TO PLACES LIKE UGANDA, RWANDA, AND ETHIOPIA, ENTRENCHED THEIR POSITIONS THROUGH TACTICS THAT DIFFERED LITTLE FROM THEIR MORE AUTHORITARIAN NEIGHBORS. UGANDA BARRED OPPOSITION POLITICAL ACTIVITY OUTSIDE RARE AND CAREFULLY CONTROLLED PLACES AND TIMES. PRESIDENT YOWERI MUSEVENI'S NATIONAL RESISTANCE MOVEMENT (NRM), IN POWER SINCE 1986, CONTINUED TO GOVERN THROUGH WHAT IT CALLED THE "MOVEMENT" OR "NO-PARTY" SYSTEM OF GOVERNMENT, JUSTIFYING ITS RESTRICTIONS ON POLITICAL PARTICIPATION AS ESSENTIAL TO PREVENT A RETURN TO UGANDA'S VIOLENT PAST.

THE NRM'S DIRECT ACCESS TO STATE RESOURCES AND THE EXCLUSION OF THE "MOVEMENT" STRUCTURES FROM THE STRINGENT REGULATIONS PLACED ON POLITICAL PARTIES EFFECTIVELY PREVENTED INDEPENDENT POLITICAL PARTIES FROM ORGANIZING FOR CHANGE

through electoral action. In October, President Museveni promised to visiting British minister Peter Hain that he intended introducing multi-party democracy by the year 2007—five years after the next election, although he later denied that statement.

Others in the subregion appeared likely to follow Uganda's highly restrictive approach under the guise of gradual democratization. In early 1999, the Rwandan government, in power since 1994, organized its first elections. Generally hailed as successful, the elections departed from the usual Rwandan practice of voting by secret ballot. Nearly 90 percent of Rwandans physically lined up behind candidates who would represent them at the two most local levels of government. In some places, soldiers and civilian authorities used force or threats to try to compel those who were hesitant to vote or to stand for office. Although ready to concede citizens a voice in local government, authorities failed to consult them about decisions of national policy that were central to their lives, such as the imposition of compulsory "villagization." In mid-1999, national political leaders decreed that the current government would not step down at the end of its five-year mandate, as specified in the Arusha Accords of 1994, but would continue to rule for at least another four years.

The government of the DRC continued attempts to intimidate the political opposition, the free press, and the country's dynamic civil society and human rights movements, though it made cosmetic concessions to an ever retreating democratization agenda. It nominally lifted a ban on political party activities that it had strictly enforced since May 1997 by promulgating a law "liberalizing" political parties at the end of January, in advance of elections slated at the time for April 1999. Opposition parties were quick to reject the law on grounds of its failure to recognize preexisting parties, and the restrictive conditions it set to establish new ones. Seeming to be taking a leaf from Museveni's "movement system," President Kabila introduced Popular People's Committees (CPPs). Elected by local residents at the street, ward, district, and regional levels, the CPPs were mandated to implement government and local decisions throughout the country. Opposition leaders saw in the CPPs a vanguard "grassroots" movement that Kabila would use to legitimize his rule at the approach of elections. But the war provided an excuse for the government to delay the elections until the convening of the "national dialogue" on Congo's political future agreed upon in the peace accord.

There were also resemblances to Uganda's "movement system" in Ethiopia. On August 1, national legislative elections were proclaimed for May 2000. Voters would elect members of the two houses of Ethiopia's parliament from supposedly competitive lists presented by some sixty-five registered political parties. In fact, the ruling Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) asserted strict control over the devolution of power to nine ethnically-defined federal states, through regional ethnic parties associated with it. Registered or unregistered political groupings which sought to retain their autonomy, or to contest ethnic federalism as championed by the EPRDF and enshrined in the 1995 constitution, continued to face uncompromising restraints.

Other seasoned autocrats made token gestures towards opening up the political system, all the while continuing to exclude participation. In Sudan, the government authorized political associations to register to obtain legal status, after a ten year ban decreed when it took power through a military coup in 1999. It timed state assembly elections so soon after, however, that the newly registered political parties balked at presenting candidates, resulting in what remained effectively a one-party state. Most party leaders stayed in exile, objecting to the registration act's requirement of loyalty to the model of an Islamic state. For its part, the Kenyan government continued to stall on promises of reform that would have brought greater democratization and used divide and rule tactics to emasculate the constitutional reform lobby.

Dreams of democracy continued to be dashed by manipulated, flawed, and opposition-boycotted elections. Reports abounded that competitors to incumbents were harassed, disadvantaged by government obstruction or partisanship, or disqualified on technicalities. Togo's March 21 parliamentary elections were run without the participation of the opposition, allowing the Togolese People's Party (RPT) to win seventy-seven of eighty-one seats. The opposition boycotted elections on the grounds that the new elections should not take place until a resolution on the previous year's presidential election had been reached. However, on June 29, all the opposition parties except Gilchrist Olympio's Union of Forces for Change (UFC) decided to drop their challenge to the presidential election in exchange for a rerun of the parliamentary elections and a vow from President Gnassingbe Eyadema, the longest serving president in Africa, that he would not be a candidate in the 2003 presidential election. At this writing, this agreement had already fallen apart as the two sides could not resolve which body would oversee the parliamentary elections.

THE REFUGEE situation in GUINEA, CAUSED BY STRIFE IN NEIGHBORING LIBERIA AND SIERRA LEONE, TENDED TO MASK POLITICAL DEVELOPMENTS WITHIN GUINEA'S BORDERS. AT THE TIME OF WRITING THE POLITICAL CRISIS THAT BEGAN WITH PRESIDENTIAL ELECTIONS HELD ON DECEMBER 14, 1998, HAD NOT BEEN RESOLVED. WHILE VOTER TURNOUT FOR THE ELECTION WAS HIGH, IT WAS CHARACTERIZED BY A SERIOUS CRACKDOWN ON THE OPPOSITION LEADING TO THE DETENTION OF HUNDREDS OF ACTIVISTS AND AT LEAST SIX DEATHS. THE GOVERNMENT ALSO IMPOSED A BAN ON STREET DEMONSTRATIONS, CLOSED ITS BORDERS, AND ON THE DAY OF THE ELECTION CLOSED THE AIRPORT AND SEAPORTS AND IMPOSED A TRAVEL BAN. WHEN THE RESULTS WERE ANNOUNCED, WITH PRESIDENT LANSANA CONTE LEADING WITH 56 PERCENT OF THE VOTE, THE EIGHTEEN OPPOSITION MEMBERS OF THE ELECTORAL COMMITTEE RESIGNED CITING FRAUD. ALPHA CONDE, AN OPPOSITION CANDIDATE, WAS ARRESTED THE DAY FOLLOWING THE ELECTION FOR ALLEGEDLY ATTEMPTING TO LEAVE THE COUNTRY ILLEGALLY. ON DECEMBER 30, HE WAS ALSO CHARGED WITH TREASON. ON FEBRUARY 23, HIS LAWYER WAS SENT BACK TO FRANCE UPON ENTERING THE COUNTRY. AT THE TIME OF WRITING CONDE REMAINED IN PRISON. THE GOVERNMENT HAD PROMISED A TRIAL IN SEPTEMBER, BUT IT HAD NOT TAKEN PLACE.

IN GUINEA-BISSAU, A GOVERNMENT OF NATIONAL UNITY WAS SWORN IN FEBRUARY, IN ACCORDANCE WITH A PEACE AGREEMENT SIGNED IN NOVEMBER 1998 TO END A CIVIL WAR THAT ERUPTED IN JUNE 1998 BETWEEN SUPPORTERS OF PRESIDENT JOAO BERNARDO VIEIRA AND A MILITARY JUNTA LED BY SACKED ARMY CHIEF OF STAFF BRIGADIER-GENERAL ANSUMANE MANE. BUT ELECTIONS SCHEDULED FOR MARCH FAILED TO TAKE PLACE, DESPITE DEPLOYMENT OF A 600-STRONG PEACEKEEPING FORCE FROM THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES MILITARY OBSERVER GROUP (ECOMOG), AND GENERAL MANE STAGED A NEW COUP IN MAY TO OUST VIEIRA AND HIS SUPPORTERS FROM THE INTERIM GOVERNMENT. SPEAKER OF THE NATIONAL ASSEMBLY MALAM SANHA WAS SWORN IN AS ACTING PRESIDENT, AND FRESH ELECTIONS WERE SCHEDULED FOR NOVEMBER.

ON MARCH 7, EQUATORIAL GUINEA HELD ITS SECOND "FREE" LEGISLATIVE POLLS SINCE POLITICAL PLURALISM WAS ALLOWED IN 1992. LONGTIME INCUMBENT PRESIDENT THEODORO OBIANG'S DEMOCRATIC PARTY OF EQUATORIAL GUINEA WON SEVENTY-FIVE SEATS IN THE EIGHTY-SEAT SINGLE CHAMBER LEGISLATURE. HOWEVER, THE FACT THAT MANY OPPOSITION LEADERS WERE IN JAIL DURING THE ELECTION CAST DOUBTS ON THE LEGITIMACY OF THE ELECTION. ADDITIONALLY, VOTERS WERE FORCED TO VOTE IN PUBLIC WITHOUT THE PRIVACY OF A VOTING BOOTH.

IN NEIGHBORING GABON, THE OPPOSITION REFUSED TO RECOGNIZE THE RESULTS OF THE PRESIDENTIAL ELECTION OF DECEMBER 6, 1998, WHICH WERE WON BY INCUMBENT PRESIDENT OMAR BONGO WITH 67 PERCENT OF THE VOTE. PRESIDENTIAL ELECTIONS IN THE CENTRAL AFRICAN REPUBLIC WERE DELAYED TWICE BEFORE TAKING PLACE ON SEPTEMBER 19. PRESIDENT ANGE-FELIX PATASSE WON JUST OVER HALF THE VOTES CAST. THE U.N. REPORTED THAT VOTING WENT SMOOTHLY, BUT OPPOSITION CANDIDATES REJECTED THE POLL RESULTS EVEN BEFORE THEY HAD BEEN ANNOUNCED AND DEMANDED ANNULMENT OF THE BALLOT, ACCUSING PATASSE OF HAVING RIGGED THE VOTE.

EVEN RELATIVELY POLITICALLY OPEN CÔTE D'IVOIRE AND SENEGAL HAD THEIR FAIR SHARE OF ELECTION-RELATED CONTROVERSY. IN SENEGAL, THE RULING SENEGALESE SOCIALIST PARTY WON FORTY FOUR OF THE FORTY SEATS CONTESTED IN JANUARY 24 SENATORIAL ELECTIONS. BUT THE POLLS WERE BOYCOTTED BY ALL THE MAJOR OPPOSITION PARTIES EXCEPT THE MARXIST GROUPING FORMED BY THE PARTY FOR INDEPENDENCE AND LABOR AND THE AFRICAN PARTY FOR DEMOCRACY AND SOCIALISM (AJ/PADS), AND THE LIBERAL PARTY OF SENEGAL. IN CÔTE D'IVOIRE, CONTROVERSY SURROUNDING THE NATIONALITY OF THE LEADER OF THE REPUBLICAN PARTY (RDR), ALASSANE OUATTARA, TRIGGERED TENSION IN ABIDJAN IN SEPTEMBER. PRIME MINISTER OF CÔTE D'IVOIRE FROM 1990 TO 1993 AND A FORMER IMF DEPUTY DIRECTOR, OUATTARA WAS SLATED TO BE THE MAIN OPPOSITION CANDIDATE TO PRESIDENT HENRI KONAN Bédié IN THE YEAR 2000 ELECTION. BUT THE GOVERNMENT CLAIMED THAT HE HAD FORGED EVIDENCE OF IVORIAN NATIONALITY AND WAS ACTUALLY FROM BURKINA FASO. ON AUGUST 26, THE GOVERNMENT BEGAN INVESTIGATING HIS NATIONALITY AND HE WAS TO BE QUESTIONED ON SEPT 16. ON SEPT 14, POLICE CLASHED AND ARRESTED HUNDREDS OF RDR SUPPORTERS AT OUATTARA'S RESIDENCE.

BUT BENIN'S PARLIAMENTARY ELECTIONS ON MARCH 30, WITH THIRTY-FIVE PARTY OR COALITIONISTS VYING FOR EIGHTY-THREE PARLIAMENTARY SEATS, WERE COMPARATIVELY FREE OF CONTROVERSY. THE ELECTION HAD A HIGH VOTER TURN-OUT AND WAS GENERALLY REGARDED AS FREE AND FAIR. THE OPPOSITION LED BY FORMER PRESIDENT NICEPHORE SOGLO WON A ONE-SEAT MAJORITY, WITH FORTY-TWO OF THE EIGHTY-THREE SEATS. THE VOTE WAS SPLIT GEOGRAPHICALLY, THE OPPOSITION CONTROLLING THE SOUTH AND SUPPORTERS OF PRESIDENT MATHIEU KEREKOU THE NORTH. CAPE VERDE ALSO DUCKED THE TREND OF RESTRICTIVE POLITICAL CONTROL. THE RULING DEMOCRATIC MOVEMENT PARTY (MPD) PLANNED TO AMEND THE CONSTITUTION LATE IN 1999. THE AMENDMENTS WOULD, AMONG OTHER THINGS, FOCUS ON STRENGTHENING BASIC HUMAN RIGHTS PROVISIONS, AND IMPROVING THE PARLIAMENTARY SYSTEM.

## Attacks on the Independent Media

Fearing that further political openings, especially free political expression, would imperil incumbents, ruling regimes continued to crack down on dissenting voices. In many countries, independent journalists were routinely detained, beaten, or forced into exile. In conflict zones journalists were even more at risk. In Sierra Leone, seven Sierra Leonean and one United States reporter were killed by rebel forces during the January offensive. Several more were abducted and wounded. One reporter was executed by ECOMOG forces after being accused of being a rebel collaborator. At least eight journalists were arrested and detained for stories they had written, most following what government and ECOMOG claimed to be false and unsubstantiated reports involving security matters.

In Burkina Faso, Norbert Zongo, chief editor of the private weekly *L'Indépendant*, was found dead in his car with three others in December 1998 under highly suspicious circumstances. Official investigations implicated several members of President Blaise Compaoré's security entourage in the death. While controversy raged, the government continued to crack down on protests, marches, and demonstrations throughout the year.

Though the nongovernmental press in Sudan exercised more freedom despite frequent suspensions by the government press council, the president ordered the closure of an independent daily, *Al Rai Al Akhar*, on the eve of a mission by the U.N. special rapporteur on freedom of opinion and expression. He explained that he acted at the behest of Islamists and army officers who objected to the frequently-suspended paper's sarcastic treatment of martyrdom, among other things. Neighboring Ethiopia persisted in its practice of flouting media freedom by intimidating outspoken journalists with frequent jailing without charge. Radio stations in Ethiopia were government-owned. Addis Ababa journalist Tegegne was still detained despite paying bail. Yared Kemfe, twenty-four, the editor-in-chief of the newspaper *Beza*, was arrested on March 5, 1999, in Harer, after writing an article describing the region as "an apartheid regime." The latest reports indicated that there were eight journalists still in jail in Ethiopia and several had been forced into exile.

Zambia also persisted in its intimidation and persecution of the independent media. *The Post*, a leading independent daily, was besieged by police on March 10, causing it to cease publication for the first time in seven years of its existence. The police action followed publication of a story headlined "Angola Worries Zambia Army," which criticized Zambia's military capability and preparedness in the face of a possible military attack from Angola. All the reporters, including editor-in-chief Fred M'membe, were later charged with "espionage." Although their case was committed to the High Court on April 16, no date was set for trial.

Repression of the press was also the order of the day in Zimbabwe. Mark Chavunduka, editor of the independent *Standard* newspaper, and reporter Ray Choto were arrested after publishing a report on an alleged military coup attempt in which twenty-three members of the Zimbabwe National Army had been detained for plotting to overthrow the government of President Mugabe. Despite several High Court orders calling for the immediate release of Chavunduka, the authorities failed to comply. The military stated, "The judge cannot direct us...anyone who meddles with military matters is subject to military matters." While in custody, Choto and Chavunduka were reportedly severely assaulted by military police trying to find out the sources of the coup story. They were later released on bail with visible signs of torture on their bodies, including cigarette burns, electric shocks, and submersion in drums of water.

Journalists also faced serious threats in Cameroon and continued to be subjected to expulsions, arrests, and criminal prosecutions in Angola, Burundi, Côte d'Ivoire, Guinea, Kenya, Lesotho, Liberia, Malawi, Mozambique, Niger, Rwanda, Swaziland, Tanzania, Togo, and Uganda.

## Unending Wars, Infinite Mayhem

War plunged several countries into chaos and violence, precipitating massive waves of migration, both external and internal. Fueling conflict were small arms and light weapons procured through both covert and overt trade, often financed by proceeds from sale of access to Africa's treasure chest—illicit diamonds and other easily fungible natural resources. In Angola, Sierra Leone, and the DRC conflict was driven by competition for control of diamonds or oil. In the Niger Delta, discontent at the lack of development in the region despite its oil wealth fueled increasing unrest that had the potential, absent decisive action by the Nigerian government and oil companies to address the fundamental complaints, to lead to yet another armed insurrection on the African continent. In many conflicts, mercenaries operated, contributing greatly to state "impunity and irresponsibility," as noted by Enrique Bernales Ballesteros, the U.N. Commission on Human

Rights' special rapporteur on mercenaries in a March report. War allowed a slew of diseases to flourish, including bubonic plague, hemorrhagic fever, polio, and cholera. AIDS emerged as the leading cause of death in Africa.

In West Africa the internal conflicts within Sierra Leone, Liberia, and Guinea continued to spill over the borders, further destabilizing the region. In Sierra Leone, the January offensive by rebels against the capital, Freetown, marked the most intensive and concentrated period of human rights violations in Sierra Leone's eight-year civil war. Liberia and Burkina Faso were once again accused by the U.N. and others of fueling the war, by supplying weapons to the rebels and allowing them to use bases outside Sierra Leone for attacks. The Revolutionary United Front (RUF) rebels deliberately targeted civilians, against whom they committed unspeakably brutal abuses. Nigerian and other soldiers with the ECOMOG West African peacekeeping force and government-backed civilian militias also committed serious abuses, although on a lesser scale. International pressure and stalemate in the war led to a May cease-fire and a July 7 peace agreement signed in Lomé, Togo. On October 22, the U.N. Security Council approved the U.N. Mission in Sierra Leone (UNAMSIL). The operation, given an initial six month mandate, authorized the deployment of a 6,000-member U.N. peacekeeping force. UNAMSIL's mandate, under the U.N. Charter's Chapter VII, included assisting the disarmament and demobilization process, ensuring the security of U.N. civilian personnel, assisting the delivery of humanitarian aid, and providing support for the new elections.

In Liberia, growing violence and insecurity threatened to reverse the tenuous peace established since 1997 after the end of the brutal seven-year civil war. Only two years after the U.N.-sanctioned election that brought Charles Taylor to power, the situation remained fragile and increasingly volatile. In August, the fighting intensified when rebels seized the towns of Kolahun and Voinjama in Lofa County, northern Liberia, killing hundreds and forcing thousands of Liberians and Sierra Leonean refugees to flee the area. U.N. warehouses and vehicles were looted and aid workers were evacuated. Nine hostages, including six foreign aid workers, were kidnapped during a border attack in Kolahun and held for several days before being released.

The sixteen-year civil war in Sudan that had killed an estimated 1.9 million people continued in the south, the east, and the Nuba Mountains in central Sudan, between government and the National Democratic Alliance (NDA), a 1995 coalition of armed opposition movements including the Sudan People's Liberation Movement/Army (SPLM/A), the southern-based rebel group that has fought the government since 1983. In 1999, the government of Sudan became for the first time an oil exporter. The oil came from the south, and its development was made possible by a peace agreement with the southern faction in the area with the richest oil reserves—and by a government policy of displacing civilians from the oil fields. One government minister, swiftly contradicted by a colleague, admitted that the new oil production would be used to finance the war. The government persistently bombed civilian property and relief sites, killing and injuring civilians and destroying scarce infrastructure. Government-backed armed militias continued to mount raids in which civilians were taken as slaves—and evidence began to surface that efforts by Western Christian organizations to redeem slaves at U.S.\$50 a head were funding a profitable business. The SPLA committed its own share of abuses: summary executions, including the March execution of three captured government employees and a Red Crescent tracing officer; diversion of relief and other food; and the enlistment of child soldiers. The only major glimmer of hope was the grassroots people-to-people reconciliation process that sought to end the debilitating south-south conflicts.

Estimated to involve 200,000 troops and to have cost U.S.\$300 million, the Ethiopian-Eritrean war that started on May 6, 1998, persisted despite OAU, U.N., E.U., and U.S. efforts to rally the two sides around a framework agreement calling for a truce and Eritrean withdrawal from land occupied since the start of the conflict. The fighting was reported to have claimed as many as 50,000 dead and displaced hundreds of thousands of people.

Africa's third largest nation, the Democratic Republic of Congo, had been at renewed war since August 2, 1998, when Rwanda and Uganda invaded the country in alliance with disgruntled Congolese rebels. Zimbabwe, Angola, and Chad sent troops to defend President Laurent Kabila's government. Chad had since withdrawn and Angola had significantly reduced its commitment. Throughout the year, the DRC conflict continued to present the biggest security crisis in the continent, contributing to the worsening of the humanitarian situation in much of central and southern Africa. But, after protracted negotiations, the principal belligerents signed a shaky peace pact in Lusaka, Zambia, on July 14. There were few illusions that progress towards implementation of the Lusaka pact would be anything other than slow and painful. Even if the war

did not resume, it would take decades for the area to gain a place among the more peaceful and prosperous parts of the continent.

The DRC crisis was compounded by two developments. First, an extraordinary deterioration in the state of Rwanda-Uganda relations suddenly precipitated a shooting battle between the two erstwhile allies. The original geopolitical aims and specifically the much-vaunted strategic partnership between Rwanda and Uganda seemed to have been replaced by a contest for regional supremacy. Secondly, it appeared that the DRC conflict was not just sucking in regional powers but sucking militia fighters out, as the conflict increasingly commingled with the internal conflict in Burundi.

Angola's two-decade civil war continued to drag on throughout the year without resolution in sight. The return to all-out war in December 1998 also represented the end of the uneasy peace process that began with the Lusaka Protocol in Zambia in November 1994. It was a peace process overseen by two U.N. peacekeeping missions, at a total cost to the international community of U.S.\$1.5 billion. The renewed war looked set to be more vicious with both sides dug in for ferocious battles. The human cost since fighting resumed was impossible to determine with precision, but the United Nations estimated that nearly one million people were internally displaced because of the renewed conflict, 10 percent of Angola's population.

The Casamance crisis in Senegal continued throughout 1999. At the start of the year, the Movement of Democratic Forces of Casamance (MFDC), a secessionist movement fighting for the independence of the southern Senegalese region of Ziguinchor, demanded the unconditional release of all conflict-related prisoners prior to discussion. On January 22, Senegalese President Abdou Diouf visited Casamance, where he met with Father Diamacoune Senghor, the secretary-general of the MFDC. Three weeks later, President Diouf's government released 123 prisoners. At the end of April and May violence erupted in the Casamance with several government soldiers and rebels killed in each incident. The leaders of the MFDC met in Banjul, Gambia from June 22-24 and issued a communique demanding the "immediate withdrawal" of all Senegalese forces from Casamance, except those posted there before the conflict erupted in 1982. Rebels abducted about ten people, including civilians and soldiers, on August 13.

There were other less publicized violent conflicts which were no less devastating in Congo-Brazzaville, Burundi, Uganda, and Somalia. In the Republic of Congo, the fighting between rebel and government troops continued throughout 1999 in and around Brazzaville. The fighting claimed thousands of lives, but no exact numbers were known. The fighting had also created a humanitarian disaster in the Pool, Niari, Bouenza, and Lekoumou areas, with a combined population of roughly one million, as tens (possibly hundreds) of thousands of civilians fled into the forest to escape the fighting but were reported to be starving to death.

With negotiations among parties to the civil war in Burundi largely stalled, both Burundian security forces and rebels murdered, raped or otherwise injured or drove civilians from their homes. In mid-August, government soldiers killed 147 civilians in one place and seventy-four soon after in another location, both in Bujumbura-Rural Province. At the end of August, rebels killed thirty-eight civilians and the army retaliated by slaying twenty others. The Burundian army was reported to have stepped up counterinsurgency operations to counter rebel attacks, including forcing at least 200,000 villagers in Bujumbura-Rural into makeshift camps without food or water. In one week alone at the end of September, aid officials and displaced villagers said that at least one hundred villagers had died of disease in the squalid camps. The war within Burundi also became more closely linked to conflict in the Congo (DRC), as rebel forces linked up with others fighting in the neighboring country.

The Chadian government simultaneously sought a military solution to the armed rebellion in the north of the country led by former defense minister Youssouf Togoimi's Movement for Democracy and Justice in Chad, while denying that it existed. There were several clashes between government forces and rebels throughout the year.

Somalia continued to be divided among rival clans, and lacked a central government, though the self-declared state of Somaliland in the north enjoyed comparative stability. Violent periodic upsurges in fighting continued to take a heavy toll on the civilian population, and the September 26 murder of one of Somalia's best-known humanitarian workers highlighted the difficulty of bringing peace to the war-ravaged African nation. Doctor Ayub Sheikh Yerow, one of UNICEF's leading health and medical workers, was killed on September 15 when his vehicle was ambushed on the outskirts of the agricultural town of Jowhar. Both Ethiopia and Eritrea were reported to have supplied arms to different factions in the conflict.

COMBAT BETWEEN THE GOVERNMENT ARMY AND REBEL FORCES CONTINUED IN NORTHERN AND WESTERN UGANDA, LEAVING LOCAL POPULATIONS EXPOSED TO CRITICAL SHORTAGES OF FOOD, MEDICINE AND SHELTER. THE INABILITY OF INTERNATIONAL AID AGENCIES, INCLUDING THE WORLD FOOD PROGRAM, MÉDECINS SANS FRONTIÈRES, AND ACTION AID, TO CONTINUE THEIR LIFE-SUSTAINING HUMANITARIAN ACTIVITIES IN THE AFFECTED AREAS SEVERELY AGGRAVATED THE HUMANITARIAN DISASTER.

## The Human Fall-Out

THE COMMEMORATION IN 1999 OF THE THIRTIETH ANNIVERSARY OF THE OAU'S REFUGEE CONVENTION ALSO MARKED THE IGONOMINIOUS FACT THAT AFRICA HOSTED THE SECOND LARGEST REFUGEE POPULATION WORLDWIDE. IN 1999, THE GLOBAL NUMBER OF PEOPLE OF CONCERN TO THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) WAS REPORTEDLY 21.5 MILLION, OF WHOM 6.3 MILLION WERE IN AFRICA. OF THE TEN TOP REFUGEE PRODUCERS IN THE WORLD, FIVE WERE AFRICAN: BURUNDI, ERITREA, SIERRA LEONE, SOMALIA, AND SUDAN. AFRICA ALSO HAD SOME OF THE LARGEST POPULATIONS OF INTERNALLY DISPLACED PERSONS (IDPS). SUDAN ALONE HAD APPROXIMATELY FOUR MILLION IDPS—THE LARGEST IDP POPULATION IN THE WORLD. ANGOLA'S IDP POPULATION STOOD AT SOME 1.6 MILLION, OF WHOM ONE MILLION PEOPLE WERE DISPLACED IN 1999. AND ONE MILLION PEOPLE WERE ESTIMATED TO HAVE BEEN DISPLACED IN SIERRA LEONE.

SOME OF THE LONGEST AND MOST FORGOTTEN REFUGEE CRISES WERE ON THE AFRICAN CONTINENT, WITH RECURRING REFUGEE MOVEMENTS CAUSED BY CONFLICTS SPILLING OVER INTO NEIGHBORING COUNTRIES. REFUGEE CRISES IN AFRICA INVARIABLY AFFECTED A WHOLE SUBREGION—AND SOMETIMES BEYOND. THE GREAT LAKES CRISIS CONTINUED TO SPILL OVER INTO EASTERN AND SOUTHERN AFRICA. THE HORN OF AFRICA COUNTRIES CONTINUED TO BE PRODUCERS AND RECEIVERS OF REFUGEES SIMULTANEOUSLY. AND IN WEST AFRICA, THE INTERLOCKING CONFLICTS IN SIERRA LEONE, LIBERIA, AND GUINEA AFFECTED POPULATIONS IN ALL THREE NATIONS. ETHNIC MINORITIES IN ETHIOPIA AND THE DEMOCRATIC REPUBLIC OF CONGO WERE SUBJECTED TO HARASSMENT AND EVEN DEPORTATION ON THE BASIS OF ETHNICITY, EVEN WHERE THOSE DEPORTED WERE BORN AND WERE ACTIVE CITIZENS OF THE EXPELLING COUNTRY.

SECURITY AND PROTECTION OF REFUGEES AND INTERNALLY DISPLACED POPULATIONS WAS ONE OF THE MOST SERIOUS PROBLEMS IN AFRICA. THERE WAS AN ALARMING INCREASE IN THE MILITARIZATION OF REFUGEE SETTLEMENTS BY ARMED ELEMENTS, WEAPONS FLOWS, CROSS-BORDER ATTACKS, FORCED RECRUITMENT OF REFUGEE CHILDREN, AND ATTACKS ON REFUGEE WOMEN AND CHILDREN IN CAMPS. IN MANY AFRICAN COUNTRIES, REFUGEE CAMPS DID NOT PROVIDE A SAFE HAVEN. FOR EXAMPLE, IN THE FORECARIAH AREA IN GUINEA, THERE WERE FIVE ATTACKS BY SIERRA LEONEAN REBELS ON THE REFUGEE CAMPS DURING 1999. THE LACK OF AN ADEQUATE RESPONSE BY AFRICAN GOVERNMENTS AND THE INTERNATIONAL COMMUNITY TO SEPARATE OUT COMBATANTS FROM REFUGEES IN THE CAMPS EXACERBATED THE PROBLEM AND MADE REFUGEE CAMPS MORE LIKELY TARGETS FOR ATTACK.

THE SECURITY RISK INCREASINGLY ASSOCIATED WITH HOSTING REFUGEES FROM INTRACTABLE REGIONAL CONFLICTS RESULTED IN A GROWING UNWILLINGNESS BY HOST GOVERNMENTS TO PROVIDE ASYLUM AND PROTECTION. XENOPHOBIA AND ANTI-REFUGEE SENTIMENT WAS INCREASINGLY PREVALENT ON A CONTINENT WITH A GENEROUS HISTORY OF HOSTING THOSE FLEEING CONFLICT. HOST COUNTRIES SOUGHT WAYS TO RESTRICT FREEDOM OF MOVEMENT AND RESIDENCE TO REFUGEES. TANZANIA, HOST TO THE LARGEST NUMBER OF REFUGEES IN AFRICA AND LONG KNOWN FOR ITS GENEROUS ASYLUM POLICIES, IN 1999 PASSED A MORE RESTRICTIVE REFUGEE LAW AND CONDUCTED FORCED ROUND-UPS CONFINING BURUNDIAN AND CONGOLESE REFUGEES TO CAMPS. IN KENYA, REFUGEES LARGELY FROM SOMALIA, DEMOCRATIC REPUBLIC OF CONGO, BURUNDI, RWANDA, AND SUDAN WERE REGULAR TARGETS OF POLICE HARASSMENT, FORCED ROUND-UPS, RELOCATION TO RURAL CAMPS, ARBITRARY DETENTION, AND DEPORTATIONS. DESPITE THESE WORRISOME DEVELOPMENTS, BOTH TANZANIA AND KENYA CONTINUED TO HOST SOME OF THE LARGEST REFUGEE POPULATIONS.

## Defending Human Rights

THE YEAR SAW THE CONTINUED EMERGENCE AND EVOLUTION OF CITIZENS' ORGANIZATIONS WORKING FOR HUMAN RIGHTS, PROVIDING AFRICANS WITH IMPORTANT CHANNELS TO MONITOR GOVERNMENTS, DEFEND THEIR RIGHTS, AND DEMAND SUSTAINABLE POLITICAL, CONSTITUTIONAL, AND LEGAL REFORMS.

IN SOUTH AFRICA, THE COUNTRY'S VIGOROUS HUMAN RIGHTS COMMUNITY BENEFITTED FROM AN ENVIRONMENT OF RESPECT FOR DEMOCRACY AND HUMAN RIGHTS, AND FREELY MONITORED THE GOVERNMENT, DESPITE OCCASIONAL GOVERNMENT HOSTILITY TO NGOs. NIGERIA TOO PROVIDED A VASTLY IMPROVED SITUATION, WHICH PERMITTED THE COUNTRY'S NUMEROUS AND SOPHISTICATED HUMAN RIGHTS GROUPS TO OPERATE FREELY THROUGHOUT THE YEAR, IN WELCOME CONTRAST TO THE REPRESSION UNDER THE GOVERNMENT OF GENERAL ABACHA. THE WORK OF THE TRANSITION MONITORING GROUP (TMG), A COALITION OF TENS OF NGOs WHICH DEPLOYED MORE THAN 10,000 ELECTION OBSERVERS THROUGHOUT THE COUNTRY FOR THE VARIOUS STAGES OF THE ELECTION PROCESS, WAS PARTICULARLY IMPRESSIVE.



In a positive development, after eight years of obstruction, the Ethiopian government in early May officially registered the Ethiopian Human Rights Council (EHRCO), the only monitoring group working openly in the country. EHRCO was also able to access its bank account which was frozen by the government during the preceding four years, but only after obtaining a court order for its release in January. The government continued to recognize several other organizations focusing on civic and human rights education.

However, in some countries, efforts to create a more decentralized civil society that could support an agenda of political and economic change continued to be stifled by legal and administrative regimes that put NGOs firmly under state control.

In contrast to its decision to register the Ethiopia Human Rights Council, the Ethiopian government continued to suppress the Human Rights League. Eight founding and board members of the league, and the organization's secretary, remained in detention for the second year after their arrest in October 1997. Similar repressive measures forced other monitoring groups underground or into exile, including the Ogaden Human Rights Committee, the Solidarity Committee for Ethiopian Political Prisoners, and the Oromo Ex-Prisoners for Human Rights.

The government of Burkina Faso was also on the offensive against local human rights activists who conducted a vigorous campaign for a trial for the killers of journalist Norbert Zongo. On April 6, the government withdrew diplomatic status from Halidou Ouédraogo, leader of the Burkina Faso branch of the forty-nation Inter-African Human Rights Union (UIRH), because he had "conducted activities that were not compatible with his status." The decision deprived the human rights leader, who is a citizen of Burkina Faso, of diplomatic immunity from prosecution and denied the organization diplomatic tax benefits. It also eliminated diplomatic tax benefits for the group. Three figures critical of the government were detained on May 17, 1999: Herman Yaméogo, leader of the Alliance for Democracy and Federation-African Democratic Rally (released on May 20); Nana Tibo of the Sankarist Party; and Halidou Ouédraogo, also chairman of the Burkinabé Human Rights Movement (MBDHP), and of the Collective of Opposition Labor Unionists and Members of the Civil Society (released on May 17). Yaméogo was charged with inciting violence.

Fernando Gomes, president of the Human Rights League of Guinea-Bissau and vice-president of the national chapter of the Fédération Internationale des Droits de l'Homme (FIDH), and Luis Nancassa, president of the Teachers Union and a member of organizations affiliated with both FIDH and the Organisation Mondiale Contre la Torture (OMCT), were mentioned on the radio on June 12, 1999, in statements by the military warning civil society leaders critical of the recent coup d'état.

Belying professions of openness and receptivity to civil society, the Ugandan government continued to control civil society groups through the manipulation of registration requirements requiring NGOs to be nonsectarian and nonpolitical. The government continued to refuse to register the Ugandan National NGO Forum, a broad consortium of national and foreign NGOs, and declared its May 1999 second general assembly "unlawful." Congolese human rights activists who were forced to flee to Uganda complained that security operatives from the Ugandan-backed Congolese Rally for Democracy (CRD) harassed them and kept them under surveillance in Kampala.

In Zambia too, the media in August carried reports of government plans to introduce stiffer legislation controlling NGOs, replacing the 1958 Societies Act. Following the May World Bank Consultative Group meeting in Paris the then Finance Minister Edith Nawakwi attacked NGOs, without mentioning their names, for campaigning against Zambia's efforts to secure donor funding. The government-controlled print media named the Zambia Independent Monitoring Team (ZIMT) and AFRONET. But the Zambia Independent Media Association (ZIMA) defended NGO initiatives noting that "the position of NGOs has always been consistent, clear and transparent."

Conditions for human rights activists were even worse in Liberia, Togo, Djibouti, and Cameroon, where activists were subjected to abuses including detentions, torture, and mutilations. In Liberia threats and intimidation against human rights groups increased in 1999. Like their Zambian counterparts, they were scapegoated for a freeze in donor aid. In February, the Catholic Justice and Peace Commission was attacked by politicians for publicizing wrongdoing by security forces, poor treatment of prisoners, and forced labor and child captivity in southeastern Liberia. In March, legislators from four countries took two nongovernmental human rights groups, the Catholic Justice and Peace Commission and the Fore-Runners of Children's Universal Development (Focus), to court on the grounds that the reports released by these groups were making it difficult for Liberia to receive international donor aid. In July, over one hundred former combatants stormed and looted the house of Comman Wessah of the Center for Democratic Empowerment after he appeared on a radio talk show.

stating that the Liberian government, and not the U.N., was responsible for the reintegration of combatants. In July, an army colonel cautioned human rights activists, accusing them of sending "malicious and negative signals" to the international community. In April, unidentified men forced off the road the chauffeur of a human rights activist from the National Human Rights Center of Liberia, dragged the driver from the car, beat him up for half an hour, and then cut off one of his ears.

In Togo, Nestor Tengué, François Gayibor, and Brice Santanna, members of the Togolese Association for the Defense and Promotion of Human Rights (ATDPDH), were arrested on May 3 on suspicion of providing Amnesty International with information for a report detailing summary executions during political unrest in 1998. Antoine Koffi Nadjombe, a member of the Togo section of Amnesty International was arrested on May 14. The government had also attempted to arrest Arsène Bolouvi and Benjamin Adjoh members of ACAT (Action for Christians Against Torture)-Togo. Ameen Ayodele, a member of Amnesty International's Nigerian Section, was detained, tortured, and threatened with execution by Togolese security forces between May 19 and 27. Ayodele was traveling from Ghana to Nigeria via Togo on May 19. At the border post of Aflao between Ghana and Togo, he presented his Amnesty International membership card to the Togolese security forces as a means of identification, because all his other documents, including passport, had been stolen. The border police arrested him on suspicion of being "a spy" for Amnesty International in advance of Secretary-General Pierre Sanji's scheduled visit to Lomé on May 21, 1999. Sanji's visit was subsequently canceled by the Togolese authorities. Ameen was to spend the next nine days in a cell, naked and deprived of food. He was beaten every day, as the Togolese authorities interrogated him about his involvement with Amnesty International in Togo.

The government of Benin became involved in this issue when two Benin-based human rights organizations issued contradictory statements regarding Amnesty International's report on Togo. Benin's government-funded National Human Rights Commission sided with the Togolese government; while the Benin Human Rights League stated that the dead bodies of Togolese dissidents did wash up on the beaches of Benin, as alleged by Amnesty International. On July 23 the government of Benin publicly asked for proof about locations where dead bodies of Togolese nationals were buried.

Abdoulaye Math, lawyer and president of the Movement for the Defense of Human Rights, a human rights group based in Maroua, the Far North Province of Cameroon, was arrested on February 27, 1997, after he had boarded a plane for Yaoundé. He was traveling to the United States to attend a human rights training program and had just returned from Garoua, where earlier in the week he had organized a conference on human rights abuses in northern Cameroon. Math was charged with fraud and selling pharmaceutical products without a licence. As of this writing, he reportedly remained in detention in the central prison in Maroua, pending review of his case.

Djibouti's most prominent human rights defender, Aref Mohamed Aref, was refused the return of his passport, which prevented him from attending an Amnesty International meeting in Dakar, Senegal, starting on 28 June. His passport was seized in December 1998 as he was about to depart for Paris to attend the World Human Rights Defenders Summit. Aref, a lawyer, was released early from a six-month prison sentence in May by the new president of Djibouti, Ismaïl Omar Guelleh.

A well-known nonviolent critic of the government who had defended political prisoners, Aref had been imprisoned in February, shortly before the presidential election, on a criminal charge in connection with a business matter in 1994. The trial appeared to have been politically motivated and unfair—he was denied the defense counsel of his choice, there were numerous irregularities with the process, and his appeal was thrown out by the Supreme Court in a brief session with no advance notice or consultation with his legal representative. The Supreme Court also banned him from legal practice for five years, a judgment which he challenged in court.

And in Sudan it was a case of zero tolerance—no independent human rights organization existed in openly government-controlled areas, though independent attorneys continued to defend those few put on trial and churches attempted to defend their parishioners' rights. One independent attorney defending human rights cases was jailed four times during the year. The Dinka committee retrieving enslaved Dinka children was an underground human rights organization until it was incorporated into a government committee on abductions, set up following the 1999 session of the U.N. Commission on Human Rights, at which a consensus resolution on Sudan, making no mention of slavery, had been adopted.

There were no human rights organizations in southern rebel-held areas, though nascent human rights groups monitoring abuses in the Nuba Mountains and in eastern areas under rebel control continued to develop.

## Regional Organizations

### *Organization of African Unity (OAU)*

THE STATE OF THE CONTINENT OFFERED A FINE MOMENT FOR THE PREMIER CONTINENTAL ORGANIZATION TO DEAL MORE EFFECTIVELY WITH ERUPTIONS OF VIOLENCE AND THEIR ASSOCIATED HUMAN RIGHTS ABUSES. YET THE OAU POLICY LEADERSHIP VACUUM CONTINUED. AFRICA'S MAJOR CONFLICTS IN ANGOLA, DRC, SIERRA LEONE, AND ETHIOPIA-ERITREA UNDERLINED THE MESSAGE THAT THE OAU—a CAPTIVE OF A LONG LEGACY OF INSTITUTIONAL TORPOR AND AN INCLINATION FOR WEAK COMPROMISES—WOULD NEVER BECOME MORE EFFECTIVE UNLESS IT CEASED TO BE A MERE DEBATING SOCIETY. THE CHALLENGE FOR SOUTH AFRICA AND NIGERIA WOULD BE TO PROVIDE REGIONAL LEADERSHIP FOR A MORE FOCUSED, DECISIVE, AND PRINCIPLED ORGANIZATION.

IN THE MIDST OF MULTIPLE CONFLICTS ON THE CONTINENT THROUGHOUT THE YEAR, THE OAU SUMMONED OR CONVENED SEVERAL MEETINGS, ISSUED SEVERAL STATEMENTS, LAUNCHED A VARIETY OF INITIATIVES AND DEPLOYED NUMEROUS SPECIAL ENVOYS TO FLASHPOINTS. AN EXTRAORDINARY SUMMIT WAS CALLED FOR MARCH IN OUAGADOUGOU TO DISCUSS “ALL THE CONFLICTS” ON THE AFRICAN CONTINENT. CHIEF AMONG THESE WERE SAID TO BE THE CONFLICTS IN CONGO-BRAZZAVILLE, THE DEMOCRATIC REPUBLIC OF CONGO (DRC), AND SIERRA LEONE. THE SPECIAL TWO-DAY SUMMIT WAS, HOWEVER, CANCELED, AND A PRESS STATEMENT FROM BURKINA FASO'S PRESIDENTIAL OFFICE EXPLAINED THAT IT HAD NOT BEEN POSSIBLE “TO REACH A QUORUM NECESSARY TO HOLD A SPECIAL SUMMIT.”

THE THIRTY-FIFTH ANNUAL SUMMIT OF THE OAU TOOK PLACE IN ALGIERS IN JULY. THE THREE-DAY MEETING, WHICH WAS TO BE DEVOTED TO THE SEARCH FOR SOLUTIONS IN ARMED CONFLICTS AND FOR MECHANISMS TO AVERT WARS ON THE AFRICAN CONTINENT, WAS ATTENDED BY FORTY-SIX HEADS OF STATE AND GOVERNMENT. ITS MOST NOTABLE RESOLUTION WAS A CALL FOR THE EXCLUSION OF ANY GOVERNMENT INSTALLED BY MILITARY COUP FROM THE ORGANIZATION, AS STIPULATED IN ITS HARARE DECLARATION OF 1997. THE WIDESPREAD LACK OF MECHANISMS FOR THE PEACEFUL TRANSFER OF POWER, WHICH OBSERVERS BELIEVED TO BE A MAJOR CONTRIBUTING FACTOR TO THE PREVALENCE OF MILITARY COUPS ON THE CONTINENT WAS NOT ADDRESSED. MOREOVER, IT WAS IRONIC THAT A NUMBER OF THE AFRICAN LEADERS PRESENT AT THE SUMMIT HAD NOT ASCENDED TO POWER THROUGH THE BALLOT BOX. THE RESOLUTION WOULD COME INTO EFFECT THIRTY DAYS AFTER FIFTEEN OF THE OAU'S FIFTY-THREE MEMBER STATES HAD SIGNED AND RATIFIED IT.

FINALLY, THE FOURTH EXTRAORDINARY SUMMIT OF THE OAU WAS HELD IN SYRTE, LIBYA WHERE FORTY-FOUR AFRICAN LEADERS DECIDED TO FORM A CONTINENTAL UNION TO FACE THE CHALLENGES OF GLOBALIZATION AND DEVELOPMENT. THE SYRTE DECLARATION STATED THAT THE MEMBER STATES OF THE OAU WERE COMMITTED TO THE SETTING UP OF AN AFRICAN UNION, IN CONFORMITY WITH THE ULTIMATE OBJECTIVES OF THE OAU CHARTER AND THE PROVISIONS OF THE TREATY ESTABLISHING THE AFRICAN ECONOMIC COMMUNITY. MANY STATES EXPRESSED SKEPTICISM AT THIS GOAL IN PRIVATE. LIBYA PRESENTED A CHECK FOR U.S.\$4.5 MILLION TO CLEAR THE CONTRIBUTION ARREARS OF SEVEN STATES TO THE OAU SO THAT NO ONE WOULD BE DEPRIVED OF THE RIGHT TO SPEAK. THE DEBTOR NATIONS HELPED WERE COMOROS, GUINEA-BISSAU, EQUATORIAL GUINEA, LIBERIA, NIGER, SÎO TOME AND PRINCEPE, AND SEYCHELLES.

ON SIERRA LEONE THE OAU'S RECORD WAS NOT ILLUSTRIOUS. THOUGH IT OFFERED TO FACILITATE A DIALOGUE BETWEEN THE GOVERNMENT AND REBELS, AND EXPRESSING ITS “UNYIELDING SUPPORT” FOR THE GOVERNMENT OF PRESIDENT AHMAD TEJAN KABBAH, THE OAU FAILED TO INSIST THAT IMPUNITY FOR HUMAN RIGHTS SHOULD END. OAU SECRETARY-GENERAL SALIM AHMED SALIM PAID TRIBUTE TO THE MEDIATION EFFORTS OF TOGOLESE PRESIDENT GNASSINGBE EYADEMA AND OTHER PARTIES INVOLVED “IN THE SEARCH FOR A LASTING SOLUTION TO THE UNFORTUNATE CONFLICT IN SIERRA LEONE,” BUT PROCEEDED TO “MORALLY GUARANTEE” THE LOMË PEACE AGREEMENT THAT INCLUDED A BLANKET AMNESTY FOR ALL ABUSES COMMITTED PRIOR TO ITS CONCLUSION.

APPARENTLY FEARING TO DISPLEASE EITHER SIDE TO THE CONFLICT IN THE DEMOCRATIC REPUBLIC OF CONGO, THE OAU AND ITS SECRETARY-GENERAL ABDICATED RESPONSIBILITY AND RETREATED INTO THE BACKGROUND, LEAVING PRESIDENT CHILUBA OF ZAMBIA, ACTING ON BEHALF OF THE SOUTHERN AFRICA DEVELOPMENT COMMUNITY AND WITH THE SUPPORT OF SOUTH AFRICA, TO PLOD THROUGH MEDIATION THAT FINALLY LED TO THE SIGNING OF A SHAKY PEACE AGREEMENT.

ON ANGOLA THE OAU WAS SEEMINGLY CONTENT WITH HIGH-LEVEL MISSIONS: ONE HEADED BY ASSISTANT SECRETARY-GENERAL AHMED HAGGAG, WHO LEFT ADDIS ABABA AIMING TO RECONCILE DIFFERENCES BETWEEN ANGOLA AND ZAMBIA; THE OTHER BY THE OAU SECRETARY-GENERAL, WHO MET ANGOLAN PRESIDENT JOSE EDUARDO DOS SANTOS TO DISCUSS THE RENEWED WAR. SECRETARY-GENERAL SALIM ALSO MADE THE CUSTOMARY APPEAL TO THE INTERNATIONAL COMMUNITY TO PROVIDE HUMANITARIAN ASSISTANCE TO ANGOLA TO ALLEVIATE THE PLIGHT OF THE POPULATION.

THE OAU'S EFFORTS THROUGH ITS MEDIATION COMMITTEE ON THE ETHIOPIA/ERITREA DISPUTE—BURKINA FASO, DJIBOUTI, AND ZIMBABWE—BACKED BY THE OAU'S CENTRAL ORGAN FOR CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION, WERE RELATIVELY MORE ROBUST AND INTENSIVE. HAVING DEVELOPED A “FRAMEWORK AGREEMENT” ON RESOLVING THE BORDER DISPUTE, THROUGHOUT THE YEAR THE ORGANIZATION URGED BOTH PARTIES TO STOP FIGHTING IMMEDIATELY IN ORDER TO GIVE THE AGREEMENT A CHANCE. THE PLAN INCLUDED

calls for an end to hostilities and the deployment of peacekeeping forces in the contested areas until a new border delineation was decided. At the time of this writing, only Eritrea had accepted the terms of implementation. In early September, Ethiopia rejected the terms of the agreement, saying they contradicted the original formula to end the war. Eritrea called the rejection "tantamount to a declaration of war," and in an address to the U.N. General Assembly on October 1, Eritrea's foreign minister urged the United Nations and the international community to condemn Ethiopia's threat to use force, to establish a short time frame for Ethiopia to respond to the peace package, and to immediately start implementing the OAU plan.

To its credit, the OAU held its first Ministerial Conference on Human Rights in Mauritius in April, preceded by a meeting of experts at the same venue. The conference reviewed the human rights situation in Africa, examined the root causes of human rights violations, and elaborated a collective vision for the future, laid out in a Declaration and Plan of Action adopted at the conference. African NGOs were not invited to the conference venue, despite lobbying for their contribution to be heard, though an NGO forum was convened by the International Commission of Jurists on behalf of the OAU and African Commission on Human and Peoples' Rights in Nairobi, Kenya, prior to the ministerial conference, and fifteen NGO representatives were elected and attended the OAU conference as observers.

The conference was held less than a year after the adoption of a protocol to the African Charter on the establishment of the African Court on Human and Peoples' Rights. The protocol was adopted by the 34th Ordinary Session of the Assembly of Heads of State and Government held in Ouagadougou, Burkina Faso, in June 1998, and which was signed immediately thereafter by thirty African states. The protocol, which to date had been ratified by two member states, Burkina Faso and Senegal, will enter into force after the deposit with the OAU Secretary General of fifteen instruments of ratification.

But at the time of this writing none of this activity seemed to have yielded dividends and the year's experience was dominated by disjointed and ineffective initiatives; especially those aimed at conflict resolution in Sierra Leone, Ethiopia/Eritrea, DRC, and Angola. The sorry state of the OAU once again highlighted the need for the development of a coherent workable strategic concept and policy with the requisite leadership.

The ability of Africa to act effectively in such cases as the war in the DRC required strong leadership. But even the most capable individuals would probably be handicapped unless OAU institutions were more effective. Some straightforward, though controversial improvements were needed. Two samples: member states ought to force reform of the secretariat, that so often managed to unite the continent only in disillusion; and member states should also accept more continuity in the chairpersonship, halting the annual rotations of leadership, even at the cost of every country not having a regular turn.

### ***Southern African Development Community (SADC)***

Following the South African-led intervention in Lesotho in late 1998 that could at best be described as seriously flawed, the year was better for SADC than the previous one. After the earlier years of a misused foreign policy, South Africa started to clarify its identity and role in Africa and to develop a more coherent Africa policy framework. On taking office, President Mbeki appointed the outspoken and effective—though undiplomatic—former health minister Nkosazana Zuma as minister of foreign affairs, to replace the apparently absent Alfred Nzo. Mbeki and Zuma were both involved in attempts to broker peace in the DRC, and South Africa stated that it was prepared to send troops to the DRC as peacekeepers under certain conditions.

One of the most overt manifestations of this shift was that South Africa's battered relations with Zimbabwe seemed to be on the mend, boosting prospects for regional integration to operate as an engine of development, democratization, and peace. Progress was threatened, however, by Zimbabwe's heightening internal crisis, and in particular by its continued intervention in the war in the DRC.

One of the many causes of mistrust that defined South Africa's relationship with Zimbabwe and to a certain degree other SADC states, was limited access to South African markets. In September 1999, the government asked the South African parliament to ratify a ground-breaking regional free trade deal so it could come into effect at the start of the new millennium. The deal covered the nearly U.S.\$6 billion of trade between South Africa and the other thirteen members of SADC. The other major cause of mistrust—SADC's Organ on Politics, Security, and Defense—appeared to have been resolved. Although SADC states agreed in 1996 to set up the organ, they had never been able to agree its mandate or a legal framework for it. A draft protocol, drawn up in 1997, was never ratified by SADC member states. The situation was

FURTHER COMPOUNDED WHEN PRESIDENT MUGABE, AS CHAIRPERSON OF THE ORGAN, COMMITTED TROOPS IN THE CONGO WAR IN THE NAME OF SADC WITHOUT PRIOR CONSULTATION WITH ALL THE OTHER MEMBERS OF SADC. BUT AT THE AUGUST 1999 ANNUAL SUMMIT IN MAPUTO, PRESIDENT MUGABE'S CHAIRMANSHIP OF THE ORGAN WAS RECONFIRMED, SUBJECT TO THE UNDERSTANDING THAT HE WOULD NOT ACT IN ITS NAME WITHOUT FIRST CONSULTING PRESIDENT THABO MBEKI OF SOUTH AFRICA, PRESIDENT JOAQUIM CHISSANO OF MOZAMBIQUE, AND PRESIDENT SAM NUJOMA OF NAMIBIA; RESPECTIVELY, THE PAST, PRESENT, AND FUTURE CHAIRS OF THE SADC.

IN 1999, SADC MEMBER STATES MADE IMPORTANT CONTRIBUTIONS TO THE EARLY ESTABLISHMENT OF THE INTERNATIONAL CRIMINAL COURT (ICC). WHILE SENEGAL BECAME THE FIRST STATE TO RATIFY THE TREATY IN FEBRUARY 1999, SADC MEMBER STATES WORKED TOGETHER TO ACCELERATE RATIFICATION IN THE SUB-REGION. IN JULY 1999, THE SOUTH AFRICAN MINISTRY OF JUSTICE CONVENED A MEETING IN PRETORIA FOR REPRESENTATIVES OF SADC STATES TO DISCUSS RATIFICATION IN THE REGION. THE SESSION DEVELOPED A MODEL ENABLING ACT TO GUIDE STATES IN DRAFTING IMPLEMENTING LEGISLATION AS WELL AS A STATEMENT OF COMMON UNDERSTANDING SETTING OUT THEIR COMMITMENT TO RATIFICATION. AT THE FEBRUARY AND JULY-AUGUST SESSIONS OF THE ICC PREPARATORY COMMISSION, INDIVIDUAL OFFICIALS FROM SADC STATES ASSUMED MAJOR RESPONSIBILITIES CONFIRMING THEIR ROLES AS PROMINENT PARTICIPANTS IN THE PROCESS.

## **Economic Community of West African States (ECOWAS)**

ECOWAS, PARTICULARLY THROUGH ITS DEFENSE ORGAN ECOMOG, WAS THE MOST IMPORTANT FRONTLINE ACTOR IN MOST TROUBLE SPOTS OF ITS SUBREGION. AS ECOMOG WOUND UP ITS ACTIVITIES IN LIBERIA, ITS ROLE IN SIERRA LEONE GREW, SIGNALING THAT THE REGIONAL PEACE-KEEPING FORCE, ORIGINALLY CREATED FOR THE LIBERIAN CONFLICT, WAS LIKELY TO REMAIN IN EXISTENCE FOR THE FORESEEABLE FUTURE. AFTER SUFFERING A SERIES OF SETBACKS IN SIERRA LEONE IN DECEMBER 1998 AND JANUARY 1999, ECOMOG TROOPS REGAINED CONTROL OF FREETOWN FROM REBEL FORCES, WHOM THEY PUSHED FURTHER EAST UNTIL THE SIGNING OF A CEASE-FIRE ON MAY 19. THE ECOWAS CHAIR, TOGOLESE PRESIDENT EYADEMA, AND ECOWAS FOREIGN MINISTERS PLAYED AN IMPORTANT ROLE IN BROKERING PEACE TALKS AMONG SIERRA LEONE WARRING PARTIES CULMINATING IN THE SIGNING OF THE LOMË PEACE ACCORD IN JULY. ECOWAS WAS ALSO NAMED AS ONE OF FIVE MORAL GUARANTORS FOR THE AGREEMENT. THE ACCORD ITSELF CALLED FOR THE TRANSFORMATION OF ECOMOG'S MANDATE FROM MILITARY INTERVENTION TO PEACEKEEPING; AND FOR ECOMOG AND THE U.N. TO BE RESPONSIBLE FOR THE DISARMAMENT AND ENCAMPMENT OF ALL EX-COMBATANTS. NIGERIA, UNDER MOUNTING DOMESTIC PRESSURE TO REDUCE ITS FINANCIAL AND TROOP CONTRIBUTION TO THE SIERRA LEONE CONFLICT, INSISTED THAT THE UNITED NATIONS EITHER TRANSFORM THE ECOMOG FORCE INTO A U.N. PEACEKEEPING FORCE OR FINANCIALLY SUPPORT ANY CONTINUED ECOMOG PRESENCE IN SIERRA LEONE. ON OCTOBER 22, AS PART OF THE U.N. MISSION IN SIERRA LEONE (UNAMSIL), THE SECURITY COUNCIL AUTHORIZED A 6,000-MEMBER U.N. PEACEKEEPING FORCE FOR SIERRA LEONE. ECOMOG FORCES WOULD CONTINUE TO PROVIDE SECURITY AROUND FREETOWN EVEN AFTER THE U.N. FORCE WAS DEPLOYED AND WOULD WORK ALONGSIDE UNAMSIL IN DISARMING THE WARRING FACTIONS.

ELSEWHERE ECOWAS WAS ACTIVE ON NIGER AND GUINEA-BISSAU. A MAY MINISTERIAL MEETING DISCUSSED THE SITUATION IN NIGER, CONDEMNING THE MILITARY COUP IN WHICH PRESIDENT MAINASSARA WAS ASSASSINATED; STRESSING THE NEED FOR AN INDEPENDENT INQUIRY; PLEDGING TO SUPPORT A TRANSITION PROCESS; RECOMMENDING THAT ECOWAS' EXECUTIVE SECRETARY SHOULD PARTICIPATE IN AN ELECTION PROCESS; AND GENERALLY AGREEING TO ASSIST NIGER TO RESTORE CONSTITUTIONAL ORDER. IN NOVEMBER 1999, A PEACE AGREEMENT TO END THE REBELLION OF GENERAL ANSUMANE MANE AGAINST PRESIDENT VIEIRA OF GUINEA-BISSAU WAS SIGNED AT AN ECOWAS SUMMIT IN ABUJA. THE PARTIES ALSO AGREED TO THE DEPLOYMENT OF A 600-STRONG ECOMOG FORCE. IN MAY 1999, ECOWAS MINISTERS AGREED FURTHER MEASURES CONCERNING GUINEA-BISSAU: ECOWAS CONDEMNED THE COUP AGAINST EX-PRESIDENT VIEIRA AND ASSOCIATED KILLING, LOOTING, AND DESTRUCTION OF PROPERTY; REQUESTED SAFE PASSAGE FOR EX-PRESIDENT VIEIRA; THANKED ECOWAS MEMBER STATES WHO SUPPORTED ECOMOG OPERATIONS IN GUINEA-BISSAU; FORMALLY WITHDREW ECOMOG FROM GUINEA-BISSAU; AND AGREED TO MONITOR THE SITUATION. HEADS OF STATE OF SIX ECOWAS COUNTRIES MET IN SEPTEMBER TO DISCUSS BORDER FRICTIONS BETWEEN LIBERIA AND GUINEA AND TO PLAN A MEETING OF THE MANO RIVER UNION (GUINEA, LIBERIA, AND SIERRA LEONE) IN NOVEMBER TO ADDRESS MUTUAL SECURITY ISSUES. ECOWAS ALSO CONTINUED TO DISCUSS THE CREATION OF A PERMANENT STRUCTURE FOR CONFLICT PREVENTION AND RESOLUTION, WITH ECOMOG AS ITS INTERVENTION FORCE.

## **The Role of the International Community**

### **Indifferent to a Continent in Pain**

FOR THE BETTER PART OF THE YEAR, AFRICA APPEARED TO HAVE SLIPPED OFF THE WORLD MAP. CRISIS AFTER CRISIS FAILED TO ATTRACT THE ATTENTION AND SERIOUS CONCERN OF THE INTERNATIONAL COMMUNITY. ON THOSE OCCASIONS WHEN AFRICAN ISSUES

REGISTERED ON THE RADAR SCREENS OF KEY DECISION MAKERS AND THE MEDIA, THE INTERNATIONAL COMMUNITY'S RESPONSE WAS BELATED AND WEAK. WHEN INVOKING THE MUCH-ABUSED MANTRA "AFRICAN SOLUTIONS FOR AFRICAN PROBLEMS" THE INTERNATIONAL COMMUNITY OFTEN INSINUATED THAT THE NON-AFRICAN WORLD SHOULD NOT INTERVENE IN SO-CALLED COMPLEX AFRICAN PROBLEMS, NEGLECTING TO RECOGNIZE THAT THOUGH MANY AFRICAN PROBLEMS WERE AFRICAN-MADE, OTHERS WERE COLONIAL AND COLD WAR LEFTOVERS FOR WHICH AFRICANS COULD NOT BE HELD EXCLUSIVELY RESPONSIBLE, AND YET OTHERS WERE FUELED IF NOT CAUSED BY THE DEVELOPED WORLD'S HUNGER FOR AFRICA'S RICH MINERAL RESOURCES.

IN GREAT CONTRAST TO THE NEW EMPHASIS ON ACCOUNTABILITY FOR HUMAN RIGHTS VIOLATIONS IN THE CONFLICTS IN KOSOVO OR EAST TIMOR, IN AFRICA THE INTERNATIONAL COMMUNITY EITHER REMAINED SILENT ON WAR CRIMES OR TOOK ACTIONS THAT WERE CLEARLY INIMICAL TO THE RULE OF LAW AND HUMAN RIGHTS. IN THE CASE OF SIERRA LEONE, THE INTERNATIONAL COMMUNITY FACILITATED AN AGREEMENT THAT PROVIDED A BLANKET AMNESTY FOR ALL ATROCITIES COMMITTED DURING THE EIGHT-YEAR CIVIL WAR. ALTHOUGH THE U.N. SECRETARY-GENERAL'S SPECIAL REPRESENTATIVE FRANCIS OKELLO INCLUDED A HAND-WRITTEN RESERVATION TO THE LOMË ACCORD, STATING THAT THE U.N. WOULD NOT RECOGNIZE THE AMNESTY AS APPLYING TO "INTERNATIONAL CRIMES OF GENOCIDE, CRIMES AGAINST HUMANITY, WAR CRIMES, AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW," THIS RESERVATION WAS NOT REINFORCED BY A SECURITY COUNCIL RESOLUTION. THE DANGER WAS THAT THE LOMË PEACE AGREEMENT WOULD SERVE AS A BENCHMARK FOR CONFLICT RESOLUTION ELSEWHERE IN AFRICA, INVITING FURTHER VIOLENCE IN THE FACE OF SUCH IMPUNITY. THE DANGERS OF SUCH AN APPROACH WERE DEMONSTRATED IN LIBERIA, AN EXAMPLE OF HOW INCOMPLETE AND FLAWED INTERVENTIONS THAT BYPASSED ACCOUNTABILITY IN THE INTERESTS OF PEACE WERE ULTIMATELY SHORTSIGHTED. TWO YEARS AFTER AN INTERNATIONALLY-ENDORSED PEACE PROCESS AND ELECTION THAT IGNORED ACCOUNTABILITY FOR HUMAN RIGHTS VIOLATIONS, LIBERIA WAS THREATENED WITH A RETURN TO CONFLICT, LARGELY FOUNDED ON UNRESOLVED ISSUES FROM THE PREVIOUS CIVIL WAR.

IT WAS ANOTHER BAD YEAR FOR AFRICA'S REFUGEES, MANY OF WHOM SUBSISTED WITHOUT ADEQUATE ASSISTANCE OR PROTECTION. IT SEEMED AXIOMATIC THAT INTERNATIONAL EFFORTS TO ASSIST REFUGEES AND SEEK SOLUTIONS TO THEIR FLIGHT SHOULD BE EQUITABLE AND BASED ON HUMAN NEED, REGARDLESS OF THE NATIONALITY, RACE, GEOGRAPHIC, POLITICAL, OR MILITARY IMPORTANCE OF THE REFUGEE POPULATION. YET NO AFRICAN REFUGEES RECEIVED ANYTHING NEAR THE OUTPOURING OF INTERNATIONAL CONCERN AND ASSISTANCE DEMONSTRATED DURING THE KOSOVO CRISIS. ONE ESTIMATE CALCULATED THAT THE INTERNATIONAL COMMUNITY SPENT U.S.\$0.11 PER REFUGEE PER DAY IN AFRICA AND AN EQUIVALENT \$1.23 PER REFUGEE PER DAY IN THE BALKANS. THE INTERNATIONAL COMMUNITY SPENT \$10 MILLION PER WEEK ON KOSOVAR REFUGEES IN NEIGHBORING ALBANIAN AND MACEDONIA. MEANWHILE, IN WEST AFRICA, A UNHCR ANNUAL APPEAL FOR \$8 MILLION ONLY RAISED PLEDGES OF \$1.3 MILLION.

MANY OF THE PROTECTION PROBLEMS IN THE BALKANS WERE IDENTICAL TO PROBLEMS IN AFRICA, SUCH AS LOCATION OF CAMPS TOO CLOSE TO BORDERS, BUT THE INTERNATIONAL RESPONSE WAS VASTLY DIFFERENT. IN NORTHERN ALBANIA, FOR EXAMPLE, UNHCR, RIGHTLY RECOGNIZING THE SERIOUS RISKS TO THE SECURITY OF REFUGEES IN THE BORDER AREAS, EXPEDITIOUSLY EMBARKED ON A WELL-FUNDED OPERATION TO MOVE REFUGEES AWAY FROM THE BORDER. THIS SCENARIO CONTRASTED STARKLY WITH THE SITUATION IN GUINEA, WHERE FOR THE PREVIOUS YEAR AND A HALF REFUGEE CAMPS HAD BEEN LOCATED TOO CLOSE TO THE BORDER WITH SIERRA LEONE AND HAD BEEN THE TARGET OF REPEATED CROSS-BORDER ATTACKS AND MILITARY INCURSIONS, DURING WHICH REFUGEES HAD BEEN KILLED, ABDUCTED, AND MUTILATED. FOR OVER A YEAR, NONGOVERNMENTAL ORGANIZATIONS HAD BEEN CALLING ON UNHCR TO RELOCATE REFUGEE CAMPS AWAY FROM THE BORDER. IN FEBRUARY 1999 UNHCR REQUESTED U.S.\$6 MILLION TO MOVE THE REFUGEES AWAY FROM THE BORDER, BUT BY JULY THE ORGANIZATION HAD NOT RECEIVED ANY CONTRIBUTIONS TOWARD THIS APPEAL. AGAIN, ALTHOUGH THE U.K. AND WORLD BANK PROMISED MONEY TO SUPPORT THE DISARMAMENT PROCESS IN SIERRA LEONE, OTHERS FAILED TO MATCH THESE PLEDGES, WHICH IN ANY EVENT COMPARED POORLY TO OTHER COMMITMENTS. THE U.K., ASKED TO DEPLOY PEACEKEEPING TROOPS TO SIERRA LEONE SAID THAT IT WAS FULLY COMMITTED IN THE BALKANS, BUT SUBSEQUENTLY FOUND IT POSSIBLE TO SEND 250 GURKHAS TO EAST TIMOR.

## United Nations

AT THE END OF SEPTEMBER, U.N. SECRETARY-GENERAL KOFI ANNAN PRESENTED A REPORT TO THE SECURITY COUNCIL, FOLLOWING UP A REPORT SUBMITTED EIGHTEEN MONTHS EARLIER ON HOW TO ACHIEVE PEACE AND SUSTAINABLE DEVELOPMENT IN AFRICA. THE REPORT CHRONICLED AFRICA'S CRISES, BUT ALSO "DRAMATIC CHANGES FOR THE BETTER," NOTING PROGRESS IN SOUTH AFRICA, MOZAMBIQUE, NIGERIA, LIBERIA, MALI, AND ALGERIA. THE SECRETARY-GENERAL CALLED FOR THE U.N. TO GIVE AS MUCH ATTENTION TO AFRICA AS TO CRISES IN OTHER PARTS OF THE WORLD.

THE SECURITY COUNCIL FAILED TO RESPOND TO THE RUF JANUARY OFFENSIVE AGAINST FREETOWN, SIERRA LEONE, IN WHICH TWO TO THREE THOUSAND PEOPLE WERE KILLED, AND THEN FAILED AGAIN FOR MONTHS TO ADOPT A RESOLUTION ON THE DEPLOYMENT OF A

PEACEKEEPING FORCE TO SIERRA LEONE, DESPITE ONGOING CEASE-FIRE VIOLATIONS AND THE CLEAR NEED FOR THE INTERNATIONAL COMMUNITY TO ACT QUICKLY TO ENSURE THE LOMÉ ACCORD DID NOT BREAK DOWN. ON OCTOBER 22, THE U.N. SECURITY COUNCIL APPROVED THE U.N. MISSION IN SIERRA LEONE (UNAMSIL). THE OPERATION, GIVEN AN INITIAL SIX MONTH MANDATE, AUTHORIZED THE DEPLOYMENT OF A 6,000-MEMBER U.N. PEACEKEEPING FORCE. UNAMSIL'S MANDATE, UNDER THE U.N. CHARTER'S CHAPTER VII, INCLUDED ASSISTING THE DISARMAMENT AND DEMOBILIZATION PROCESS, ENSURING THE SECURITY OF U.N. CIVILIAN PERSONNEL, ASSISTING THE DELIVERY OF HUMANITARIAN AID, AND PROVIDING SUPPORT FOR THE NEW ELECTIONS. THERE WERE LONG DELAYS TOO IN ANGOLA. FOLLOWING THE U.N.'S PULL-OUT IN FEBRUARY FROM ANGOLA THE SECURITY COUNCIL FINALLY APPROVED ON OCTOBER 15 A SIX MONTH FOLLOW-ON MINI-U.N. OPERATION OF THIRTY PERSONNEL IN ANGOLA: OVER HALF OF THE STAFF WERE DESIGNATED AS HUMAN RIGHTS SPECIALISTS.

## International Financial Institutions and Donors

BACKED BY A GROUP OF SEVEN (G-7) AGREEMENT IN JUNE IN COLOGNE TO A COMPLETE OVERHAUL OF THE SYSTEM TO ACCELERATE DEBT RELIEF, THE IMF AND WORLD BANK ANNOUNCED AN ENHANCED COORDINATED EFFORT TO SUPPORT "DEEPER, BROADER AND FASTER DEBT RELIEF" SO CREATING A "VIRTUOUS CIRCLE OF DEBT RELIEF, POVERTY REDUCTION AND ECONOMIC DEVELOPMENT" FOR THE WORLD'S POOREST COUNTRIES—THE FORTY-TWO HIGHLY INDEBTED POOR COUNTRIES (HIPC). THE NEW PROGRAM, INTENDED TO ERASE UP TO U.S.\$100 BILLION IN DEBT, FORGIVING 90 PERCENT OF THE TOTAL, WOULD REPLACE AN EXTENSIVELY CRITICIZED 1996 INITIATIVE. BECAUSE OF EXACTING PERFORMANCE CRITERIA, ONLY TWO AFRICAN COUNTRIES, UGANDA AND MOZAMBIQUE, HAD RECEIVED ANY RELIEF UNDER THE HIPC PROGRAM THREE YEARS FOLLOWING ITS LAUNCH. BY RELAXING THE REQUIREMENTS FOR QUALIFICATION, THE NEW PLAN SOUGHT TO ALLOW THREE-FOURTHS OF THE ELIGIBLE COUNTRIES INTO THE PROGRAM BY THE END YEAR 2000. THE ELIGIBLE COUNTRIES WOULD INCLUDE BENIN, BURKINA FASO, BURUNDI, CAMEROON, CENTRAL AFRICAN REPUBLIC, CHAD, REPUBLIC OF CONGO, CÔTE D'IVOIRE, DEMOCRATIC REPUBLIC OF THE CONGO, ETHIOPIA, GHANA, GUINEA, GUINEA-BISSAU, GUYANA, LIBERIA, MADAGASCAR, MALAWI, MALI, MAURITANIA, MOZAMBIQUE, NIGER, RWANDA, SÃO TOMÉ AND PRÍNCIPE, SENEGAL, SIERRA LEONE, SOMALIA, SUDAN, TANZANIA, TOGO, UGANDA, AND ZAMBIA.

IN A SEPTEMBER 29 OFFER WHICH WAS MORE GENEROUS THAN THE G-7/IMF/WORLD BANK ANNOUNCEMENT, U.S. PRESIDENT BILL CLINTON PROPOSED TO WIPE OUT 100 PERCENT OF U.S. DEBT CARRIED BY POOR COUNTRIES THAT WERE MOVING TO OVERHAUL THEIR ECONOMIES AND STRUGGLING TO PROVIDE BASIC NEEDS. BRITISH CHANCELLOR OF THE EXCHEQUER GORDON BROWN INDICATED THAT BRITAIN WAS ALSO PREPARED—ON A CASE BY CASE BASIS—to GO FURTHER THAN 90 PERCENT, POSSIBLY UP TO 100 PERCENT, WHERE DEBT RELIEF WOULD FINANCE POVERTY RELIEF. DEBT RELIEF ADVOCATES OPINED THAT WITH THE UNITED STATES AND THE BRITAIN BOTH WILLING TO FORGIVE 100 PERCENT OF DEBTS, THE PRESSURE WOULD MOUNT ON THE REMAINING G-7 NATIONS—FRANCE, JAPAN, GERMANY, CANADA, ITALY—to MAKE COMPARABLE COMMITMENTS.

ON THE NEGATIVE SIDE, DONORS CONTINUED TO DEPLOY DEBT RELIEF AND AID INCONSISTENTLY TO ENCOURAGE SUPPORT FOR HUMAN RIGHTS, THE RULE OF LAW, AND DEMOCRATIZATION. IN SOME CASES, DONORS PRIORITIZED AND COMPARTMENTALIZED CORRUPTION AND ECONOMIC REFORM ISSUES AS DISTINCT FROM POLITICAL ACCOUNTABILITY AND OTHER RIGHTS ISSUES. OTHER DONORS SEEMED TO REJECT THE "FULL BELLY" THESIS THAT CIVIL AND POLITICAL RIGHTS WERE LUXURIES THAT COULD BE PUT ASIDE UNTIL THE ECONOMY REACHED A CERTAIN DEGREE OF SUCCESS, AND ACKNOWLEDGED THAT MEANINGFUL EXERCISE OF ECONOMIC AND SOCIAL RIGHTS IN FACT REQUIRED PRINCIPLED PROTECTION OF CIVIL AND POLITICAL RIGHTS. BUT MANY HAD YET TO TAKE THE NEXT STEP TO FULLY INCORPORATE THESE COMPONENTS IN TANGIBLE AND CONSISTENT WAYS INTO THEIR OWN OPERATING PROCEDURES. MANY ALSO APPEARED HESITANT OR UNPREPARED TO FULLY ADDRESS THE DIFFICULTIES THAT MUST ACCOMPANY THE TASK OF DEFENDING THE UNIVERSALITY OF HUMAN RIGHTS. ONLY ONE THING WAS CLEAR: "HUMAN RIGHTS, DEMOCRACY, AND GOOD GOVERNANCE" BECAME INCREASINGLY POPULAR TERMS IN DONOR RHETORIC.

THE BRITISH FOREIGN AND COMMONWEALTH OFFICE BEGAN PUBLISHING ANNUAL REPORTS JOINTLY WITH THE DEPARTMENT FOR INTERNATIONAL DEVELOPMENT IN 1998. THE FCO ADDRESSED THE FULL BELLY THESIS SPECIFICALLY. THE 1999 REPORT Juxtaposed THE INSIGHT ON THE INTERDEPENDENCE OF RIGHTS THAT THE FRAMERS OF THE UNIVERSAL DECLARATION IMAGINED WITH THE COLD WAR'S NARROW, POLARIZED CONCEPTION: "IT WAS BY WORKING FOR BOTH SETS OF RIGHTS—FOR FULL BELLIES AND FOR FREE MINDS—that THEY SOUGHT TO LAY THE FOUNDATIONS FOR A MORE PEACEFUL POST-WAR WORLD." THE COLD WAR POLARIZATION CARRIED OVER INTO NORTH-SOUTH DIVISIONS. "THE BRITISH GOVERNMENT IS COMMITTED TO REDRESSING THE IMBALANCE" BETWEEN CIVIL AND POLITICAL AND ECONOMIC, SOCIAL, AND CULTURAL RIGHTS, HOLDING BOTH TO BE EQUAL AND INTERDEPENDENT. BUT BRITAIN CONTINUED TO DONATE GENEROUSLY TO GOVERNMENTS WITH PATCHY DEMOCRACY AND HUMAN RIGHTS RECORDS, INCLUDING ETHIOPIA, RWANDA, UGANDA, AND ZAMBIA WHERE THE ABRIDGEMENT OF CIVIL AND POLITICAL RIGHTS IN THE NAME OF DEVELOPMENT AND NATIONAL UNITY WERE USED BY THE POLITICAL ELITE AS A MECHANISM FOR PRESERVING THEIR OWN POWER AND PERSONAL ENRICHMENT.

THE DUTCH GOVERNMENT WAS THE MOST CATEGORICAL IN REJECTING THE FULL BELLY THESIS. THIS WAS MADE EXPLICIT IN AN AUGUST PRESS RELEASE: "UPHOLDING HUMAN RIGHTS IS NOT A LUXURY THAT COUNTRIES CAN AFFORD ONLY WHEN THEY HAVE ACHIEVED A CERTAIN LEVEL OF SOCIO-ECONOMIC DEVELOPMENT." THE NETHERLANDS CHANGED ITS BILATERAL AID POLICY IN 1999, REDUCING THE NUMBER OF LONG TERM AID COUNTRIES TO NINETEEN (TEN IN AFRICA: BURKINA FASO, ERITREA, ETHIOPIA, GHANA, MALI, MOZAMBIQUE, TANZANIA, UGANDA, ZAMBIA, AND ZIMBABWE; SOUTH AFRICA WAS INCLUDED SEPARATELY FOR "HISTORICAL REASONS"). FOUR SELECTION CRITERIA WERE NAMED: SOUND SOCIO-ECONOMIC POLICY, GOOD GOVERNANCE, LEVEL OF POVERTY, AND LACK OF ACCESS TO MONEY MARKETS. THE POLICY WENT ON TO SPECIFY THAT GOOD GOVERNANCE "REQUIRES ASSESSMENT OF THE QUALITY OF THE MANAGEMENT OF PUBLIC FUNDS (INCLUDING THE EXTENT OF CORRUPTION IN THE COUNTRY)." THE LEVEL OF DEMOCRATIZATION AND RESPECT FOR HUMAN RIGHTS WOULD ALSO BE TAKEN INTO ACCOUNT. BUT THERE WAS A QUALIFIER: "THIS IS NOT A QUESTION OF ASSESSING THE SITUATION AT A GIVEN MOMENT IN TIME BUT OF EXAMINING TRENDS OVER A PERIOD OF YEARS, TO DETERMINE WHETHER THE GOVERNMENT IS ACTIVELY WORKING TOWARDS IMPROVEMENT IN BOTH AREAS."

IN A LETTER TO THE LOWER HOUSE OF PARLIAMENT, MINISTER FOR DEVELOPMENT COOPERATION EVELINE HERFKENS ELABORATED ON THE SELECTION CRITERIA. THE SCREENING PROCESS DREW UPON REPORTS FROM NOT ONLY THE WORLD BANK, IMF AND U.N., BUT ALSO NGOs, HUMAN RIGHTS WATCH AMONG THEM. COUNTRIES SCORES WERE ADJUSTED DOWNWARDS FOR WEAK GOVERNANCE. SUDAN, SIERRA LEONE, KENYA, AND ANGOLA WERE REMOVED FOR WEAK GOVERNANCE. CÔTE D'IVOIRE WAS DROPPED BECAUSE EXTRA AID HAD NOT BEEN SHOWN TO ALLEVIATE POVERTY. ZAMBIA AND ZIMBABWE COULD HAVE BEEN REMOVED, BUT BECAUSE OF THE EXTENT OF CURRENT DUTCH INVOLVEMENT, IN THE INTERESTS OF CONTINUITY THEY WERE KEPT, WITH THE PLAN TO REVIEW THE NEXT YEAR. BUT AT THE END SEPTEMBER, AID TO ZIMBABWE WORTH U.S.\$15 MILLION A YEAR WAS SUSPENDED, CITING CONCERNS OVER GOVERNANCE AND ECONOMIC POLICIES. THE DUTCH GOVERNMENT'S ACTION WAS MATCHED SOON AFTER BY THE WORLD BANK, WHICH SUSPENDED DISBURSEMENT OF U.S.\$140 MILLION TO ZIMBABWE AS LONG AS REFORM TARGETS SET BY THE IMF WERE NOT MET. AT THIS WRITING THE NETHERLANDS HAD NOT REMOVED BURKINA FASO, ETHIOPIA, UGANDA, OR ERITREA DESPITE CLEARLY AUTHORITARIAN TENDENCIES THAT SEEMED TO BE INHERENTLY UNDEMOCRATIC IN THE LONGER TERM.

THE DANISH MINISTER FOR DEVELOPMENT COOPERATION, POUL NIELSEN, HOSTED A CONFERENCE IN HARARE IN SEPTEMBER 1998 TO ASSESS THE IMPLEMENTATION OF DANISH DEVELOPMENT POLICY TOWARDS 2000, KNOWN AS "STRATEGY 2000." IN STRATEGY 2000 POVERTY WAS UNDERSTOOD NOT ONLY AS LACK OF ECONOMIC GROWTH AND SOCIAL WELL-BEING, BUT ALSO A LACK OF PARTICIPATION IN THE DEVELOPMENT PROCESS AND THE ABSENCE OF A SOCIETY BUILT ON THE RULE OF LAW AND GOOD GOVERNANCE. THERE WERE CLEARLY TONES OF THE FULL BELLY THESIS IN THE WORKSHOP REPORT ON CROSS-CUTTING THEMES. WHILE THE SECTION "IN RELATION TO THE PROTECTION OF HUMAN RIGHTS AND DEMOCRATIZATION" RECOGNIZED THAT "MOST GOVERNMENTS ARE NOT YET COMMITTED TO SUSTAINING HUMAN RIGHTS.

THEREFORE CIVIL SOCIETY SHOULD BE INVOLVED IN PROMOTING HUMAN RIGHTS." BUT THE SECTION ADDED A QUALIFIER: "DEMOCRATIZATION AND RESPECT FOR HUMAN RIGHTS ARE CONSTRAINED BY POVERTY, ILLITERACY AND LACK OF EDUCATION, AND OTHER SUCH LIMITATIONS.... DEVELOPMENT AID CONDITIONALITIES ARE UNDEMOCRATIC AND ABUSIVE OF HUMAN RIGHTS. RATHER, POLICY DIALOGUE AND PARTNERSHIP SHOULD DEFINE THE ALLOCATION OF AID." DANIDA AID TO KENYA WAS PHASED DOWN, BUT AID TO BURKINA FASO, ERITREA, UGANDA, ZAMBIA AND ZIMBABWE WAS MAINTAINED DESPITE THEIR SPOTTY HUMAN RIGHTS PERFORMANCE.

## Anglo-French Cooperation on Africa

AT A SUMMIT IN SAINT-MALO, FRANCE IN DECEMBER, 1998, BRITISH AND FRENCH FOREIGN MINISTERS ADOPTED A DECLARATION BASED ON "A COMMON VISION OF PROMOTING POSITIVE CHANGE AND RESPECT FOR HUMAN RIGHTS DEMOCRACY AND THE RULE OF LAW IN AFRICA." BRITAIN'S ROBIN COOK AND FRANCE'S HUBERT VEDRINE TRAVELED TO GHANA AND CÔTE D'IVOIRE IN MARCH AS A FOLLOW UP TO THE SAINT-MALO DECLARATION. AT THE SAME TIME, BRITAIN ANNOUNCED A JOINT U.S.\$15 MILLION PROGRAM TO FINANCE RESEARCH INTO FIGHTING TUBERCULOSIS IN WEST AFRICA. THE JOINT TRIP WAS DESIGNED "TO PRESS HOME THE NEW SPIRIT OF COOPERATION" BETWEEN THE FORMER COLONIAL POWERS. THE TWO MINISTERS PLEDGED TO DEFEND "DEMOCRACY, HUMAN RIGHTS, GOOD GOVERNANCE, AND DEVELOPMENT." IN ABIDJAN, COOK AND VEDRINE MET WITH THEIR AMBASSADORS FROM TWELVE AFRICAN COUNTRIES: ANGOLA, BURKINA FASO, THE CENTRAL AFRICAN REPUBLIC, ETHIOPIA, GAMBIA, CÔTE D'IVOIRE, MALAWI, NAMIBIA, NIGERIA, SOUTH AFRICA, TANZANIA, AND ZIMBABWE.

BUT IN A WEEK LONG VISIT TO AFRICA—TAKING IN GUINEA, TOGO, AND NIGERIA—THAT WAS SUPPOSED TO UNDERLINE A SHIFT IN FRENCH POLICY, MOVING AWAY FROM DIRECT INVOLVEMENT WITH DICTATORIAL REGIMES AND EMPHASIZING DEMOCRACY AND HUMAN RIGHTS, PRESIDENT CHIRAC SOUNDED DISCORDANT WITH THE LETTER AND SPIRIT OF SAINT-MALO. PRIOR TO THE TRIP, PRESIDENT CHIRAC SAID THAT HE PLANNED TO STRESS THE IMPORTANCE OF ESTABLISHING DEMOCRACY AND THE RULE OF LAW. TRUE, WHILE IN GUINEA, CHIRAC DID RAISE THE CASE OF DETAINED OPPOSITION LEADER ALPHA CONDE WITH THE PRESIDENT. HOWEVER, WHILE STILL IN THE COUNTRY HE SAID THAT



"there is an African rhythm" to democratization that he was constrained to respect; and in Togo, Chirac criticized the opposition parties for boycotting the parliamentary elections and called an Amnesty International report on human rights abuses in Togo a "manipulation." During the first visit to Nigeria by a French head-of state, France and Nigeria agreed to establish a joint economic commission. Chirac also said that he supported Nigeria's bid to have a permanent seat on the Security Council.

## International Organization of the Francophonie

Further signs that it might be business as usual for France in Africa emerged during the eighth meeting of the International Organization of the Francophonie that took place in Moncton, New Brunswick, Canada, in September. Even though it was heralded as a youth summit, human rights quickly became the centerpiece of the discussions. This was a direct result of several attacks by the media and nongovernmental organizations on Canada and the Francophonie's decision to include leaders from countries with deplorable human rights records, including the DRC, Rwanda, and Burundi. The high profile of human rights in the media pushed the issue not only onto the front page of the papers, but also into the speeches of the principal dignitaries: head of the organization and former U.N. Secretary-General Boutros Boutros-Ghali said his three main priorities would be human rights, the democratization of member states, and assistance to ensure good government in poorer countries; in his opening address French President Jacques Chirac said that he wanted the Francophonie to "respect human rights"; and Canadian prime minister Jean Chretien said that "respect for rights and fundamental freedoms" would be central to the priorities of the Francophonie.

Despite these encouraging statements, the final action plan and declaration of the summit remained vague, containing few concrete actions to promote and protect human rights within the Francophonie. The action plan included provisions to hold an international conference in the year 2000 on democratic practices, rights, and freedoms, and to sponsor independent observer missions to monitor elections in member states. However, there was no mention of the possibility of expelling or suspending members who abuse human rights. The Francophonie charter contains no provisions on the suspension or expulsion of members, but if, as Prime Minister Chretien expressed, the Francophonie was to become a "French Commonwealth" then a constitutional change of this nature was exactly what would be required. Also missing from the final declaration was a democracy watchdog group for the Francophonie that Chirac had proposed in his opening speech.

Despite the absence of tough language in the final declaration, Chirac was content with the summit's progress on human rights. He stated that, "The Francophonie is a gentle force. At every stage, it takes another step in the right direction. We're not looking for anything spectacular." Boutros-Ghali, on the other hand, turned the tables on the critics labeling them as hypocrites when he said, "It is absolutely useless to promote national democracy if on the international level we have an authoritarian or undemocratic regime."

## United States

It was a sobering year for U.S. policy toward Africa. The huge international response to Kosovo galvanized the attention of high-level policy makers and overshadowed the dire conflicts raging in Africa. The deepening complexity of many of the key crises furthered the marginalization of Africa on the international scene. In the U.S., the Clinton administration's effort to launch a new Africa policy aimed at bringing Africa into the world economy—symbolized by a partnership with Africa's "new leaders" and crowned by President Clinton's 1998 visit to the continent—unraveled as these very leaders descended into armed conflict with each other. The failure to integrate human rights concerns effectively into the U.S. focus on economic development and regional security ensured that U.S. policy would veer toward a largely reactive posture, focusing on crisis management and conflict resolution.

Six countries joined the U.S. in signing the Entebbe declaration in March 1998 affirming their mutual interest in promoting democratic participation and respect for human rights. But in 1999, four were at war: Ethiopia remained locked in a devastating border war with Eritrea; Uganda and Rwanda both sent troops to Congo in an effort to overthrow the government of Laurent Kabila, and later the two countries themselves came to the brink of war. Thus, the "core principles" of the Entebbe declaration proved to be largely empty commitments. The Africa Crisis Response Initiative (ACRI) was another casualty. Uganda and Ethiopia were suspended from participation throughout 1999 due to their involvement in armed

CONFLICTS. In addition, without South Africa and Nigeria, which rejected the initiative at the outset, its impact would be limited at best.

NEVERTHELESS, THE Clinton Administration continued to devote considerable energy toward bringing Africa into the mainstream of U.S. policy. In March, the U.S. hosted the first meeting of African and American ministers, the "U.S.-Africa Ministerial Partnership for the 21st Century." Several cabinet secretaries visited Africa during the year, and the number of U.S. government agencies involved in Africa grew to more than a dozen. The Africa Growth and Opportunity Act had cleared in the House of Representatives and as of this writing was pending in the Senate. An Africa trade representative was appointed in the Office of the U.S. Trade Representative. The administration also worked to return assistance to Africa to its previous levels—about U.S.\$800 million. Secretary of State Albright identified the transition in Nigeria as a global priority where the U.S. should be engaged.

THE Ethiopia-Eritrea war was the primary area where the U.S. deployed sustained, high-level diplomatic activity. Although these efforts, coordinated with the OAU, did not yield immediate success, they contrasted markedly with the U.S. response to most African crises. Sudan, one of the few African countries consistently to achieve some prominence in the U.S. foreign policy agenda, remained subject to very strict sanctions. But the questions raised by the August 1998 bombing of a pharmaceutical factory in Khartoum continued to make it politically difficult for the U.S. to provide significant leadership on human rights issues, and U.S. policy—apparently limited to isolating the government—caused increasing tension with the E.U. Sudan was the only country in Africa (of five worldwide) named as a "country of particular concern" under the 1998 International Freedom of Religion Act. Other crises, principally Sierra Leone, Angola and the DRC, remained the domain of certain officials in the Africa Bureau but failed to galvanize high-level policy attention.

IN THE Great Lakes, the administration tried to fend off accusations that it was biased in favor of Rwanda and Uganda, but apparently remained committed to the framework of the "new leaders" policy. Despite some statements early in the year highlighting the need for accountability and respect for human rights by all sides in the DRC conflict, these policy goals never gained much currency in U.S. policy.

## The Work of Human Rights Watch

IN 1999, THE work of Human Rights Watch focused on identifying the root causes of the conflicts that were responsible for the deplorable human rights situation in Africa. By combining the documentation of present human rights violations with historical and political analysis the Africa division attempted to provide policy makers and the public with a balanced and accurate description of the conflicts that plagued the continent. We also continued to dedicate significant resources toward improving our relationships with local human rights groups and exploring ways that we could work together.

HUMAN RIGHTS Watch developed a three-track approach to developing valuable relationships with local NGOs. Firstly, we committed resources to visiting local NGOs, identifying their needs and interests, and undertaking collaborative projects. Secondly, Human Rights Watch provided leading African human rights activists with the opportunity to undertake collaborative projects with our staff, enabling them to learn about our organization and our work methodology from the inside out. Lastly, Human Rights Watch remained committed to protecting human rights activists from abroad.

WHILE OUR BRIEF continued to cover all of Africa south of the Sahara and we strove to expand our monitoring of francophone countries, a nucleus of countries constituted the focus of intensive research and advocacy: Angola, Burundi, Democratic Republic of Congo, Eritrea, Ethiopia, Kenya, Liberia, Nigeria, Mozambique, Rwanda, Sierra Leone, South Africa, Sudan, Uganda, and Zambia. Additionally, the Africa division undertook cross-country thematic research on arms flows, national human rights commissions, the rights of children and women, refugees and the internally displaced, and prisons. We maintained a field monitoring office in Kigali, Rwanda and created a new field office in Freetown, Sierra Leone.

THE publication of *Leave None to Tell the Story: Genocide in Rwanda* just prior to the fifth anniversary of the Rwanda genocide was a landmark event for the Africa division. This 800-page book documented the political process that led to the 1994 genocide, debunking the popular myths that it was the result of "long-standing ethnic hatred" or a "failed state." The report quickly became a major reference for judicial authorities, policy makers, the press, rights activists, and scholars of the region. A representative of Human Rights Watch discussed the main themes with senior diplomats and policy makers in Rwanda, United States, and throughout the European Union. We also provided the OAU's International Panel of Eminent Personalities and the U.N. Inquiry into the United Nations' role in the genocide with detailed presentations. A

representative of Human Rights Watch also served as an expert witness at a genocide trial in a Swiss military court which resulted in a guilty verdict and a sentence of life in prison.

As the war in the Democratic Republic of Congo dragged on and drew in the neighboring countries, we actively followed these developments. Early in the year, we documented human rights abuses which were committed by both government and rebel forces. The publication of these findings led to a renewed discourse with the government and representatives of Human Rights Watch met with ministers from the Democratic Republic of Congo on four different occasions. As activists from Congo came under attack, we actively worked to get them out of detention through these meetings and other public and private statements.

In July, Human Rights Watch published its findings on the forced round-up of Burundian refugees in Tanzania. A representative went to Tanzania to speak with the Tanzanian government and UNHCR officials about the treatment of these refugees and the conditions of the camps. Refugee rights issues were also the focus of an April mission to Kenya to examine police harassment, confinement to rural camps, and deportations of refugees. In October, Human Rights Watch released its first report on civil and political rights in Uganda, detailing government harassment and discriminatory legislation. Our work on Uganda focused on the legal prohibitions facing independent political parties, and a national referendum scheduled for June 2000 under conditions tailored to further entrench a "movement system" under which Uganda was increasingly indistinguishable from a one-party state.

Human Rights Watch worked extensively on the situation in the oil-producing communities of Nigeria. A representative of Human Rights Watch traveled to Nigeria in February to release the findings of our research into corporate responsibility and human rights abuses in the oil producing communities. These findings received extensive coverage in Nigerian and international media and were referred to throughout the year by policy-makers. In May, Human Rights Watch published a further short report detailing abuses that took place in a military crackdown in the Niger Delta in late December and early January. A representative of Human Rights Watch also took part in a panel on the Niger Delta at a U.S. State Department conference on Nigeria in May and testified before the Africa Subcommittee of the House of Representatives Committee on International Relations in August. Human Rights Watch also had a range of meetings with oil companies operating in Nigeria to discuss corporate responsibility for human rights abuses.

In Sierra Leone, Human Rights Watch initiated a successful campaign to raise the international profile of the eight-year civil war and the associated human rights abuses. With a new field office in Freetown, Sierra Leone, we extensively documented abuses committed by rebel and government forces during the Revolutionary United Front's assault on the capital, Freetown in January which were presented in a report released in June. Human Rights Watch also vigorously advocated for the inclusion of human right concerns in the U.N.-facilitated peace negotiations. In response to the inclusion of a general amnesty in the peace accords, Human Rights Watch wrote a score of letters to U.N. officials, national governments, and rebel leaders.

Our strong stance against the amnesty in Sierra Leone arose from similar experiences in other regions of Africa, particularly Angola. Human Rights Watch was able to release a landmark report on the Angolan conflict in September. We took aim at the inability of the United Nations to include human rights monitoring in the peace process and to enforce sanctions as crucial factors in the renewed conflict. Representatives from Human Rights Watch met with U.N. officials, members of the U.N. sanctions committee, and U.S. government officials. In October, a representative participated in a conference sponsored by the U.S. State Department and the National Intelligence Council concerning Angola.

Also in Southern Africa, Human Rights Watch wrote to the South African government during the year to express concern at the ANC's response to the report of the Truth and Reconciliation Commission, and at proposals put forward by the Department of Home Affairs for the creation of reception centers where asylum seekers would effectively be detained. Human Rights Watch also commented to the Parliamentary Portfolio Committee on the draft Refugees Bill before it was passed in November 1998. A representative of the organization traveled to South Africa in July to conduct research into workers' rights on farms, and set up contacts with local groups working on behalf of farm workers and farmers for the purpose of future cooperation on a report detailing abuses on farms. Regarding Zambia, in May we actively advocated that donor countries should continue to attach clear human rights benchmarks to the release of balance of payments support in advance of the World Bank Consultative Group meeting.

IN MARCH, WE RELEASED A MAJOR STUDY OF THE HUMAN RIGHTS CAUSES OF THE 1998 FAMINE IN SUDAN. A REPRESENTATIVE OF HUMAN RIGHTS WATCH ATTENDED AN NGO CONFERENCE IN KAMPALA IN FEBRUARY, A NVER-DINKA PEACE AND RECONCILIATION CONFERENCE IN SOUTHERN SUDAN IN FEBRUARY, A CONFERENCE OF RELIGIOUSLY-BASED GROUPS WORKING ON SUDAN IN GERMANY IN MAY, AND OTHERS TO PRESS FOR THE ADOPTION OF THE RECOMMENDATIONS MADE IN THE STUDY. IN AUGUST, WE FIELDDED A SECOND MISSION TO SOUTHERN SUDAN AND WERE ABLE TO VISIT KHARTOUM AS WELL. IN KHARTOUM, A REPRESENTATIVE PARTICIPATED IN A CONFERENCE SPONSORED BY THE GOVERNMENT AND UNICEF ON THE ELIMINATION OF SLAVERY, AND IN SOUTHERN SUDAN OUR REPRESENTATIVE INVESTIGATED HUMAN RIGHTS VIOLATIONS ASSOCIATED WITH THE WAR. OUR SUDAN RESEARCH ALSO FOCUSED ON RELIGIOUS FREEDOMS. IN SEPTEMBER, A REPRESENTATIVE MADE A PRESENTATION ON RELIGIOUS HUMAN RIGHTS AT A CONFERENCE DISCUSSING THE 1998 U.S. INTERNATIONAL FREEDOM OF RELIGION ACT AND IN JUNE ATTENDED A CONFERENCE ON RELIGIOUS FREEDOM IN SUDAN IN INDIANAPOLIS.

ALSO IN THE HORN OF AFRICA, HUMAN RIGHTS WATCH FIELDDED A MISSION TO ERITREA IN APRIL AND MAY OF THIS YEAR TO INTERVIEW ETHIOPIANS OF ERITREAN DESCENT WHO WERE FORCIBLY DEPORTED AS A RESULT OF THE WAR BETWEEN THESE TWO COUNTRIES.

# ANGOLA

## Human Rights Developments

ANGOLA RETURNED TO ALL-OUT WAR IN DECEMBER 1998. THE HUMAN COST OF THE WAR IN 1999 WAS IMPOSSIBLE TO DETERMINE WITH PRECISION, BUT THE UNITED NATIONS ESTIMATED THAT MORE THAN 2.1 MILLION PEOPLE HAD BEEN DISPLACED. THE APPALLING LEVELS OF DEATH AND DESTRUCTION WERE IN LARGE PART CONSEQUENCES OF THE WIDESPREAD AND SYSTEMATIC VIOLATIONS OF THE LAWS OF WAR FOR WHICH CONFLICTS IN ANGOLA WERE PREVIOUSLY NOTABLE. BOTH THE GOVERNMENT AND REBELS, THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA) WERE RESPONSIBLE FOR THESE VIOLATIONS. IN PARTICULAR, INDISCRIMINATE SHELLING OF BESIEGED CITIES BY UNITA RESULTED IN DESTRUCTION OF PROPERTY AND THE DEATH OF OVER ONE THOUSAND CIVILIANS.

THE RULING POPULAR MOVEMENT FOR THE LIBERATION OF ANGOLA (MPLA) HELD ITS FOURTH CONGRESS IN LUANDA FROM DECEMBER 5 TO 10, 1999. AT ITS OPENING PRESIDENT DOS SANTOS STATED THAT THE ONLY PATH TO LASTING PEACE WAS THE TOTAL ISOLATION OF UNITA LEADER JONAS SAVIMBI AND HIS MOVEMENT. THE PRESIDENT CALLED FOR TERMINATION OF THE U.N. OBSERVER MISSION IN ANGOLA'S (MONUA) MANDATE AND AN END TO THE LUSAKA PEACE PROCESS. MONUA WITHDREW FOR SAFETY FROM ALL UNITA-HELD AREAS ON DECEMBER 6.

JUST PRIOR TO THE OPENING OF THE CONGRESS, THE GOVERNMENT LAUNCHED A MILITARY OFFENSIVE IN CENTRAL ANGOLA WITH AIR RAIDS ON BAILUNDO AND MUNGO, FOLLOWED BY ATTACKS ON ANDULO. SUBSEQUENTLY UNITA FORCES LAUNCHED THEIR OWN ATTACKS AND INFLECTED HEAVY CASUALTIES ON THE GOVERNMENT'S FORCES AND ON CIVILIANS. IN THE HUAMBO AND KUITO SECTORS THE GOVERNMENT WAS FORCED TO WITHDRAW AND IN KUITO ONLY ESCAPED FURTHER LOSSES BECAUSE UNITA'S MECHANIZED UNITS RAN OUT OF FUEL. THE WIDENING HOSTILITIES SPREAD, WITH LAYING OF NEW MINES AND THE INDISCRIMINATE SHELLING OF MALANJE, KUITO, AND HUAMBO BY LONG-RANGE UNITA ARTILLERY.

TWO U.N. AIRCRAFT WERE SHOT DOWN NEAR HUAMBO, ON DECEMBER 26 AND ON JANUARY 2, 1999, RESULTING IN THE DEATHS OF FIFTEEN PASSENGERS AND EIGHT CREW MEMBERS RESPECTIVELY. BOTH AIRCRAFT, CHARTERED BY MONUA, WENT DOWN IN AREAS OF ACTIVE MILITARY OPERATIONS. THE TWO WARRING ANGOLAN PARTIES DENIED ANY RESPONSIBILITY FOR THESE INCIDENTS AND INITIALLY SHOWED NO INCLINATION TO ASSIST SEARCH AND RESCUE OPERATIONS. U.N. INVESTIGATIONS OF THE WRECKAGE OF BOTH PLANES ESTABLISHED THAT THEY HAD BEEN TAMPERED WITH AND THAT THERE HAD BEEN EFFORTS TO CONCEAL THEM: THE FLIGHT RECORDERS HAD BEEN REMOVED.

ON JANUARY 27, THE NATIONAL ASSEMBLY PASSED A RESOLUTION DECLARING JONAS SAVIMBI "A WAR CRIMINAL AND INTERNATIONAL TERRORIST." IT CALLED FOR LEGAL PROCEDURES LEADING TO SAVIMBI AND HIS DIRECT COLLABORATORS BEING HELD ACCOUNTABLE, IN CRIMINAL AND CIVIL LAW, BOTH NATIONALLY AND INTERNATIONALLY.

ON JANUARY 29, PRESIDENT DOS SANTOS APPOINTED A NEW CABINET AND TEMPORARILY ASSUMED THE FUNCTIONS OF PRIME MINISTER AND COMMANDER-IN-CHIEF OF THE FAA. AT THE INAUGURATION CEREMONY OF THE NEW GOVERNMENT, THE PRESIDENT STATED THAT ANGOLA HAD TO WAGE WAR TO ACHIEVE PEACE.

ON JANUARY 26, UNITA OCCUPIED THE PROVINCIAL CAPITAL OF MBANZA CONGO IN THE NORTH, ALTHOUGH THIS APPEARED TO HAVE BEEN RETAKEN ON FEBRUARY 12 BY GOVERNMENT FORCES. ON JANUARY 30, UNITA CAPTURED THE CAPENDA HYDROELECTRIC PROJECT, ABOUT 50 KILOMETERS SOUTH-WEST OF MALANJE. AFTER INITIAL SUCCESSES A SECOND OFFENSIVE TO CAPTURE BAILUNDO WAS STOPPED BY UNITA IN

EARLY MARCH RESULTING IN A SIGNIFICANT LOSS OF EQUIPMENT TO THE REBELS AND THE REPORTED LOSS OF 1,000 MEN. FIGHTING CONTINUED IN CENTRAL AND NORTHERN ANGOLA AND IN MID-SEPTEMBER THE GOVERNMENT LAUNCHED ITS THIRD OFFENSIVE AGAINST UNITA, OPERATION CACIMBO.

THE EFFECTS OF THE CONFLICT LED TO MORE HUMAN DISPLACEMENT. ACCORDING TO THE U.N. THE NUMBERS OF INTERNALLY DISPLACED PERSONS HAD REACHED 1.7 MILLION PERSONS, 15 PER CENT OF THE TOTAL POPULATION, WITH ADDITIONAL FLOWS OF REFUGEES INTO THE DEMOCRATIC REPUBLIC OF CONGO, NAMIBIA, AND ZAMBIA.

ON JULY 24, THE ANGOLAN AUTHORITIES ISSUED AN ARREST WARRANT FOR SAVIMBI ON CHARGES THAT INCLUDED REBELLION, SABOTAGE, MURDER, AND TORTURE. THE WARRANT ALSO ACCUSED SAVIMBI OF KIDNAPPING, ROBBERY, AND THE USE OF EXPLOSIVES — INCLUDING PLANTING OF LANDMINES AT SITES USED BY CIVILIANS. U.N. SECRETARY-GENERAL KOFI ANNAN CRITICIZED THE WARRANT SAYING IT WAS “WRONG,” AND THAT “YOU MAKE PEACE WITH ENEMIES, AND TO MAKE PEACE YOU HAVE TO HAVE COMMUNICATIONS, EITHER DIRECTLY OR THROUGH THIRD PARTIES.”

MINE WARFARE INTENSIFIED AFTER HOSTILITIES RESUMED IN DECEMBER 1998 AND MINES WERE USED BY BOTH SIDES, ALTHOUGH ANGOLA HAD SIGNED THE OTTAWA MINE BAN TREATY IN DECEMBER 1997. THIS ALSO FLEW IN THE FACE OF ANGOLA'S STRONG RHETORICAL SUPPORT OF AN ANTIPERSONNEL LANDMINES BAN. HUMAN RIGHTS WATCH RECEIVED NUMEROUS REPORTS IN 1999 OF RENEWED LANDMINE WARFARE IN CENTRAL AND NORTHERN ANGOLA. AT THE FIRST MEETING OF THE STATE SIGNATORIES OF THE OTTAWA LANDMINE BAN TREATY IN MAPUTO ON MAY 3-7, 1999, THE ANGOLAN GOVERNMENT DELEGATION JUSTIFIED THE RENEWED USE OF LANDMINES SAYING IT WAS “AT WAR.”

HUMAN RIGHTS VIOLATIONS IN ANGOLA INCREASED THROUGHOUT THE YEAR AND WERE AT A MUCH HIGHER LEVEL THAN IN 1998. UNITA MAINTAINED TIGHT CONTROL OF THE POPULATION IN THE AREAS IT CONTROLLED AND CONTINUED TO PREVENT THE ENJOYMENT OF GREATER FREEDOMS THROUGH ARBITRARY KILLINGS, THREATS, FORCED CONSCRIPTION, AND THE DEMAND OF SEXUAL SERVICES. IN DECEMBER, UNITA MILITARY FORCES BRIEFLY OCCUPIED THE TOWN OF CUNJE AND KILLED TWENTY-FIVE CIVILIANS. IN APRIL, WHEN SOME THIRTY VILLAGERS ATTEMPTED TO RETURN TO THEIR HOMES IN THE VILLAGE OF MUCONDA IN LUNDA SUL PROVINCE UNITA CAUGHT THEM AND KILLED TWENTY-FIVE OF THEM WITH KNIVES AND MACHETES.

NGO WORKERS WERE ALSO TARGETED. ON APRIL 14, SAVE THE CHILDREN/USA'S KUANZA SUL MANAGER ANTONIO FERREIRA AND CHURCH NGO WORKER PASTOR MANUEL GABRIEL WERE KILLED BY AVES DURING AN AMBUSH ON THE GABELA — SUMBE ROAD. FERREIRA SUFFERED HEAVY CUTS ON HIS JAW, NECK, AND SPINE AND WAS PIERCED IN THE HEART WITH A POINTED INSTRUMENT. PASTOR GABRIEL WAS MURDERED WITH SHARP OBJECTS AND HIS BODY MUTILATED. MUTILATIONS HAD NOT BEEN COMMON IN ANGOLA'S LONG HISTORY OF CONFLICT BUT WITH THE RETURN TO WAR APPEARED MORE COMMON PLACE. FOR EXAMPLE ON DECEMBER 5 TWO MEN CAUGHT BY UNITA HAD THEIR EARS CUT OFF AND WERE SENT TO THE GOVERNMENT WITH A MESSAGE.

THE ABDUCTIONS OF CIVILIANS BY UNITA WAS COMMONPLACE. PEOPLE OF ALL AGES WERE ABDUCTED, BUT ABDUCTEES AND WITNESSES POINT TO YOUNG MEN, WOMEN, AND YOUNG GIRLS AND BOYS AS PREFERRED TARGETS. IN DECEMBER 1998 TWO PRIESTS AND SIX NUNS WERE REPORTEDLY ABDUCTED AFTER UNITA TOOK CONTROL OF CHIGUAR, BIE PROVINCE. FOREIGN WORKERS FOR COMMERCIAL FIRMS WERE ALSO ABDUCTED FOR FORCED LABOR OR AS A POLITICAL TOOL TO OBTAIN PROTECTION OR RANSOM PAYMENTS OR TO CLOSE DOWN COMMERCIAL OPERATIONS. ON NOVEMBER 9, 1998 UNITA ATTACKED THE YETWANE DIAMOND MINE WHICH WAS PARTLY OWNED BY THE CANADIAN COMPANY DIAMOND WORKS. EIGHT PEOPLE WERE KILLED AND TEN WERE ALSO ABDUCTED, INCLUDING SOUTH AFRICAN DOUG LARSEN AND BRITON JASON POPE.

ON MAY 12 UNITA CLAIMED TO HAVE SHOT DOWN AN ANTONOV AN-26 NEAR LUZAMBA AND CAPTURED ITS THREE RUSSIAN CREW. THIS WAS FOLLOWED ON JULY 1 BY A UNITA CLAIM TO HAVE SHOT DOWN AN ANTONOV-12 AIRCRAFT IN NORTHEASTERN ANGOLA AND CAPTURED ITS FIVE RUSSIAN CREW. UNITA HAD ATTEMPTED TO NEGOTIATE WITH THE RUSSIAN GOVERNMENT OVER THEIR RELEASE.

THE PRIVATE PROPERTY OF CIVILIANS WAS FREQUENTLY PILLAGED AND THEIR HOMES INTENTIONALLY BURNED IN VIOLATIONS OF THE LAWS OF WAR. FOR EXAMPLE UNITA LOOTED ALL MOVEABLE PROPERTIES AND LEFT BOOBY TRAPS AND LANDMINES WHEN IT WITHDREW FROM VILA NOVA IN DECEMBER.

UNITA SINCE DECEMBER HAD BESIEGED THE CITIES OF HUAMBO, KUITO AND MALANJE AND INDISCRIMINATELY SHELLED THEM. THERE WAS NO SIGN THAT IN ANY OF THESE BARRAGES UNITA WAS TARGETING ONLY MILITARY POSITIONS, BUT HER SHELLING APPEARED INTENDED TO SOW FEAR AND DEMORALIZE CIVILIANS IN ADDITION TO CLOSING AIRPORTS AND THE ACCESS THEY PROVIDED FOR RELIEF AID. CIVILIAN HOUSES LOST ROOFS, AND ONE CHURCH WAS HIT IN THESE ATTACKS. UNITA APPEARED TO HAVE USED 120MM ARTILLERY IN THESE BOMBARDMENTS. THE BISHOP OF MALANJE HAD REPORTED THAT MORE THAN 1000 PEOPLE HAD BEEN KILLED AND 700 INJURED IN MALANJE BY THE SHELLING. ON ONE OCCASION IN MARCH OVER A HUNDRED SHELLS LANDED IN THE CITY. BECAUSE OF UNITA'S SIEGE MALANJE SUFFERED FROM LACK OF

food, with supplies only for 94,000 of the more than 200,000 people displaced by the fighting elsewhere who had swelled its population.

The government embarked upon a crackdown on UNITA supporters after the resumption of all-out war. On January 9 two UNITA deputies, Carlos Alberto Calitas and Daniel Jose Domingos were arrested by police. This was followed on January 13 when three more, Joao Vicente Vihemba, Manuel Savihemba, Carlos Tiago Candanda were also picked up. On February 2 the National Assembly lifted the deputies' immunity and they were told they were being held under the provisions in the penal code for those who posed a threat to state security. On May 21 Manuel Savihemba was released but the other four deputies continued to be in jail. Human Rights Watch monitored the trial, which appeared to follow a special procedure not established by law and to drag on. There were also concerns for the health of four of the deputies.

Human Rights Watch received a stream of reports indicating government troops too violated the laws of war. For example the government admitted its forces had been indiscriminate in their aerial bombing of Mbanza Congo in February 1999, while its aircraft also bombed other UNITA towns. On December 16, 1998 prisoners were reportedly paraded through Kuito in army vehicles as bystanders called on soldiers to cut their throats; parading prisoners constituted humiliating and degrading treatment under the laws of war. The International Committee of the Red Cross attempts to gain access to prisoners in this conflict had shown little progress at time of writing. In February 1999 after the government retook the city of Mbanza Congo from UNITA, government forces were reportedly responsible for the killing of several civilians who had stayed behind.

The government's inability or unwillingness to pay the majority of its army and police personnel resulted in widespread extortion and theft. Government personnel frequently confiscated food, including donated relief supplies, livestock, and personal property, often after forcibly depopulating areas and robbing the displaced people. Relief efforts in Kuito after UNITA's siege was lifted were hampered by looting when the aid workers withdrew: government troops looted the World Food Program warehouses and the warehouses of the United Nations Children's Fund (UNICEF), Handicap International, and the U.S. charity CARE's warehouse was also looted in this three-day looting frenzy by government troops in mid-December 1998. Human Rights Watch also interviewed an eyewitness who described the stripping of crops from fields by government troops near Uige in March 1999, and a man who said he was shot in the legs for not immediately offering his possessions to hungry soldiers.

The government persisted in its strategy of manipulating the reporting of UNITA human rights abuses, even as those abuses had been of a severity needing no exaggeration to merit concern and outrage. For example when the C-130 UN aircraft was shot down on January 2, 1999 the government claimed that UNITA was holding seven survivors. When the UN search team reached the crash site late, however, it concluded that all the passengers and crew had been killed in the crash. In July the government claimed that UNITA had massacred up to one hundred people in Chipeta. However an investigation by the UN concluded that those reports were no more than government propaganda.

With the return to war, the space that opened up for independent media and foreign journalists based in Angola was eroded away again in 1999. On January 11, two Angolan journalists from Radio Morena in Benguela were arrested by police for having rebroadcast a news program that featured UNITA Secretary General Lukambo Gato. Radio Ecclesia, which broadcast the Africa program of the Portuguese radio station Renascenca, also became the target of police attention for broadcasting material that included UNITA officials. Foreign journalists including reporters from Portugal's *Diario de Noticias* and the BBC World Service received threats about their coverage of UNITA.

The government issued a formal warning on January 21 when Minister for Social Communication (Information) Pedro Vaal Neto warned that licenses to publish would be revoked if the independent media continued to cover stories about young people not wanting to be conscripted into the armed forces.

The harassment of the media continued throughout the year. In August Radio Ecclesia was raided twice by police after it rebroadcast an interview with Jonas Savimbi. The editor of the independent newsletter *Folha 9*, William Tonet was also told that he can not leave the country in August and detained in October and the editor of *Agora* was warned to keep his paper out of controversial issues. A number of other independent and state media journalists were also warned to keep their reports pro-government.

The renewed conflict and accompanying human rights abuses and violations of laws of war were being fueled by new flows of arms into the country. The government became once again a prime arms purchaser in sub-Saharan Africa. The

GOVERNMENT PAID FOR ITS ARMS PURCHASES THROUGH BANK LOANS, OIL PROFIT REMITTANCES, AND MINING AND OTHER CONCESSIONS. WITH THE DECLINE OF INTERNATIONAL OIL PRICES IN THE FIRST HALF OF 1999, THE GOVERNMENT WAS SHORT OF CASH AND USED SOME OF THE U.S.\$870 MILLION OF FUNDS GENERATED FROM SIGNATURE BONUS PAYMENTS ON THREE OIL EXPLORATION AND CONCESSION BLOCKS. THE MULTINATIONAL OIL COMPANIES BP-AMOCO, EYXON, AND ELF HAD A DOMINANT ROLE IN THESE BLOCKS. RUSSIA, THE UKRAINE, BELARUS FEATURED AS PRIME SOURCES OF ARMS TO THE ANGOLAN GOVERNMENT.

UNITA ALSO PURCHASED WEAPONS AND FUEL FROM FOREIGN SOURCES AS WELL BY USING REVENUE GENERATED BY DIAMOND SALES. SUCH PURCHASES VIOLATED AN INTERNATIONAL ARMS AND OIL EMBARGO IMPOSED BY THE U.N. IN SEPTEMBER 1993 AND A DIAMOND EMBARGO IN JUNE 1998. ALBANIA, BULGARIA, ROMANIA, UKRAINE WERE SOURCES OF SUPPLIES FOR UNITA AND SANCTIONS BUSTING OPERATIONS WORKED THROUGH COTE D'IVOIRE, BURKINA FASO, TOGO, CENTRAL AFRICAN REPUBLIC, KENYA, SOUTH AFRICA, UGANDA, AND ZAMBIA.

## **Defending Human Rights**

WITH THE COUNTRY BACK AT WAR IN 1999 THE CHURCHES BECAME BOLDER THAN IN THE PAST IN THEIR CALLS FOR PEACE AND AN END TO HUMAN RIGHTS ABUSES. IN JANUARY THE CATHOLIC CHURCH ISSUED A STRONGLY WORDED PASTORAL LETTER, STATING FLATLY THAT THE WAR DID NOT REPRESENT THE PEOPLE'S VOICE, THAT BOTH SIDES NEGLECTED THE WELFARE OF THEIR TROOPS, AND THAT THE TROOPS ON BOTH SIDES STOLE FROM THE PEOPLE. A NUMBER OF CATHOLIC BISHOPS SUBSEQUENTLY CALLED FOR RECONCILIATION AND CONDEMNED HUMAN RIGHTS ABUSES. AT THE END OF ITS CONGRESS IN LUBANGO IN JULY THE BISHOPS ISSUED A FURTHER DENOUNCEMENT OF THE WAR. THE CONFLICT "HAS BECOME TWICE-DEADLY...IT KILLS WITH WEAPONS AND KILLS WITH HUNGER" THE BISHOPS SAID. INDISCRIMINATE ATTACKS ON CIVILIANS AND AID WORKERS WERE ACTS OF "COWARDLY BANDITRY," THE STATEMENT ADDED. THEY ALSO CRITICIZED THOSE WHO PROVIDED WEAPONS TO THE LUANDA GOVERNMENT AND UNITA REBELS, AND SAID THE CONFLICT WAS FED BY GREED FOR ANGOLAN PETROLEUM AND DIAMONDS.

SEVERAL PEACE INITIATIVES WERE ALSO LAUNCHED BY, AMONG OTHERS, THE ANGOLAN REFLECTION GROUP FOR PEACE (GARP) AND THE ANGOLAN GROUP FOR THE PROMOTION OF THE CULTURE OF PEACE (GAP). BOTH THESE GROUPS SOUGHT TO BUILDUP A CULTURE OF HUMAN RIGHTS AND CALL FOR ACCOUNTABILITY FOR PAST RIGHTS ABUSES.

## **The Role of the International Community**

### **United Nations**

BY EARLY 1999 FOLLOWING THE OUTBREAK OF WAR AND THE SHOOTING DOWN OF TWO U.N. AIRCRAFT, THE SECRETARY-GENERAL DECIDED THAT THE U.N. OBSERVER MISSION IN ANGOLA (MONUA) COULD DO NO MORE. HE RECOMMENDED THAT ITS MANDATE BE TERMINATED ON FEBRUARY 26 TO BE FOLLOWED BY A PHASED WITHDRAWAL. THE SECURITY COUNCIL OPPOSED THIS, CALLING FOR A CONTINUED MULTIDISCIPLINARY U.N. OPERATION IN ANGOLA. MONUA'S MANDATE EXPIRED IN FEBRUARY AND THE U.N. SPECIAL REPRESENTATIVE IN ANGOLA, ISSA DIALLO, LEFT ANGOLA ON MARCH 15, MARKING THE END OF THE PEACEKEEPING OPERATION. FOR THE NEXT FIVE MONTHS THE U.N. NEGOTIATED WITH THE ANGOLAN GOVERNMENT OVER PERMISSION FOR A FOLLOW-UP U.N. OPERATION. EVENTUALLY IN LATE JULY THE ANGOLAN GOVERNMENT PERMITTED A THIRTY-STRONG UNITED NATIONS OFFICE IN ANGOLA (UNOA) WHICH WOULD INCLUDE TWELVE HUMAN RIGHTS SPECIALISTS.

THE U.N. ALSO FOCUSED ITS EFFORTS ON TRYING TO OPEN UP NEUTRAL HUMANITARIAN CORRIDORS FOR RELIEF AID. FOR MUCH OF THE YEAR THE ANGOLAN GOVERNMENT OPPOSED THIS BUT BY AUGUST IT HAD MODERATED ITS POSITION TO SHOW SOME INTEREST IN ASSISTING AID DISTRIBUTION. IN JANUARY CANADA'S AMBASSADOR TO THE U.N., ROBERT FOWLER, TOOK OVER THE ANGOLA SANCTIONS COMMITTEE. FOWLER TOURED SOUTHERN AFRICA IN MAY AND EUROPE IN JULY, AND MADE NINETEEN PRELIMINARY RECOMMENDATIONS. AT THE END OF JULY, TWO TEN-PERSON EXPERT PANELS WERE CONVENED, WITH AN INITIAL MANDATE OF SIX MONTHS.

THE U.N.'S HUMAN RIGHTS DIVISION, WHICH HAD DONE LITTLE DURING MUCH OF THE LUSAKA PEACE PROCESS, IMPROVED IN LATE 1998, HELPED BY THE HIRING OF A HUMAN RIGHTS PROFESSIONAL TO HEAD IT. HOWEVER, THE RETURN TO WAR IN DECEMBER CURTAILED ITS ACTIVITIES DRAMATICALLY AND IT HAD IN 1999 BEEN UNABLE TO PLAY THE ROLE ENVISAGED FOR IT, PERFORMING LITTLE SERIOUS INVESTIGATIVE WORK ON RIGHTS ABUSES: PUBLISHING NO FINDINGS, AND DISCOURAGING JOURNALISTS FROM TALKING TO IT.

### **European Union, Norway, and Canada**

THE EUROPEAN UNION (E.U.) HAD PLAYED A SUPPORTIVE ROLE IN THE ANGOLAN PEACE PROCESS BUT LACKED THE LEVERAGE OF THE UNITED STATES. PORTUGAL, THE FORMER COLONIAL POWER AND A MEMBER WITH RUSSIA AND THE U.S. OF THE "TROIKA" MONITORS IN THE

PEACE PROCESS, CONTINUED TO PLAY AN IMPORTANT ROLE BUT DISAPPOINTINGLY WAS NOT ACTIVE IN PRESSING RIGHTS ISSUES. DURING THE YEAR THE E.U. ISSUED A NUMBER OF COMMUNIQUE WHICH INCLUDED CONDEMNATIONS OF HUMAN RIGHTS ABUSES BY BOTH SIDES.

## **United States**

ANGOLA IN 1999 WAS THE U.S.'S SECOND LARGEST SITE FOR INVESTMENT AND THIRD LARGEST TRADING PARTNER IN SUB-SAHARAN AFRICA. THE MAJORITY OF THIS TRADE WAS FROM ANGOLAN OIL PRODUCTION, WHICH EXCEEDED 750,000 BARRELS PER DAY. U.S. INVESTMENT IN THE PETROLEUM SECTOR WAS VALUED AT OVER \$4 BILLION, WITH BILLIONS MORE OF INVESTMENT PLANNED. THE U.S. CONTINUED TO BE ANGOLA'S LARGEST TRADING PARTNER, PURCHASING 50 PER CENT OF ITS OIL EXPORTS.

ON OCTOBER 28, 1998 U.S. ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS SUSAN RICE VISITED ANGOLA ON THE SECOND LEG OF A SEVEN-NATION TOUR IN THE REGION. THE U.S. DELEGATION VISITED ANGOLA TO DISCUSS THE ANGOLAN PEACE PROCESS AND THE CURRENT SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO (DRC). BILATERAL RELATIONS HAD COOLED SO MUCH BY THIS STAGE THAT RICE FAILED TO SEE PRESIDENT DOS SANTOS OR ANY OFFICIAL OF SUBSTANCE. DURING HER VISIT SUSAN RICE PROPOSED THE CREATION OF A BILATERAL CONSULTATIVE COMMISSION TO BROADEN AND DEEPEN THE ENGAGEMENT BETWEEN ANGOLA AND THE UNITED STATES, A PROPOSAL THE ANGOLAN GOVERNMENT LATER RESPONDED TO POSITIVELY IN DECEMBER, LEADING TO FURTHER DISCUSSIONS BETWEEN THE TWO GOVERNMENTS. U.S. DEPUTY ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS WITNEY SCHNEIDMAN THEN VISITED ANGOLA TO DISCUSS TRADE ISSUES AND HOW TO PROCEED WITH THE BILATERAL COMMISSION.

SCHNEIDMAN ARRIVED IN ANGOLA ON FEBRUARY 12 FOR A THREE DAY VISIT. HIS PRIMARY FOCUS WAS TO DISCUSS BILATERAL ECONOMIC RELATIONS AND THE CURRENT SITUATION OF THE WAR, AND URGED SUPPORT FOR A CONTINUED U.N. PRESENCE IN ANGOLA. SCHNEIDMAN'S VISIT REPRESENTED A NEW U.S. POLICY FOCUS TOWARD ANGOLA, EMPHASIZING TRADE AND COMMERCE AND DOWN-PLAYING CONTROVERSIAL ISSUES SUCH AS HUMAN RIGHTS. THE U.S. ASSISTANT TRADE REPRESENTATIVE FOR AFRICA, EDWARD CASSELLE VISITED LUANDA IN JULY TO ENCOURAGE MORE BUSINESS.

SENIOR ANGOLAN GOVERNMENT OFFICIALS MET WITH THEIR U.S. COUNTERPARTS ON JUNE 30 AND JULY 1 IN WASHINGTON D.C. AS A FIRST STEP TOWARD ESTABLISHING A BILATERAL CONSULTATIVE COMMISSION TO EXPAND COOPERATION BETWEEN THE TWO COUNTRIES. THE FIRST MEETING OF THE BILATERAL CONSULTATIVE COMMISSION WAS HELD SEPTEMBER 30 IN WASHINGTON D.C DURING WHICH THE MAIN FOCUS WAS TRADE AND INVESTMENT.

# **BURUNDI**

## **Human Rights Developments**

NEGOTIATIONS AMONG PARTIES TO THE CIVIL WAR IN BURUNDI INITIALLY SPURRED HOPES THAT THE SIX-YEAR-OLD CONFLICT MIGHT END, BUT, BY LATE OCTOBER 1999, THE DISCUSSIONS HAD YIELDED LITTLE AND BOTH REBELS AND THE BURUNDIAN ARMY STEPPED UP MILITARY ACTION AROUND BUJUMBURA, THE CAPITAL, AND IN THE SOUTHEAST. AS IN PREVIOUS YEARS, ALL PARTIES TO THE WAR MASSACRED CIVILIANS, ADDING SEVERAL THOUSAND MORE TO A TOLL THAT NOW EXCEEDS ONE HUNDRED THOUSAND VICTIMS. COMBATANTS MAIMED, RAPED, OR OTHERWISE INJURED THOUSANDS OF OTHERS AND DROVE TENS OF THOUSANDS FROM HOMES WHICH WERE DESTROYED. IN AN EFFORT TO DEPRIVE REBELS OF LOCAL SUPPORT, BURUNDIAN AUTHORITIES ORDERED MORE THAN 300,000 PEOPLE INTO REGROUPMENT CAMPS WHERE THEY SUFFERED FROM LACK OF FOOD, WATER, AND MEDICAL ATTENTION. REBELS, AIMING TO END FOREIGN ASSISTANCE TO THE LOCAL POPULATION, WARNED FOREIGNERS TO LEAVE BURUNDI. IN EARLY OCTOBER, REBELS KILLED TWO U.N. AID WORKERS, ALONG WITH SEVEN BURUNDIANS, THUS CAUSING THE U.N. TO HALT ACTIVITIES OUTSIDE OF BUJUMBURA AND WITHDRAW ALL NONESSENTIAL STAFF FROM BURUNDI. DURING THE YEAR, THE WAR IN BURUNDI BECAME MORE CLOSELY LINKED TO CONFLICTS IN THE DEMOCRATIC REPUBLIC OF THE CONGO (DRC), WHERE BURUNDIANS FOUGHT ON BOTH SIDES, AND IN RWANDA. REBELS AGAINST THE RWANDAN GOVERNMENT REPORTEDLY JOINED BURUNDIAN REBELS IN THEIR ATTACKS ON BUJUMBURA AND ELSEWHERE.

THE TUTSI MINORITY, DOMINANT FOR CENTURIES, HAD REBUFFED EFFORTS BY THE HUTU MAJORITY TO PARTICIPATE MORE FULLY IN POWER, WHETHER THROUGH POLITICAL MEANS OR BY FORCE. IN THE WORST SUCH CASE IN 1972, THE TUTSI-DOMINATED ARMY MASSACRED AS MANY AS 200,000 HUTU FOLLOWING HUTU ATTACKS ON TUTSI.

IN 1993, BURUNDIANS ELECTED THEIR FIRST HUTU PRESIDENT, MELCHIOR NDAYE. IN WHAT APPEARED A MODEL TRANSITION, THE TUTSI MAJOR PIERRE BUYOYA CEDED POWER, BUT IN OCTOBER 1993, TUTSI SOLDIERS MURDERED NDAYE AND OTHER HIGH OFFICIALS. HUTU IN MANY



COMMUNITIES, SOMETIMES DIRECTED BY LOCAL OFFICIALS, MASSACRED THOUSANDS OF TUTSI. THE ARMY SLAUGHTERED THOUSANDS OF HUTU, SOMETIMES IN PLACES WHERE NO TUTSI HAD BEEN KILLED.

UNDER HEAVY INTERNATIONAL PRESSURE, THE MILITARY RESTORED CIVILIAN RULE, BUT THE GOVERNMENT FAILED TO COUNTER VIOLENCE BY TUTSI MILITIA IN THE CITY AND ATTACKS BY PREDOMINANTLY HUTU OPPOSITION GROUPS IN THE COUNTRYSIDE. IN 1996, BUYOYA TOOK POWER AGAIN, PLEDGING TO RESTORE ORDER. THE SURROUNDING NATIONS IMPOSED AN EMBARGO ON BURUNDI, SEEKING TO FORCE BUYOYA TO RESTORE CONSTITUTIONAL GOVERNMENT AND TO NEGOTIATE WITH INSURGENTS. WITH A "PARTNERSHIP" ESTABLISHED BETWEEN BUYOYA AND ELEMENTS OF THE INTERNAL OPPOSITION AND WITH NEGOTIATIONS UNDER WAY, ORGANIZERS OF THE EMBARGO ENDED THE RESTRICTION ON TRADE AT THE START OF 1999, BUT THE BADLY DAMAGED ECONOMY FAILED TO REVIVE.

UNDER BUYOYA'S DIRECTION, AUTHORITIES FORCED HUNDREDS OF THOUSANDS INTO "REGROUPMENT" CAMPS IN LATE 1996 AND 1997. AFTER STRONG INTERNATIONAL PROTESTS, THEY DISPERSED MOST OF THE CAMPS BY LATE 1998, BUT WITH THE INCREASED COMBAT IN MID-1999, AUTHORITIES ONCE AGAIN INSISTED ON REGROUPMENT IN REGIONS SURROUNDING THE CAPITAL AND IN THE SOUTHEAST. SIMILARLY, IN SEPTEMBER 1999, THEY CALLED FOR INCREASED RELIANCE ON LOCAL SELF-DEFENSE FORCES, IN OPERATION FOR SEVERAL YEARS, AND THEY STEPPED UP THE DISTRIBUTION OF FIREARMS TO CIVILIANS, MOSTLY TUTSI CIVILIANS.

THE TWO STRONGEST GROUPS OF INSURGENTS, THE NATIONAL COUNCIL FOR THE DEFENSE OF DEMOCRACY—FORCES FOR THE DEFENSE OF DEMOCRACY (CNDD-FDD) AND THE PARTY FOR THE LIBERATION OF THE HUTU PEOPLE (PALIPEHUTU), HAVE SLAIN THOUSANDS OF CIVILIANS, BOTH TUTSI AND OTHER HUTU IN STRUGGLES WITH EACH OTHER AS WELL AS WITH GOVERNMENT FORCES. ORIGINALLY BASED LARGELY IN THE DRC, MANY REBELS LEFT FOLLOWING DISRUPTION OF THEIR BASES DURING THE CONGO WAR AND RESUMED ATTACKS FROM NEW BASES IN TANZANIA.

THROUGHOUT THE YEAR, SOLDIERS ATTACKED CIVILIANS IN REPRISAL FOR ATTACKS BY REBELS. IN EARLY NOVEMBER 1998, GOVERNMENT TROOPS KILLED AT LEAST 101 AND PERHAPS MANY MORE IN MUTAMBU COMMUNE, PROVINCE OF BUJUMBURA-RURALE, AFTER REBELS HAD KILLED FIVE PERSONS IN THE AREA. SOON AFTER, GOVERNMENT SOLDIERS KILLED DOZENS OF CIVILIANS AT MURESI IN MAKAMBA PROVINCE AND AT MUBONE IN KABEZI COMMUNE IN JANUARY.

SEVERAL WEEKS LATER, REBELS STRUCK IN THE PROVINCE OF BUBANZA, KILLING TWENTY-FOUR AND WOUNDING TWENTY, AND SOON AFTER KILLED TWENTY-FIVE PERSONS IN A DISPLACED PERSONS CAMP AT RUMONGE, SOUTH OF BUJUMBURA. REBELS ALSO INCREASED THEIR ATTACKS IN THE SOUTHERN PROVINCES OF BURURI AND MAKAMBA. IN MID-JANUARY 1999, REBELS KILLED AT LEAST TWENTY-TWO CIVILIANS AND BURNED MORE THAN 400 HOUSES IN KIBAGO AND MABANDA COMMUNES.

ATTACKS DIMINISHED IN LATE JANUARY AND FEBRUARY, BUT RESUMED IN LATE MARCH, WITH NEW VIOLENCE IN THE EAST, PARTICULARLY IN THE PROVINCE OF RUYIGI. IN JUNE AND JULY, REBELS KILLED CIVILIANS MORE FREQUENTLY ON THE ROADS AROUND THE CAPITAL. IN ONE INCIDENT, EIGHTEEN CIVILIANS PERISHED AFTER A BUS WAS ATTACKED AND BURNED, REPORTEDLY BY PALIPEHUTU INSURGENTS. REBELS ALSO HIT A MILITARY BARRACKS NEAR BUYOYA'S RESIDENCE, THUS DEMONSTRATING THE POTENTIAL TO STRIKE AT CRUCIAL TARGETS.

IN MID-AUGUST, GOVERNMENT SOLDIERS KILLED 147 CIVILIANS IN ONE PLACE AND SEVENTY-FOUR SOON AFTER IN ANOTHER LOCATION, BOTH IN BUJUMBURA-RURALE. AT THE END OF AUGUST, REBELS KILLED THIRTY-EIGHT CIVILIANS AND THE ARMY RETALIATED BY SLAYING TWENTY OTHERS. THE NEXT WEEK, REBELS KILLED ANOTHER FIFTEEN PEOPLE SOUTH OF THE CAPITAL AND SOON AFTER KILLED THIRTEEN MORE IN MAKAMBA, IN SOUTHEASTERN BURUNDI.

DIVISIONS AMONG THE CONTENDERS, SOMETIMES DUE TO POLICY DIFFERENCES, SOMETIMES DUE TO PERSONAL RIVALRIES, PRODUCED THE UNWIELDY NUMBER OF EIGHTEEN DIFFERENT PARTIES TO THE PEACE NEGOTIATIONS. FACTIONS OF THE IMPORTANT FRONT FOR DEMOCRACY IN BURUNDI (FRODEBU) AND PARTY FOR UNION, PROGRESS AND NATION (UPRONA) DISAPPROVED OF THE TALKS AND A NUMBER OF SMALL RADICAL TUTSI PARTIES CHALLENGED CONCESSIONS MADE BY THE GOVERNMENT IN THE PROCESS. THE WINGS OF CNDD-FDD AND PALIPEHUTU POLITICAL PARTY WITH THE GREATEST MILITARY STRENGTH DID NOT PARTICIPATE IN THE NEGOTIATIONS, ALTHOUGH THE GOVERNMENT ENGAGED IN LESS FORMAL EXCHANGES WITH THEM. FOREIGN DONORS, WHO HAD PAID MORE THAN \$2 MILLION FOR THE TALKS, AS WELL AS MANY BURUNDIANS WERE DISAPPOINTED AT THE LACK OF PROGRESS BY YEAR'S END. THEY CRITICIZED POLITICIANS FOR DELAYS WHICH GAVE THEM ADDITIONAL PER DIEM PAYMENTS WHILE COSTING VICTIMS THEIR LIVES. THE DEATH IN OCTOBER OF FORMER TANZANIAN PRESIDENT JULIUS NYERERE, WHO HAD MODERATED THE TALKS, FURTHER CLOUDED PROSPECTS FOR A NEGOTIATED SETTLEMENT.

MOST BURUNDIANS HAD SUFFERED FROM SOME KIND OF ETHNICALLY-MOTIVATED ATTACK OR HAD FAMILY MEMBERS WHO HAD SO SUFFERED. EXTREMISTS ON EACH SIDE WERE QUICK TO ASSIGN GUILT TO EVERYONE IN THE OTHER ETHNIC GROUP, ACCUSING THEM OF GENOCIDE, A TERM CHARGED WITH SPECIAL IMPORTANCE SINCE THE 1994 GENOCIDE IN NEIGHBORING RWANDA. SOME 10,000 BURUNDIANS WERE IN JAIL, MOST OF THEM ACCUSED OF OR CONVICTED OF CRIMES AGAINST TUTSI IN 1993 OR SINCE. THE JUDICIAL SYSTEM WAS HEAVILY DOMINATED BY TUTSI, WHICH HELPED TO EXPLAIN WHY FEW TUTSI HAD BEEN ARRESTED FOR CRIMES AGAINST HUTU AND WHY HUTU DID NOT EXPECT JUSTICE

in the current situation. Approximately five hundred persons were tried in the last year, reducing somewhat the backlog of cases that had overwhelmed the judicial system, but 75 percent of detainees had yet to be tried.

Prisoners were housed in facilities meant to accommodate only about one third the number of present occupants. In addition to severe overcrowding, prisoners suffered from ill-treatment and lack of food and medical care, such that imprisonment could in many cases be described as inhumane and life-threatening.

In the past, most trials fell short of international standards of due process. But the presence of U.N. human rights observers at some 60 percent of the trials and the more frequent appearance of witnesses, organized with the help of the human rights group Iteka, improved the quality of the proceedings. The nongovernmental organization Avocats sans Frontières provided foreign attorneys to assist the small number of Burundian lawyers available to defend the accused.

In the most publicized case of inadequate justice this year, a court in May acquitted thirty-eight persons of charges of having participated in the murder of President Ndayize. Those acquitted were all important persons or high ranking officers, while five junior officers and soldiers were found guilty and sentenced to death. Seventy-two other persons were condemned to between one and twenty years in prison. In light of the substantial evidence against some of those acquitted, the prosecutor announced that he would appeal the decision.

In June, the legislature adopted changes to the penal code permitting lawyers to consult with detained persons before their first appearance in court and imposing new measures to prevent ill-treatment of detainees as well as lengthy and arbitrary detentions.

Under international pressure, military authorities investigated a few of the worst massacres reportedly committed by soldiers, but apparently in only one case were two soldiers arrested. They had not been brought to trial. In another case, a soldier was arrested for killing at least six and perhaps as many as thirteen civilians at a displaced camp in October.

Authorities kept tight control over the press. In June they arrested the director of the independent news agency Azania and they detained the head of New Press for twelve days. In September, the defense minister reportedly told soldiers to consider journalists as enemies who were supporting the rebels. After international protest, he denied having made the statement.

## **Defending Human Rights**

Local human rights organizations continued to operate without apparent obstruction. Iteka, the oldest and best established, published information on military abuses, criticized proposed legislation to limit the freedom of association, and alerted the international community to the danger of imminent and large-scale violence after the increase of combat in July and August. The Burundian Association for the Defense of Prisoners continued effective work on improving prison conditions.

The United Nations High Commissioner for Human Rights maintained a small group of observers to assist the judiciary and visit prisons. They also monitored violations of international humanitarian law by parties to the conflict.

## **The Role of the International Community**

The international community provided continuing humanitarian assistance to Burundi as well as diplomatic and financial support for the negotiations. Most donors cut all development assistance at the time of the embargo and promised its resumption only after negotiations had been successfully concluded, a position reiterated in September. In October, however, France announced a grant of about \$3 million for reconstruction in war-torn areas and for programs for human rights and justice. Soon after the World Bank pledged \$12 million to further reconstruction. During the year, the U.S. and other donor governments, the E.U., and Secretary-General Kofi Annan denounced violence against civilians and the regroupment policy and called for investigations into the worst massacres. In September, the E.U. urged the U.N. human rights operation to assist in investigating the August massacres reportedly perpetrated by Burundian soldiers and the U.S. called on the Burundian government to permit investigations by local and international human rights investigators into these killings.

# DEMOCRATIC REPUBLIC OF CONGO

## Human Rights Developments

THE DEMOCRATIC REPUBLIC OF CONGO (DRC) IN MAY ENTERED ITS THIRD YEAR UNDER THE AUTOCRATIC RULE OF PRESIDENT LAURENT DESIRÉ KABILA, AND STRUGGLED IN AUGUST TO FIND A NEGOTIATED SETTLEMENT TO A DEVASTATING YEAR-LONG WAR. THE CONFLICT, WHICH INITIALLY PITTED GOVERNMENT TROOPS AGAINST THE REBEL CONGOLESE RALLY FOR DEMOCRACY (RASSEMBLEMENT CONGOLAIS POUR LA DÉMOCRATIE (RCD)), DREW IN MANY REGIONAL FORCES, INCLUDING THE RWANDAN, UGANDAN, AND BURUNDIAN ARMIES ON THE SIDE OF THE RCD REBELS, AND THE ANGOLAN, ZIMBABWEAN, AND NAMIBIAN MILITARIES IN SUPPORT OF THE KABILA GOVERNMENT. ABOUT A DOZEN ARMED GROUPS FROM THE DRC AS WELL AS NEIGHBORING STATES ALSO BECAME EMBROILED IN THE CONFLICT, INCLUDING THE TRADITIONAL MILITIA GROUPS KNOWN IN EASTERN CONGO AS THE MAÏ-MAÏ WHO STRUCK ALLIANCES OF CONVENIENCE WITH THE GOVERNMENT OUT OF RESENTMENT AT THE OCCUPATION OF THEIR REGION BY FOREIGNERS. THE GOVERNMENT WAS CREDIBLY REPORTED TO HAVE RECRUITED ELEMENTS OF THE EXTREMIST HUTU MILITIA AND FORMER RWANDAN ARMY WHICH HAD PERPETRATED THE 1994 GENOCIDE IN THEIR COUNTRY IN WHICH AT LEAST 500,000 TUTSIS AND MODERATE HUTUS WERE SLAUGHTERED.

A MILITARY STALEMATE LEFT THE DRC GOVERNMENT IN CONTROL OF ONLY THE WESTERN HALF OF THE COUNTRY. THE GOVERNMENT CLAIMED THAT THE REBEL MOVEMENTS THAT CONTINUED TO CONTROL THE EASTERN PART OF THE COUNTRY MERELY FRONTED FOR A FOREIGN INVASION BY RWANDA, UGANDA, AND BURUNDI. THESE REBEL BACKERS CLAIMED THAT THEIR MILITARY PRESENCE IN THE DRC WAS NEEDED TO PROTECT THEIR OWN NATIONAL SECURITY AGAINST EXTREMIST ETHNIC MILITIA OPERATING FROM SAFE HAVENS IN THE DRC TO DESTABILIZE THEM. THE THREE COUNTRIES HAD INVOKED THE SAME ARGUMENT WHEN, IN 1996 AND 1997, THEY SUPPORTED PRESIDENT KABILA'S OWN CAMPAIGN TO OUST FORMER DICTATOR MOBUTU SESE SEKOU. THEY TURNED AGAINST THEIR FORMER ALLY WHEN HE TOOK STEPS IN AUGUST 1998 TO END HIS DEPENDENCY ON THEM AND TURNED TO THE SAME POLICIES OF ETHNIC EXCLUSION TOWARDS DRC'S ETHNIC RWANDAN NATIONALS ADOPTED BY MOBUTU, WHILE RECRUITING EXILED RWANDAN GENOCIDAIRES INTO HIS OWN FORCES. BATTLE WEARINESS OF FOREIGN ACTORS WAS A CONTRIBUTING FACTOR IN THE CONCLUSION OF A CEASE-FIRE AGREEMENT IN LUSAKA IN EARLY JULY. AS THE NATIONAL WAR ENTERED INTO A RELATIVE LULL, HOSTILITIES FLARED UP UNEXPECTEDLY IN LATE AUGUST IN KISANGANI BETWEEN TWO RCD FACTIONS, AND THEIR RESPECTIVE BACKERS RWANDA AND UGANDA.

THE GOVERNMENT'S ATTEMPTS TO INTIMIDATE THE POLITICAL OPPOSITION, THE FREE PRESS, AND THE COUNTRY'S DYNAMIC CIVIL SOCIETY AND HUMAN RIGHTS MOVEMENTS LED TO SEVERE RESTRICTION ON THE FREEDOMS OF EXPRESSION AND ASSOCIATION. THE GOVERNMENT MADE COSMETIC CONCESSIONS TO AN EVER RETREATING DEMOCRATIZATION AGENDA. IT NOMINALLY LIFTED A TOTAL BAN ON POLITICAL PARTY ACTIVITIES THAT IT HAD STRICTLY ENFORCED SINCE MAY 1997 BY PROMULGATING A LAW "LIBERALIZING" POLITICAL PARTY CONTROLS AT THE END OF JANUARY, IN ADVANCE OF ELECTIONS SLATED AT THE TIME FOR APRIL 1999. OPPOSITION PARTIES WERE QUICK TO REJECT THE LAW ON GROUNDS OF ITS FAILURE TO RECOGNIZE PREEXISTING PARTIES, AND THE RESTRICTIVE CONDITIONS IT SET TO ESTABLISH NEW ONES. THE LAW, FOR EXAMPLE, GAVE BROAD POWERS TO THE MINISTRY OF INTERIOR TO SUSPEND OR DISBAND PARTIES "IN THE EVENT OF VIOLATION OF THE LAW AND EMERGENCY OR THE RISK OF SERIOUS PUBLIC DISORDER."

PRESIDENT KABILA IN APRIL DISBANDED HIS OWN ALLIANCE OF DEMOCRATIC FORCES FOR THE LIBERATION OF CONGO (ADFL), AT THE HEAD OF WHICH HE SEIZED POWER, AFTER ACCUSING ITS MEMBERS OF "OPPORTUNISM" AND "SELF-ENRICHMENT." THE PRESIDENT INTRODUCED AT ITS PLACE THE POPULAR PEOPLE'S COMMITTEES (CPPS). ELECTED BY LOCAL RESIDENTS, THE CPPS WERE MANDATED TO EXERCISE LOCAL GOVERNMENT POWERS THROUGHOUT THE COUNTRY. OPPOSITION LEADERS SAW IN THE CPPS A NEW INCARNATION OF THE VANGUARD GRASSROOTS MOVEMENT THAT KABILA PREVIOUSLY ESPOUSED THROUGH THE ADFL, AND AS A MEANS TO LEGITIMIZE HIS RULE AT THE APPROACH OF ELECTIONS. BUT THE WAR PROVIDED AN EXCUSE FOR THE GOVERNMENT TO DELAY THE ELECTIONS UNTIL THE CONVENING OF THE "NATIONAL DIALOGUE" ON CONGO'S POLITICAL FUTURE THAT WAS PLEDGED IN THE PEACE ACCORD. THIS IN TURN BECAME A CONTENTIOUS ISSUE AS THE REBELS AND THE NONVIOLENT OPPOSITION ALIKE CHARGED THE GOVERNMENT WITH SEEKING TO DERAIL THE PROCESS.

GOVERNMENT SECURITY AGENCIES ROUTINELY USED THE BROAD ACCUSATION OF PARTAKING IN "POLITICAL ACTIVISM" TO ARBITRARILY ARREST AND DETAIN SCORES OF MID- AND LOCAL-LEVEL OPPOSITION ACTIVISTS. FOUR ACTIVISTS OF THE OPPOSITION PARTI LUMUMBIST UNIFIÏI (PALU) WHO TRIED ON JANUARY 30 TO MARK THE RECENT LEGALIZATION OF POLITICAL ACTIVITIES BY DISPLAYING THEIR PARTY'S FLAG WERE IMMEDIATELY ARRESTED. ON MAY 17, SECURITY SERVICES ARRESTED NINE OTHER MEMBERS OF PALU AND THREW THEM IN DIFFERENT LOCKUPS. JOSEPH KAPIKA, A SPOKESPERSON OF THE MAIN OPPOSITION PARTY, THE UNION FOR DEMOCRACY AND SOCIAL PROGRESS (UDPS), WAS ARRESTED IN EARLY FEBRUARY FOLLOWING HIS CRITICISM OF THE LAW ON POLITICAL PARTIES DURING A VOICE OF AMERICA INTERVIEW. HIS CASE WAS LATER REFERRED TO THE MILITARY ORDER COURT ON UNSPECIFIED CHARGES. FIFTEEN UDPS MEMBERS ARRESTED ON MAY 28 DURING A GATHERING OF THEIR PARTY WERE MADE TO UNDRESS AT THE POLICE STATION AND WERE WHIPPED. SIMILAR CRACKDOWNS OCCURRED IN LUBUMBASHI, THE SECOND LARGEST CITY, WHERE SEVERAL LEADERS OF THE UDPS REGIONAL CHAPTER WERE DETAINED IN THE LAST WEEK OF JULY. THREE OF THEM WERE TRANSFERRED IN MID-AUGUST TO KINSHASA. ALL OF THESE ACTIVISTS FROM PALU AND UDPS CONTINUED TO BE DETAINED AT THE TIME OF WRITING. OTHERS WHO WERE FREED AFTER SHORTER DETENTION PERIODS FROM POLICE AND MILITARY LOCKUPS REPORTED THAT THEY WERE SUBJECTED TO DAILY WHIPPINGS AND OTHER FORMS OF CRUEL, INHUMAN, OR DEGRADING TREATMENT AND TORTURE. PROMINENT LEADERS OF THE OPPOSITION WERE EFFECTIVELY REDUCED TO SILENCE AFTER LONG PERIODS OF HARSH AND DEGRADING DETENTION.

OUTSPOKEN JOURNALISTS WERE THE TARGETS OF VARIOUS FORMS OF HARASSMENT. IN MID SEPTEMBER, SECURITY AGENTS PREVENTED MODEST MUTINGA, EDITOR OF THE INDEPENDENT NEWSPAPER *LE POTENTIEL*, FROM LEAVING THE COUNTRY TO ATTEND TWO CONFERENCES ABROAD ON FREE EXPRESSION AND GOOD GOVERNANCE. ON MARCH 15, HE WAS ARRESTED AND DETAINED FOR FIFTEEN DAYS UPON HIS RETURN FROM ATTENDING SIMILAR FORA. THIERRY KALUMBA, EDITOR OF THE *VISION* NEWSPAPER, WAS ARRESTED IN MID JANUARY FOR A STORY ON WEAPON SUPPLIES TO THE REBELS. IN MARCH HE WAS SENTENCED TO FOUR YEARS IN PRISON BY THE COURT OF MILITARY ORDER FOR "DIVULGING STATE SECRETS."

WEAKENED BY DECADES OF NEGLECT AND CORRUPTION, THE JUDICIAL SYSTEM REMAINED INCAPABLE OF PROTECTING THE CITIZENS FROM THE UNBRIDLED ACTIONS OF THE SECURITY AGENCIES; NOR WAS IT ABLE TO GUARANTEE THE EXERCISE OF BASIC FREEDOMS PROTECTED UNDER CONGOLESE LAW AND INTERNATIONAL HUMAN RIGHTS CONVENTIONS TO WHICH THE DRC HAD SUBSCRIBED. THE NOTORIOUS COURT OF MILITARY ORDER, ORIGINALLY ESTABLISHED IN 1997 TO IMPROVE DISCIPLINE WITHIN THE ARMY, INCREASINGLY HANDED DOWN HEAVY SENTENCES TO CIVILIANS ON QUESTIONABLE POLITICAL AND SECURITY CONVICTIONS. THE COURT HAD ORDERED THE EXECUTION OF 250 PEOPLE IN ITS TWO YEARS OF EXISTENCE. THERE WAS NO APPEAL TO ITS DECISIONS.

BY OCTOBER, MORE THAN 500 FORMER TUTSI INTERNEES, WHOM AUTHORITIES HAD ROUNDED UP IN THE CAPITAL AND LUBUMBASHI FOLLOWING THE OUTBREAK OF WAR IN 1998, WERE ABLE TO LEAVE THE COUNTRY PEACEFULLY TO RWANDA AND BURUNDI, OR TO SEEK ASYLUM IN EUROPE AND NORTH AMERICA. THE GOVERNMENT AUTHORIZED THEIR DEPARTURE FOLLOWING PROTRACTED NEGOTIATIONS WITH THE U.N., THE INTERNATIONAL COMMITTEE OF THE RED CROSS, AND ITS BILATERAL PARTNERS. IT WAS NOT CLEAR WHETHER THOSE WHO HAD RIGHTFUL CLAIMS TO CONGOLESE NATIONALITY WOULD BE ALLOWED TO RETURN IN THE FUTURE.

FORCES OF THE CONGOLESE RALLY FOR DEMOCRACY ON SEVERAL OCCASIONS MASSACRED SCORES OF CIVILIANS. THEY KILLED ON DECEMBER 3 AT LEAST FIFTEEN CIVILIANS, MOST OF THEM PALM OIL TRADERS WHO WERE HEADING TO A LOCAL MARKET, NEAR THE VILLAGE OF LEMERA IN SOUTH KIVU. OVER THE NEW YEAR, THEY MASSACRED UP TO 500 CIVILIANS IN AND AROUND THE VILLAGE OF MAKABOLA IN THE SAME REGION, INCLUDING WORKERS OF THE LOCAL RED CROSS SOCIETY, AND PRIESTS AND THEIR FAMILIES. IN MID MARCH, THEY REPORTEDLY MASSACRED AT LEAST 109 VILLAGERS IN THE LOCALITY OF BURHINYI IN SOUTH KIVU. ALL THESE KILLINGS REPORTEDLY FOLLOWED LOSSES THE REBELS SUSTAINED IN FIGHTING WITH THE MAI-MAI IN THE VICINITY OF THE TARGETED VILLAGES. THE RCD REPEATEDLY PROMISED TO INVESTIGATE THESE AND OTHER SIMILAR INCIDENTS, AND TO PUNISH PERPETRATORS, BUT FAILED TO DELIVER ON SUCH PROMISES.

THE REBELS CRACKED DOWN ON DISSENTING VOICES IN AREAS UNDER THEIR RESPECTIVE CONTROL IN MUCH THE SAME WAY AS THE GOVERNMENT DID BY SEEKING TO INTIMIDATE OPINION LEADERS THROUGH DETENTION, HARSH AND DEGRADING TREATMENT, AND TRAVEL RESTRICTIONS. UNLIKE THE GOVERNMENT, HOWEVER, THE REBELS DID NOT ACCOMMODATE ANY LEVEL OF NONVIOLENT POLITICAL OPPOSITION.

ATTEMPTS BY BOTH THE GOVERNMENT AND REBEL ALLIANCES TO QUICKLY BUILD DEPENDABLE CONGOLESE ARMIES FOR THEIR RESPECTIVE CAMPS REPORTEDLY LED TO EXTENSIVE RECRUITMENT OF CHILD SOLDIERS THROUGHOUT THE COUNTRY. ABUSES AGAINST WOMEN BY ALL PARTIES WERE RAMPANT, AND THEY WERE FREQUENTLY THE TARGET OF SEXUAL VIOLENCE INCLUDING RAPE. LOCAL ACTIVISTS, WHO ASSISTED SOME OF THE VICTIMS BY ARRANGING MEDICAL ATTENTION, CONFIRMED THE EXPOSURE OF SOME IN THE GROUP TO HIV BY HIV-POSITIVE SOLDIERS. OTHER RAPE VICTIMS SUFFERED REJECTION FROM THEIR HUSBANDS AND COMMUNITIES.

## Defending Human Rights

Both the Kabila government and the rebels stepped up their harassment of Congolese human rights activists during the year in an attempt to intimidate and silence independent witnesses to their abuses. Human rights defenders who were forced to flee the Congo encountered increasing risks in neighboring countries.

On May 29, the Kinshasa police arrested Laurent Kuntu Lumpungu, chairman of the Independent Association of Prison Officials which had been critical of poor prison conditions and ill-treatment, while he was visiting the capital's central prison and took him to the police station where he was ill-treated. He continued to be arbitrarily detained by mid-October at the same prison he was inspecting for his organization. Government agents on June 25 ransacked the office of Voice of the Voiceless, a leading national monitoring group, following damning reports by the organization on government abuses.

On June 15, 1999, rebel soldiers broke into and ransacked the office of Groupe Jürümie, an independent monitoring and civic education organization based in Bukavu. Jürümie had just issued statements criticizing the deterioration of educational and other social services in rebel areas. Raphaël Wakenge, of the leading human rights organization Hüritiers de la Justice, Kizito Mushiizi and Omba Kamengele, journalists of Radio Maendeleo—which is owned and operated by NGOs,—were detained late August in Bukavu, on charges of “eavesdropping on military communications,” and “intelligence with the enemy.” Radio Maendeleo and Hüritiers had angered rebel authorities earlier by independently reporting on human rights and political developments in the region. In Kisangani, the rebels in late August briefly detained Claude Olenka, chairman of Commission Justice et Libération, and another member of the group for their suspected opposition to the rebel cause.

## **The Role of the International Community**

### **Southern African Development Community**

Zambia took the lead in mediating the conflict in the DRC on behalf of the Southern African Development Community (SADC). After protracted negotiations, the government and rebels, and their respective foreign allies, agreed on a deal that state actors signed on July 10, although the rebels only signed on in late August after violent internal confrontations. The deal needed significant backing from the U.N. and other leading international actors if it was to succeed in ending the war. It addressed Congo's internal political crisis by providing for a national dialogue by the government, the rebels, and the nonviolent political opposition to agree on new political order for the country. It also addressed the security concerns of Rwanda, Uganda, and Angola by committing all parties to identify and disarm members of armed groups from these countries operating in the DRC and to hand over suspected “genocidal” elements to international prosecutors. The agreement did not provide for accountability for abuses by the RCD rebels and their backers. It also failed to recognize or take into account the grievances of the Mai-Mai and other armed groups involved in the conflict. The accord provided for a joint military commission to oversee its implementation, and for a peacekeeping force with a significant U.N. participation to enforce it on the ground. The international body appeared ill-disposed to a peace-enforcement role as initially requested by the mediators.

### **United Nations**

In January, the DRC's representative to the U.N. charged that the Security Council had made no efforts to put an end to the war raging in his country beyond “making statements.” In the months that followed, an undeterred U.N. Security Council repeatedly expressed concern about the continuing war in the DRC in resolutions and presidential statements, but failed to take action to stop it. The council viewed the conflict as threatening to regional peace, security, and stability, and deplored its disastrous humanitarian consequences. This recognition notwithstanding, the U.N. persisted in keeping a low profile in the search for peace, and in the peace mission once the belligerents reached a truce. The council expressed strong support in its communications for the regional mediation process led by Zambia on behalf of SADC and the OAU. In an April resolution, the council welcomed the secretary-general's decision to appoint a special envoy for the peace process for the DRC and requested him to work closely with his OAU counterpart to promote a peaceful resolution to the conflict.

Following the signing of the Lusaka cease-fire agreement, the Security Council unanimously adopted a resolution on August 6 authorizing the deployment for three months of up to ninety U.N. military liaison personnel in the capitals of the

belligerent states. Their mandate included the establishment of contacts with the joint military commission formed by the belligerents to oversee the implementation of the truce. The limited mandate reflected the reluctance in the U.N. to consider a peace enforcement operation under Chapter VII of the U.N. Charter, and a certain preference for a military observation mission.

In the meantime, the U.N. Commission on Human Rights maintained its efforts to positively influence human rights developments on the ground. Roberto Garretyn, the U.N. special rapporteur for the DRC, returned to the country in February and again in August at the invitation of President Kabila's government. He had been banned since March 1997 after implicating forces of then rebel leader Kabila and their allies of the Rwandan Patriotic Army in the massacre of thousands of Hutu refugees. The government thereafter systematically obstructed the work of the investigative team set up by the U.N. secretary-general to circumvent the ban on the special rapporteur, leading to the premature closure of that investigation as well. The fallout between the DRC and Rwanda appeared to have disposed the DRC government for more cooperation with the U.N. In his first meeting with the special rapporteur, on August 28, President Kabila agreed that the investigation could proceed when the security situation allowed, and promised his country's cooperation. The president also promised to investigate reports of rampant arbitrary detention and abuse of detainees that the rapporteur raised. "We will investigate the reasons for their detention and then take a decision on whether or not to free them," explained Bernard She Okitundu, the DRC's human rights minister. Despite the concrete steps that the government took during the year to resume its cooperation with the U.N. and to engage leading international human rights organizations in dialogue, this and similar pledges by the government failed to translate into tangible human rights improvements.

The special rapporteur traveled on both occasions to areas controlled by the main rebel faction. In February he described the situation of fear under which the population lived in eastern Congo due to wide-scale violations of humanitarian law by the rebels and their allies and by irregular militia opposed to them. The rapporteur secured the rebels' agreement to the establishment, as of August, of a branch office at Goma, under the U.N. Human Rights Commission's Field Office in Kinshasa, to monitor the human rights situation in the region. The Field Office in Kinshasa undertook several initiatives during the year to facilitate and encourage dialogue and consensus building between the government and human rights groups around a national program for the promotion and defense of human rights. A workshop supported by the office in August recommended the abolition of the Military Order Court.

The U.N. Commission on Human Rights decided on April 27, 1999, to extend the mandate of the special rapporteur for the DRC for another year. It also resolved to request him and the special rapporteur on extrajudicial, summary or arbitrary executions, and a member of the Working Group on Enforced or Involuntary Disappearances to investigate the killings of refugee in 1996-1997.

## European Union

Like the U.N., the E.U. opted for a low-key role in the mediation efforts. In February, and again in June, the E.U. presidency expressed on the E.U.'s behalf strong support for regional mediation efforts and condemned the acts of violence perpetrated against civilians by all the parties since the war started. The June presidential declaration pledged support to the plan for "national debate" proposed by President Kabila for bringing about peace. However, the E.U. conditioned its eventual assistance on the independent organization and inclusiveness of the forum. A resolution issued in April by the African, Caribbean, and Pacific-Joint Assembly strongly condemned rampant abuses in the war. The assembly called on all the parties to respect international humanitarian law, and immediately halt the fighting and seek a negotiated settlement.

The E.U. in a presidential declaration welcomed the July 10 Lusaka peace agreement and called on the rebels to sign it. Provided that the belligerent parties themselves respected their own accord, the E.U. pledged support for its implementation, particularly in the areas of resettling civilians displaced by the war, fostering national reconciliation in the DRC, and supporting the country's rehabilitation plans. This pledge was reiterated in a September 3 presidential declaration welcoming the rebels' signing of the accord.

In June the European Commission issued a communication to the European Council and Parliament reviewing the E.U.'s economic cooperation with countries at war in the DRC. The report was intended to avoid the misuse of development funds provided by the E.U. for military purposes. The E.U.'s assistance to the DRC was largely humanitarian, with pledges of funding

FOR THE ESTABLISHMENT OF A STATE OF LAW, PROVIDED THAT THE DRC REGISTERED PROGRESS ALONG THE LINES ESTABLISHED BY THE LOME CONVENTION.

## United States

THE ADMINISTRATION DIRECTED ITS ENERGY TO THE SUPPORT OF THE LUSAKA MEDIATION PROCESS LED BY PRESIDENT FREDERICK CHILUBA. THE SKEPTICISM IN REGIONAL CIRCLES ABOUT A MORE DIRECT INVOLVEMENT OF THE U.S. IN THE MEDIATION EFFORT WAS LARGELY BREED BY THE PERCEPTION THAT THE U.S. HAD FOR TOO LONG UNCONDITIONALLY SUPPORTED THE LEADERS OF UGANDA AND RWANDA.

THE U.S. ISSUED A STRONG STATEMENT OF CONCERN ON NOVEMBER 13, 1998 ABOUT RWANDAN REFUGEE MOVEMENTS FROM NEIGHBORING COUNTRIES INTO THE DRC, WHERE HUNDREDS WERE REPORTED TO HAVE BEEN RECRUITED BY THE WARRING FACTIONS. THE U.S. PUBLICLY CONDEMNED THE MAKABOLA MASSACRE ON JANUARY 7, AND CALLED ON THE REBELS TO INVESTIGATE THE MASSACRE REPORT AND TO GRANT INDEPENDENT INVESTIGATORS ACCESS TO ITS SITE. A STATEMENT ON MARCH 4 CONDEMNED WAR-RELATED HUMAN RIGHTS ABUSES BY ALL SIDES, AND CALLED FOR ACCOUNTABILITY AND THE RESPECT OF THE GENEVA CONVENTION REGARDING THE TREATMENT OF CIVILIANS AND NONCOMBATANTS. THE STATE DEPARTMENT RETURNED TO THE ISSUE IN A MARCH 26 STATEMENT BY EXPRESSING ALARM AT CONTINUED MASSACRE REPORTS FROM REBEL AREAS, AND WIDESPREAD ABUSES BY THE GOVERNMENT. ON APRIL 1, THE U.S. WELCOMED THE NATIONAL DIALOGUE ON CONGO'S POLITICAL FUTURE ANNOUNCED BY PRESIDENT KABILA, BUT WARNED THAT IT SHOULD BE A TRANSPARENT PROCESS.

HOWEVER, THE U.S. INTEREST IN PRESSING FOR ACCOUNTABILITY AND HUMAN RIGHTS IMPROVEMENTS APPEARED TO HAVE WANED AS THE DRC PLUNGED FURTHER INTO CHAOS. PEACE AND REGIONAL SECURITY BECAME THE PRIMARY FOCUS IN THE U.S. PUBLIC DIPLOMACY. THERE WERE SCANT REFERENCES TO VIOLATIONS BY THE BELLIGERENTS AND TO THEIR OBLIGATIONS TO ABIDE BY INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN STANDARDS IN SUBSEQUENT STATEMENTS ISSUED BY THE DEPARTMENT OF STATE IN SUPPORT OF THE REGIONAL PEACE PROCESS.

THE U.S. IN FISCAL YEAR 1999 DEDICATED \$ 15 MILLION IN SUPPORTING PROGRAMS AIMED AT ENCOURAGING JUDICIAL AND DEMOCRATIC REFORMS, AND FOSTERING BROAD-BASED ECONOMIC GROWTH AND ENVIRONMENTAL PROTECTION, IN ADDITION TO SUBSTANTIAL HUMANITARIAN ASSISTANCE.

# FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

## Human Rights Developments

ETHIOPIA FOUGHT ITS FORMER ALLY ERITREA IN THE WORLD'S DEADLIEST WAR IN 1999, OVER A BORDER DISPUTE THAT ERUPTED IN 1998. THE WAR CONTINUED TO HAVE DRASTIC HUMANITARIAN CONSEQUENCES, AND CONTRIBUTED CONSIDERABLY TO THE WORSENING OF AN ALREADY DIRE HUMAN RIGHTS SITUATION.

THE GOVERNMENT, LED BY THE ETHIOPIAN PEOPLES' REVOLUTIONARY DEMOCRATIC FRONT (EPRDF) SINCE THE OUSTER OF FORMER DICTATOR MENGISTU HAILE MERIAM IN 1991, ANNOUNCED NATIONAL LEGISLATIVE ELECTIONS FOR MAY 2000, THE FIRST SINCE 1995. VOTERS WOULD ELECT MEMBERS OF THE TWO CHAMBERS OF PARLIAMENT FROM LISTS PRESENTED BY SOME SIXTY REGISTERED POLITICAL PARTIES. THE EPRDF, HOWEVER, MAINTAINED STRICT CONTROL OVER ETHIOPIA'S NINE ETHNICALLY-DEFINED FEDERAL STATES THROUGH REGIONAL ETHNICALLY-DEFINED PARTIES AFFILIATED TO IT. POLITICAL GROUPINGS WHICH SOUGHT TO PRESERVE THEIR AUTONOMY OR TO OPPOSE THE SYSTEM OF ETHNIC FEDERALISM ENSHRINED IN THE 1995 CONSTITUTION CONTINUED TO FACE SEVERE RESTRICTIONS. THE EPRDF IGNORED CALLS IN LATE AUGUST BY REPRESENTATIVES OF THE ALL AMHARA PEOPLE'S ORGANIZATION (AAPO) AND THE SOUTHERN PEOPLES UNION FOR GREATER SAY IN ORGANIZING THE ELECTIONS. THE OPPOSITION COUNCIL OF ALTERNATIVE FORCES OF PEACE AND DEMOCRACY IN ETHIOPIA, AND THE OROMO NATIONAL CONGRESS PUBLICLY EXPRESSED FEARS THAT THE GOVERNMENT WOULD DENY THEM EQUAL ACCESS TO THE STATE CONTROLLED MASS MEDIA AND THE RIGHT TO CAMPAIGN WITHOUT HARASSMENT.

THE WAR WITH ERITREA CONTRIBUTED TO A CONSIDERABLE WORSENING OF THE HUMAN RIGHTS AND HUMANITARIAN SITUATION IN THE COUNTRY. AN ESTIMATED FORTY TO FIFTY THOUSANDS SOLDIERS WERE BELIEVED TO HAVE BEEN KILLED, WOUNDED, OR CAPTURED ON BOTH SIDES. FIERCE FIGHTING RESUMED IN FEBRUARY 1999 AFTER A LULL THAT LASTED FROM SEPTEMBER WHICH THE TWO PARTIES USED TO

recruit and train about half a million conscripts and to rearm on the open market. Ethiopia recaptured the disputed "Badme triangle" that Eritrea had occupied in the first phase of the war.

By October 1999, civilians directly affected by the war in Ethiopia included, according to government figures, some 400,000 villagers displaced or evacuated from the border area. Some 41,000 Ethiopian nationals left Eritrea by October, many of them under duress: they said they were fleeing discrimination and feared for their own safety as the war intensified. Many also experienced severe war-related economic hardships in Eritrea. The International Committee of the Red Cross (ICRC) in Eritrea accompanied about half of the departures; the others having occurred before its involvement began in September 1999. Ethiopia initiated as of June 1999 a draconian program of roundups and deportations of those Eritreans and Ethiopians of Eritrean origin authorities deemed to be a threat to national security. Tens of thousands were affected. The acute humanitarian crisis resulting from the war was further compounded by intense drought conditions in the east and southeast of Ethiopia that threatened an estimated five million people with hunger in 1999. After an initial alarmingly slow response, donors by early October had pledged most of the emergency food aid needed to prevent starvation.

On July 5 and 6, Ethiopia deported another three thousand people of Eritrean origin, many of them children and elderly people. They arrived in Eritrea weakened by many days of detention and a rough road trip, and complaining of the confiscation of their properties. Their arrival signaled the resumption of the mass deportations which had slowed to a trickle since hostilities resumed in February and brought the number of deportees until then to 60,000.

The government in July held that it had a legal right to deport those Ethiopians of Eritrean origin who had voted in the 1993 referendum on the independence of Eritrea, and registered those who remained behind as aliens in August. It argued that under the Eritrean referendum proclamation only those who had opted for Eritrean citizenship were eligible to vote—although any such a choice would have been contingent upon, and meaningful, only after being ratified by each individual after Eritrea had gained its independence. With its own nationality law barring dual citizenship, the government declared that it therefore considered referendum voters to be foreigners. However, Ethiopian authorities failed to declare at the time of the referendum that participation in it would constitute a formal renunciation of Ethiopian nationality. Furthermore, many of the deportees were children and elderly persons who neither voted or conceivably posed credible security threats. The Ethiopian government's position also belied its own role in facilitating the referendum and endorsing its result. At the time of Eritrean independence, the two states and ruling fronts were the closest of allies. They focused on forging close technical, political, and security ties and accorded low priority to sensitive issues such as the demarcation of the border, and the nationality status of Ethiopians of Eritrean origin. The deportees who had in fact voted in the referendum, whether for or against independence, were being retroactively punished for an act that the Ethiopian government had at the time facilitated and encouraged. The judiciary appeared to have had no role in the deportation process. It reportedly provided no recourse to the victims to challenge their arrest and subsequent forcible deportation, to defend a claim to Ethiopian nationality, or to respond to the accusation of being national security threats. Incidents of torture or other deliberate physical harm during the deportations were limited in number, according to testimonies of the deportees. Ethiopia granted the ICRC regular access to Eritrean prisoners of war and hundreds of civilian internees.

As the war appeared heading to a costly deadlock, each party sought to outflank the other on the military and diplomatic fronts. Low-level insurgencies led for years by the Oromo Liberation Front (OLF) for self determination in Oromia region intensified in the wake of the war with Eritrea. Ethiopia accused Eritrea of arming and training new batches of OLF insurgents and sent troops backed by tanks into neighboring Somalia in May and June to flush them out, and to punish warlords suspected of giving them sanctuary. The intervention force also sought to dislodge the fundamentalist Al-Itihad Al-Islami (Islamic Unity), which launched cross-border raids into southern Ethiopia from strongholds in Somalia. Ethiopian forces at the same time made several limited incursions into northeastern Kenya to tackle OLF elements that were operating there, leading to security tensions with that country as well. At the same time, the Ethiopian government made no secret of its encouragement of a new alliance among exiled Eritrean opposition groups aimed at toppling the Eritrean government. The sprawling war fronts highlighted the potential for the regionalization of the war. All parties in these conflicts admittedly made extensive use of antipersonnel landmines. Civilians were the main victims in the minefields that mushroomed across the entire region.

The government's efforts to suppress political dissent and armed insurgency led to widespread human rights abuses. The government continued to grant the ICRC access to places of detention and to cooperate with its efforts to assist the



detainees. However, it continued to deny the humanitarian agency access to police lockups in the capital, particularly the cells of the Central Investigation Department from which reports of routine abuses of detained suspects continued to emanate. The ICRC reported assisting in 1999 at least 10,000 people imprisoned in connection with internal security matters and the 1991 change of regime. The trial of thousands held since the fall of the Mengistu regime for crimes associated with it were still pending in the capital and different states by year end, although most had been held for the last eight years awaiting the beginning of their trials. A few dozen former officers and air force pilots were, exceptionally, released on bail in August.

In late December 1998 the government authorized seventy-one-year-old Asrat Woldeyes, chairman of the opposition AAPQ, to leave for medical treatment abroad. His health had steadily deteriorated during five years in jail following questionable convictions for political and security crimes. The government, however, had previously resisted pressing appeals from his supporters and the international community for his release on humanitarian grounds. He died on May 14 in a hospital in Philadelphia.

The court in mid-June sentenced to fifteen years imprisonment Taye Wolde Semayat, the former head of the Ethiopian Teachers' Association (ETA), for political and security crimes. The government continued its drive to eliminate the independent ETA and promote in its place a pro-government teachers' union.

By mid year, ten journalists remained in prison, most of them since 1997. Two more were detained during the year. The arbitrary detention of journalists for writings and opinions the government did not approve of remained a potent tool of government control. Leaders of the Ethiopian Free Press Journalists' Association were forced into exile, and so were many other independent journalists who were repeatedly detained and punished with heavy fines for attempting to do their jobs.

## Defending Human Rights

After eight years of obstruction, the government in early May officially registered the Ethiopian Human Rights Council (EHRCO), the only openly operating monitoring group in the country. EHRCO was also able to access its bank account, which the government had blocked during the preceding four years, but only after obtaining a court order for its release in January. The government continued to recognize several other organizations focusing on civic and human rights education.

But the government continued to suppress the Human Rights League, a monitoring organization established in December 1996 by members of the Oromo community. Eight founding and board members of the league, and the organization's secretary, remained in detention for the second year after their arrest in October 1997. Like other Oromo detainees, they were charged with collaboration with the Oromo Liberation Front (OLF). Similar repressive measures forced other monitoring groups underground or into exile, including the Ogaden Human Rights Committee, the Solidarity Committee for Ethiopian Political Prisoners, and the Oromo Ex-Prisoners for Human Rights. Nonetheless, these groups continued to investigate human rights abuses on the ground and to publish their findings regularly.

Some fifty-five Oromo elders and leaders of cultural and social organizations of their community also remained in detention since late 1997. Court hearings of their cases on charges of conspiracy with the OLF were repeatedly adjourned, prolonging their exposure to cruel, inhuman, and degrading treatment in pretrial detention.

Ethiopian officials met with representatives of Human Rights Watch on several occasions during the year, but the government declined to grant its representatives the entry visas requested to conduct an on-site investigation of human rights observance in the context of the war. The government in October 1998 had authorized a monitoring mission by Amnesty International, but emphatically rejected its findings in official statements and reports in February and again in August.

The Legal Affairs Committee of the House of Peoples' Representatives published a draft document on the establishment of a Human Rights Commission and Office of the Ombudsman in three main local languages and distributed it to the public from April 27 to May 3 to encourage public participation in shaping the two national institutions. The committee said it wanted them established before the May 2000 elections.

## The Role of the International Community

Ethiopia and Eritrea pursued the war relentlessly despite persistent and intensive truce efforts from the O.A.U., the U.N., the United States, and, to a lesser degree, the European Union, not to mention several bilateral initiatives. The political leadership in both countries appeared determined to obtain key strategic advantages on the battlefield before

ENGAGING IN A MEANINGFUL SEARCH FOR PEACE. THE PRESSURES EXERTED ON THEM APPEARED MINIMAL COMPARED TO THE MASSIVE DIPLOMATIC PRESSURES THAT SUCCEEDED DURING THE YEAR IN ENDING OR AVERTING OTHER DEADLY CONFLICTS IN KOSOVO, THE INDIAN SUBCONTINENT, AND EAST TIMOR.

## Organization of African Unity (OAU)

THE NOVEMBER 1998 OAU PROPOSAL OF A FRAMEWORK AGREEMENT FOR A PEACEFUL SETTLEMENT OF THE WAR ADDRESSED THE HUMANITARIAN PROBLEMS RESULTING FROM THE CONFLICT BY REQUIRING SIGNATORIES TO PUT AN END TO MEASURES DIRECTED AGAINST THE CIVILIAN POPULATION AND TO REFRAIN FROM ANY ACTION WHICH CAN CAUSE FURTHER HARDSHIP AND SUFFERING TO EACH OTHER'S NATIONALS. THE PROPOSAL WOULD COMMIT THE TWO PARTIES TO ADDRESSING THE WAR'S NEGATIVE SOCIOECONOMIC IMPACT ON CIVILIANS, PARTICULARLY THE DEPORTEES. IT CALLED FOR THE DEPLOYMENT OF HUMAN RIGHTS MONITORS BY THE O.A.U. IN COLLABORATION WITH THE U.N. AS A MEANS TO ESTABLISH A CLIMATE OF CONFIDENCE BETWEEN THE TWO PARTIES. ETHIOPIA ACCEPTED THE PLAN IMMEDIATELY. ERITREA EXPRESSED RESERVATIONS BUT FINALLY ACCEPTED IT AFTER SUFFERING BATTLE FIELD LOSSES IN LATE FEBRUARY. HOWEVER, DIFFERENCES OF INTERPRETATION OF THE PROPOSED AGREEMENT KEPT THE TWO PARTIES AT ODDS AND CONTINUED TO FUEL THE FIGHTING.

THE O.A.U. AND OTHER MEDIATORS USED THE LULL IN THE FIGHTING BROUGHT BY THE ONSET OF THE RAINY SEASON IN JULY TO INTENSIFY THEIR EFFORTS. THIS LED TO THE INTRODUCTION AT THE O.A.U.'S JULY SUMMIT IN ALGIERS OF "MODALITIES" FOR THE IMPLEMENTATION OF THE FRAMEWORK AGREEMENT THAT SOUGHT TO RESOLVE THE DIFFERENCES OF INTERPRETATION AND BUILD CONFIDENCE BETWEEN THE TWO PARTIES. WHILE BOTH DECLARED THEIR ACCEPTANCE OF THE "MODALITIES," THEY CONTINUED TO QUESTION EACH OTHER'S COMMITMENT TO PEACE. ERITREA AGAIN RAISED THE NEED FOR COMPENSATION OF THE DEPORTEES IN ITS ACCEPTANCE SPEECH. ETHIOPIA CONSIDERED THIS AS AN ATTEMPT TO ALTER THE SUBSTANCE OF THE MODALITIES AND THREATENED TO RESUME FIGHTING IF ERITREA INSISTED ON INTRODUCING "PRECONDITIONS AND AMENDMENTS."

THE O.A.U. IN AUGUST PRESENTED THE TWO COUNTRIES WITH DETAILED "TECHNICAL ARRANGEMENTS" FOR THE IMPLEMENTATION OF THE O.A.U.'S FRAMEWORK AGREEMENT AND ITS MODALITIES. ERITREA ACCEPTED THE PLAN. ETHIOPIA FIRST SIGNALLED ITS DISSATISFACTION WITH THE DETAILS, AND ULTIMATELY REJECTED SOME ELEMENTS OF THE ARRANGEMENTS, A POSITION THAT ERITREA CONSIDERED WAS A "DECLARATION OF WAR." ON SEPTEMBER 13, PRESIDENT NEGASSO GIDADA INSISTED THAT THE WAR COULD ONLY END WITH A RETURN TO THE STATUS QUO ANTE THAT WOULD REQUIRE ERITREA'S UNCONDITIONAL WITHDRAWAL FROM THE DISPUTED AREAS OVER WHICH THE ETHIOPIAN PRESIDENT DEMANDED THE RESTORATION OF HIS COUNTRY'S SOVEREIGNTY.

## United Nations

THE U.N. SECURITY COUNCIL IN A JANUARY 29 RESOLUTION AFFIRMED THAT THE O.A.U.'S FRAMEWORK AGREEMENT PROVIDED THE "BEST HOPE" FOR PEACE. IT URGED ERITREA TO ACCEPT THE PROPOSAL, AND CALLED ON BOTH PARTIES IN THE STRONGEST TERMS TO UNDERTAKE URGENT MEASURES TO IMPROVE THE HUMANITARIAN AND HUMAN RIGHTS SITUATION. ETHIOPIA SAID IT WAS "ENCOURAGED" BY THE RESOLUTION.

DESPITE THE STRONG APPEALS, HOSTILITIES RESUMED ONLY WEEKS LATER. THE SECURITY COUNCIL IN A FEBRUARY 10 RESOLUTION DEMANDED THAT ETHIOPIA AND ERITREA STOP FIGHTING AND THAT OTHER STATES IMMEDIATELY END ALL ARMS SALES TO BOTH SIDES. IN RESPONSE, THE ETHIOPIAN PARLIAMENT PASSED A SPECIAL RESOLUTION THAT EXPRESSED "ITS DEEP ANGER AT THE INJUSTICE DONE TO ETHIOPIA" BY THE SECURITY COUNCIL, AND DEPLORED "THE ATTEMPT TO DENY ETHIOPIA, A VICTIM OF AGGRESSION...THE RIGHT TO SELF DEFENSE." THE ERITREAN GOVERNMENT AFFIRMED THAT, THOUGH IT WAS COMMITTED NOT TO START WAR, IT RESERVED "THE LEGITIMATE RIGHT TO SELF DEFENSE IN THE FACE OF AGGRESSION."

THE PRESIDENT OF THE SECURITY COUNCIL IN A PRESS STATEMENT ON JUNE 23 EXPRESSED DISMAY AT THE ESCALATING CONFLICT, ESPECIALLY THAT BOTH COUNTRIES WERE CONTINUING TO BUY WEAPONS WHILE MUCH OF THEIR POPULATIONS FACED FAMINE. HE REMINDED THE TWO GOVERNMENTS THAT IT WAS THEIR PRIMARY RESPONSIBILITY TO FEED THEIR PEOPLES AND REPEATED THE COUNCIL'S CALLS FOR "AN IMMEDIATE AND UNCONDITIONAL CEASE-FIRE," AND FOR THE IMPOSITION OF AN ARMS EMBARGO ON BOTH COUNTRIES.

## European Union

THE E.U.'S PRESIDENCY ISSUED STATEMENTS CONDEMNING THE MAJOR OUTBREAKS OF FIGHTING IN FEBRUARY AND JUNE. OTHER STATEMENTS RELEASED BY THE PRESIDENCY ALMOST MONTHLY SINCE NOVEMBER 1998 PERSISTENTLY EXPRESSED FULL SUPPORT FOR THE O.A.U.'S MEDIATION EFFORT, AND REPEATEDLY URGED THE PARTIES TO HALT THE WAR AND TO NEGOTIATE A PEACEFUL SETTLEMENT ON THE BASIS OF THE O.A.U.'S PROPOSALS. ON MARCH 9, THE EUROPEAN COUNCIL OF MINISTERS ADOPTED A COMMON POSITION IMPOSING AN EMBARGO ON THE EXPORT OF ARMS, MUNITIONS, AND MILITARY EQUIPMENT TO ETHIOPIA AND ERITREA, AND ON SEPTEMBER 30 EXTENDED

that ban until March 31, 2000. An E.U. ministerial delegation traveled to Addis Ababa and to Asmara in February to push for a cease-fire and a return to the O.A.U.'s mediation process. The E.U. made substantial monetary and in kind donations for the relief of civilians affected by the conflict in both countries.

## United States

War between Ethiopia and Eritrea, two of its closest allies in the continent, was deemed to pose serious threats to U.S. interests in the entire region and led to the most sustained high-level attention by the Clinton Administration of any conflict on the continent. The U.S. failed to match this active involvement in the mediation efforts by equally forceful human rights interventions and instead carried on with its prior practice of not criticizing either party for the rampant human rights abuses that took place in the context of the war.

The U.S. and other major donors had in the past extended significant resources to support political and economic development programs in the two countries. They were the lynchpins in the U.S.-led plans for the military and diplomatic containment of the Government of Sudan, considered by the U.S. to be an exporter of radical Islam and a supporter of international terrorism. They appeared to play a key stabilizing role in the search for peace in East and Central Africa. The war reversed all this. It drained the resources of the two countries, and effectively slowed down their economic growth rates. Humanitarian emergencies and the looming famine added to the cost of the conflict. Sudan declared its neutrality in the conflict, and received immediate dividends as the two parties competed in normalizing their relations with its Islamist government and scaling back their support to its exiled opposition. The war spilled over into Kenya and threw Somalia into renewed fighting.

Anthony Lake, the U.S. lead mediator as of October 1999 and a former national security advisor, shuttled between the two capitals several times, coordinating his efforts closely with the O.A.U. and the U.N. Experts from the three mediators worked closely together to finalize the most detailed and technical of the peace documents, the "technical arrangements" that Ethiopia ultimately rejected. Efforts during a late August visit to Addis Ababa by Lake and Susan Rice, the assistant secretary for African affairs at the State Department, to persuade the Ethiopian leaders to accept the arrangements appeared to have failed.

President Clinton expressed concern in January at the huge military buildup along the common border between Ethiopia and Eritrea. He again issued a statement expressing disappointment at the resumption of hostilities in February. On July 27, a presidential statement welcomed the announcement by the O.A.U. that the two parties had accepted the modalities for the implementation of its framework agreement.

The U.S. scaled back its direct financial assistance to both countries due to the war. It suspended its balance of payment support to Ethiopia and froze the training of Ethiopian troops within the U.S.-led peacekeeping training program under the African Crisis Response Initiative. However, Ethiopia continued to benefit from the International Military Education and Training (IMET), with the only limitation being that they could not receive training in their country but had to come to the U.S. In addition, \$2.9 million was provided out of the Frontline States initiative for the maintenance of two C130s, which were delivered just before the outbreak of hostilities. The sale of two other C130s which had not yet been delivered, remained on hold. U.S. development assistance to Ethiopia was not affected by the freeze. It totaled about \$43 million for fiscal year 1999, in addition to substantial food aid.

# KENYA

## Human Rights Developments

Kenya remained in a state of worsening political and economic crisis as the government continued to stall on promises of reform that would have brought greater democratization. While some cosmetic changes were made by the government of President Daniel arap Moi, little or no genuine progress was achieved in diminishing the absolute power enjoyed by the executive branch. For the fourth year in a row, the standard of living for the average Kenyan dropped. In the political arena, the government adeptly derailed the grassroots constitutional reform lobby that threatened its monopoly by dividing the reform constituency and reducing its momentum. The government selected ruling party and opposition politicians to serve on an Inter-Parties Parliamentary Group (IPPG) with responsibility for constitutional change, while excluding the

BROAD-BASED NATIONAL CONVENTION EXECUTIVE COUNCIL (NCEC), A PRO-DEMOCRACY COALITION OF OPPOSITION PARTIES, HUMAN RIGHTS, RELIGIOUS, AND NONGOVERNMENTAL GROUPS, FROM PARTICIPATION IN THE REFORM PROCESS. PRESIDENT MOI CONTINUED TO PUSH FOR A LESS CONSULTATIVE CONSTITUTIONAL REVIEW PROCESS THROUGH THE PARLIAMENT, WHICH HE LED THROUGH HIS PARTY'S MAJORITY THERE. THROUGHOUT 1999, THE REFORM CRISIS REMAINED UNRESOLVED AND THE YEAR WAS CHARACTERIZED BY DISTRUST, INFIGHTING, AND A LACK OF CONSENSUS ON THE CONSTITUTIONAL REFORM PROCESS.

AS THE INTERNATIONAL DONOR COMMUNITY'S ATTENTION ON HUMAN RIGHTS DIMINISHED AND WAS REPLACED BY AN ALMOST EXCLUSIVE CONCERN WITH CORRUPTION, THE GOVERNMENT CONTINUED TO MAKE EFFORTS TO GIVE THE APPEARANCE OF ECONOMIC REFORM. AMONG OTHER THINGS, PRESIDENT MOI CREATED A LAW REFORM COORDINATING COMMITTEE, CUT GOVERNMENT MINISTRIES FROM TWENTY-SEVEN TO FIFTEEN, AND APPOINTED A NEW HEAD OF THE CIVIL SERVICE. NONE OF THE GRAND GESTURES MADE BY THE PRESIDENT MOI IN 1999 ADDRESSED CIVIL AND POLITICAL RIGHTS ABUSES.

THE LINK BETWEEN CORRUPTION AND ERODED RESPECT FOR HUMAN RIGHTS WAS MOST EVIDENT IN THE JUDICIARY, THE PROVINCIAL ADMINISTRATIONS, AND THE POLICE. THE GOVERNMENT HAD ALWAYS USED THE JUDICIARY FOR POLITICAL ENDS. IN SEPTEMBER, THE SUDDEN DEATH OF CHIEF JUSTICE ZACHAEUS CHESONI, RESULTED IN THE APPOINTMENT OF THE PUBLIC PROSECUTOR, BERNARD CHUNGA, AS CHIEF JUSTICE. THE APPOINTMENT OF CHUNGA, KNOWN FOR HIS ZEALOUS PROSECUTION OF GOVERNMENT CRITICS, CAUSED AN UPROAR IN THE LEGAL COMMUNITY AND APPEARED TO SIGNAL A SERIOUS STEP BACKWARDS FOR JUDICIAL INDEPENDENCE.

COMPLAINTS OF POLICE HARASSMENT, USE OF EXCESSIVE FORCE, TORTURE, AND DEATHS IN CUSTODY CONTINUED. POLICE VIOLENTLY DISPERSED POLITICAL RALLIES, SOMETIMES SERIOUSLY INJURING PEOPLE. IN JUNE, A PEACEFUL OPPOSITION RALLY WAS BROKEN UP WITH TEAR GAS AND LIVE BULLETS BY POLICE RESULTED IN DOZENS OF INJURIES, INCLUDING A BROKEN ARM AND HIP INJURIES TO TWO OPPOSITION MEMBERS OF PARLIAMENT. IN AUGUST, POLICE STORMED A MOSQUE IN MOMBASA IN SEARCH OF AN ARSONIST, RESULTING IN FIVE DEATHS AND INJURIES TO FIFTEEN WHO WERE ATTENDING A WEDDING. REFUGEES AND MIGRANTS WERE ALSO REGULAR TARGETS OF POLICE HARASSMENT, RELOCATION TO RURAL CAMPS, ARBITRARY DETENTION, AND DEPORTATIONS.

EVEN MORE DISTURBING WAS THE GROWING RELIANCE ON STATE-SPONSORED GANGS TO BREAK UP MEETINGS AND RALLIES OF GOVERNMENT CRITICS. ALTHOUGH BOTH RULING PARTY AND OPPOSITION PARTIES CREATED THEIR OWN CIVILIAN SECURITY GROUPS, ONE OF THE MOST NOTORIOUS WAS JESHI LA MZEE, AN OFFSHOOT OF THE RULING PARTY YOUTH WING ALLEGEDLY ORGANIZED BY RULING PARTY ASSISTANT MINISTER FRED GUMO. JESHI LA MZEE BECAME RENOWNED FOR DISRUPTING PRO-DEMOCRACY AND OPPOSITION MEETINGS AND TERRORIZING PEACEFUL PROTESTERS. IN JUNE, A PEACEFUL RALLY WAS BROKEN UP BY AN ARMED GANG THAT SERIOUSLY INJURED PEACEFUL DEMONSTRATORS. PRESS PHOTOS OF ONE OF THE ATTACKERS BEATING UP REV. TIMOTHY NJOYA (RESULTING IN THE DISLOCATION OF HIS ARM), WAS LATER IDENTIFIED AS BEING THE SAME PERSON WHO HAD EARLIER IN THE YEAR ABDUCTED AND ROUGHED UP DAVID MAKALI, EDITOR OF THE INDEPENDENT *EXPRESSION TODAY*, THE DAY AFTER HIS MAGAZINE PUBLISHED A STORY LINKING MR. GUMO TO A DRUG CARTEL.

ALTHOUGH A WIDE ARRAY OF INDEPENDENT AND OUTSPOKEN NEWSPAPERS WERE ABLE TO PUBLISH RELATIVELY FREELY, THE INDEPENDENT MEDIA WAS NOT EXEMPT FROM RETALIATION. IN AUGUST, TONY GACHOKA, EDITOR OF THE *POST ON SUNDAY*, WAS JAILED FOR SIX MONTHS ON CONTEMPT OF COURT CHARGES FOR ARTICLES THAT ALLEGED THAT THE CHIEF JUSTICE HAD ACCEPTED A BRIBE IN THE GOLDENBERG CASE, THE COUNTRY'S LARGEST CORRUPTION SCANDAL IMPLICATING HIGH-RANKING GOVERNMENT OFFICIALS. THREE OF THE SEVEN JUDGES THAT SAT IN GACHOKA'S CASE WERE MENTIONED IN HIS ARTICLES. THE MAGAZINE WAS FINED ONE MILLION SHILLINGS (APPROXIMATELY U.S.\$14,000) AND BANNED FROM PUBLISHING UNTIL THE FINE WAS PAID IN FULL.

STATE-SPONSORED POLITICAL VIOLENCE SINCE 1991 AGAINST MEMBERS OF ETHNIC GROUPS PERCEIVED TO SUPPORT THE POLITICAL OPPOSITION RESULTED IN THE DISPLACEMENT OF SOME 400,000 PEOPLE. THE AUTHORITIES CONSISTENTLY FAILED TO PROVIDE ADEQUATE SECURITY TO THOSE UNDER THREAT OR TO HOLD THOSE RESPONSIBLE FOR THE VIOLENCE ACCOUNTABLE. IN JUNE, A PRESIDENTIAL COMMISSION ON THE ETHNIC CLASHES WOUND UP AFTER ELEVEN MONTHS OF HEARING EVIDENCE, INCLUDING FROM HUMAN RIGHTS WATCH, ABOUT THE VIOLENCE BETWEEN 1991 AND 1998. AT THE OUTSET, THE COMMISSION SHOWED PROMISE AS THE LEAD COUNSEL CALLED WITNESSES THAT TESTIFIED TO THE ROLE OF GOVERNMENT OFFICIALS IN INSTIGATING AND ALLOWING THE VIOLENCE. HOWEVER, IN LATE 1999, PRESIDENT MOI INSTALLED BERNARD CHUNGA AS LEAD COUNSEL, RESULTING IN WEAKER WITNESS TESTIMONY, AND COMPLAINTS BY THE CATHOLIC JUSTICE AND PEACE COMMISSION THAT IT WAS BEING PREVENTED FROM TESTIFYING. AS OF OCTOBER, THE COMMISSION'S FINDINGS HAD NOT BEEN RELEASED.

## Defending Human Rights

A WIDE ARRAY OF LOCAL HUMAN RIGHTS ORGANIZATIONS WERE ENGAGED IN MONITORING HUMAN RIGHTS IN KENYA. ALTHOUGH THESE ORGANIZATIONS WERE ABLE TO FUNCTION, THEY PERIODICALLY CAME UNDER ATTACK FROM THE GOVERNMENT FOR THEIR WORK. IN 1999,

Amnesty International and Human Rights Watch were able to visit Kenya unimpeded. In September, however, the U.S. League of Women Voters and local women's groups were prevented by the provincial administration from holding meetings with women in Rift Valley Province. In October, U.N. Special Rapporteur for Torture Nigel Rodley was denied entry to a maximum security prison despite government assurances of access.

The government-sponsored Human Rights Standing Committee, formed in May 1996, generally maintained a low profile and its strained relationship with the human rights NGO community continued. Since its creation, the Committee had issued six private reports for the president. It issued its first public report in December 1998, a general overview of human rights laws and definitions, with only cursory reference to human rights abuses. Its section on the 1997 political violence in Coast Province was more comprehensive. In August, the Kenyan government signed the Rome Statute for the creation of an International Criminal Court.

## **The Role of the International Community**

In the lead-up to the 1997 election, Kenya's main donors played a positive role in pushing the government to concede to domestic calls for genuine pluralism. However, since the election, international attention to the human rights situation steadily declined. During 1999, as in the previous year, strong public statements by donors and the international financial institutions focused almost exclusively on Kenya's worsening economic situation and its dismal record on corruption. World Bank and International Monetary Fund (IMF) funding remained suspended since 1997 pending progress on corruption. In July, the IMF held discussions with the government as it had done the previous year, but did not renew funding.

The approach of the international community—in prioritizing and compartmentalizing corruption and economic reform issues as distinct from political accountability and other rights issue—fell short of addressing the key issue, absolute executive control, at the heart of Kenya's political crisis. Some donors and the international financial institutions did call for "good governance" and stressed its importance to economic growth. In September, the British High Commissioner stated that the economy would only recover with good governance. The European Union welcomed the trimming of the government ministries as a necessary step towards economic recovery, and also noted that "political reforms would have to be given equal weight." However, in their use of this catch phrase they stopped short of using their leverage to more strongly call on the government to end the political crisis and to permit the constitutional and other reforms that would lead to good governance. The Dutch government was the only government that took a strong unequivocal stance, announcing in September that it would cut all aid to Kenya over three years due to "bad governance, human rights abuses, and impeded democratization."

## **United States**

Although human rights concerns remained on the U.S. agenda, trade and economic concerns as well as international terrorism tended to take precedence over human rights. As other donors, the U.S. focused its attention on criticizing corruption. Following the bombing of the U.S. Embassy in Kenya in 1998, the U.S. also brought strong pressure to bear on the government to address the unimpeded flow of arms and suspect foreign nationals into Kenya. One negative offshoot of this valid security concern, was the growing indiscriminate police harassment of migrants and refugees in Kenya. In June, the U.S. gave U.S.\$11 million in compensation to families of the victims of the U.S. Embassy bombing amid complaints by some Kenyans that the U.S. Marines had blocked rescue efforts by and of Kenyans.

# **LIBERIA**

## **Human Rights Developments**

Liberians were subjected to human rights abuses by government police and security forces as well as violence at the hands of Liberian rebels in an incursion from Guinea and armed groups in a spill-over from the Sierra Leonean conflict.

Growing violence and insecurity threatened to reverse the tenuous peace established since 1997 after the end of the brutal seven-year civil war. Two years after the United Nations-sanctioned election that brought former warring faction leader Charles Taylor to power, the peace situation in Liberia remained fragile. The incomplete implementation of the peace accords, particularly with regard to demobilization; a general amnesty to faction fighters for egregious abuses committed "in the course of actual military engagements"; and the wholesale enrollment of fighters from Taylor's former faction into the country's restructured police and security forces contributed to make this situation increasingly more volatile.

Liberians continued to report regular harassment, extortion, mistreatment, and torture by the police and armed forces. Following his inauguration, President Taylor rejected the peace accord provision that provided for an open and transparent restructuring of the security forces by the West African peacekeeping force. Instead, former Taylor faction fighters were placed in the security and police forces without serious efforts to provide training or to meet pledges to incorporate members from the other factions. Former Taylor fighters were also permitted by the government to create security firms for hire by private sector companies. There were complaints of general lawlessness by both government forces and the private security companies. In one of the more egregious incidents, a group of armed soldiers in search of a missing man stormed Dambala village in the western part of the country in March, and beat and detained men, raped women and looted homes. The military acknowledged that looting had occurred, but denied the allegations of violence. An investigation was set up, however, no security officer had been held responsible by October. In August, a new police chief, Paul Mulbah, was appointed following the death of Joe Tate, who was notorious for his disregard of human rights. Human rights groups in the capital, Monrovia cautiously welcomed the new appointment.

Although an independent press functioned in Liberia, it came under attack. In February, a Liberian newspaper editor and his business manager were badly beaten by members of the Special Security Service. In March, the police attempted to coerce journalist Isaac Manyongai of the *Heritage* to disclose his source for a story about a South African businessman who was alleged to have strong ties with Liberian officials. In April, Criminal Court A ordered criminal contempt charges and the arrest of the staff of the *Independent Eye* on the grounds that the newspaper had published a derogatory statement about the court. Star Radio, an independent station managed by the Swiss nongovernmental organization Fondation Hirondelle had its shortwave license withdrawn in October 1998 and since then has no longer been able to broadcast outside Monrovia.

Armed opposition to the government remained a serious threat to sustained peace. Barely a year after the war had ended, there were two outbreaks of violence in Monrovia in 1998 in which state security forces battled with supporters of faction leader Roosevelt Johnson's officially disbanded United Liberation Movement for Democracy in Liberia (ULIMO-J), eventually forcing him to flee the country. The precise number of casualties was unknown, although there were reports of mass graves of ethnic Krahn who were indiscriminately targeted as ULIMO supporters by the security forces. Following the violence, some thirty people were charged with treason. In April 1999, thirteen were convicted of treason, amid charges of irregularities in the legal process and ill-treatment in custody. Although treason carries a mandatory life sentence in Liberia, the sentence was commuted to ten years' imprisonment by the judge on the grounds that there was a "need for genuine reconciliation." A group of nine military officers, also arrested in September 1998, was brought before a court martial board on charges of sedition for allegedly supporting the former rebel faction. Defense lawyers complained of harsh treatment of the accused, who were being held in deplorable conditions in military prison without access to their relatives.

The internal conflicts within Sierra Leone, Liberia, and Guinea continued to spill over the borders, further destabilizing the region. In the early part of 1999, the Liberian government was accused of fueling the war in neighboring Sierra Leone by helping the Sierra Leonean Revolutionary United Front (RUF), a charge it strenuously denied. Former Taylor faction fighters reportedly fought alongside the RUF, thwarting the efforts of the West African regional peacekeeping force to restore peace. In December 1998, Foreign Minister Monie Caplan conceded that Liberians were involved in Sierra Leone, but stressed that it was without the backing of the government. President Taylor, in turn, accused Sierra Leone of providing a safe haven to Liberian rebels intent on destabilizing his government.

After being accused of supporting rebel activity in a neighboring country, the tables turned in April and August when Liberian rebels operating from neighboring Guinea carried out attacks in Lofa County, northern Liberia. Although not confirmed, the rebel attacks were thought to be led by former fighters from the ULIMO-K and other factions. Full-scale

FIGHTING INCLUDING ARTILLERY BARRAGES OCCURRED DURING THE TWO OFFENSIVES AS THE LIBERIAN ARMY ATTEMPTED TO REGAIN CONTROL, CAUSING CIVILIAN DEATHS AND DISPLACEMENT. IN APRIL, ARMED MEN FROM NEIGHBORING GUINEA ATTACKED A LIBERIAN BORDER TOWN, LOOTED, AND HELD HOSTAGE FOR TWO HOURS FOREIGN DIPLOMATS AND AID WORKERS, INCLUDING THE DUTCH AMBASSADOR, THE FIRST SECRETARY OF THE NORWEGIAN EMBASSY, A EUROPEAN UNION (E.U.) REPRESENTATIVE, AND ELEVEN AID WORKERS, BEFORE RELEASING THEM TO LIBERIAN SOLDIERS. IN AUGUST, THE FIGHTING INTENSIFIED WHEN REBELS SEIZED THE TOWNS OF KOLAHUN AND VOINJAMA IN LOFA COUNTY, KILLING HUNDREDS AND FORCING THOUSANDS OF LIBERIANS AND SIERRA LEONEAN REFUGEES TO FLEE THE AREA. BY SEPTEMBER, THOUSANDS OF SIERRA LEONEAN REFUGEES AND LIBERIANS WERE TRAPPED IN CROSS FIRE, RESULTING IN THE DEATH OF SOME 600 AND DISPLACEMENT OF OVER 10,000 CIVILIANS AND SIERRA LEONEAN REFUGEES. U.N. WAREHOUSES AND VEHICLES WERE LOOTED AND AID WORKERS WERE EVACUATED. NINE HOSTAGES, INCLUDING SIX FOREIGN AID WORKERS, WERE KIDNAPPED DURING A BORDER ATTACK IN KOLAHUN, NORTHERN LIBERIA AND HELD FOR SEVERAL DAYS BEFORE BEING RELEASED. THE GOVERNMENT ACCUSED THE GUINEAN GOVERNMENT OF PERMITTING LIBERIAN REBEL FORCES TO OPERATE IN GUINEA, WHILE THE GUINEAN GOVERNMENT MADE COUNTER-ALLEGATIONS THAT LIBERIA WAS HARBORING GUINEAN REBEL GROUPS THAT ATTACKED ITS VILLAGES CLOSE TO THE BORDER. SOME LOOTING WAS ALSO CARRIED OUT BY LIBERIAN SECURITY FORCES SENT TO THE AREA TO QUELL THE VIOLENCE.

THERE WERE SOME 90,000 SIERRA LEONEAN REFUGEES IN LIBERIA, OF WHICH 35,000 WERE AFFECTED BY THE FIGHTING IN LOFA COUNTY. IN JULY, SIERRA LEONEAN REFUGEES BEGAN LEAVING THE CAMPS IN LIBERIA FOR SIERRA LEONE REPORTEDLY DUE TO CONSTANT HARASSMENT AND INTIMIDATION BY LIBERIAN POLICE AND ARMY. THOUSANDS OF OTHERS FLED THE FIGHTING AND SOUGHT REFUGEE FURTHER INSIDE LIBERIA. BY SEPTEMBER, THE U.N. HIGH COMMISSIONER FOR REFUGEES (UNHCR) HAD BEGUN TO RELOCATE THEM TO ESTABLISHED CAMPS ELSEWHERE IN THE COUNTRY.

AT THE END OF SEPTEMBER, THE LIBERIAN GOVERNMENT ANNOUNCED THAT ITS FORCES HAD REGAINED COMPLETE CONTROL OF LOFA COUNTY, AND PRESIDENT TAYLOR AND GUINEAN PRESIDENT LANSANA CONTE SIGNED AN AGREEMENT AT AN ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) EMERGENCY MINI-SUMMIT AIMED AT EASING THE GROWING TENSION BETWEEN THE TWO COUNTRIES. GUINEA HAD THREATENED TO RETALIATE AFTER LIBERIAN TROOPS REPORTEDLY CROSSED INTO MASHANTA, GUINEA IN SEPTEMBER, KILLING TWENTY-EIGHT CIVILIANS. UNDER THE AGREEMENT, THE TWO GOVERNMENTS AGREED TO COMPILE AND EXCHANGE LISTS OF GOVERNMENT OPPONENTS AND SET UP A JOINT SECURITY COMMITTEE.

VOLUNTARY REPATRIATION OF THE ESTIMATED ONE MILLION REFUGEE AND INTERNALLY DISPLACED LIBERIANS CONTINUED. IN SEPTEMBER, UNHCR ESTIMATED THAT SOME THIRTY THOUSAND REFUGEES HAD REPATRIATED SINCE JANUARY 1999 BRINGING THE TOTAL NUMBER OF REPATRIATIONS SINCE MAY 1997 TO 120,530. ALTHOUGH ACCURATE STATISTICS ON THE RETURN OF INTERNALLY DISPLACED POPULATIONS WERE DIFFICULT TO OBTAIN, THE LIBERIAN REFUGEE, REPATRIATION AND RESETTLEMENT COMMISSION ESTIMATED IN SEPTEMBER THAT 110,000 DISPLACED PERSONS LIVING IN CAMPS HAD RETURNED TO THEIR HOME AREAS AND THAT AN ESTIMATED 40,000 DISPLACED PERSONS REMAINED IN MONROVIA. ONE OF THE MAJOR REASONS CITED FOR THE SLOW RETURN WAS THE LACK OF FUNDS TO BUILD HOUSING FOR RETURNEES.

## Defending Human Rights

HUMAN RIGHTS DEFENDERS IN LIBERIA HAVE INCREASINGLY COME UNDER ATTACK WITH THREATS AND INTIMIDATION AGAINST HUMAN RIGHTS GROUPS FOR REPORTING ON ABUSES INCREASING IN 1999. PRESIDENT TAYLOR AND OTHER HIGH-RANKING GOVERNMENT OFFICIALS ATTACKED HUMAN RIGHTS GROUPS FOR PUBLICIZING ABUSES AND BLAMED THE HUMAN RIGHTS COMMUNITY FOR THE WITHHOLDING OF INTERNATIONAL AID. IN FEBRUARY, THE CATHOLIC JUSTICE AND PEACE COMMISSION WAS CRITICIZED BY POLITICIANS FOR PUBLICIZING WRONG-DOING BY SECURITY FORCES, POOR TREATMENT OF PRISONERS, AND FORCED LABOR AND ABDUCTION OF CHILDREN IN SOUTHEASTERN LIBERIA. IN MARCH, LEGISLATORS FROM FOUR COUNTRIES TOOK TWO NON-GOVERNMENTAL HUMAN RIGHTS GROUPS, THE CATHOLIC JUSTICE AND PEACE COMMISSION AND THE FORE-RUNNERS OF CHILDREN'S UNIVERSAL DEVELOPMENT (FOCUS), TO COURT ON THE GROUNDS THAT THE REPORTS RELEASED BY THESE GROUPS WERE MAKING IT DIFFICULT FOR LIBERIA TO RECEIVE INTERNATIONAL DONOR AID. IN JULY, OVER ONE HUNDRED FORMER COMBATANTS STORMED AND LOOTED THE HOUSE OF COMMONS WESSEH OF THE CENTER FOR DEMOCRATIC EMPOWERMENT AFTER HE APPEARED ON A RADIO TALK SHOW STATING THAT THE LIBERIAN GOVERNMENT, AND NOT THE U.N., WAS RESPONSIBLE FOR THE REINTEGRATION OF COMBATANTS. ALTHOUGH SOME WERE ARRESTED BY THE POLICE, THEY WERE LATER RELEASED WITHOUT CHARGE. IN JULY, AN ARMY COLONEL CAUTIONED HUMAN RIGHTS ACTIVISTS, ACCUSING THEM OF SENDING "MALICIOUS AND NEGATIVE SIGNALS" TO THE INTERNATIONAL COMMUNITY.

IN APRIL, UNIDENTIFIED MEN IN A VEHICLE FORCED OFF THE ROAD THE DRIVER OF A HUMAN RIGHTS ACTIVIST FROM THE NATIONAL HUMAN RIGHTS CENTER OF LIBERIA, DRAGGED HIM FROM THE CAR, BEAT HIM UP, AND THEN CUT OFF ONE OF HIS EARS. ALTHOUGH THE

PERPETRATORS OF THIS INCIDENT WERE UNKNOWN, THE TAYLOR FACTION WAS KNOWN DURING THE WAR FOR CUTTING OFF ONE EAR AS PUNISHMENT FOR INFRACTIONS BY ITS OWN FORCES. THE NATIONAL HUMAN RIGHTS CENTER OF LIBERIA, AN UMBRELLA ORGANIZATION MADE UP OF SEVERAL HUMAN RIGHTS GROUPS, ISSUED A STATEMENT SAYING: "WHEN THE TAYLOR GOVERNMENT FALSELY ACCUSES HUMAN RIGHTS ORGANIZATIONS OF DRIVING AWAY FOREIGN INVESTORS WITH THEIR REPORTS, IT MUST LOOK AT ITS OWN SECURITY FORCES FOR GIVING IT A BAD NAME. IT IS NOT HUMAN RIGHTS ORGANIZATIONS WHO GO ABOUT BEATING PEOPLE, KILLING THEM, DISAPPEARING THEM, TERRORISING ORDINARY FOLKS AND CUTTING THEIR EARS OFF. IT IS THE BARBARIC SECURITY FORCES."

DESPITE THESE ATTACKS, THE EMERGENT HUMAN RIGHTS COMMUNITY THAT HAD FUNCTIONED ONLY IN MONROVIA DURING THE WAR CONTINUED TO EXPAND ITS ACTIVITIES. THE ORGANIZATIONS INCLUDED THE CATHOLIC CHURCH'S JUSTICE AND PEACE COMMISSION, THE CENTER FOR LAW AND HUMAN RIGHTS EDUCATION, THE LIBERIAN HUMAN RIGHTS CHAPTER, THE ASSOCIATION OF HUMAN RIGHTS PROMOTERS, LIBERIA WATCH FOR HUMAN RIGHTS, THE NATIONAL HUMAN RIGHTS MONITOR, THE MOVEMENT FOR THE DEFENSE OF HUMAN RIGHTS, THE LIBERIA CIVIL AND HUMAN RIGHTS ASSOCIATION, LIBERIA DEMOCRACY WATCH, THE CIVIL RIGHTS ASSOCIATION OF LIBERIAN LAWYERS, FORE-RUNNERS OF CHILDREN'S UNIVERSAL DEVELOPMENT, THE CENTER FOR DEMOCRATIC EMPOWERMENT, AND THE ASSOCIATION OF FEMALE LAWYERS IN LIBERIA.

THE GOVERNMENT NATIONAL HUMAN RIGHTS COMMISSION CREATED IN 1997 WAS VIRTUALLY INACTIVE. IN MAY, THE COMMISSION'S CHAIR HALL BADIO STATED THAT A LACK OF FUNDS, STAFF, AND LOGISTICAL CAPACITY HAD PARALYZED THE COMMISSION, MAKING IT DIFFICULT FOR IT TO INVESTIGATE AND MONITOR HUMAN RIGHTS CASES IN THE COUNTRY.

### **The Role of the International Community**

DONORS CONTINUED TO INSIST THAT AID TO LIBERIA WOULD BE DEPENDENT ON IMPROVEMENTS IN MICROECONOMIC REPORTING, FISCAL DISCIPLINE, AND RESPECT FOR HUMAN RIGHTS. THE INTERNATIONAL COMMUNITY WAS FURTHER CONCERNED BY EVIDENCE OF LIBERIAN SUPPORT FOR SIERRA LEONEAN REBELS.

MUCH OF THE INTERNATIONAL ATTENTION TO LIBERIA IN THE EARLY PART OF THE YEAR FOCUSED ON PRESSURING THE TAYLOR GOVERNMENT TO WITHDRAW ITS SUPPORT TO THE SIERRA LEONEAN REBELS. IN DECEMBER 1998, THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) COMMITTEE OF FIVE MET IN IVORY COAST TO DISCUSS THE SITUATION IN SIERRA LEONE AND LIBERIA'S INVOLVEMENT IN THE CONFLICT. ECOMOG FORCE COMMANDER TIMOTHY SHELPIDI BLUNTLY STATED THAT LIBERIA WAS "AIDING THE REBELS IN SIERRA LEONE" USING FORMER MEMBERS OF CHARLES TAYLOR'S DISBANDED FACTION. THE U.S. ALSO SPOKE OUT STRONGLY, ACCUSING LIBERIA OF A "VIOLENT WAR OF TERRORISM AGAINST THE PEOPLE OF SIERRA LEONE." THE U.N. SECURITY COUNCIL WAS MORE MUTED IN ITS CONDEMNATION OF THE PARTICIPATION OF OUTSIDE FORCES IN THE FIGHTING IN SIERRA LEONE, BUT STOPPED SHORT OF NAMING LIBERIA, AND CALLED UPON ALL COUNTRIES TO ABIDE BY THE U.N. ARMS EMBARGO AGAINST THE SIERRA LEONEAN REBELS. A MONTH LATER, IN JANUARY 1999, THE U.N. SECURITY COUNCIL MORE STRONGLY CONDEMNED ALL THOSE WHO SUPPORTED THE SIERRA LEONEAN REBELS, INCLUDING THROUGH ARMS AND MERCENARIES, PARTICULARLY FROM LIBERIAN TERRITORY. THE U.S., U.K., AND THE GERMAN PRESIDENCY OF THE EUROPEAN UNION ALSO STRONGLY PROTESTED LIBERIA'S ROLE IN DESTABILIZING SIERRA LEONE. IN JANUARY 1999, U.S. STATE DEPARTMENT SPOKESPERSON JAMES RUBEN SAID THAT THE U.S. HAD EVIDENCE OF LIBERIA'S SUPPORT TO THE SIERRA LEONEAN REBELS. THE LIBERIAN LINK TO THE WAR IN SIERRA LEONE WAS AGAIN AT ISSUE IN APRIL, WHEN INFORMATION EMERGED ABOUT A SUBSTANTIAL ARMS SHIPMENT TO LIBERIA IN VIOLATION OF THE U.N. ARMS EMBARGO. THE U.S., TOGETHER WITH NIGERIA, THE U.K., AND SIERRA LEONE, BROUGHT THIS TO THE ATTENTION OF THE U.N. SANCTIONS COMMITTEE, WHICH APPARENTLY QUESTIONED SOME OF THE COUNTRIES INVOLVED. AT THIS WRITING, IT IS NOT CLEAR WHAT FURTHER ACTIONS ARE CONTEMPLATED. THE LIBERIAN GOVERNMENT RESPONDED STRONGLY AGAINST THE INTERNATIONAL PRESSURE AND WITHHOLDING OF SUPPORT. IN JANUARY 1999, THE LIBERIAN GOVERNMENT ACCUSED THE U.K. AND THE U.S. OF UNDERTAKING A "CAMPAIGN INTENDED TO INTERNATIONALLY ISOLATE, ECONOMICALLY STRANGULATE AND DIPLOMATICALLY DESTROY LIBERIA." IN AUGUST, PRESIDENT TAYLOR BLAMED THE INTERNATIONAL DONOR COMMUNITY FOR "ENCOURAGING CORRUPTION" BY DENYING THE WAR-RAVAGED COUNTRY INTERNATIONAL ASSISTANCE. IN AUGUST, THE GOVERNMENT CALLED ON THE INTERNATIONAL COMMUNITY TO LIFT THE U.N. BAN ON ARMS SALES TO LIBERIA TO ALLOW IT TO PURCHASE WEAPONS FOLLOWING THE REBEL INCURSIONS OVER THE GUINEAN BORDER.

### **United Nations**

THE UNITED NATIONS DEPARTMENT OF POLITICAL AFFAIRS RETAINED A SMALL U.N. PEACE-BUILDING SUPPORT OFFICE (UNOL) FOLLOWING THE WITHDRAWAL OF THE U.N. OBSERVER MISSION IN JULY 1997, TO SERVE AS A FOCAL POINT AND COORDINATE POST-CONFLICT U.N. PEACE-BUILDING ACTIVITIES IN LIBERIA AS WELL AS TO PROVIDE ADVISORY SERVICES TO THE GOVERNMENT IN DEFINING POST-



CONFLICT PRIORITIES, TO RAISE INTERNATIONAL FUNDS FOR LIBERIA, AND TO COORDINATE AND LIAISE BETWEEN THE GOVERNMENT AND THE INTERNATIONAL COMMUNITY. THIS UNIT REMAINED IN MONROVIA DURING 1999 UNDER SPECIAL REPRESENTATIVE FELIX DOWNS-THOMAS, BUT MAINTAINED A LOW PROFILE AND WAS NOT A PROMINENT PLAYER IN RAISING HUMAN RIGHTS ISSUES. UNOL'S MANDATE DID NOT EXPLICITLY INCLUDE MONITORING OR INVESTIGATION OF HUMAN RIGHTS ABUSES, HOWEVER, IT ASSISTED IN POLICE TRAINING AND MADE RECOMMENDATIONS ON THE DRAFT LEGISLATION FOR THE CREATION OF THE GOVERNMENT HUMAN RIGHTS COMMISSION. IN SEPTEMBER, THE GOVERNMENT, ECOMOG, AND UNOL WERE INVOLVED IN RESUMING A WEAPONS DESTRUCTION PROGRAM WHICH HAD BEEN SUSPENDED DURING THE FIGHTING IN LOFA COUNTY. AN ESTIMATED 19,000 WEAPONS WERE DESTROYED.

## **Economic Community of West African States Cease-Fire Monitoring Group (ECOMOG)**

ECOMOG CONTINUED TO RETAIN A SCALED DOWN PRESENCE IN LIBERIA DUE BOTH TO THE END OF THE WAR IN LIBERIA AS WELL AS TO ITS INCREASED MOBILIZATION IN SIERRA LEONE. HOWEVER, RELATIONS BETWEEN THE LIBERIAN GOVERNMENT AND ECOMOG REMAINED STRAINED BOTH BECAUSE OF TAYLOR'S REFUSAL TO ALLOW ECOMOG TO TRAIN AND RESTRUCTURE THE LIBERIAN ARMED FORCES IN ACCORDANCE WITH THE PEACE ACCORDS AND ALLEGATIONS THAT TAYLOR WAS UNDERMINING PEACEKEEPING EFFORTS IN SIERRA LEONE BY SUPPORTING THE REBEL ALLIANCE THAT ECOMOG WAS SEEKING TO DEFEAT. RELATIONS HIT AN ALL-TIME LOW IN MAY WHEN PRESIDENT TAYLOR ACCUSED ECOMOG OF PLOTTING TO OVERTHROW HIS GOVERNMENT, A CHARGE DENIED BY ECOMOG COMMANDER MAJ. GEN. FELIX MUJAKPERUO. BY MID-1999, ECOMOG HAD CLOSED ITS LIBERIA OPERATIONS, BUT RETAINED ECOMOG TROOPS IN LIBERIA TO MONITOR THE SIERRA LEONEAN SITUATION.

## **United States**

A RIFT IN U.S.-LIBERIAN RELATIONS FOLLOWED THE SEPTEMBER 1998 OUTBREAK OF VIOLENCE IN MONROVIA WHEN LIBERIAN SECURITY FORCES WERE RESPONSIBLE FOR WOUNDING TWO AMERICANS IN A SHOOTING INCIDENT OUTSIDE THE U.S. EMBASSY, AND THE WAR IN SIERRA LEONE FURTHER STRAINED RELATIONS. THE U.S. AND OTHER INTERNATIONAL DONORS MADE CLEAR THAT THERE WOULD BE NO RESUMPTION OF NON-HUMANITARIAN ASSISTANCE TO LIBERIA UNTIL AN INVESTIGATION INTO THE SEPTEMBER EVENTS HAD BEEN CONDUCTED.

TENSIONS FURTHER INCREASED AT THE END OF 1998, WHEN THE U.S. PUBLICLY ACCUSED LIBERIA OF ACTIVELY SUPPORTING SIERRA LEONEAN REBELS AND THREATENED TO TAKE PUNITIVE MEASURES, WHICH WERE NOT PUBLICLY DISCLOSED, AGAINST THE TAYLOR GOVERNMENT IF SUCH SUPPORT DID NOT CEASE. THIS REPRESENTED THE FIRST TIME THAT THE U.S. PUBLICLY LINKED TAYLOR'S GOVERNMENT TO THE SIERRA LEONEAN REBELS, AND THE MESSAGE WAS REPEATED WHEN THE LIBERIAN FOREIGN MINISTER VISITED WASHINGTON IN FEBRUARY 1999. HOWEVER, AS TAYLOR PUBLICLY SUPPORTED THE PEACE PROCESS IN SIERRA LEONE, THE U.S. MADE NEW ATTEMPTS TO ENGAGE WITH HIM.

THE LIBERIAN GOVERNMENT REQUESTED THE U.N. TO CONDUCT AN INVESTIGATION INTO THE SEPTEMBER 1998 EVENTS, AND ITS REPORT WAS FINALLY PUBLISHED IN AUGUST. ALTHOUGH THE REPORT DID NOT ATTRIBUTE BLAME FOR THE INCIDENT, IT HAS CLEARED THE WAY FOR A MULTI-DONOR ASSESSMENT MISSION TO BE DISCUSSED UNDER THE AUSPICES OF THE WORLD BANK.

IN MARCH, THE U.S. STATE DEPARTMENT RELEASED ITS ANNUAL REPORT ON HUMAN RIGHTS FOR 1998 WHICH ACCURATELY NOTED THAT LIBERIA'S HUMAN RIGHTS RECORD WAS POOR DUE TO DISREGARD FOR CIVIL LIBERTIES BY THE TAYLOR GOVERNMENT. THE LIBERIAN GOVERNMENT SHARPLY REJECTED THE REPORT, SAYING THAT IT WAS NOT CREDIBLE AND BLAMING LOCAL HUMAN RIGHTS GROUPS FOR COMPILING NEGATIVE REPORTS ON THE COUNTRY.

THE U.S. SOUGHT TO PROVIDE APPROXIMATELY (U.S.) \$27 MILLION IN ASSISTANCE TO LIBERIA DURING FINANCIAL YEAR 1999, THE BULK BEING SOME \$10 MILLION IN DEVELOPMENT ASSISTANCE AIMED AT CAPACITY-BUILDING AND DEMOCRATIZATION AND \$13.9 MILLION IN FOOD AID. HOWEVER, CONGRESS PUT A HOLD ON \$1.2 MILLION OF AID DESIGNATED FOR STRENGTHENING CIVIL SOCIETY AND SUPPORTING THE LEGISLATURE, AND FOR PROTECTING AND PROMOTING HUMAN RIGHTS.

IN JULY, THE U.S. ANNOUNCED THAT IT WAS ENDING THE TEMPORARY PROTECTED STATUS (TPS) PROGRAM FOR LIBERIANS ON SEPTEMBER 29, 1999, WHICH HAD ALLOWED SOME 10,000 LIBERIANS IN THE U.S. SINCE 1991 TO REMAIN AND WORK IN THE U.S. HOWEVER, IN SEPTEMBER, PRESIDENT CLINTON GRANTED DEFERRED ENFORCED DEPARTURE (DED) FOR LIBERIANS, WHICH WILL PROVIDE TEMPORARY RELIEF FOR ONE YEAR.

# **MOZAMBIQUE**

## Human Rights Developments

MOZAMBIQUE PREPARED FOR PRESIDENTIAL AND PARLIAMENTARY ELECTIONS SCHEDULED FOR DECEMBER THAT WERE EXPECTED TO BE A LITMUS TEST OF HOW SUSTAINABLE THE EIGHT-YEAR OLD PEACE WAS. IN ADDITION TO BEING AN ELECTION YEAR THERE WERE A NUMBER OF POSITIVE HUMAN RIGHTS DEVELOPMENTS ALTHOUGH HEAVY-HANDED POLICING AND APPALLING PRISON CONDITIONS CONTINUED TO BE A PROBLEM.

ON AUGUST 31 PRESIDENT CHISSANO CONFIRMED THAT POLLING WOULD TAKE PLACE ON DECEMBER 3 AND 4. REGISTRATION BEGAN ON JULY 2 AND ENDED ON SEPTEMBER 17 DURING WHICH OVER 6.9 MILLION (93 PERCENT) OF THE ESTIMATED 9.3 MILLION ELIGIBLE ELECTORS SIGNED UP. JOAQUIM CHISSANO WAS PRESIDENTIAL CANDIDATE OF THE RULING FRONT FOR THE LIBERATION OF MOZAMBIQUE (FRELIMO). THE MOZAMBIQUE NATIONAL RESISTANCE (RENAMO) ON AUGUST 2 ENTERED INTO AN ALLIANCE WITH TEN PARTIES NOT PRESENTLY REPRESENTED IN PARLIAMENT TO FORM A SINGLE OPPOSITION LIST, THE ELECTORAL UNION. THREE OTHER COALITIONS AND TEN OTHER PARTIES WERE TO CONTEST THE ELECTIONS.

WITNESSES DESCRIBED SOME INTIMIDATION. ON JUNE 12 AT A CAMPAIGN RALLY RENAMO GENERAL SECRETARY JOÃO ALEXANDRE URGED RENAMO SUPPORTERS IN THE CENTRAL DISTRICT OF CHIBABVA TO GIVE A BEATING TO A LOCAL ADMINISTRATOR, AND AT THE SAME EVENT A RENAMO PARLIAMENTARY DEPUTY, RUI DE SOUSA, BEAT UP A FRELIMO SUPPORTER WHO WAS ACCUSED OF RIPPING UP RENAMO PARTY LEAFLETS. RENAMO ALSO MAINTAINED AN ARMED FORCE OF 150 MEN IN INHAMINGA, SOFALA PROVINCE WHO PREVENTED FRELIMO SUPPORTERS FROM CAMPAIGNING FREELY. RENAMO, IN TURN, COMPLAINED THAT THE POLICE AND FRELIMO CADRES HAD INTIMIDATED ITS SUPPORTERS IN VAI VAI AND IN TETE.

AS IN PREVIOUS YEARS POLICE BEHAVIOR REMAINED A SERIOUS CONCERN AND CONTINUED TO BE THE SOURCE OF THE MAJORITY OF COMPLAINTS HUMAN RIGHTS WATCH RECEIVED. IN JANUARY THE NAMPUŁA PUBLIC ATTORNEY'S OFFICE STARTED AN INVESTIGATION FOLLOWING ALLEGATIONS OF SUMMARY EXECUTIONS CARRIED OUT IN THE LOCAL CELLS OF THE CRIMINAL INVESTIGATION POLICE (PIC) IN NAMPUŁA. UNLIKE PREVIOUS YEARS THERE WERE MORE EFFORTS OUTSIDE MAPUTO TO DISCIPLINE ABUSIVE POLICE OFFICERS. ON MAY 31 A COURT IN THE NORTHERN PROVINCE OF CABO DELGADO FOUND A LOCAL POLICE COMMANDER IN CHIRE GUILTY OF ILLEGALLY DETAINING REPORTER FERNANDO QUINOVA IN 1998 AND WAS SENTENCED TO SIX MONTHS IMPRISONMENT. QUINOVA HAD BEEN HELD WITHOUT CHARGE FOR TWENTY-THREE DAYS IN A POLICE CELL BUT MANAGED TO ESCAPE AND WALKED FOR TWO WEEKS THROUGH THE BUSH UNTIL HE REACHED THE PROVINCIAL CAPITAL, PEMBA. HE COMPLAINED TO THE PROVINCIAL POLICE, BUT HE WAS REARRESTED WHEN HE RETURNED TO CHIRE ON FEBRUARY 15 AND CHARGED WITH SLANDERING THE POLICE AND "LEAKING INFORMATION." NEITHER CHARGES EXISTED UNDER MOZAMBICAN LAW. IN 1998, 322 POLICE OFFICERS WERE DISMISSED FOR "ETHICAL MISCONDUCT."

THE CRIMINAL JUSTICE SYSTEM REMAINED OVERBURDENED. PUBLIC ATTORNEY'S OFFICES THROUGHOUT THE COUNTRY HANDLED 15,789 CASES IN 1998, A DECLINE ON THE 1997 FIGURE, BUT CRIMINAL CHARGES PROSECUTED IN 1998 HAD INCREASED TO 8,902 DUE TO AN INCREASE IN THE TOTAL NUMBER OF PUBLIC ATTORNEYS AND TO THEIR GREATER COMMITMENT AND PRODUCTIVITY. THERE REMAINED SEVERE DELAYS IN BRINGING SUSPECTS TO TRIAL, WITH MANY SUSPECTS NOT BROUGHT TO A MAGISTRATE WITHIN THE REQUISITE FORTY-EIGHT HOURS. DURING 1998 18,715 WERE DEPRIVED OF THEIR FREEDOM—BUT ONLY 4,923 OF THESE WERE ACTUALLY SERVING SENTENCES PASSED BY A COURT; 5,969 WERE DETAINED ON THE ORDERS OF COURTS AND WERE AWAITING TRIAL. THIS CONTRIBUTED TO SEVERE OVERCROWDING IN PRISONS. ACCORDING TO THE ATTORNEY-GENERAL'S MARCH 1999 REPORT "THE ONLY USE OF THESE PRISONS IS FOR LEARNING AND PLANNING NEW CRIMES." THE REPORT STATED THAT MOST CELLS CONTAIN TWO OR THREE TIMES THE NUMBER OF PEOPLE FOR WHICH THEY WERE BUILT.

ON DECEMBER 10, 1998, DURING A CEREMONY MARKING THE 50TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, PRESIDENT CHISSANO ANNOUNCED THAT HIS GOVERNMENT WAS CONDUCTING AN INQUIRY INTO PRISON CONDITIONS WITH A VIEW TO ASCERTAINING THE NUMBER OF DETAINEES WHO HAD BEEN HELD BEYOND THE LEGAL LIMIT FOR PRETRIAL DETENTION, THE NUMBER OF DETAINEES WITHOUT TRIAL, AND THE NUMBER OF ILLEGAL DETENTIONS.

IN THE SAME SPEECH, PRESIDENT CHISSANO OUTLINED HIS GOVERNMENT'S AIM TO STRENGTHEN STATE LEGAL INSTITUTIONS, THROUGH PROVIDING BETTER EQUIPMENT AND MORE STAFF AND RETRAINING MEMBERS OF THE POLICE FORCE. THE MINISTER OF EDUCATION ARNALDO NHAUTO ANNOUNCED ON THE SAME DAY THAT FROM THE YEAR 2000 HUMAN RIGHTS WOULD BE INTRODUCED AS A DISCIPLINE IN ITS OWN RIGHT INTO THE NATIONAL EDUCATION SYSTEM FOR PUPILS FROM FIRST TO SEVENTH GRADES.

LANDMINES AND CHILD SOLDIERS WERE WIDELY USED IN MOZAMBIQUE DURING THE 1977-1992 CIVIL WAR. IN APRIL AN INTERNATIONAL CONFERENCE ON THE USE OF CHILDREN AS SOLDIERS OCCURRED IN MAPUTO AND THE MOZAMBICAN GOVERNMENT OFFERED TO PRESENT THE CONFERENCE'S FINAL DECLARATION TO THE 1999 ORGANIZATION OF AFRICAN UNITY (OAU) SUMMIT AND TO REQUEST THE OAU SECRETARIAT

to disseminate it to all foreign ministers. In May the first meeting of states parties to the 1997 Ottawa Mine Ban Treaty took place in Maputo hosted by Mozambique.

## **Defending Human Rights**

The Mozambican Human Rights League (LDH) focused on poor prison conditions and campaigned for an enquiry into alleged extrajudicial executions by police in Nampula and other cases brought to its attention. The Association of Human Rights and Development (DHD) in December 1998 called for "concerted action" between the government and civil society to focus on checking the abuse of power in the prisons, bribery in public institutions, sexual abuses and forced marriages.

## **The Role of the International Community**

On June 30 Mozambique became the fourth country to earn relief under the Heavily Indebted Poor Country (HIPC) debt initiative when the World Bank and International Monetary Fund (IMF) approved U.S.\$3.7 billion in relief from external creditors. The HIPC package provided some \$800 million more than had been agreed in April 1998. The savings would be used to increase health and education for Mozambicans, seven in ten of whom lived in poverty.

In May Switzerland signed a new U.S.\$1.1 million project agreement to assist a police upgrading project. Spain, Netherlands, and Germany had already contributed to a three year UN Development Program project aimed at reforming the police.

## **United States**

President Chissano visited the U.S. in early December 1998 and saw senior administration officials including President Bill Clinton. During this visit Mozambique and the U.S. signed a Bilateral Investment Treaty. During 1999 the U.S. continued to be the largest bilateral donor in Mozambique and maintained one of USAID's largest programs in sub-Saharan Africa.

# **NIGERIA**

## **Human Rights Developments**

The situation in Nigeria improved substantially over the year. The interim government of Gen. Abdulsalami Abubakar that took office following the death of Gen. Sani Abacha in June 1998 departed to a large extent from the pattern of repression of the former government and oversaw a transition to the first civilian government for sixteen years. Between December 1998 and February 1999 Nigeria held local, state, and federal elections, leading to the inauguration of Gen. Olusegun Obasanjo (a former military ruler) as president on May 29, 1999. Immediately before the new government took office, General Abubakar repealed decrees allowing detention without trial, suspending constitutional guarantees of human rights, and barring the courts from reviewing executive acts. Nevertheless, serious concerns remained, including defects in the electoral process and the lack of a democratically drafted constitution, as well as the heritage of military rule—in particular, ongoing security force abuses.

Following local government elections held in December 1998, three parties passed the requirements to contest state and federal elections in the new year. Although most international and domestic observers of the elections welcomed their peaceful completion as an important step forward in the return of Nigeria to civilian government, some also noted the serious flaws in the process. These irregularities included vastly inflated figures for voter turnout, stuffing of ballot boxes, intimidation and bribery of both electoral officials and voters, and alteration of results at collation centres. The irregularities were widespread, but were particularly serious in the Niger Delta region. In addition, the party primaries, including the presidential primary of the Peoples' Democratic Party (PDP) which led to the selection of Obasanjo as the presidential candidate, were marked by blatant purchasing of votes. At local and state level, candidates selected by party

MEMBERS FROM THE DISTRICT WERE FREQUENTLY PEREMPTORILY REPLACED AT THE INSTANCE OF PARTY LEADERS. ELECTION TRIBUNAL PROCEEDINGS TO DETERMINE DISPUTED RESULTS WERE SIMILARLY MARKED BY FRAUD. THE NEWLY ELECTED LOCAL, STATE, AND NATIONAL INSTITUTIONS IMMEDIATELY BEGAN TO MAKE THEIR VOICES HEARD, THOUGH CORRUPTION SCANDALS MARKED A NUMBER OF THOSE ELECTED.

THE CONSTITUTION THAT CAME INTO FORCE ON MAY 29 WAS PROMULGATED BY GENERAL ABUBAKAR ONLY THREE WEEKS BEFORE THE NEW GOVERNMENT WAS INAUGURATED, FOLLOWING AN UNREPRESENTATIVE DRAFTING PROCESS THAT TOOK PLACE VIRTUALLY WITHOUT CONSULTATION WITH THE NIGERIAN PEOPLE. THE 1999 CONSTITUTION WAS FINALIZED BY A PANEL APPOINTED BY GENERAL ABUBAKAR AND ADOPTED BY THE MILITARY PROVISIONAL RULING COUNCIL. THERE WAS A CONSENSUS AMONG NIGERIAN CIVIL SOCIETY ORGANIZATIONS THAT THE PROCESS BY WHICH THE CONSTITUTION WAS ADOPTED WAS ILLEGITIMATE AND THAT THE ARRANGEMENTS IN RELATION TO A NUMBER OF CRUCIAL AREAS, INCLUDING HUMAN RIGHTS AND THE RULE OF LAW, INDEPENDENCE OF THE JUDICIARY, THE STRUCTURE OF THE NIGERIAN FEDERATION AND THE SYSTEM FOR REVENUE ALLOCATION AND RESOURCE MANAGEMENT, WERE NOT ACCEPTABLE. SECTION 315(5) OF THE NEW CONSTITUTION, FOR EXAMPLE, PROVIDED THAT "NOTHING IN THE CONSTITUTION SHALL INVALIDATE" A SET OF LAWS, INCLUDING THE CONTROVERSIAL NATIONAL SECURITY AGENCIES ACT AND LAND USE ACT, WHICH IT ALSO STIPULATED COULD ONLY BE REPEALED OR AMENDED BY A SPECIAL MAJORITY OF THE NATIONAL ASSEMBLY AND SENATE. THE CONSTITUTION FAILED TO PROVIDE FOR THE NATIONAL HUMAN RIGHTS COMMISSION ESTABLISHED UNDER GENERAL ABACHA, WHICH HAD, AGAINST ALL THE ODDS, BEEN ABLE TO CARRY OUT SOME USEFUL WORK UNDER MILITARY RULE. ON SEPTEMBER 9, THE NATIONAL ASSEMBLY ANNOUNCED THE INITIATION OF A REVIEW OF THE CONSTITUTION.

ALL REMAINING HIGH-PROFILE POLITICAL PRISONERS WERE RELEASED BY GENERAL ABUBAKAR BEFORE THE HANDOVER TO CIVILIAN RULE, INCLUDING MILITARY AND CIVILIAN DETAINEES CONVICTED BY MILITARY TRIBUNALS IN UNFAIR TRIALS OF INVOLVEMENT IN ALLEGED COUP PLOTS IN 1990, 1995, AND 1997. SHEIKH IBRAHIM EL ZAK-ZAKY, A RADICAL MUSLIM LEADER, WAS RELEASED IN DECEMBER 1999, AFTER MORE THAN TWO YEARS IN DETENTION. SEVERAL CLOSE ASSOCIATES OF GENERAL ABACHA ARRESTED AFTER HIS DEATH REMAINED IN DETENTION, FACING CHARGES LINKED TO SERIOUS HUMAN RIGHTS VIOLATIONS AND MASSIVE THEFT OF GOVERNMENT FUNDS. IN OCTOBER, GENERAL ABACHA'S SON MOHAMMED AND SECURITY CHIEF, MAJOR HAMZA AL MUSTAPHA, APPEARED IN COURT CHARGED WITH THE JUNE 1996 MURDER OF KUDIRAT ABIOLA, WIFE OF FORMER PRESIDENTIAL CANDIDATE MOSHOOD K.O. ABIOLA WHO HAD HIMSELF DIED IN DETENTION IN JULY 1999.

IMMEDIATELY BEFORE THE HANDOVER OF POWER TO PRESIDENT OBASANJO, GENERAL ABUBAKAR ANNOUNCED THE REPEAL OF A NUMBER OF MILITARY DECREES THAT HAD PERMITTED A WIDE RANGE OF ACTS IN VIOLATION OF INTERNATIONAL HUMAN RIGHTS LAW AND THE NIGERIAN CONSTITUTION, INCLUDING THE NOTORIOUS DECREE NO.2 OF 1994, PERMITTING INDEFINITE DETENTION WITHOUT TRIAL. OTHER LAWS CONTINUED TO REFLECT THEIR MILITARY ORIGINS AND INFRINGE ON THE RIGHTS OF THE NIGERIAN PEOPLE, INCLUDING THE PUBLIC ORDER ACT AND THE NATIONAL DRUG LAW ENFORCEMENT AGENCY DECREE. IN JULY, IN THE CASE OF *CHIMA UBANI VS. INSPECTOR GENERAL OF POLICE*, THE COURT OF APPEAL OVERRULED A FIFTEEN-YEAR-OLD PRECEDENT TO HOLD, RETROSPECTIVELY, THAT THE POWERS CONTAINED IN DECREE NO.2 WERE CONTRARY TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS.

ON BECOMING HEAD OF STATE, PRESIDENT OBASANJO ANNOUNCED THE APPOINTMENT OF A SEVEN-MEMBER PANEL CHAIRED BY A RETIRED SUPREME COURT JUDGE, JUSTICE CHUKWUDIFU OPUTA, TO INVESTIGATE "MYSTERIOUS DEATHS" AND ASSASSINATIONS AND OTHER HUMAN RIGHTS ABUSES UNDER THE MILITARY GOVERNMENTS IN OFFICE SINCE 1994 AND TO MAKE RECOMMENDATIONS TO REDRESS PAST INJUSTICES AND TO PREVENT FUTURE VIOLATIONS. THE PANEL WAS WIDELY WELCOMED BY HUMAN RIGHTS GROUPS IN NIGERIA, THOUGH IT WAS NOT CLEAR EXACTLY WHAT MANDATE, POWERS, OR BUDGET IT WOULD HAVE, OR THE DATE BY WHICH IT WOULD COMPLETE ITS INVESTIGATION AND PRESENT A REPORT. IN OCTOBER, THE SCOPE OF THE INVESTIGATION WAS MOVED BACK TO 1966, THEREFORE TAKING IN THE ABUSES OF THE BIAFRAN WAR. THE PANEL HAD ALREADY RECEIVED SUBMISSIONS ON SEVERAL THOUSAND CASES, MOST OF THEM FROM OGONILAND.

OBASANJO ALSO APPOINTED PANELS TO LOOK INTO APPOINTMENTS AND CONTRACTS MADE DURING THE PERIOD LEADING UP TO THE HANDOVER TO CIVILIAN RULE, WHEN BILLIONS WERE REPORTEDLY STOLEN, AND INTO FAILED CONTRACTS AND FRAUDULENT LAND TRANSACTIONS UNDER SUCCESSIVE MILITARY GOVERNMENTS. AN ANTI-CORRUPTION BILL WAS INTRODUCED TO THE NATIONAL ASSEMBLY, AND STEPS TAKEN TO REDUCE CORRUPTION IN THE FUEL DISTRIBUTION SECTOR; FOR THE FIRST TIME IN YEARS NIGERIAN CITIES HAD GASOLINE FREELY AVAILABLE AT THE PUMP. OTHER PANELS WERE APPOINTED TO INVESTIGATE "CULT" VIOLENCE AT OBAFEMI AWOLOWO UNIVERSITY IN ILE-IFE AND TO LOOK INTO MEANS FOR POVERTY ALLEVIATION. DEMONSTRATING A DETERMINATION TO BRING THE ARMED FORCES UNDER CONTROL, OBASANJO ANNOUNCED THE REMOVAL OF SEVERAL HUNDRED ARMY OFFICERS IN JUNE, AND IN AUGUST PLANS TO CUT THE MILITARY IN SIZE FROM 90,000 TO 50,000 OVER FOUR YEARS.

THE NEW CIVILIAN GOVERNMENT MADE COMMITMENTS TO RESPECT THE RULE OF LAW. THE MINISTER OF JUSTICE ANNOUNCED THAT THE GOVERNMENT INTENDED TO RESPECT COURT ORDERS ISSUED AGAINST IT, UNLIKE MILITARY GOVERNMENTS IN THE PAST, AND PROPOSED REFORMS TO THE JUDICIARY, INCLUDING THE RECONSTITUTION OF THE JUDICIAL SERVICES COMMISSION. THE GOVERNMENT APPOINTED A

NATIONAL PRISON REFORM COMMITTEE TO ADVISE ON PRISON CONDITIONS, AND 1,400 PRISONERS WERE RELEASED SOON AFTER, ADDING TO THE SEVERAL THOUSAND PRISONERS FREED FROM OVERCROWDED JAILS OVER THE PREVIOUS YEAR, MANY OF THEM HELD FOR YEARS WITHOUT TRIAL. DESPITE THE RELEASES, PRISON CONDITIONS REMAINED LIFE THREATENING. A REORGANIZATION OF THE POLICE WAS PROMISED, AND A NUMBER OF STATES DISBANDED THE NOTORIOUSLY ABUSIVE PARAMILITARY ANTI-CRIME UNITS ESTABLISHED UNDER THE MILITARY GOVERNMENT, REPLACING THEM WITH UNITS THAT DID NOT INCLUDE SOLDIERS. THE METHODS USED BY THE NEW UNITS SEEMED, HOWEVER, TO RESEMBLE THOSE OF THEIR PREDECESSORS. ON JUNE 25, FOR EXAMPLE, ADEWALE ADEOYE, A JOURNALIST WITH PUNCH NEWSPAPER AND CHAIRMAN OF JOURNALISTS FOR DEMOCRATIC RIGHTS, WAS ARRESTED BY MEMBERS OF THE LAGOS STATE RAPID RESPONSE SQUAD, WHICH REPLACED THE PARAMILITARY "OPERATION SWEEP." HE WAS BEATEN AND DETAINED OVERNIGHT, TOGETHER WITH SIXTEEN OTHER PEOPLE APPARENTLY ARBITRARILY SELECTED FOR THE PURPOSE OF EXTRACTING BRIBES TO BE RELEASED. ACROSS THE COUNTRY, THE SECURITY FORCES CONTINUED TO CARRY OUT MORE WIDESPREAD AND SERIOUS ABUSES, INCLUDING SUMMARY EXECUTIONS AND TORTURE.

THE RIGHTS OF WOMEN IN NIGERIA WERE ROUTINELY VIOLATED. THE PENAL CODE EXPLICITLY STATED THAT ASSAULTS COMMITTED BY A MAN ON HIS WIFE WERE NOT AN OFFENCE, IF PERMITTED BY CUSTOMARY LAW AND IF "GRIEVOUS HURT" WAS NOT INFLICTED. MARITAL RAPE WAS NOT A CRIME. CHILD MARRIAGES REMAINED COMMON, ESPECIALLY IN NORTHERN NIGERIA, WITH CONSEQUENT SERIOUS HEALTH EFFECTS FOR CHILDREN SUBJECTED TO EARLY PREGNANCY OR TO INTERCOURSE PRIOR TO SEXUAL MATURITY. THERE WERE CONTINUED REPORTS OF TRAFFICKING OF NIGERIAN WOMEN AND GIRLS INTO EUROPE AND OTHER DESTINATIONS. WOMEN WERE DENIED EQUAL RIGHTS IN THE INHERITANCE OF PROPERTY. IT WAS ESTIMATED THAT ABOUT 60 PERCENT OF NIGERIAN WOMEN WERE SUBJECTED TO FEMALE GENITAL CUTTING. CHILD LABOR, ESPECIALLY IN DOMESTIC WORK, OFTEN COMPLETELY UNPAID, REMAINED COMMON.

IN OGONILAND, HOME OF THE MOVEMENT FOR THE SURVIVAL OF THE OGONI PEOPLE (MOSOP), OF WHICH KEN SARO-WIWA WAS LEADER BEFORE HIS EXECUTION IN NOVEMBER 1995, MOSOP WAS FROM LATE 1998 ABLE TO ORGANIZE FREELY FOR THE FIRST TIME SINCE 1993. THE NEW GOVERNMENT PROMISED TO RETURN THE BODIES OF SARO-WIWA AND HIS CO-ACCUSED TO THEIR FAMILIES. ELSEWHERE IN THE NIGER DELTA, HOWEVER, UNREST AND REPRESSION ESCALATED. YOUTHS FROM THE IJAW ETHNIC GROUP, THE FOURTH LARGEST IN NIGERIA, ADOPTED THE KAIAMA DECLARATION ON DECEMBER 11, 1998, WHICH CLAIMED OWNERSHIP OF ALL NATURAL RESOURCES FOUND IN IJAW TERRITORY; OTHER ETHNIC GROUPS ISSUED SIMILAR STATEMENTS. THERE WAS AN INCREASE IN KIDNAPPINGS OF OIL COMPANY STAFF IN HOPE OF RANSOM PAYMENTS, PROTESTS AIMED AT IMPROVING OIL COMPANY AND GOVERNMENT RESPONSE TO COMMUNITY NEEDS, AND VIOLENCE AMONG NEIGHBORING COMMUNITIES OVER MATTERS SUCH AS THE LOCATION OF LOCAL GOVERNMENT HEADQUARTERS OR OIL FACILITIES, CRUCIAL IN THE DISTRIBUTION OF OIL RESOURCES. IN RESPONSE, LARGE NUMBERS OF SOLDIERS AND PARAMILITARY MOBILE POLICE WERE DEPLOYED ACROSS THE DELTA THROUGHOUT THE YEAR. THE SECURITY FORCES BOTH FAILED TO PROTECT CIVILIANS FROM VIOLENCE IN MANY CASES, AND ALSO THEMSELVES CARRIED OUT SERIOUS VIOLATIONS OF HUMAN RIGHTS, INCLUDING SUMMARY EXECUTIONS. AS ELSEWHERE IN NIGERIA, SECURITY FORCE ACTION WAS OFTEN INDISCRIMINATE, OR TARGETED AT THOSE WHO HAD NOT COMMITTED ANY CRIME BUT HAD PROTESTED OIL OPERATIONS IN EXERCISE OF THEIR RIGHTS TO FREEDOM OF EXPRESSION, ASSEMBLY, AND ASSOCIATION. DURING A MILITARY CRACKDOWN IN LATE DECEMBER 1998 AND EARLY JANUARY 1999 IN RESPONSE TO LARGELY PEACEFUL PROTESTS IN SUPPORT OF THE KAIAMA DECLARATION, DOZENS OF YOUNG MEN WERE KILLED, MOST OF THEM UNARMED. OTHERS WERE TORTURED AND INHUMANELY TREATED; MANY WERE ARBITRARILY DETAINED FOR SEVERAL WEEKS.

IN ANOTHER INCIDENT IN JANUARY 1999, TWO COMMUNITIES IN DELTA STATE WERE ATTACKED BY SOLDIERS, USING A HELICOPTER AND BOATS COMMANDEERED FROM A FACILITY OPERATED BY CHEVRON, FOLLOWING AN ALLEGED CONFRONTATION THAT TOOK PLACE AT A NEARBY CHEVRON DRILLING RIG. MORE THAN FIFTY PEOPLE MAY HAVE DIED IN THESE INCIDENTS. CHEVRON MADE NO PUBLIC PROTEST AT THE KILLINGS. IN MAY AND EARLY JUNE 1999, VIOLENCE FLARED UP ONCE AGAIN IN AND AROUND WARRI, DELTA STATE, WHERE THERE HAD BEEN SERIOUS CONFLICT SINCE 1997 AMONG THE IJAW, ITSEKIRI, AND URHOB0 ETHNIC GROUPS. AS IN THE CASE OF SIMILAR VIOLENCE THAT FLARED UP IN JULY BETWEEN THE HAUSA AND YORUBA ETHNIC GROUPS IN BOTH SAGAMU, IN THE SOUTH WEST, AND KANO, IN THE NORTH OF THE COUNTRY, THERE WERE PERSISTENT ALLEGATIONS THAT SENIOR FIGURES IN THE MILITARY HAD FUELED THE CONFLICT. IN SEPTEMBER 1999, SOLDIERS SHOT DEAD TENS OF CIVILIANS IN YENAGOA, CAPITAL OF BAYELSA STATE, FOLLOWING CONFRONTATIONS WITH PROTESTING YOUTHS.

PRESIDENT OBASANJO VISITED THE DELTA AREA IN JUNE 1999 AND HELD DISCUSSIONS WITH LOCAL LEADERS. HE PROMISED TO BRING GREATER DEVELOPMENT TO THE DELTA, AND INTRODUCED TO THE NATIONAL ASSEMBLY A BILL TO ESTABLISH A NIGER DELTA DEVELOPMENT COMMISSION. LEADERS OF THE ETHNIC GROUPS BASED IN THE NIGER DELTA, HOWEVER, REJECTED THE BILL FOR FAILING TO ADDRESS THEIR CONCERNS SURROUNDING REVENUE ALLOCATION AND RESOURCE CONTROL. IN SEPTEMBER, OBASANJO VISITED THE DELTA AGAIN, WHEN PROTESTS BY LOCAL PEOPLE BROUGHT EXPORTS FROM THE NEW LIQUEFIED NATURAL GAS TERMINAL AT BONNY TO A HALT FOR SEVERAL DAYS.

MORE THAN TEN THOUSAND NIGERIAN TROOPS WERE DEPLOYED IN SIERRA LEONE AS THE MAJOR PART OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES MONITORING GROUP (ECOMOG) PEACEKEEPING FORCE. DURING THE JANUARY REBEL OFFENSIVE AGAINST FREETOWN, AND AT OTHER TIMES, THEY WERE RESPONSIBLE FOR HUMAN RIGHTS VIOLATIONS AGAINST REBELS AND CIVILIANS, INCLUDING SUMMARY EXECUTIONS. NEVERTHELESS, THE PRESENCE OF THE NIGERIAN SOLDIERS PROTECTED MANY CIVILIANS AGAINST ATROCITIES COMMITTED ON AN ENORMOUS SCALE BY THE REBELS. IN AUGUST, OBASANJO ORDERED THE PROGRESSIVE WITHDRAWAL OF NIGERIAN SOLDIERS FROM SIERRA LEONE, UNLESS THE U.N. WAS PREPARED TO PAY THEIR COSTS.

## **Defending Human Rights**

NIGERIA'S NUMEROUS AND SOPHISTICATED HUMAN RIGHTS GROUPS WERE ABLE TO OPERATE FREELY THROUGHOUT THE YEAR, IN WELCOME CONTRAST TO THE REPRESSION UNDER THE GOVERNMENT OF GENERAL ABACHA. SEVERAL DOZEN HUMAN RIGHTS, PRO-DEMOCRACY, AND OTHER NONGOVERNMENTAL GROUPS, JOINED TOGETHER TO FORM THE TRANSITIONAL MONITORING GROUP (TMG), WHICH DEPLOYED MORE THAN 10,000 ELECTION OBSERVERS THROUGHOUT THE COUNTRY FOR THE VARIOUS STAGES OF THE ELECTION PROCESS. THE TMG PRODUCED BY FAR THE MOST USEFUL ANALYSIS OF THE ELECTIONS, AND CONTINUED TO OPERATE AFTERWARD, TO MONITOR PROGRESS TOWARDS DEMOCRATIC REFORM. MANY INDIVIDUAL HUMAN RIGHTS GROUPS WERE ACTIVE IN PROPOSING LEGAL AND OTHER REFORMS TO THE NEW GOVERNMENT. ON MAY 6, 1999, MAZINO UZUZEBE, HEAD OF A KADUNA-BASED ORGANIZATION, MARTIN LUTHER KING'S PEOPLE, WAS SHOT DEAD AT HIS HOME. THE MOTIVATION FOR THE KILLING WAS NOT CLEAR.

THE GOVERNMENT-APPOINTED NATIONAL HUMAN RIGHTS COMMISSION, CREATED IN 1996, HELD OR ATTENDED A NUMBER OF MEETINGS TO DISCUSS HUMAN RIGHTS ISSUES, SOME OF THEM ARRANGED BY NONGOVERNMENTAL HUMAN RIGHTS GROUPS SUCH AS THE CONSTITUTIONAL RIGHTS PROJECT. THE COMMISSION ALSO RECOMMENDED REFORMS TO GENERAL ABUBAKAR, WHILE HE WAS HEAD OF STATE, INCLUDING THE REPEAL OF REPRESSIVE DECREES SUCH AS THOSE ALLOWING DETENTION WITHOUT CHARGE, AND (UNSUCCESSFULLY) THE INCLUSION OF PROVISION FOR THE COMMISSION IN THE NEW CONSTITUTION. BY OCTOBER, THE COMMISSION HAD YET TO TAKE ADVANTAGE OF THE NEW GOVERNMENT TO ESTABLISH A HIGHER PROFILE FOR ITS WORK.

## **The Role of the International Community**

A LARGE NUMBER OF INTERNATIONAL DELEGATIONS FROM THE U.N., OAU, E.U., COMMONWEALTH, FRANCOPHONIE, AND OTHER BODIES OBSERVED THE ELECTIONS, THE GREATEST NUMBER BEING PRESENT FOR THE PRESIDENTIAL ELECTIONS IN FEBRUARY. ALTHOUGH SOME INTERNATIONAL DELEGATIONS, NOTABLY THE UNITED STATES' CARTER CENTER AND NATIONAL DEMOCRATIC INSTITUTE, EXPRESSED SERIOUS CONCERN OVER DEFECTS IN THE PROCESS, MOST ACCEPTED THE RESULTS FAIRLY UNCRTICALLY. WHILE STILL PRESIDENT-ELECT, GENERAL OBASANJO WENT ON AN EXTENSIVE TOUR OF EUROPEAN, ASIAN, AND AFRICAN COUNTRIES AND THE UNITED STATES, SEEKING SUPPORT FOR HIS INCOMING ADMINISTRATION. A WIDE RANGE OF HEADS OF STATE AND OTHER DIGNITARIES ATTENDED HIS INAUGURATION AS PRESIDENT IN MAY. BOTH THE U.S. AND THE EUROPEAN UNION AND ITS MEMBER STATES BEGAN TO REENGAGE WITH NIGERIA FOLLOWING THE INSTALLATION OF THE NEW GOVERNMENT, FOCUSING ESPECIALLY ON ASSISTING REFORM OF CIVIL-MILITARY RELATIONS.

REESTABLISHING POTENTIALLY THE MOST IMPORTANT BILATERAL RELATIONSHIP ON THE CONTINENT, PRESIDENT NELSON MANDELA OF SOUTH AFRICA VISITED NIGERIA IN JANUARY TO ATTEND THE SUMMIT OF THE ECONOMIC COMMUNITY OF WEST AFRICA STATES; PRESIDENT OBASANJO ATTENDED PRESIDENT THABO MBEKI'S INAUGURATION IN SOUTH AFRICA IN JUNE, HIS FIRST FOREIGN TRIP AS HEAD OF STATE; AND IN OCTOBER THE FIRST MEETING OF A SOUTH AFRICA-NIGERIA BINATIONAL COMMISSION WAS HELD.

## **The Commonwealth**

NIGERIA'S SUSPENSION FROM THE COMMONWEALTH, IMPOSED IN 1995, WAS LIFTED WITH THE HANDOVER OF POWER TO A CIVILIAN GOVERNMENT, IN ACCORDANCE WITH THE RECOMMENDATION OF THE COMMONWEALTH MINISTERIAL ACTION GROUP (CMAG), MEETING IN APRIL. A COMMONWEALTH DELEGATION OBSERVED THE ELECTIONS, AND GAVE TECHNICAL ASSISTANCE TO THE ELECTORAL COMMISSION.

## **United Nations and Bretton Woods Institutions**

THE U.N. SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN NIGERIA, SOLI SORABJEE, WAS FINALLY ALLOWED TO VISIT THE COUNTRY AT THE END OF NOVEMBER 1999. HIS REPORT TO THE 1999 COMMISSION ON HUMAN RIGHTS NOTED IMPROVEMENTS IN THE SITUATION AND MADE RECOMMENDATIONS FOR FURTHER REFORMS. THE COMMISSION VOTED TO DISCONTINUE ITS CONSIDERATION OF THE SITUATION IN NIGERIA AND DID NOT RENEW THE MANDATE OF THE SPECIAL RAPPORTEUR. LIKE OTHER INTERNATIONAL BODIES, THE U.N. PROVIDED NIGERIA

with technical assistance and sent an observer mission during the elections. U.N. Secretary-General Kofi Annan visited Nigeria in July and met with President Obasanjo.

Several World Bank delegations visited Nigeria following the transfer of power to a civilian government, including Bank President James Wolfensohn in October, discussing poverty alleviation and provision of basic services, privatization, reform of the procurement system, as well as the restructuring of the oil sector. In May, after international creditors queried a missing U.S.\$2.7 billion from Nigeria's foreign reserves, Nigeria committed itself to an economic program monitored by the International Monetary Fund and to transparency in the management of public resources, in exchange for future consideration of IMF credits. Another IMF delegation visited in July and offered a U.S.\$1 billion standby loan pinned on clear evidence of market reforms.

A "direct contacts mission" from the International Labor Organization (ILO) visited Nigeria in 1998 and reported to the ILO Governing Body in November, noting improvements in the situation but recommending further steps to ensure respect for freedom of association. The Governing Body voted to suspend a commission of inquiry appointed to consider Nigeria's respect for freedom of association. In March, the ILO Committee on Freedom of Association considered longstanding complaints against Nigeria and welcomed the release of trade unionists, repeal of certain decrees limiting trade union activity, and the election in January of representatives to the National Labour Congress to replace a sole administrator appointed by the previous government. The committee recommended further reform to ensure freedom of association, in particular the system of trade union monopoly established by the Trade Unions Act.

## European Union and its Member States

In November 1998, the E.U. Council of Ministers voted to repeal all sanctions imposed on Nigeria following the November 1995 executions of Ken Saro-Wiwa and eight other minority rights activists, except those relating to arms sales and military cooperation. In June 1999, the E.U. lifted all remaining sanctions and resolved to focus future cooperation on poverty alleviation, promotion of democracy and good governance, anti-corruption measures, and the integration of Nigeria into the global economy.

The E.U. and member states, especially the United Kingdom, gave substantial support to the transition program, including assisting in funding the TMG and the electoral commission, and sending an election observation team of one hundred people.

Reportedly, a number of members of the team protested the overly favorable assessment given in the official E.U. statement on the elections. General Obasanjo traveled to the U.K. and France during March, and met with Prime Minister Tony Blair and President Jacques Chirac. Foreign Secretary Robin Cook traveled to Nigeria following the elections, and a five-man British military team visited in May to assess the needs for military reform, backed by a commitment to spend £750,000 (about U.S.\$1.2 million) in a first tranche of assistance. The Department for International Development also committed funds to poverty alleviation and community based projects. President Chirac visited Nigeria in July, as part of a tour of five African states, and agreed with President Obasanjo to set up a joint economic commission.

## United States

The U.S. Agency for International Development gave substantial funding to the transition program, including to the TMG. The National Democratic Institute, the International Republican Institute, and the Carter Center sent delegations to observe the elections. In May, the National Endowment for Democracy presented its annual democracy award to the TMG.

With the inauguration of a civilian government at the end of May, U.S. sanctions against Nigeria were lifted, allowing for the resumption of military assistance to Nigeria, including under the International Military Education and Training (IMET) program. Export-Import Bank financing for U.S. exports also resumed for Nigeria. Although Nigeria was in March deemed not to be in compliance with requirements for counter-narcotics certification under Section 491 of the Foreign Assistance Act (FAA), the administration issued a national interest waiver, thus allowing the U.S. to support assistance to Nigeria in six multilateral development banks and to restore FAA and Arms Control Export Act assistance to Nigeria. Although direct flights to Nigeria remained banned due to safety concerns, progress in addressing these concerns was reported.

Secretary of State Albright hailed Nigeria's transition as one of the most vital in the world for U.S. national interests, and a large number of U.S. officials visited Nigeria following the end of military rule. U.S. Under-Secretary of

State for Political Affairs Thomas Pickering visited in May. A large Interagency Assessment Team, led by Deputy Assistant Secretary of State AMB. Howard Jeter traveled to the country in June. In July, a delegation from the Department of Transportation visited. In August, Energy Secretary Bill Richardson visited Nigeria and signed a memorandum of understanding with Nigerian Energy Minister Bola Ige which called for Nigeria to begin privatizing state energy companies and remove trade and investment barriers. In return, the U.S. would provide short-term aid to help alleviate oil, gas, and electricity shortages. An eight-man military team visited in August to explore possible assistance to the Nigerian armed forces in connection with professionalization and establishing civil-military relations. In October, Secretary of State Albright traveled to Nigeria, and pledged greater financial support for its ongoing transition.

U.S. assistance, which totaled some U.S.\$25 million in FY 1999, focused on health issues, civil-military relations, democratic institution-building, and strengthening civil society, as well as development projects in the Niger Delta. The House Committee on International Relations Subcommittee on Africa and the Senate Foreign Affairs Committee held hearings on Nigeria in July and October, respectively, at which Human Rights Watch testified.

## Relevant Human Rights Watch Reports

*The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities*, 2/99  
*Crackdown in The Niger Delta*, 5/99

# RWANDA

## Human Rights Developments

By late 1999, the Rwandan government had largely put down an insurgency which had operated out of northwestern Rwanda and adjacent areas of the Democratic Republic of the Congo (DRC) for the past eighteen months. In doing so, its troops killed tens of thousands of people, many of them civilians, and forced hundreds of thousands of Rwandans to move into government-established "villages." The Rwandan government had invaded the DRC in mid-1998, purportedly to ensure its security, but after having destroyed rebel bases near the border, it sent troops hundreds of miles into Congolese territory. As Rwanda scrambled to control Congolese territory and resources, its troops clashed repeatedly with soldiers of its erstwhile ally, Uganda.

With the suppression of the insurgency and a July 1999 cease-fire in the DRC war, the on-going conflict that began in 1990 seemed to have ceased once more. At that time, the Rwandan Patriotic Front (RPF), composed largely of Tutsi refugees who had spent decades in exile, launched a war against the Rwandan government, then dominated by Hutu, who form the great majority of the Rwandan population. The Tutsi had been driven from Rwanda during the 1959 Hutu revolution which ended longstanding Tutsi rule.

In 1994, in a desperate bid to recoup ground lost to a growing internal opposition and to the RPF, the Rwandan government carried out a genocide that killed more than half a million Tutsi. After being defeated by the RPF in 1994, the genocidal government led some two million Rwandans into exile, more than half of them to Zaire (now the DRC). In refugee camps there, remnants of the defeated army rearmed, recruited new forces, and began incursions into Rwanda. In 1996, Rwandan troops helped Zairean Tutsi overthrow the Zairean government in the first DRC war, in the process dispersing the camps, massacring tens of thousands of unarmed civilians, and killing thousands of soldiers and militia. Some 600,000 camp residents returned to Rwanda, where some of them launched an insurgency that posed a serious threat to the current government by mid-1997.

The government then revived Local Defense Forces, officially sanctioned paramilitary groups that had existed from mid-1994 to mid-1995. During 1999, it expanded these forces to more than 7,000 men. After brief training, they were charged with patrolling their neighborhoods to suppress purportedly anti-government activity, some of them armed with firearms, others with machetes. Many of the forces were Tutsi, but in regions where Tutsi were few, Hutu were also called to serve, some of them against their will.

During 1999, as part of its effort to suppress the insurgency, the government moved hundreds of thousands of people in the two northwestern prefectures into supervised camps. At the end of 1999, the government ordered the displaced to



relocate once more, this time to officially designated "villages." Since 1995, the government had been resettling Rwandans returned from outside the country and the internally displaced in "villages," refusing to allow them to live in the dispersed homes customary in Rwanda. They insisted that villagisation would promote economic development and improve delivery of services to the population. As applied in the northwest, however, the program appeared to be meant primarily to reduce the likelihood of a new insurgency. By late 1999, 94 percent of the population of Kibungo and 60 percent of the population of Mutara, both prefectures in the east, had been moved into villages, as had 40 percent of the population of the prefecture surrounding the capital of Kigali. In addition 94 percent of the people of the northwest who had been in camps had been moved into villages and others, still in their own homes, had been ordered to destroy them and move to the new sites, where they were obliged to live in temporary shelters, under plastic sheeting, while building new houses. Persons who resisted these orders were fined or imprisoned. Despite government promises, most sites offered no services (water, schools, clinics) and residents often had to walk much farther to cultivate their fields.

By late 1999, many land claims from the relocation remained unresolved. Farmers in the northwestern prefecture of Ruhengeri were cultivating less than 60 percent of available arable land. About 60 percent of the population of the northwestern prefectures was malnourished (compared with 40 percent elsewhere in the country) and more than half a million still depended on foreign food aid near the end of the year.

In early 1999, the government which had been in power since 1994 organized its first elections. Nearly 90 percent of adult Rwandans voted for officials at the two most local levels of government. The elections, carried out by lining up behind candidates, departed from the usual Rwandan practice of voting by secret ballot. In some places, soldiers and civilian authorities used force or threats to try to compel hesitant persons to vote or to stand for office. In a case documented by a local human rights organization, a man was jailed for two days in the northwest after he had declined to serve in a post to which he had been elected against his will.

Although ready to concede citizens a limited voice in local government, authorities failed to consult them about decisions of national policy that were central to their lives, such as the imposition of villagisation.

In mid-1999, national political leaders decreed that the current government would not step down at the end of its five-year mandate, as specified in the Arusha Accords of 1994, but would continue to rule for at least another four years. If the government as a whole was to stay, some of its members had already been replaced. In December the minister of state for internal affairs fled the country after her brothers were arrested on charges of aiding the insurgents and shortly after, the minister of justice also chose exile, apparently after his repeated efforts to curb military interference in judicial decisions had failed. In February, the government was reshuffled, with those dismissed reportedly accused of corruption and incompetence.

National political leaders also removed four members of the national assembly, charging them with involvement in the genocide, links to the insurgency, or corruption. They subsequently obliged other parliamentarians to resign or simply removed them, until finally about one third of the national assembly had been replaced, all by individuals designated by party leaders.

In July 1999, the entire supreme court was replaced, after the judges were removed or pressured to resign, reportedly charged with responsibility for the stagnation of the judicial system.

Trials of persons accused of genocide moved at a snail's pace during 1999, although this was due less to any supposed inadequacy of the supreme court than to problems at the lower levels of the system. Prosecutors, judges, and investigators were poorly paid and subject to pressure and sometimes to threats from all sides. Many left government service, and among those who continued, absenteeism and slow rates of work were major problems. Fewer than 2,000 persons had been tried since the trials began nearly three years ago. A program to persuade accused persons to confess in return for possible reductions in sentence had attracted some 9,000 persons, but their willingness to confess had made little difference in the number of cases resolved.

When the current government took power, the judicial system lacked both the personnel and the means to prosecute the numerous cases of genocide. The international community subsequently contributed some \$40 million to assist in delivering justice, an investment that had a relatively small return in part because the delivery of justice was highly politicized. Persons from the top to the bottom of society were accused of genocide, anti-Tutsi activities, or links to the

INSURGENTS WHENEVER PERSONAL OR POLITICAL ENEMIES WANTED TO THREATEN THEM. DURING 1999, THE PRESIDENT AND THE PRIME MINISTER THEMSELVES WERE THUS ACCUSED, BUT REMAINED IN POWER AND WERE NOT BROUGHT TO TRIAL.

IN EARLY MAY, THE RPF PUBLICLY CONDEMNED SURVIVORS FOR FALSELY ACCUSING OTHERS OF GENOCIDE, BUT FAILED TO NOTE THAT RPF LEADERS THEMSELVES ALSO SOMETIMES RESORTED TO FALSE CHARGES FOR THEIR OWN ENDS. IN SOME CASES, SURVIVORS WHO SPOKE OUT AGAINST FALSE ACCUSATIONS OR TESTIMONY WERE HARASSED BY OTHER SURVIVORS WHO WANTED THE ACCUSED PERSONS CONDEMNED. A WITNESS AT A TRIAL IN BUTARE DECLARED IN COURT THAT SOME PERSONS, INCLUDING JUDICIAL PERSONNEL, HAD ATTEMPTED TO PERSUADE HIM TO GIVE FALSE TESTIMONY. THREATENED IMMEDIATELY AFTER WITH ARREST, THE WITNESS WENT INTO HIDING.

DURING AN APRIL REBURIAL CEREMONY FOR GENOCIDE VICTIMS, PRESIDENT PASTEUR BIZIMUNGU CALLED ON ALL HUTU TO APOLOGIZE FOR THE GENOCIDE, THUS SUGGESTING ALL BORE SOME RESPONSIBILITY FOR THE CRIME. AFTER REMARKS ABOUT CONFLICTS BETWEEN THE CATHOLIC CHURCH AND THE GOVERNMENT, HE ANNOUNCED THAT BISHOP AUGUSTIN MISAGO HAD BEEN ACCUSED OF GENOCIDE AND STATED THAT THE CATHOLIC CHURCH SHOULD SEND HIM AWAY, EVEN IF HE WERE INNOCENT. IN THIS HIGHLY POLITICIZED CONTEXT, MISAGO WAS ARRESTED THE FOLLOWING WEEK AND REPORTS CIRCULATED THAT THE ARCHBISHOP OF KIGALI WOULD BE SIMILARLY CHARGED.

THE RWANDAN GENOCIDE LAW CHARGED THE KIGALI PROSECUTOR WITH PREPARING A LIST OF ALL PERSONS SUSPECTED OF CRIMES THAT FELL IN THE FIRST AND GRAVEST OF FOUR CATEGORIES OF POSSIBLE GENOCIDAL OFFENSES. THOSE SO CATEGORIZED WERE GENERALLY SUPPOSED GUILTY AND WERE MORE LIKELY TO BE CONDEMNED TO DEATH AFTER TRIAL. THE FIRST LIST, ISSUED IN 1996, HAD MANY ERRORS, INCLUDING CITING INDIVIDUALS WHO WERE DEAD BEFORE THE GENOCIDE BEGAN. IN MID-1999, THE PROSECUTOR WAS TO ISSUE A REVISED LIST, REMOVING 800 NAMES AND ADDING SOME 900 OTHERS. AT THE LAST MOMENT, PUBLICATION WAS HALTED BECAUSE THE REVISED LIST TOO CONTAINED ERRORS.

ACCORDING TO GOVERNMENT STATISTICS AT THE START OF 1999, RWANDAN JAILS HELD SOME 150,000 PERSONS: 135,000 WERE CHARGED WITH GENOCIDE AND 15,000 WITH OTHER CRIMES. CONSTRUCTION OF NEW FACILITIES AND EXPANSION OF OLD ONES REDUCED OVERCROWDING SOMEWHAT IN A FEW OF THE CENTRAL PRISONS, BUT PRISONERS IN OTHERS, INCLUDING IN COMMUNAL JAILS, LIVE IN INHUMANE CONDITIONS OF OVERCROWDING AND LACK OF SANITARY FACILITIES. AT BUTARE PRISON MORE THAN FIFTY PERSONS DIED IN A TYPHOID EPIDEMIC IN THE SPACE OF A FEW WEEKS. TWO NONGOVERNMENTAL ORGANIZATIONS, PRISON REFORM INTERNATIONAL AND DIGNITY IN DETENTION, INTRODUCED WORK PROGRAMS WHICH IMPROVED CONDITIONS SOMEWHAT IN A FEW FACILITIES.

UNDER STEADY PRESSURE FROM THE INTERNATIONAL COMMUNITY, RWANDAN AUTHORITIES ANNOUNCED IN OCTOBER 1999 THAT TEN THOUSAND DETAINEES WHOSE FILES CONTAINED NO SUBSTANTIAL PROOF OF GUILT WOULD BE RELEASED. BY OCTOBER 1999, SOME 3,500 DETAINEES WERE RELEASED, MANY OF THEM ELDERLY, INFIRM, OR YOUNG. IN SOME COMMUNITIES, JUDICIAL PERSONNEL SENT LISTS OF PERSONS PROPOSED FOR RELEASE TO LOCAL OFFICIALS WHO THEN INVITED THE COMMUNITY TO PRESENT EVIDENCE AGAINST THEM. IF SUCH EVIDENCE WAS OBTAINED, THE PERSONS WERE NOT RELEASED. SOME 4,500 YOUNG PEOPLE WERE DETAINED FOR GENOCIDE COMMITTED WHEN THEY WERE BETWEEN THE AGES OF FOURTEEN AND EIGHTEEN YEARS OLD. THEY AND 200 OTHERS WHO WERE YOUNGER THAN FOURTEEN WHEN THE SUPPOSED CRIMES WERE COMMITTED REMAIN IN A TRAINING SCHOOL.

THROUGHOUT MUCH OF 1999, RWANDAN AUTHORITIES DISCUSSED THE ESTABLISHMENT OF A NEW FORM OF POPULAR JUSTICE BASED ON GACACA, A CUSTOMARY MECHANISM FOR CONFLICT RESOLUTION. JUDGES WOULD BE ELECTED AT THE LEVEL OF CELL, SECTOR, COMMUNE, AND PREFECTURE. THOSE ACCUSED OF CRIMES FROM THE LEAST SERIOUS CATEGORY, CATEGORY FOUR, WOULD BE TRIED AT THE CELL LEVEL, THOSE OF CATEGORY THREE AT THE SECTOR LEVEL, AND THOSE OF CATEGORY TWO AT THE COMMUNE LEVEL. APPEALS WOULD BE HEARD AT THE LEVEL OF THE PREFECTURE. THOSE ACCUSED OF CATEGORY ONE CRIMES WOULD BE TRIED IN THE USUAL FORMAL COURT PROCEEDINGS. THE PROPOSED SYSTEM PROVIDED NO SAFEGUARDS FOR THE ACCUSED, SUCH AS THE RIGHT TO LEGAL COUNSEL.

DURING 1999, THE NUMBER OF CASES OF PERSONS WHO "DISAPPEARED" AT THE HANDS OF AUTHORITIES DIMINISHED. BUT THE POLICE DID ENGAGE IN A NUMBER OF SWEEPS, SUCH AS ONE IN KIGALI IN JUNE, WHERE HUNDREDS OF PERSONS WERE DETAINED ON THE PRETEXT OF LACKING NECESSARY IDENTITY PAPERS OR RESIDENCE PERMITS.

ONE JOURNALIST WAS DETAINED FOR SEVERAL MONTHS AFTER HAVING CRITICIZED A MILITARY OFFICER IN PRINT. ANOTHER, INCARCERATED SINCE 1997, WAS UNEXPECTEDLY RELEASED IN MID-1999. A THIRD, CRITICAL OF THE AUTHORITIES, FLED RWANDA EARLY IN THE YEAR, SAYING THAT HIS LIFE HAD BEEN THREATENED.

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA, MUCH CRITICIZED FOR SLOWNESS IN PROSECUTING PERSONS ACCUSED OF GENOCIDE, THIS YEAR ADOPTED PROCEDURES TO EXPEDITE TRIALS AND ESTABLISHED A NEW PANEL OF JUDGES TO ASSIST THE TWO ALREADY SEATED. DURING 1999, THE COURT FOUND ANOTHER THREE SUSPECTS GUILTY OF GENOCIDE AND SENTENCED THEM TO TERMS VARYING FROM FIFTEEN YEARS TO LIFE IN PRISON. THE TRIBUNAL ALSO ARRESTED FIVE MORE FORMER MINISTERS IN THE GENOCIDAL GOVERNMENT, THUS INCREASING THE NUMBER OF THOSE IN INTERNATIONAL CUSTODY TO MORE HALF THE CABINET AT THAT TIME. FREQUENTLY CRITICIZED FOR THE

LARGE NUMBER OF VACANCIES AMONG ITS PROFESSIONAL STAFF, THE TRIBUNAL REFORMED RECRUITMENT PROCEDURES AND REDUCED THE VACANCY RATE FROM 36 TO 9 PERCENT. JUDGE LOUISE ARBOUR FINISHED HER TERM AS PROSECUTOR AND WAS REPLACED BY JUDGE CARLA DELPONTE. IN THE FIRST CRIMINAL PROSECUTION IN A NATIONAL COURT OUTSIDE RWANDA, A SWISS MILITARY COURT FOUND A RWANDAN BURGOMASTER GUILTY OF VIOLATING THE GENEVA CONVENTIONS AND SENTENCED HIM TO LIFE IN PRISON.

## **Defending Human Rights**

RWANDAN HUMAN RIGHTS ORGANIZATIONS, WEAKENED BY THE DEATH OR FLIGHT INTO EXILE OF SOME OF THEIR LEADERS IN 1998, GREW STRONGER IN 1999. THE TRIAL OBSERVERS TEAM OF THE RWANDAN LEAGUE FOR HUMAN RIGHTS (LIPRODHOR) PROVIDED A CONTINUING RECORD OF GENOCIDE TRIALS AND EVALUATED HOW WELL THE PROCEEDINGS WERE CONDUCTED. ALSO UNDER LIPRODHOR SPONSORSHIP, A TEAM VISITED COMMUNAL JAILS, REPORTING BOTH TO LOCAL OFFICIALS AND TO THE PUBLIC ON ABUSES IN THESE FACILITIES, AND ANOTHER BEGAN MONITORING HOW PERSONS RELEASED FROM CUSTODY WERE TREATED WHEN THEY RETURNED TO THEIR COMMUNITIES.

THE GOVERNMENT NAMED SEVEN MEMBERS TO THE FIRST NATIONAL HUMAN RIGHTS COMMISSION. AMONG THEM ONLY THE PRESIDENT AND ONE OTHER HAD ANY PREVIOUS HUMAN RIGHTS EXPERIENCE AND GOVERNMENT OFFICIALS OUTNUMBERED REPRESENTATIVES OF THE CIVIL SOCIETY. THEY UNDERTOOK TRAINING AT A HUMAN RIGHTS LAW PROGRAM IN EUROPE BEFORE BEGINNING THEIR DUTIES.

## **The Role of the International Community**

STILL BURDENED BY GUILT OVER THE GENOCIDE, THE INTERNATIONAL COMMUNITY IGNORED REPORTS OF ABUSES AND SUPPORTED THE RWANDAN GOVERNMENT GENEROUSLY, HOPING THUS TO ACHIEVE STABILITY IN THE REGION. DURING 1999, ABOUT 45 PERCENT OF THE BUDGET WAS PAID FOR BY FOREIGN AID. AMONG THE LARGER DONORS WAS THE WORLD BANK, WHICH GAVE \$75 MILLION FOR ECONOMIC REFORMS (PLUS \$5 MILLION FOR ANOTHER SPECIFIC PROGRAM), AND THE UNITED KINGDOM WHICH PLEDGED \$70 MILLION OF UNRESTRICTED FUNDING OVER A PERIOD OF TEN YEARS. THE U.S. PROVIDED \$10 MILLION TO SUPPORT JUSTICE, \$3 MILLION OF IT FOR A PUBLIC RELATIONS CAMPAIGN TO WIN POPULAR SUPPORT FOR GACACA. THE NETHERLANDS CONTRIBUTED \$6.7 MILLION FOR EDUCATION AND CIVIL SERVICE REFORM. IN JULY, AUSTRIA, BELGIUM, DENMARK, AND NORWAY ALL INDICATED THEY WOULD INCREASE THEIR ASSISTANCE TO RWANDA.

RECOGNIZING THAT THE DRC WAR WAS DISRUPTING THE ENTIRE REGION, THE EUROPEAN UNION (E.U.) THREATENED TO CUT AID TO THE PARTIES TO THE CONFLICT, BUT IN THE END ONLY SUSPENDED ASSISTANCE FOR A SHORT TIME. FOLLOWING WARNINGS FROM A U.N. COMMISSION ON ARMS TRADE IN THE REGION THAT THE FLOW OF WEAPONS RISKED STIMULATING WAR IN THE GREAT LAKES REGION, THE E.U. STRESSED THE OBLIGATION OF MEMBER STATES TO PROHIBIT ARMS EXPORTS THAT WOULD HAVE THAT RESULT. IN A COMMON POSITION ANNOUNCED IN JULY, THE E.U. LAID MUCH OF THE RESPONSIBILITY FOR ENDING THE DRC WAR ON RWANDA AND AT LEAST REMINDED RWANDA OF ITS OBLIGATIONS TO ABIDE BY INTERNATIONAL HUMANITARIAN LAW, ALTHOUGH IT DID NOT EXPLICITLY CONDEMN ANY OF THE MASSACRES ATTRIBUTED TO RWANDAN TROOPS. CONCERNING DEVELOPMENTS WITHIN RWANDA, THE E.U. INDICATED ITS APPROVAL OF RWANDAN LOCAL ELECTIONS BY OFFERING TO PAY FOR THE TRAINING OF THOSE ELECTED AND URGED FURTHER ELECTIONS AT HIGHER LEVELS WITHIN TWO YEARS. IN CONNECTION WITH THE GENOCIDE TRIALS, IT ASKED RWANDA TO RELEASE DETAINEES WITHOUT FILES, AS HAD BEEN PROMISED, AND TO USE RESTRAINT IN IMPOSING AND EXECUTING THE DEATH PENALTY. CONCERNED ABOUT THE PROPOSED INTRODUCTION OF GACACA, THE E.U. CAUTIONED THAT THE PROGRAM MIGHT VIOLATE INTERNATIONAL HUMAN RIGHTS STANDARDS AND URGED RECOGNITION OF THE ACCUSED'S RIGHT TO A DEFENSE. CONCERNED ALSO ABOUT VILLAGEIZATION, THE E.U. AFFIRMED THE NEED FOR PLANNING, FOR POPULAR CONSULTATIONS, AND FOR EQUITABLE DISTRIBUTION OF LAND IN ORDER TO AVOID HUMAN RIGHTS VIOLATIONS.

THE U.S. WAS WIDELY SEEN AS A KEY SUPPORTER OF THE RWANDAN GOVERNMENT. IN JULY ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS SUSAN RICE REACTED AGAINST THIS CHARACTERIZATION OF U.S. POLICY, INSISTING THAT THE U.S. SHOWED NO FAVOR FOR RWANDA IN THE DRC WAR. THE U.S. DID ATTEMPT TO BRING ALL PARTIES TO THE WAR TO A SETTLEMENT, BUT ITS CONTINUED MILITARY TRAINING PROGRAMS FOR RWANDAN SOLDIERS, LIKE THE ABSENCE OF FIRM, EXPLICIT CONDEMNATION OF ABUSES IN THE DRC AND IN RWANDA INDICATED CONTINUED IMPORTANT SUPPORT FOR THE RWANDAN GOVERNMENT.

# **SIERRA LEONE**

## **Human Rights Developments**

In January 1999, REBELS FROM THE REVOLUTIONARY UNITED FRONT (RUF) LAUNCHED AN OFFENSIVE AGAINST THE CAPITAL FREETOWN, CAPTURING IT FROM GOVERNMENT TROOPS AND SOLDIERS FROM THE NIGERIAN-LED PEACEKEEPING TROOPS OF THE ECONOMIC COMMUNITY OF WEST AFRICA STATES (ECOWAS) MONITORING GROUP (ECOMOG). THE BATTLE FOR FREETOWN AND ENSUING THREE WEEK REBEL OCCUPATION OF THE CAPITAL WAS CHARACTERIZED BY THE SYSTEMATIC AND WIDESPREAD PERPETRATION OF ALL CLASSES OF ATROCITIES AGAINST THE CIVILIAN POPULATION, AND MARKED THE MOST INTENSIVE AND CONCENTRATED PERIOD OF HUMAN RIGHTS VIOLATIONS IN SIERRA LEONE'S EIGHT-YEAR CIVIL WAR. GOVERNMENT AND ECOMOG FORCES ALSO CARRIED OUT SERIOUS ABUSES, INCLUDING OVER 190 SUMMARY EXECUTIONS OF REBELS AND THEIR SUSPECTED COLLABORATORS.

AFTER WITHDRAWING FROM THE CAPITAL IN JANUARY, THE RUF CONTINUED TO COMMIT LARGE SCALE VIOLATIONS AS THEY MOVED EASTWARD, PARTICULARLY IN THE VILLAGES AROUND THE TOWNS OF MASIKA AND PORT LOKO. THE MASSIVE DISPLACEMENT OF CIVILIANS FLEEING THE FIGHTING AND THE CONTINUED ATTACKS BY THE RUF LED TO SEVERE SHORTAGES IN FOOD AND MEDICINES FOR THE 2.6 MILLION PEOPLE CAUGHT BEHIND REBEL LINES.

IN THE MONTHS FOLLOWING THE OFFENSIVE, AND AS A RESULT OF INTENSE INTERNATIONAL PRESSURE, THE GOVERNMENT AND RUF REBELS ENTERED INTO A DIALOGUE WHICH RESULTED IN A CEASEFIRE ON MAY 18, AND ON JULY 7 THE SIGNING OF A PEACE ACCORD IN LOMÉ, TOGO. THE ACCORD, BROKERED BY THE UNITED NATIONS, ORGANIZATION OF AFRICAN UNITY (OAU), AND ECOWAS, COMMITTED THE RUF TO LAY DOWN ITS ARMS IN EXCHANGE FOR REPRESENTATION IN A NEW GOVERNMENT. IT ALSO INCLUDED A GENERAL AMNESTY FOR ALL CRIMES COMMITTED DURING THE CIVIL WAR, AND MANDATED THE FORMATION OF A TRUTH AND RECONCILIATION COMMISSION (TRC) AND A NATIONAL HUMAN RIGHTS COMMISSION. WHILE A DISARMAMENT PROCESS IS CURRENTLY UNDERWAY THE PEACE PROCESS WAS MARRED BY CEASE-FIRE VIOLATIONS, MISSED DEADLINES, INFIGHTING WITHIN REBEL RANKS, AND NONCOMPLIANCE BY THE RUF WITH SEVERAL COMMITMENTS, SUCH AS THE RELEASE OF ALL CIVILIAN ABDUCTEES. AS OF OCTOBER, LITTLE PROGRESS HAD BEEN MADE TOWARD ESTABLISHING EITHER THE TRC OR THE HUMAN RIGHTS COMMISSION. WHILE MANDATED TO BE ESTABLISHED NINETY DAYS AFTER THE SIGNING AND SUBMIT ITS REPORT TWELVE MONTHS LATER, GOVERNMENT CLARIFIED THAT IT DID NOT WANT THE TRC TO BEGIN WORK UNTIL THE PROCESS OF DISARMAMENT AND DEMOBILIZATION OF EX-COMBATANTS WAS COMPLETE.

THE JANUARY OFFENSIVE BROUGHT TO THE CAPITAL THE SAME ATROCITIES WITNESSED IN SIERRA LEONE'S RURAL PROVINCES OVER THE LAST EIGHT YEARS, AS THE RUF MURDERED AT LEAST TWO THOUSAND CIVILIANS. VICTIMS WERE USUALLY CHOSEN AT RANDOM, THOUGH THERE WAS SOME TARGETING OF PARTICULAR GROUPS, SUCH AS NIGERIAN NATIONALS, UNARMED POLICE OFFICERS, JOURNALISTS, AND CHURCH WORKERS. THE HORRIFIC PRACTICE OF MUTILATION AND, IN PARTICULAR AMPUTATION OF HANDS, ARMS, LIPS, LEGS AND OTHER PARTS OF THE BODY WAS WIDESPREAD UNTIL THE SIGNING OF THE LOMÉ PEACE ACCORD. IN JANUARY, THE REBELS CUT OFF THE LIMBS OF SOME ONE HUNDRED CIVILIANS, INCLUDING TWENTY-SIX DOUBLE ARM AMPUTATIONS. AN UNKNOWN NUMBER DIED BEFORE BEING ABLE TO RECEIVE MEDICAL ATTENTION. THE REBEL ATTACKS AROUND MASIKA AND PORT LOKO PRODUCED AT LEAST ANOTHER FORTY-FOUR VICTIMS OF MUTILATION, INCLUDING SEVEN DOUBLE ARM AMPUTATIONS. IN A VILLAGE NEAR MASIKA, FIFTY-SEVEN CIVILIANS WERE BURNED ALIVE IN LATE APRIL.

THE RUF PERPETRATED SYSTEMATIC, ORGANIZED, AND WIDESPREAD SEXUAL VIOLENCE AGAINST GIRLS AND WOMEN. THE REBELS PLANNED AND LAUNCHED OPERATIONS IN WHICH THEY ROUNDED UP GIRLS AND WOMEN, BROUGHT THEM TO REBEL COMMAND CENTERS, AND THEN SUBJECTED THEM TO INDIVIDUAL AND GANG RAPE. YOUNG GIRLS UNDER SEVENTEEN AND PARTICULARLY THOSE DEEMED TO BE VIRGINS WERE SPECIFICALLY TARGETED. WHILE SOME WERE LATER RELEASED OR MANAGED TO ESCAPE, AT THIS WRITING HUNDREDS CONTINUED TO BE HELD IN SEXUAL SLAVERY AFTER BEING "MARRIED" TO REBEL COMBATANTS. WELL OVER ONE HUNDRED OF THE GIRLS BECAME PREGNANT. NUMEROUS GIRL CHILDREN UNDER THE AGE OF TWELVE DIED AS A RESULT OF RAPE.

MORE THAN 3,000 CHILDREN AND 570 ADULTS WERE REPORTED AS MISSING FOLLOWING THE JANUARY OFFENSIVE. HUNDREDS MORE WERE ABDUCTED AS THEY MOVED THROUGH THE VILLAGES AROUND MASIKA. THE ABDUCTEES WERE OFTEN SUBJECTED TO HARD LABOR, FORCIBLY RECRUITED INTO THE MILITARY, AND COMPELLED TO BECOME SEXUAL PARTNERS TO MALE COMBATANTS. WHILE THE LOMÉ PEACE AGREEMENT CALLED FOR THE IMMEDIATE RELEASE OF ALL PRISONERS OF WAR AND "NONCOMBATANTS," THE RUF HAD ONLY RELEASED UNDER ONE THOUSAND OF THESE CIVILIANS AT THIS WRITING. IN FREETOWN, MASIKA, ROGBERI, AND NEAR KENEMA, THE REBELS ALSO MADE FREQUENT USE OF HUMAN SHIELDS, BOTH WHILE ADVANCING TOWARDS ECOMOG POSITIONS AND AS A DEFENSE AGAINST ECOMOG AIR POWER.

THE RUF ALSO SYSTEMATICALLY SET URBAN DWELLINGS AND ENTIRE VILLAGES ON FIRE AS THEY WITHDREW. IN FREETOWN, ENTIRE CITY BLOCKS, EMBASSIES, GOVERNMENT BUILDINGS, FACTORIES, CHURCHES, MOSQUES, AND HISTORICAL LANDMARKS WERE SET ALIGHT; HOUSING AUTHORITIES REGISTERED THE DESTRUCTION OF 5,798 HOMES AND RESIDENTIAL BUILDINGS. THE TOWNS OF MASIKA AND SONGO WERE ALSO SET ON FIRE AS WERE SCORES OF VILLAGES IN THEIR ENVIRONS. THERE WAS SOME DESTRUCTION DUE TO INDISCRIMINATE BOMBING BY ECOMOG JETS, PARTICULARLY IN THE NORTHERN TOWN OF KAMBIA.

THE RUF ALSO FRUSTRATED THE DELIVERY OF HUMANITARIAN RELIEF TO THE 2.6 MILLION CIVILIANS RESIDING IN AREAS UNDER REBEL CONTROL, DESPITE THE PROVISIONS OF THE JULY 7 PEACE AGREEMENT FOR ALL SIDES TO "GUARANTEE SAFE AND UNHINDERED ACCESS BY HUMANITARIAN ORGANIZATIONS TO ALL PEOPLE IN NEED." ONCE DELIVERY BEGAN, REBELS ON SEVERAL OCCASIONS AMBUSHED AND LOOTED TRUCKS AND BOATS LOADED WITH RELIEF SUPPLIES. IN AUGUST, REBELS FROM THE EX-SIERRA LEONEAN ARMY FACTION ALLIED WITH THE RUF TOOK HOSTAGE FORTY-TWO MEMBERS OF A U.N.-LED DELEGATION COMPRISED OF ECOMOG, RELIGIOUS LEADERS, AID WORKERS, AND JOURNALISTS WHO HAD GONE TO THE OCCRA HILLS TO RECEIVE ABDUCTED CHILDREN.

ECOMOG TROOPS, AND TO A LESSER EXTENT MEMBERS OF THE CIVILIAN MILITIAS SUPPORTING THE GOVERNMENT KNOWN AS THE CIVIL DEFENSE FORCES (CDF) AND SIERRA LEONEAN POLICE ALSO COMMITTED ATROCITIES. DURING THE JANUARY OFFENSIVE, ECOMOG AND GOVERNMENT FORCES ROUTINELY EXECUTED RUF PRISONERS AND THEIR SUSPECTED COLLABORATORS OR SYMPATHIZERS. THERE WERE AT LEAST 190 SUCH EXECUTIONS. PRISONERS TAKEN BY ECOMOG, SOME OF WHOM HAD SURRENDERED AND MANY OF WHOM WERE WOUNDED, WERE FREQUENTLY EXECUTED ON THE SPOT OFTEN WITH LITTLE OR NO EFFORT TO ESTABLISH THEIR GUILT OR INNOCENCE. OFFICERS TO THE LEVEL OF CAPTAIN WERE PRESENT AND PARTICIPATED IN THE EXECUTIONS. ECOMOG OFFICIALS HAVE YET TO INITIATE A FORMAL INVESTIGATION INTO THESE KILLINGS. FOLLOWING THE JANUARY OFFENSIVE, THERE WERE NO REPORTS OF FURTHER ECOMOG EXECUTIONS THOUGH THERE WERE A FEW REPORTS OF REBEL PRISONERS BEING EXECUTED BY MEMBERS OF THE CDF.

AROUND THE TOWNS OF BRADFORD AND MOYAMBA, AT LEAST ONE GROUP OF KAMAJORS, THE LARGEST AND MOST POWERFUL OF THE CDF FORCES, WENT ON LOOTING RAIDS, SOMETIMES POSING AS REBELS, IN WHICH SEVERAL CIVILIANS WERE KILLED AND BOATS WERE ATTACKED. THERE WERE SEVERAL CIVILIAN DEATHS REPORTED DURING CLASHES BETWEEN THE MENDE AND TEMNE TRIBES AROUND "MILE 91" AND YELE, AND IN CHIEFDOM CLASHES BETWEEN RIVAL GROUPS OF KAMAJORS AROUND MOYAMBA AND YONIBANA.

ALL SIDES IN THE CONFLICT SHOWED LITTLE RESPECT FOR PRISONERS OF WAR, WITH EXTRAJUDICIAL EXECUTION FOLLOWING SURRENDER BEING COMMON. FOLLOWING THE LOMŌ PEACE ACCORD, IN WHICH THE IMMEDIATE RELEASE OF ALL PRISONERS OF WAR WAS MANDATED, THE GOVERNMENT SHOWED FAR BETTER COMPLIANCE THAN THE RUF. AT THIS WRITING THE GOVERNMENT HAD RELEASED 158 PRISONERS AND ECOMOG HAD RELEASED SIXTY-ONE. IN CONTRAST, AT THIS WRITING THE RUF HAD ONLY RELEASED TWENTY-NINE OF THE SEVERAL HUNDRED ECOMOG PRISONERS THEY ADMITTEDLY HAD IN DETENTION. BOTH THE RUF AND ECOMOG COMMITTED VIOLATIONS OF MEDICAL NEUTRALITY, PARTICULARLY DURING THE JANUARY OFFENSIVE.

CHILDREN CONTINUED TO BE SUBJECTED TO ALL FORMS OF VIOLENCE AND TO BE RECRUITED AS COMBATANTS BY BOTH REBEL FORCES AND THE CDF. FOLLOWING THE SIGNING OF THE ACCORD, THE CDF HAD, AS OF OCTOBER, DEMOBILIZED OVER ONE HUNDRED AND REGISTERED HUNDREDS MORE FOR EVENTUAL DEMOBILIZATION. WHILE THE RUF HAD ADMITTED THAT APPROXIMATELY 30 PERCENT OF THEIR FORCES ARE UNDER EIGHTEEN NO OFFICIAL DEMOBILIZATION HAD TAKEN PLACE.

THE SITUATION FOR THE SOME 490,000 SIERRA LEONEANS LIVING AS REFUGEES IN GUINEA AND LIBERIA DETERIORATED DURING THE YEAR. FOLLOWING SEVERAL CROSS BORDER ATTACKS BY THE RUF ON GUINEAN VILLAGES AND TOWNS IN MARCH, APRIL AND MAY, GUINEAN AUTHORITIES REACTED BY HARASSING, DETAINING, AND IN SOME CASES DEPORTING SIERRA LEONEAN REFUGEES THEY ACCUSED OF BEING REBELS OR SYMPATHIZERS. REFUGEES IN GUINEA, PARTICULARLY THE SOME 100,000 LIVING CLOSE TO THE SIERRA LEONEAN BORDER, SUFFERED FOOD SHORTAGES AND WERE AT RISK OF CROSS BORDER ATTACKS. DOTENS OF REFUGEES WERE KILLED OR ABDUCTED IN THESE ATTACKS.

FOR THE 90,000 SIERRA LEONEAN REFUGEES LIVING IN LIBERIA, THE 35,000 LIVING IN NORTHERN LOFA COUNTY BECAME VULNERABLE TO ATTACK BY BOTH LIBERIAN INSURGENTS AND LIBERIAN SECURITY FORCES WHEN FIGHTING BETWEEN THE TWO ERUPTED IN AUGUST. OFFICIALS OF THE UNITED NATIONS HIGH COMMISSION FOR REFUGEES SAID IN SEPTEMBER THAT THEY WOULD NOT FACILITATE THE REPATRIATION OF SIERRA LEONEAN REFUGEES UNTIL THE PROCESS OF DISARMAMENT AND DEMOBILIZATION OF RIVAL FORCES WAS COMPLETED AND SECURITY ASSURED. AT THIS WRITING THE UNITED NATIONS ESTIMATED THE NUMBER OF IDP'S IN SIERRA LEONE TO BE OVER 500,000.

JOURNALISTS SUFFERED CONSIDERABLE DANGER AND HARASSMENT FROM ALL SIDES. SEVEN SIERRA LEONEAN AND ONE UNITED STATES REPORTER WERE KILLED BY REBEL FORCES DURING THE JANUARY OFFENSIVE. ONE JOURNALIST WAS EXECUTED BY ECOMOG FORCES IN JANUARY AFTER BEING DENOUNCED AS A REBEL COLLABORATOR. IN APRIL, MAY AND JUNE, AT LEAST FIVE JOURNALISTS WERE HARASSED AND DETAINED FOR STORIES THEY HAD WRITTEN, AND IN JULY TWO JOURNALISTS WERE ARRESTED BY ECOMOG AFTER IT ALLEGED ARMS AND AMMUNITION WERE FOUND IN THE OFFICES OF A LOCAL NEWSPAPER. THE CHARGES WERE LATER DROPPED.

## **Defending Human Rights**

NUMEROUS NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS OPERATED IN SIERRA LEONE, INCLUDING FORUM OF CONSCIENCE, NETWORK MOVEMENT FOR PEACE AND JUSTICE, CAMPAIGN FOR GOOD GOVERNANCE, AND PRISON WATCH. IN 1997, TWENTY-SEVEN GROUPS FORMED A

coalition called the National Forum for Human Rights (NFHR). Most of these groups lacked proper funding, expertise, and institutional support. With a few exceptions, their activities focused on human rights education for the public and providing social work services for individuals in both war-related and non-war-related cases. Both because of lack of organization and fear of retribution, the local NGOs were generally reluctant to denounce abuses by or take a stand against abuses by rebels or government. None of them publicly denounced the peace accord's general amnesty. Several local human rights defenders received threats from and were targeted by the RUF during the January offensive.

The governmental National Commission for Democracy and Human Rights (NCDHR), formed in 1996, made significant contributions in human rights education, but it was perceived by the population to be too close to the government and unwilling to openly confront controversial issues. The commission also lacked both the powers to ensure requisite independence, such as the power to subpoena witnesses and to receive documentation, evidence, or records; and the expertise within the areas of documentation, monitoring, and advocacy. It did, however, operate a successful legal aid clinic which mainly addressed violations of economic and social rights unrelated to the war. It was hoped that the "autonomous quasi-judicial national Human Rights Commission" provided for by the Lomé accord would address some of these deficiencies.

A significant effort to bring about unity and solidarity of purpose among the governmental and nongovernmental Sierra Leonean human rights community had been made by the Human Rights section of United Nations Observer Mission to Sierra Leone (UNOMSIL). This was formalized through the formation of the Human Rights Committee in January 1999 which brought local human rights groups, international NGOs, NCDHR, and U.N. agencies together for information sharing and advocacy.

### **The Role of the International Community**

Sierra Leone's human rights emergency provoked wide condemnation from the international community and served to galvanize diplomatic efforts to bring about a negotiated solution to the eight-year civil war. The U.N., ECOWAS, and OAU, directly facilitated the Lomé peace agreement, which was also unofficially supported by the British, American, and Nigerian governments. The willingness of all international parties to the accord to accept the inclusion of a general amnesty stood in sharp contrast with the standards of justice enforced in other conflicts, such as Kosovo and East Timor.

### **ECOMOG and ECOWAS**

At this writing there were approximately 12,000 predominantly Nigerian ECOMOG troops in Sierra Leone, with small Ghanaian and Guinean contingents. The cost of maintaining the troops (allegedly U.S. \$1 million daily) was borne mostly by Nigeria. ECOMOG troops continued to provide security for the country's highways and airports, and in August began working jointly with the Sierra Leonean Police to combat rising crime. In addition to its support for the military role of ECOMOG, ECOWAS foreign ministers, particularly Togolese President Eyadéma who, during the peace talks served as ECOWAS chairman, played an important part in brokering the peace talks which culminated in the signing of the Lomé accord. The accord called for the transformation of ECOMOG's mandate from military intervention to peacekeeping and responsibility for the disarmament and encampment of all ex-combatants. However, ECOWAS states, particularly Nigeria—under considerable domestic pressure to reduce its financial and human commitment to Sierra Leone—demanded that the United Nations either convert the ECOMOG force into a U.N. peace-keeping force or financially support any continued ECOMOG presence. At this writing, the future of ECOMOG in Sierra Leone was unclear.

### **United Nations**

After being forced to evacuate all international members of its mission and having its premises burned during the January offensive, the United Nations Observer Mission to Sierra Leone (UNOMSIL) went on to play a pivotal role in facilitating the Lomé peace agreement. High profile U.N. visits by Secretary-General Kofi Annan in July, High Commissioner for Human Rights Mary Robinson in June, High Commissioner for Refugees Sadako Ogata in February, and Special Representative for Children in Conflict Olaro Otunnu in September showed the organization's commitment to and helped focus attention on Sierra Leone. The U.N. secretary-general's Special Representative Francis Okelo appended a hand-written disclaimer to the Lomé accord stating that the U.N. would not recognize the accord's amnesty provision as applying to crimes of genocide, crimes against humanity, war crimes, and other serious violations of human rights and

humanitarian law. The U.N. failed to seek a protocol to clarify this disclaimer and the U.N. Security Council did not reaffirm the invalidity of the amnesty's limitations under international law in its resolutions. On October 22, the U.N. Security Council approved the U.N. Mission in Sierra Leone (UNAMSIL). The operation, given an initial six month mandate, authorized the deployment of a 6,000-member U.N. peacekeeping force. UNAMSIL's mandate, under the U.N. Charter's Chapter VII, included assisting the disarmament and demobilization process, ensuring the security of U.N. civilian personnel, assisting the delivery of humanitarian aid, and providing support for the new elections.

The human rights section under the UNOMSIL mission was mandated under the July 30 resolution to be expanded to fourteen human rights monitors and to include technical support for the Truth and Reconciliation Commission and the national Human Rights Commission. In August, U.N. consultants carried out assessment missions to Sierra Leone for both institutions and made recommendations to the government which at this writing had yet to be made public. In August, the high commissioner for human rights appointed a consultant to explore the relationship between the TRC and a possible future international commission of inquiry into human rights violations in Sierra Leone.

UNICEF made a significant contribution to the monitoring of children's rights violations, advocacy and care for child victims of war. The United Nations Development Programme continued its support of a human rights education program with the governmental National Commission for Democracy and Human Rights.

## **The European Union, United Kingdom, and United States**

In April the European Union Joint Assembly adopted a resolution condemning the January rebel offensive, atrocities inflicted on the civilian population, and the use of child soldiers. In February, Commissioner for Humanitarian Aid Emma Bonino visited Sierra Leone and called for more humanitarian aid. The E.U. welcomed the signing of the Lomé accord, and called upon all parties to adhere to the terms of the agreement. Since 1998, the European Commission had given Sierra Leone more than U.S.\$140 million for development and rehabilitation projects (over five years), providing U.S.\$22 million for emergency assistance for humanitarian assistance in Sierra Leone and for Sierra Leonean refugees in Guinea since the beginning of the year.

Both the United Kingdom and the United States played a significant role in military and political developments. On January 19, the U.K. described the January offensive as "more than a week of looting and anarchy in which the rebels amply demonstrated their brutality which repeatedly has blighted Sierra Leone." The U.S. made a similar statement on March 23 stating that the RUF "has purposely and systematically terrorized and brutalized tens of thousands of innocent civilians as a terror tactic to further its efforts to overthrow a democratically elected government." Both governments continued to publicly advocate for the "dual track" approach, military and negotiation, to end the war. However, particularly after the January offensive, considerable pressure was applied to both the RUF and especially the government of Sierra Leone to seek a negotiated solution. Pressure was also applied, particularly by the U.S., on the governments of Liberia and Burkina Faso to stop providing military action and logistical support to the RUF. The U.S. ambassador to Sierra Leone and a U.K. representative were present in Lomé throughout the two month negotiation process and were influential in directly shaping parts of the agreement. The U.K. also took a leading role in facilitating the Sierra Leone Contact Group formed in November 1998 to bolster international support for Sierra Leone. At this writing the Contact Group had met three times: November 1998 in London, April 1999 in New York, and July 1999 in London.

The U.S. and U.K. continued to be the largest providers of humanitarian assistance to Sierra Leone. The U.S.'s total humanitarian and emergency contribution in 1999, including grants to NGOs and aid agencies, was U.S.\$35.7 million. The U.S. also contributed U.S.\$10 million in aid to ECOMOG in the form of nonlethal logistical assistance. For its part, the U.K., since January, contributed U.S.\$50 million during 1999, including assistance for ECOMOG, training and equipping of the new Sierra Leonean army, and U.S.\$16.5 million for the disarmament, demobilization, and rehabilitation program. British military personnel began training the new Sierra Leonean Army in May and were expected to continue until March 2000. In coordination with the Commonwealth Secretariat, the U.K. provided funds for training and administration of the Sierra Leonean Police, including the provision of the Inspector General.

# SOUTH AFRICA

## Human Rights Developments

SOUTH AFRICA HELD ITS SECOND ALL-RACE ELECTIONS IN MAY 1999, WITH ONLY MINOR PROBLEMS REPORTED DURING THE POLLING. AS PREDICTED, THE AFRICAN NATIONAL CONGRESS (ANC) WON A LARGE MAJORITY (66.36 PERCENT OF THE VOTE), AND FORMER DEPUTY PRESIDENT THABO MBEKI SUCCEEDED NELSON MANDELA AS PRESIDENT AND HEAD OF STATE. THE ANC CHOSE TO MAINTAIN THE FORMAT OF A GOVERNMENT OF NATIONAL UNITY, THOUGH NO LONGER CONSTITUTIONALLY OBLIGED TO DO SO, AND LEADER OF THE INKATHA FREEDOM PARTY (IFP) MANGOSUTHU BUTHELEZI AND OTHER IFP MEMBERS WERE REAPPOINTED TO CABINET POSITIONS. THE DEMOCRATIC PARTY, HOWEVER, BECAME THE OFFICIAL OPPOSITION WITH 9.55 PERCENT, ONE PERCENT AHEAD OF THE IFP; THE "NEW" NATIONAL PARTY, THE FORMER PARTY OF GOVERNMENT, GAINED ONLY 6.87 PERCENT (COMPARED TO 20 PERCENT IN 1994).

ON DECEMBER 10, 1998, THE FIFTIETH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, THE SOUTH AFRICAN GOVERNMENT ANNOUNCED A NATIONAL ACTION PLAN FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, AND RATIFIED THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR), THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION, THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, AND THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE. SOUTH AFRICA ALSO MADE DECLARATIONS UNDER ARTICLE 41 OF THE ICCPR RECOGNIZING THE COMPETENCE OF THE HUMAN RIGHTS COMMITTEE TO CONSIDER INTERSTATE COMPLAINTS, AND UNDER ARTICLES 21 AND 22 OF THE CONVENTION AGAINST TORTURE RECOGNIZING THE COMPETENCE OF THE COMMITTEE AGAINST TORTURE TO CONSIDER BOTH INDIVIDUAL AND INTERSTATE COMPLAINTS. IN JULY 1999, MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT PENEILL MADUNA ANNOUNCED THAT CABINET HAD DECIDED TO REQUEST PARLIAMENT TO APPROVE SOUTH AFRICA'S ACCESSION TO THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID. IN OCTOBER, CABINET ALSO APPROVED THE RATIFICATION OF THE ILO CONVENTION ON THE PROHIBITION AND ELIMINATION OF THE WORST FORMS OF CHILD LABOUR.

THE TRUTH AND RECONCILIATION COMMISSION COMPLETED ITS HEARINGS OF WITNESS TESTIMONY ABOUT PAST HUMAN RIGHTS ABUSES AND PRESENTED ITS REPORT TO PRESIDENT MANDELA AT THE END OF OCTOBER 1998. WHILE FINDING THAT APARTHEID WAS A CRIME AGAINST HUMANITY AND THAT THE PREVIOUS GOVERNMENT WAS RESPONSIBLE FOR MOST OF THE HUMAN RIGHTS VIOLATIONS DURING THE PERIOD 1960 TO 1994, THE COMMISSION ALSO FOUND THAT THE ANC AND OTHER LIBERATION MOVEMENTS HAD COMMITTED GROSS ABUSES DURING THE ARMED STRUGGLE. BOTH FORMER PRESIDENT F.W. DE KLERK AND THE ANC CHALLENGED THE REPORT IN COURT; DE KLERK WAS SUCCESSFUL IN HAVING A SHORT SECTION NAMING HIM AS A PERPETRATOR OF ABUSES REMOVED. SEVERAL THOUSAND APPLICATIONS FOR AMNESTY TO THE COMMISSION REMAINED OUTSTANDING, AND HEARINGS OF AMNESTY APPLICATIONS WERE SET TO CONTINUE INTO 2000, WHEN A SUPPLEMENT TO THE REPORT WOULD BE PUBLISHED. AMONG NOTABLE DECISIONS DURING THE YEAR, THE KILLERS OF BLACK ACTIVIST STEVEN BIKO WERE DENIED AMNESTY IN FEBRUARY.

THE INDEPENDENT COMPLAINTS DIRECTORATE (ICD), SET UP IN 1997 TO INVESTIGATE OR OVERSEE THE INVESTIGATION OF COMPLAINTS AGAINST THE POLICE, REPORTED 219 DEATHS IN CUSTODY OF A TOTAL 756 DEATHS IN CUSTODY OR AS A RESULT OF POLICE ACTION WHILE IN THE HANDS OF POLICE FROM APRIL 1998 TO MARCH 1999. IN NOVEMBER 1998, THE GOVERNMENT LAUNCHED A COMPREHENSIVE NEW POLICY TO PREVENT TORTURE, OFFERING SOME HOPE THAT THESE FIGURES MIGHT FALL IN THE FUTURE. FOLLOWING THE WESTERN CAPE ICD'S MARCH 1999 ARREST OF A POLICE OFFICER ALLEGED TO HAVE COMMITTED A SERIOUS ASSAULT, POLICE IN THE REGION OBSTRUCTED THE ICD'S WORK, FOR EXAMPLE BY REFUSING TO APPEAR ON IDENTITY PARADES OR TO MAKE STATEMENTS. IN MAY, THE GAUTENG OFFICE OF THE ICD RECOMMENDED THE PROSECUTION OF TWENTY-TWO POLICEMEN FILMED ASSAULTING SUSPECTED CRIMINALS BY A BBC DOCUMENTARY CREW. IN JULY, NEW MINISTER FOR SAFETY AND SECURITY STEVE TSHWETE COMMENTED THAT A YET-TO-BE IMPLEMENTED AMENDMENT TO THE CRIMINAL PROCEDURE ACT RESTRICTING THE RIGHT OF THE POLICE TO USE DEADLY FORCE TO CASES WHERE DEATH OR SERIOUS INJURY WAS THREATENED MIGHT HAVE TO BE REVISITED BECAUSE IT WOULD GIVE TOO MUCH PROTECTION TO CRIMINALS.

SOUTH AFRICA'S FIRST NATIONAL POLICY ON PROSECUTIONS WAS MADE PUBLIC IN JANUARY, INTENDED TO GUIDE PROSECUTORS IN DECISION MAKING AND PROVIDE CONSISTENCY IN HANDLING OF CRIMINAL OFFENSES. THE PREVENTION OF ORGANISED CRIME ACT, PASSED IN 1998, CAME INTO EFFECT IN JANUARY, CREATING NEW OFFENCES RELATED TO RACKETEERING AND PROVIDING FOR THE CONFISCATION OF THE PROCEEDS OF UNLAWFUL ACTIVITIES. AFTER SEVERAL ATTEMPTS TO INVOKE THE ACT TO CONFISCATE ASSETS WERE RULED INVALID BY THE COURTS, AMENDMENTS WERE THE GOVERNMENT INTRODUCED AN AMENDING BILL TO PARLIAMENT TO PROVIDE THAT THE LAW HAD



retroactive effect. In the meantime, assets seized from Piet Meyer, the head of the police organized crime unit in KwaZulu-Natal, who was arrested and charged with various offenses relating to fraud and racketeering, and from Wouter Basson, the apartheid government's chemical warfare expert, had to be returned. On September 1, President Mbeki launched a new anticrime unit, the Directorate of Special Investigations, dubbed the "Scorpions."

Important new legislation restructuring the prison service and bringing Prisons Law into line with the Constitution was passed in late 1998. The act partially came into effect in February 1999, but many sections relating to treatment of prisoners remained unimplemented by October. A Judicial Inspectorate for Prisons, provided for by earlier amending legislation and incorporated into the new act, began operations during the year, though the first judge appointed resigned almost immediately. He retained a part-time role, pending the delayed appointment of a replacement, and oversaw the progressive appointment of civilian prison visitors across the country. With the prison population at 146,278 on December 31, 1998, against approved accommodation for 99,294 inmates, prisons remained seriously overcrowded and plagued by prisoner violence. A prison building program led to the award in March of the first contracts to run private prisons, but the budget for the Department of Correctional Services was cut overall. Following a Constitutional Court ruling that prisoners had the right to vote, prisoners participated in the May elections, as they had in 1994. In August, a High Court ruling restored to prisoners awaiting trial various privileges that had been removed in a November 1998 departmental decision, but the department said it would appeal the order.

In November 1998, the Department of Justice launched a training program on violence against women for court staff. The ground-breaking Domestic Violence Act, improving the system of award and enforcement of court orders restraining perpetrators of violence in the home, and the Maintenance Act were both signed into law in December 1998, but neither had been brought into effect by October 1999. The government stated that the delay was caused by the cost of drafting regulations and training personnel to implement the new provisions. The Child Care Amendment Act, passed in March, prohibited the commercial sexual exploitation of children.

Despite fears that the KwaZulu-Natal region would suffer yet another upsurge in political violence during the period leading up to the 1999 election, the vote passed relatively peacefully. In the long-troubled Midlands region, nevertheless, serious problems continued. Former ANC leader Sifiso Nkabinde, acquitted in 1998 on charges of sixteen murders, was shot dead in January 1999, and retaliatory killings followed. In August, several people were arrested for Nkabinde's murder, including a bodyguard for the ANC mayor of Richmond, Andrew Ragavaloo. After many years of failures in investigation of violence in the Midlands area, the arrests were a success for an investigative unit formed in November 1998 under the deputy director for public prosecutions in KwaZulu-Natal, Chris Macadam.

New refugee legislation became law in December 1998, which addressed many concerns about defects in the existing system for determining asylum applications, while failing to provide asylum seekers with the right to a hearing by those who would adjudicate their case. The act had not yet been brought into force by October 1999. The National Consortium on Refugee Affairs, including both NGOs and the National Human Rights Commission, strongly criticized a plan proposed by the Department of Home Affairs for all asylum seekers to be kept in two remote detention facilities while their applications were decided. More positively, new Minister for Justice and Constitutional Affairs Penuell Maduna stated in June that he identified with the plight of refugees and that South Africa must fulfil its obligations under international law. In February, the Cape High Court ruled that the Aliens Control Act unfairly discriminated against gay and lesbian couples by denying foreign partners of South Africans the right to live and work in South Africa. The case was heard on appeal by the Constitutional Court in August, and judgment was reserved. In March, the government published a white paper which proposed new structures and policies for immigration, while shifting enforcement emphasis "from border control to community and workplace inspection." In March, the National Human Rights Commission published a report, based on research carried out in collaboration with the NGO Lawyers for Human Rights and the University of the Witwatersrand, on conditions in the private detention facility where foreigners await deportation. The report documented widespread corruption in the deportation process and serious allegations of police abuse of deportees. In July, the South African and Mozambican governments announced the creation of a joint working group to monitor conditions of detention and repatriation of Mozambican immigrants in South Africa. Meanwhile, xenophobic attacks on foreigners continued, as did police abuse and police failure to protect them.

In January, the government brought into effect a law, aimed at mercenary outfits such as Executive Outcomes, prohibiting private military training or operations on South African soil. In April, the last South African troops deployed in Lesotho in a botched military intervention by the Southern African Development Community (SADC) in September 1998 were withdrawn. Before leaving office, President Mandela took a farewell tour of several European countries, acknowledging the contribution of the Scandinavian states and the Netherlands to the anti-apartheid struggle. However, he explicitly declined to raise the human rights practices of China during a visit there in May. South Africa played a key role in negotiating the extradition of the Libyan suspects in the Lockerbie bombing, leading to the lifting of U.S. sanctions against Libya, and was prominent in talks to end the war in the Democratic Republic of Congo. South Africa defended its first annual report to the African Commission on Human and Peoples' Rights in April, and hosted a SADC conference on the International Criminal Court in June.

## **Defending Human Rights**

South Africa's vigorous human rights community continued to monitor occasional government hostility to NGO criticism was counteracted by strong collaboration in government-NGO partnerships elsewhere. The constitutionally guaranteed South African Human Rights Commission (SAHRC) and the Commission on Gender Equality carried out valuable work during the year, as did other statutory monitoring mechanisms, such as the Independent Complaints Directorate. Perhaps the greatest challenge faced by the ICJ was substantial public hostility, reflected in some ministerial statements, to measures to protect the rights of alleged criminals from police brutality and arbitrary use of lethal force.

## **The Role of the International Community**

### **United Nations**

The office of the U.N. High Commissioner for Human Rights, under a project in operation since April 1998, offered technical assistance to the SAHRC, the Department of Justice, the police, the Department of Correctional Services, and the army, as well as to Justice College, for training for magistrates and judges, the Centre for Human Rights at the University of Fort Hare, and the Commission on the Restitution of Land Rights. A manager for the project was based at the SAHRC's headquarters in Johannesburg. In addition, the Pretoria office of the U.N. High Commissioner for Refugees gave logistical and other support to the SAHRC's work on xenophobia.

### **European Union**

On October 11, an agreement on development and cooperation between the E.U. and South Africa was signed in Pretoria after three-and-a-half years of negotiations. In addition to trade issues, the agreement encouraged support for democracy and the rule of law, respect for human rights, and the promotion of social justice. The E.U. also funded a major technical assistance program on training for labor market skills. The E.U. Foundation for Human Rights in South Africa continued to fund a number of human rights and development projects with money from the European Commission's Programme for Reconstruction and Development in South Africa. The Association of European Parliamentarians for Africa (AWEPA) funded a program launched in November 1998 to regularize the legal status of the estimated 250,000 former Mozambican refugees in South Africa. Individual E.U. members also made bilateral contributions to human rights initiatives. Several European ministers and heads of government traveled to South Africa during the year.

### **United States**

The U.S. Agency for International Development's Program for South Africa focused on six strategic areas, including democracy and governance; funds made available during the 1999 program amounted to approximately U.S.\$47 million. The U.S.-S.A. bilateral commission met in South Africa in February, cementing close relations between the Clinton administration and Pretoria. Following the meeting, a new committee focusing on law enforcement was announced, and U.S. training and assistance for the criminal justice system. South Africa participated in the U.S.-Africa ministerial meeting held in Washington D.C. in March. The U.S. assisted in Operation Blue Crane, a peacekeeping training exercise held in South Africa in April by members of the Southern African Development Community.

# SUDAN

## Human Rights Developments

THE GOVERNMENT OF SUDAN REMAINED A GROSS HUMAN RIGHTS ABUSER ALTHOUGH IT TOOK POSITIVE STEPS TO ADDRESS SOME ABUSES. ADVANCES INCLUDED THE ADMISSION THAT ABDUCTION AND FORCED LABOR (ALTHOUGH APPLYING THE TERM "SLAVERY" TO THIS WAS DECRIED) EXISTED AND REQUIRED GOVERNMENT ACTION, RATIFICATION OF THE CHEMICAL WARFARE CONVENTION, AND PERMISSION FOR A U.N. NEEDS ASSESSMENT IN OF THE NUBA MOUNTAINS. THE SIXTEEN-YEAR CIVIL WAR CONTINUED IN THE SOUTH, IN THE NUBA MOUNTAINS, AND IN THE EAST OF AFRICA'S LARGEST COUNTRY BETWEEN THE ISLAMIST GOVERNMENT AND AGAINST THE NATIONAL DEMOCRATIC ALLIANCE (NDA), A COALITION OF ARMED OPPOSITION MOVEMENTS. SETTLEMENT PROVED ELUSIVE BECAUSE OF DIFFICULT ISSUES OF RELIGION AND THE STATE, ECONOMIC AND POLITICAL MARGINALIZATION OF MINORITIES, AND THE DIVERSITY OF SUDAN'S ARAB AND AFRICAN, MUSLIM AND NON-MUSLIM POPULATION OF THIRTY MILLION.

A MAJOR DEVELOPMENT IN THE SOUTH CAME FROM A "PEOPLE-TO-PEOPLE" RECONCILIATION PROCESS SPONSORED BY THE NEW SUDAN COUNCIL OF CHURCHES IN THE SOUTH. THE NUER AND DINKA, THE TWO LARGEST TRIBES IN THE SOUTH, WERE ON OPPOSITE SIDES OF THE WAR SINCE 1991 WHEN THE SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY (SPLM/A) SPLIT. IN MARCH THEIR REPRESENTATIVES CONCLUDED A PEACE COVENANT, AGREEING TO SPECIFIC HUMAN RIGHTS GOALS. THE NUER, SERIOUSLY SPLIT BY ARMED CONFLICTS AMONG AND WITHIN NUER SECTIONS THAT WERE PARTLY FOSTERED BY THE GOVERNMENT, BEGAN TO COME TOGETHER THROUGH THE SAME PROCESS. THIS GRASSROOTS DEVELOPMENT, SEEN AS THE MEANS TO END DEBILITATING SOUTH-SOUTH CONFLICTS, COULD REDUCE THE ATROCITIES COMMITTED AGAINST NUER AND DINKA CIVILIANS BY ARMED GROUPS, WHILE THREATENING THE GOVERNMENT'S "DIVIDE AND DESTROY" POLICY.

THE SUDAN PEOPLE'S LIBERATION ARMY, THE PRINCIPAL ARMED MOVEMENT OF THE SOUTH, COMMITTED ITS SHARE OF ABUSES. AFTER THE INTERNATIONAL COMMUNITY DEMANDED THE RELEASE OF FOUR CAPTIVES, THE SPLA REPORTED THEY "DIED IN CROSS FIRE." IT PERMITTED AN ETHNIC CONFLICT BETWEEN DINKA SPLA FORCES AND DINDINGA FARMERS TO FESTER UNTIL IT BLEW UP. EFFORTS TO ESTABLISH AN INDEPENDENT JUDICIARY IN SPLA-CONTROLLED AREAS WERE UNDERCUT BY HIGH-LEVEL INTERFERENCE.

## Government Abuses

TORTURE REMAINED A SERIOUS PROBLEM. A JOURNALIST BADLY TORTURED DURING A MONTH OF SECURITY DETENTION SHOWED VISIBLE WOUNDS ON RELEASE. THE GOVERNMENT DID NOT ACCEDE TO THE CONVENTION AGAINST TORTURE, AND AMNESTIED FORMER PRESIDENT NIMEIRI ON HIS RETURN FROM EXILE WHEN VICTIMS' FAMILIES THREATENED TO SUE.

IMPUNITY WAS THE RULE. THE PEOPLE OF NORTHERN WADI HALFA UNSUCCESSFULLY DEMANDED A PUBLIC TRIAL FOR A COMMANDER AND FORTY SOLDIERS WHO STORMED A WEDDING PARTY IN JULY, BEATING THE GUESTS. A UNIVERSITY STUDENT SUPPORTING THE OPPOSITION WAS SHOT DEAD IN DECEMBER 1998 DURING CLASHES WITH ISLAMIST STUDENTS. WITNESSES IDENTIFIED A MEMBER OF THE ISLAMIST GROUP HAMAS AS RESPONSIBLE, BUT THERE WAS NO INVESTIGATION.

THE JUDICIAL SYSTEM WAS INSTEAD USED AGAINST POLITICAL OPPONENTS OF THE GOVERNMENT, WHOSE FAIR TRIAL RIGHTS WERE NOT RESPECTED. FR. HILARY BOMA, CHANCELLOR OF THE ARCHDIOCESE OF THE CATHOLIC CHURCH IN KHARTOUM, FR. LINO SEBIT, AND TWENTY-FOUR OTHERS (SIX IN ABSENTIA) WERE TRIED IN A MILITARY COURT FOR CONSPIRACY AND SABOTAGE; ONLY ONE OF THE ACCUSED WAS IN THE MILITARY. THE CHARGES WERE BASED ON CONFESSIONS DEFENDANTS SAID WERE ELICITED THROUGH TORTURE DURING WHICH THREE DETAINEES DIED. THE COURT MARTIAL WAS ADJOURNED MIDTRIAL IN JANUARY 1999 FOR AN APPEAL CHALLENGING ITS JURISDICTION OVER CIVILIANS. THE CONSTITUTIONAL COURT RULED IN LATE JULY THAT A MILITARY COURT HAD JURISDICTION OVER CIVILIAN DEFENDANTS AT THE DISCRETION OF THE MINISTER OF JUSTICE. THE MINISTER TOLD HUMAN RIGHTS WATCH IN AUGUST THAT HE WOULD TRANSFER THE CASE TO A CIVILIAN COURT, AND THIS MEASURE WAS SUBSEQUENTLY CONFIRMED.

Conditions in the Omdurman Women's Prison were so bad that sixteen children living with their prisoner-mothers died of diseases inside the prison. The government released 927 of 1,200 women prisoners from the prison, built to house 200. Three Muslim women prisoners went on hunger strike to protest prison food.

The government permitted political associations to register after a ten year ban imposed when it took power through a military coup in 1989. It timed state assembly elections so soon after, however, that the newly registered political parties declined to present candidates, resulting in the continuance of one-party control of the National Congress (previously known as the National Islamic Front), into its tenth year in power. Most party leaders remained in exile, and most parties continued to function only from exile, objecting to the registration act's requirement of loyalty to the National Congress party's version of an Islamic state.

The nongovernmental press exercised more freedom despite frequent suspensions by the government press council, until the president ordered the closure of an independent daily, *Al Rai Al Akhar*, on the eve of a mission by the U.N. special rapporteur on freedom of opinion and expression. The president objected to the frequently-suspended paper's supposedly sarcastic treatment of martyrdom, among other things.

The rights to freedom of assembly, association, and expression were violated through arrests and bans on meetings, protests, and unregistered organizations. In April, lawyers trying to hold a political meeting at the bar association were detained, although the only one tried and sentenced for "disturbing public peace and order" was acquitted on appeal. In Dongola, authorities jailed eight persons protesting the state's failure to maintain Nile embankments which had left 50,000 homeless. In September, eleven opposition politicians arrested for holding a press conference to announce a new (unregistered) party were acquitted of disturbing public order.

Two large Sufi Muslim religious brotherhoods, the Ansar and the Khatmiyya, were associated with the banned Umma and the Democratic Unionist Party (DUP) opposition parties. The religious leaders were intermittently detained and harassed, particularly the Ansar imams who insisted on preaching that the government was not correctly practicing Islam.

The government had a policy of harassment of Christian churches and believers. Apostasy, or conversion by Muslims to another faith, was a capital crime. A Nuban detained for apostasy in 1998 remained in prolonged arbitrary detention.

The top-level discourse of "jihad" created a climate of intolerance despite respect for all religions shown by some officials. The police dispersed a crowd of Islamists shouting insults over loudspeakers outside the Coptic Church in Khartoum. But police did not intervene when Islamist students attacked a Christian book display at a University of Khartoum event in February. Four Christians and three Muslims reportedly were injured. The Islamists destroyed the Christian materials, worth U.S. \$2,000, burning some books and throwing religious materials into the Nile. The army occupied the Catholic printing press, the only one in the garrison town of Wau, in December 1998, detaining seven, of whom one was a priest and another a religious brother; the two religious were held for twelve days without charges. The government expelled a Canadian Catholic priest working in the Khartoum slums without giving any reason.

The Khartoum state government continued to destroy Christian structures and prevent new Christian construction in the capital. In the past ten years it bulldozed thirty to fifty Christian churches, centers, and schools in the slums because they lacked construction permits. In fact the government rarely granted permits to Christian denominations to build anything, while freely granting permits for mosque construction. The Catholic Club was confiscated by the government in late 1998.

Two churches and schools of the Episcopal Church teaching, 1,400 children, were destroyed in a Khartoum suburb. Five Catholic schools in Khartoum North, serving 3,800 children, were scheduled for demolition but the children and their parents resisted. By August the state government appeared to target for closure all Catholic schools providing (free) primary through eighth grade education for 48,000 mostly southern and Nuba students in poor neighborhoods.

In June the government secured an eviction order requiring the Episcopal bishop and all other church personnel to vacate immediately Omdurman property it owned and used as diocesan headquarters. The church sued for trespass in 1997 when the health ministry reneged on agreements that its use of a church building for a child care center was only temporary. The ministry started new construction there without church permission, and was backed up by armed security agents. In 1999 the ministry produced a purported confiscation decree dated July 1997, of which the Episcopal Church did not receive notice. The case was appealed to the Supreme Court.

In western Kordofan, many officials targeted Christians and their centers. In one place, four Christian religious centers were burned down and fifty Christian youth were lashed by the authorities. Police ignored a complaint identifying

SUSPECTS IN THE POPULAR POLICE FORCES IN THE ARSON OF ONE PRAYER CENTER. ELSEWHERE, A TRIBAL CHIEF TOLD CATHOLICS THAT HE DID NOT WANT A CHRISTIAN CHURCH IN HIS AREA AND THAT THEY SHOULD DEMOLISH THEIR PRAYER CENTER. HIS POLICE CONDUCTED A MASS ARREST OF ALL PRESENT IN THE CENTER, INCLUDING WOMEN AND CHILDREN, DRAGGING THEM TO THE POLICE STATION WHERE MANY WERE BEATEN.

SUDAN HAD THE LARGEST INTERNALLY DISPLACED POPULATION IN THE WORLD, ESTIMATED AT FOUR MILLION, ALMOST HALF IN KHARTOUM. STARTING IN 1992, SEVERAL HUNDRED THOUSAND DISPLACED WERE FORCIBLY REMOVED INTO DEPLORABLE CONDITIONS IN FOUR "TEMPORARILY AUTHORIZED" DISPLACED CAMPS OUTSIDE KHARTOUM. THE GOVERNMENT ANNOUNCED IN 1999 THAT 230,000 LIVING IN ONE CAMP WOULD BE RELOCATED TO A NEW SITE TO MAKE WAY FOR A PRIVATE AGRICULTURAL SCHEME, DESPITE CONCERNS THAT CONDITIONS IN THE NEW SITE WERE NOT FIT FOR HUMAN HABITATION.

PUBLIC ORDER POLICE FREQUENTLY HARASSED WOMEN AND MONITORED WOMEN'S DRESS FOR ORTHODOXY. WOMEN GUARDS WERE POSTED OUTSIDE UNIVERSITIES TO ASSURE WOMEN STUDENTS WORE THE PRESCRIBED BAGGY GARMENTS. IN JUNE THE PUBLIC ORDER POLICE RAIDED A RIVERSIDE PICNIC AND DETAINED TWENTY-FIVE NUBA STUDENTS WHOM A PUBLIC ORDER COURT CONVICTED OF PUBLICLY MEETING WITHOUT PUBLIC ORDER POLICE PERMISSION. THE NINE WOMEN STUDENTS ALSO WERE CONVICTED OF WEARING AN INDECENT OR IMMORAL UNIFORM (TROUSERS). THE COURT SENTENCED THE STUDENTS TO FORTY LASHES EACH AND FINES; THE WOMEN WERE FLOGGED DESPITE A DECREE THAT WOMEN WOULD NO LONGER BE FLOGGED EXCEPT FOR CRIMES SUCH AS ADULTERY OR DRINKING ALCOHOL.

## War-Related Abuses

### *GOVERNMENT OF SUDAN*

THE LAND MINES CONVENTION, SIGNED IN 1997, WAS NOT RATIFIED AND THE GOVERNMENT HAD NOT DESTROYED ALL ANTIPERSONNEL LANDMINES AS REQUIRED. THE GOVERNMENT REFUSED THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) ACCESS TO THOSE DETAINED IN CONNECTION WITH THE CONFLICT; FAILURE TO TAKE REBEL SOLDIERS PRISONER POINTED TO A POLICY OF SECRET SUMMARY EXECUTION.

THE GOVERNMENT PERSISTENTLY BOMBED CIVILIAN INSTALLATIONS AND RELIEF SITES, KILLING AND INJURING CIVILIANS AND DESTROYING SCARCE INFRASTRUCTURE. IT BOMBED A HOSPITAL IN SPLA-HELD YEI MORE THAN FIFTEEN TIMES, WITH FREQUENT CIVILIAN CASUALTIES. OTHER MEDICAL CENTERS WERE BOMBED, SOME WITH CLUSTER BOMBS IN JUNE. DESPITE THE SUDAN GOVERNMENT'S UNILATERAL DECLARATION OF A COMPREHENSIVE CEASE-FIRE UNTIL OCTOBER 15, THE GOVERNMENT BOMBED THE REBEL-HELD NUBA MOUNTAINS IN CENTRAL SUDAN IN AUGUST, WOUNDING TWELVE CHILDREN AND FOUR WOMEN. DESPITE A MUTUAL FAMINE AREA CEASE-FIRE, ON MAY 16, 1999, A GOVERNMENT ANTONOV DROPPED TWENTY-FOUR CLUSTER BOMBS ON AKAK IN BAHR EL GHAZAL, NEXT TO A RELIEF FOOD DROP ZONE, KILLING A TEN-YEAR-OLD GIRL AND INJURING A BOY.

EASTERN NDA REBEL AREAS REPORTED THAT IN JANUARY THE GOVERNMENT DISPLACED 12,000 PEOPLE THROUGH INDISCRIMINATE ARTILLERY AND AERIAL BOMBARDMENT. IN MARCH A GOVERNMENT OFFENSIVE IN THE EAST DISPLACED 3,500 PEOPLE FROM SEVERAL VILLAGES WHICH IT BURNED. THE GOVERNMENT IN TURN ACCUSED THE NDA OF DISPLACING TENS OF THOUSANDS OF CIVILIANS ON THE EASTERN FRONT AS WELL. BOTH SIDES USED ANTIPERSONNEL LANDMINES.

THE GOVERNMENT ALSO ARMED TRIBAL MILITIAS TO USE AS PROXY FIGHTING FORCES. IT CLAIMED THAT IT DID NOT VIOLATE THE CEASE-FIRE WHEN ON JANUARY 29, 1999 SIXTY ARAB BAGGARA MILITIA MEMBERS (MURACHELEEN) ATTACKED BARARUD IN BAHR EL GHAZAL ON HORSEBACK, KILLING TEN PEOPLE AND LOOTING THE MEDICAL COMPOUND AND FEEDING CENTER. DENIABILITY WORE THIN WHEN THE MURACHELEEN AND GOVERNMENT ARMY JOINTLY ATTACKED THE VILLAGE OF AKOCH PAYAM IN BAHR EL GHAZAL, KILLING THIRTY PERSONS AT AN AIR-STRIP FOOD DISTRIBUTION AND ABDUCTING SEVENTY-FIVE PERSONS TO USE AS SLAVES.

THE RESURGENCE OF SLAVERY WAS AN OUTGROWTH OF THE WAR AND THE ARMING OF THE MURACHELEEN, WHO WERE INCORPORATED INTO THE ARMY IN 1989. THEY WERE ALLOWED TO KEEP ALL CATTLE AND PEOPLE THEY CAPTURED AS WAR BOOTY WHILE GUARDING THE MILITARY'S SUPPLY TRAIN TO THE SOUTH OR ON FREELANCE RAIDS.

THE GOVERNMENT DENIED ALL SLAVERY ALLEGATIONS UNTIL MAY 1999, WHEN IT ACKNOWLEDGED THE PROBLEM OF "ABDUCTION AND FORCED LABOR OF WOMEN AND CHILDREN" AND SET UP A COMMITTEE TO ADDRESS IT, INCLUDING A DINKA NONGOVERNMENTAL ACTIVIST EXPERIENCED IN LOCATING AND RETRIEVING DINKA CHILDREN FROM SLAVERY. IT HELD A THREE-DAY WORKSHOP IN LATE JULY, ATTENDED BY A DIVERSE GROUP. ITS EARLY WORK WAS MARRED BY THE SECURITY FORCES' DETENTION OF A SUDANESE UNICEF EMPLOYEE RESEARCHING SLAVERY.

WESTERN ANTI-SLAVERY GROUPS "REDEEMED" SLAVES; ONE GROUP CLAIMED TO HAVE FREED A TOTAL OF 15,400, AT A MAXIMUM PRICE OF \$50 PER HEAD, WITH PAYMENTS MADE TO MIDDLEMEN. UNICEF DENOUNCED BUYING HUMAN BEINGS FOR ANY PURPOSE.

In 1997, the government signed a Khartoum peace agreement with former rebel forces, and named Nuer ex-rebel leader Dr. Riek Machar head of the southern government prior to a southern self-determination referendum in four years. Dr. Machar claimed in 1999 that the government had materially breached the agreement. A chief complaint was that the government made Nuer warlord Paulino Matiep a general in the government army and supplied his militia, which repeatedly clashed in Unity state with Machar's ex-rebel army, the South Sudan Defense Forces (SSDF).

The government distrusted Dr. Machar partly because he supported the Nuer-Dinka reconciliation meeting held in March in Wunlit, Bahr El Ghazal. Thereafter, General Matiep purged Machar officials from public life: he expelled Unity state's elected governor; detained at his military base senior state officials and numerous others; and allegedly assassinated two state ministers, traders, and others.

Under the 1997 Khartoum peace agreement the SSDF had exclusive military and security control in the areas they were occupying when the agreement was signed, including the oil-rich Nuer area south of Bentiu, capital of Unity state. Government moves to station troops there in May 1999 sparked SSDF attacks. The oil companies withdrew from the oil fields south of Bentiu and have not returned as of this writing. Fighting raged up and down Unity state between the SSDF and Matiep; the government backed up Matiep with arms and air power. After the initial attack, the SSDF steered clear of attacks on government troops. Tens of thousands of Nuer civilians fled, many burned and looted out of their homes, as Matiep's forces killed and abducted young women; both sides recruited child soldiers. Many Nuer found sanctuary and assistance in Dinka areas with chiefs who had signed the Wunlit Nuer-Dinka peace and reconciliation agreement in March. In August, Dr. Machar, treading a very fine line, threatened to resign from the government because of its violations of the peace agreement.

By then, the government was celebrating the first shipment of crude oil exported from Sudan, which came from the Nuer oil fields north of Bentiu. The first sabotage of the 1,600 kilometer oil pipeline to the Red Sea occurred shortly thereafter. In September the SSDF and Matiep/government forces resumed fighting and a top Matiep commander staged a coup and captured the Matiep base, causing even more uncertainty. Kerubino Kuanyin Bol, a gross human rights abuser who switched sides several times, was killed.

In western Darfur, the sedentary Masaalit farmers, African Muslims, complained they were victims of nomadic Arab nomads' militias armed by the government. After the government gave thirty new government posts to Arabs, marginalizing the Masaalit majority, there were reports of hundreds of nomad militia attacks on Masaalit villages, killing hundreds, displacing thousands, destroying villages and looting livestock as the nomads, facing repeated drought, migrated to Dar Masaalit earlier each year, before the Masaalit crops could be harvested.

In January 1999, during a confrontation, angry Masaalit farmers shot at Masaalit and Arab tribal heads who came to restore calm, killing an Arab chief. The Khartoum government claimed that the Masaalit were an SPLA fifth column, and sealed off Dar Masaalit. Reportedly the Arab militias then killed more than 2,000 Masaalit. The government set up special courts to try leaders of the clashes, sentencing fourteen people to death, and sponsored a tribal reconciliation conference which concluded that 292 Masaalit and seven Arabs were dead; 2,673 houses burned down; and large numbers of livestock looted, with the Masaalit suffering most. The Arab tribes refused to pay compensation. A peace pact was signed in June but the Masaalit complained of further militia attacks; one in July killed 309 people. About 29,500 fearful Masaalit refugees remained in eastern Chad, where the Arab militias reportedly came to kill eighty Masaalit refugees in mid-1999.

The Sudan-based and -supported Ugandan rebel group, the Lord's Resistance Army (LRA), committed gross abuses of human rights in its Sudanese camps and in Uganda against some 10,000 Ugandan children it abducted, including murder, torture, and sexual abuse. Sudan admitted after long denials that it helped the LRA, saying it did so in retaliation for Uganda's support of the SPLA.

## **SPLA**

On February 19, 1999, the SPLA captured three government employees said to be "spies" and a Red Crescent tracing officer, and two ICRC expatriates with them, who strayed into SPLA territory. Although the ICRC personnel were released, the SPLA later claimed that all four Sudanese captives were killed during an unsuccessful rescue attempt. It refused to release the bodies, making it likely that the four had been murdered.

THE Didinga of Chukudum in the Eastern Equatoria region of southern Sudan were deeply dissatisfied for years with the SPLA garrison in their town, claiming mistreatment by the Bor Dinka who dominated the garrison and whose families lived in nearby displaced persons camps. There was a history of summary executions and retaliations by both sides. On January 10, 1999, a personal clash between a Dinka SPLA officer and a Didinga SPLA officer resulted in the death of the Dinka officer. The next day, Didinga fled for the mountains, fearing retaliation. On January 13, fighting broke out, and the SPLA took the town. A peace-making delegation appointed by the SPLA was not heeded; the SPLA claimed the Didinga were in league with a government militia. In April, fighting started again. A cease-fire was finally declared in August and the SPLA agreed to remove landmines it planted in the area.

SPLM leaders admitted SPLA responsibility for food diversion at a U.N.-convened May meeting on the 1998 famine. They also sharply criticized international blunders. In Ajiep, a major relief distribution center during the famine, some 800 bags of food (fifty kilos/bag) were stolen from the airstrip, the work of warlord Kerubino's soldiers, police from Wau, and SPLA deserters. The SPLA was blamed for not restoring order after it was notified of this problem. In Ajiep only 41 percent of the food was left for the community after the chiefs, commissioners, and SPLA had taken their cut, and that lay undistributed for weeks. The SPLA took 30 percent, more than they needed to feed their troops, those at the meeting said. This was the area in which the diversion problem was the largest magnitude: Ajiep had the highest mortality rate during the famine.

Visitors to SPLA areas continued to see armed SPLA youth who looked younger than eighteen. Although UNICEF had a program for demobilization of child soldiers, the SPLA was not known to have demobilized any of the child soldiers in its ranks.

Marial Nuor, an SPLA major in military intelligence, was investigated by the SPLA after he detained elderly foreign nuns and a priest for two weeks in 1996, causing an international uproar. Marial, in charge of SPLA recruitment in Yirol, had allegedly also killed two soldiers, three recruits, and tortured an old man to death. He was convicted by a court martial—for mutiny when he evaded arrest. He was imprisoned briefly, and then was under “open arrest.” At the request of the old man's family, Marial was sent back to Yirol in 1999 and tried in a civilian court. He was convicted and sentenced to five years in jail and fined. Several months later, however, he was freed when the SPLA ordered him to conduct more recruitment in Yirol. After he threatened his fellow officers and bragged of his untouchability, he was again punished: with a transfer from Yirol.

## Defending Human Rights

No independent human rights organization existed in government-controlled areas. Independent attorneys defended those few put on trial for sabotage and conspiracy and related charges. Churches attempted to defend their parishioners' rights. The Dinka committee retrieving enslaved Dinka children was an underground human rights organization until it was incorporated into the government committee on abductions.

Human rights monitors operated in the SPLA areas of the Nuba Mountains and in the NDA area of Menza on the eastern front. There were no human rights organizations in southern rebel-held areas. The Nairobi-based South Sudan Law Society and women's organizations raised human rights issues in various forums. The Egyptian government threatened to close the Sudan Human Rights Organization in exile in Cairo following its report on slavery in Sudan.

## The Role of the International Community

### United States

The U.S. policy of isolating the Sudan government lost diplomatic ground following the U.S. August 1998 bombing of a Khartoum factory in retaliation for the bombing of two U.S. embassies in Africa by attackers it associated with Sudan. The U.S. refused to divulge key evidence leading it to conclude the factory possessed chemical weapons. After the factory owner sued in U.S. courts, the U.S. unfroze his U.S. assets rather than make disclosures.

A 1997 executive order imposing stiff sanctions on all financial transactions between U.S. and Sudanese persons and entities continued. The State Department accused both government and opposition forces of human rights abuses. The ambassador appointed under the 1998 International Freedom of Religion Act prepared to scrutinize Sudan.

THE HOUSE OF REPRESENTATIVES PASSED A RESOLUTION CONDEMNING HUMAN RIGHTS ABUSES BY THE GOVERNMENT, AND URGING SUPPORT FOR THE ARMED OPPOSITION. THE DRAFT LANGUAGE REGARDING NO-FLY ZONES AND SUPPLY OF ANTI-AIRCRAFT GUNS TO THE SPLA WAS DROPPED FROM THE RESOLUTION.

THE U.S. PRESIDENT APPOINTED A SPECIAL ENVOY FOR SUDAN TO FOCUS ON HUMAN RIGHTS, HUMANITARIAN RELIEF, AND REINFORCING THE PEACE NEGOTIATIONS SPONSORED BY THE INTER-GOVERNMENTAL AUTHORITY ON DEVELOPMENT, AN EAST AFRICAN BODY. THERE WERE NO U.S. DIPLOMATIC PERSONNEL BASED IN SUDAN. BECAUSE OF ITS BOMBING OF KHARTOUM, THE U.S. DID NOT TAKE THE LEAD ON RESOLUTIONS ON SUDAN'S HUMAN RIGHTS ABUSES IN INTERNATIONAL FORA.

## European Union

THE GERMAN GOVERNMENT AS PRESIDENT OF THE E.U. NEGOTIATED A CONSENSUAL HUMAN RIGHTS RESOLUTION WITH THE SUDAN GOVERNMENT AT THE U.N. COMMISSION ON HUMAN RIGHTS, WITH THE GERMANS ARGUING THAT IT WOULD LEAD TO HUMAN RIGHTS IMPROVEMENTS. THE CONSENSUAL AGREEMENT DROPPED THE LANGUAGE OF PRIOR RESOLUTIONS REFERRING TO "SLAVERY AND SLAVERY-LIKE PRACTICES" AND "DENIAL OF THE FREEDOMS OF RELIGION, EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY" AND SUBSTITUTED OTHER LANGUAGE: "ABDUCTION OF WOMEN AND CHILDREN TO BE SUBJECTED TO FORCED LABOUR OR SIMILAR CONDITIONS" AND "CASES OF SEVERE RESTRICTIONS ON THE FREEDOM OF RELIGION" IN GOVERNMENT AREAS WHILE URGING A PERMANENT HIGH COMMISSIONER ON HUMAN RIGHTS OFFICE IN SUDAN.

E.U. COUNTRIES RUSHED TO DO BUSINESS IN SUDAN, PARTICULARLY IN THE PETROLEUM SECTOR, DESPITE FEARS THAT OIL DEVELOPMENT WOULD ONLY FUND MORE WEAPONS ACQUISITION. THE E.U. DECIDED TO BROADEN ITS ASSISTANCE FROM STRICTLY EMERGENCY ASSISTANCE TO "HUMANITARIANISM PLUS." IN JUNE THE FRENCH GOVERNMENT PROMISED TO SIDE WITH SUDAN WITHIN THE E.U. THE REPRESENTATIVE OF THE E.U. TO SUDAN NOTED IN SEPTEMBER THAT SUDAN HAD TAKEN PRACTICAL STEPS THAT WILL LEAD TO THE FULL NORMALIZATION OF RELATIONS WITH THE EU, AND CITED THE FORMATION OF A GOVERNMENT FACT-FINDING COMMITTEE ON SLAVERY.

THE U.K. REOPENED ITS EMBASSY, CLOSED SINCE ANTI-U.S. PROTESTERS STORMED IT. FOR UNEXPLAINED REASONS, CRIMINAL CHARGES AGAINST A SUDANESE DOCTOR ACCUSED OF TORTURE IN SUDAN, BROUGHT IN SCOTLAND WHERE THE DOCTOR WORKED IN 1997, WERE DROPPED IN MAY.

## United Nations

THE U.N. CONTINUED ITS MASSIVE EMERGENCY ASSISTANCE PROGRAM FOR SUDAN. THE U.N. COMMISSION ON HUMAN RIGHTS CONDEMNED HUMAN RIGHTS VIOLATIONS IN SUDAN IN APRIL 1999 AND RENEWED THE MANDATE OF THE SPECIAL RAPPORTEUR. THE U.N. COMMITTEE ON NON-GOVERNMENTAL ORGANIZATIONS VOTED TO REVOKE THE SPEAKING PRIVILEGES OF THE NGO CHRISTIAN SOLIDARITY INTERNATIONAL (CSI), KNOWN FOR ITS SLAVE REDEMPTIONS, AFTER CSI CALENDARED THE SPLA REBEL LEADER TO SPEAK ON ITS BEHALF. THE MATTER IS ON APPEAL TO THE U.N. ECONOMIC AND SOCIAL COUNCIL.

# UGANDA

## Human Rights Developments

PRESIDENT YOWERI MUSEVENI'S NATIONAL RESISTANCE MOVEMENT (NRM), IN POWER SINCE 1986, CONTINUED TO GOVERN THROUGH WHAT IT CALLED THE "MOVEMENT" OR "NO-PARTY" SYSTEM OF GOVERNMENT, JUSTIFYING ITS RESTRICTIONS ON POLITICAL PARTICIPATION AS ESSENTIAL TO PREVENT A RETURN TO UGANDA'S VIOLENT PAST. THE NRM'S DIRECT ACCESS TO STATE RESOURCES AND THE EXCLUSION OF ITS "MOVEMENT" STRUCTURES FROM THE STRINGENT REGULATIONS PLACED ON POLITICAL PARTIES GUARANTEED THE NRM'S POLITICAL DOMINANCE, AND EFFECTIVELY PREVENTED INDEPENDENT POLITICAL PARTIES FROM ORGANIZING FOR CHANGE THROUGH ELECTORAL ACTION. VIOLENT OPPOSITION GROUPS OF SEVERAL YEARS STANDING FOUGHT IN THE NORTH AND WEST OF THE COUNTRY, AND RENEWED REBEL ACTIVITY EMERGED IN EASTERN UGANDA. THESE GROUPS, PARTICULARLY THE ALLIED DEMOCRATIC FORCES (ADF) IN THE WEST, CONTINUED TO CARRY OUT BRUTAL ASSAULTS ON CIVILIANS, BRUTALIZING, KILLING, LOOTING, AND ABDUCTING ADULTS AND CHILDREN ALIKE. THE UGANDAN ARMY WAS ALSO RESPONSIBLE FOR SERIOUS ABUSES AGAINST CIVILIANS IN AREAS OF CONFLICT, FOR WHICH INDIVIDUAL SOLDIERS WERE RARELY HELD TO ACCOUNT.

THE GOVERNMENT CONTINUED ITS CONSTITUTIONAL BAN ON INDEPENDENT POLITICAL ACTIVITIES, PROHIBITING POLITICAL PARTIES FROM HOLDING PARTY CONFERENCES, PUBLIC RALLIES, SPONSORING CANDIDATES IN ELECTIONS, AND OPENING BRANCH OFFICES. THE UGANDAN



Parliament, elected under the restrictive movement system, continued to assert its independence, censuring high-level government officials for corruption and questioning Uganda's military involvement in the Democratic Republic of Congo. The official Ugandan Human Rights Commission carried out credible investigations into many human rights abuses, including police and military abuses as well as poor prison conditions.

The Referendum Bill was passed in June, setting the stage for a June 2000 referendum which threatens to further entrench the restrictive movement political system. However, the phrasing of the question which will be put to voters remains to be finalized. All six major independent political organizations vowed to boycott the referendum, stating that human rights cannot be limited even by majority mandate, and that the referendum would not be free and fair because the NRM would not allow them to canvass support for their position. Observers noted that the continuing restrictions on the right to campaign against the movement system and the NRM's near complete dominance of the political sphere in Uganda would mean that voters would not be able to make a well-informed choice.

Programs of political and military education, popularly known as *chaka-mchaka*, were resurrected in the aftermath of the 1996 presidential and parliamentary elections. The *chaka-mchaka* programs took place throughout Uganda in anticipation of the June 2000 referendum, providing the NRM with a state-sponsored platform from which to spread its partisan political program and its message opposing independent political parties and pluralism. In September, six parliamentarians from Masaka district made a formal protest to President Museveni, alleging that civilians in their district had been forced to participate in *chaka-mchaka* courses at gunpoint, and had been required to pay fees for attending the course.

The Political Organizations Bill, originally introduced in 1997 to spell out in greater detail the restrictions under which political parties will operate, was withdrawn from Parliament in June, ensuring that the stringent constitutional restrictions on political party activities will remain in place during the campaign period for the June 2000 referendum. In its current form, the Political Organizations Bill would continue many of the restrictions on political parties, including preventing them from sponsoring candidates and holding public rallies during elections.

Opposition politicians were harassed and occasionally arrested. Karuhanga Chapaa, chair of the opposition National Democrats Forum, was arrested and later convicted of sedition after allegedly making anti-Museveni comments at a political rally. Chapaa was also warned by a district commissioner to stop engaging in "illegal political activities" after attending another rally in the district. Wasswa Lule, a member of Parliament, was arrested and interrogated by police in January after suggesting that President Museveni should be investigated for corruption. Several seminars by the Foundation for African Development, a group closely associated with the opposition Democratic Party, were interfered with by police, including one in Moyo district in January where three FAD officials were detained for twenty-eight hours.

Conflict with rebel forces continued in many areas of Uganda. Active rebel groups in 1999 included the West Nile Bank Front (WNBF), Uganda National Rescue Front II (UNRF-II), and the Lord's Resistance Army (LRA), all operating from Sudanese rear bases and supported by the Government of Sudan, and the Allied Democratic Forces (ADF), operating in the Rwenzori mountains in western Uganda and eastern Congo. Rebel groups reemerged in eastern Uganda including the Anti-Referendum Army (ARA), the Uganda Salvation Army (USA), and the Citizen's Army for Multiparty Politics (CAMP).

In northern Uganda, rebel activity associated with the Lord's Resistance Army decreased significantly after the rebel group returned to its camps inside government-held Sudan in February. However, the momentary cessation in fighting did not improve the lives of the thousands of children abducted by the LRA and kept at their Sudanese bases for use as child soldiers and sex slaves. Since 1996, the majority of civilians in northern Uganda have been moved into "protected camps" by the Ugandan Peoples' Defence Forces (UPDF), using a significant amount of force when civilians refused to comply. More than 300,000 civilians continue to live in these camps, where civilians are nominally more secure, but security is often inadequate to protect against LRA attacks. Access to housing, water, food, health care, and education in the camps is limited, and the camp populations remain dependent on international humanitarian organizations for subsistence. Sudan continued its active support for the LRA, allowing the LRA to operate from territory under Sudanese government control, supplying the LRA with food and weapons, and often placing Sudanese government soldiers in the vicinity of LRA camps.

In western Uganda, the Allied Democratic Forces (ADF) continued their abusive campaign in the Rwenzori mountain region, brutalizing and killing civilians and looting. Hundreds of civilians were killed in ADF raids and ambushes on unprotected civilian homes throughout the year. Some of those killed by the ADF were mutilated, sometimes by beheading.

CIVILIANS, BOTH ADULTS AND CHILDREN, WERE ABDUCTED DURING ADF RAIDS TO SERVE AS PORTERS OR FOR FORCED RECRUITMENT INTO THE REBEL ARMY. ADF ATTACKS WERE FOCUSED AROUND THE TOWN OF BUNDIBUGYO, WHICH EXPERIENCED AN ADF OFFENSIVE FROM FEBRUARY TO JULY RESULTING IN MANY CIVILIAN DEATHS. INTERNATIONAL AID AGENCIES INCLUDING THE WORLD FOOD PROGRAM, MEDECINS SANS FRONTIERES AND ACTIONAID WERE REPEATEDLY FORCED TO SUSPEND THEIR LIFE-SUSTAINING HUMANITARIAN ACTIVITIES IN WESTERN UGANDA DUE TO SECURITY THREATS, AND THE LOCAL POPULATION SUFFERED FROM SHORTAGES OF FOOD, MEDICINE, AND SHELTER AS WELL AS REPEATED CHOLERA OUTBREAKS CAUSED BY POOR SANITATION AND OVERCROWDED LIVING CONDITIONS IN DISPLACED PERSONS CAMPS. NEARLY 100,000 CIVILIANS REMAIN INTERNALLY DISPLACED BECAUSE OF THIS CONFLICT IN THE SOUTHWEST, A SIGNIFICANT INCREASE OVER THE PAST YEAR.

THE UPDF WAS ALSO RESPONSIBLE FOR SERIOUS HUMAN RIGHTS ABUSES, INCLUDING ARBITRARY ARRESTS AND DETENTIONS, TORTURE, AND SUMMARY EXECUTIONS. UPDF SOLDIERS WHO COMMITTED ABUSES WERE HELD ACCOUNTABLE FOR THEIR ACTIONS. UPDF SOLDIERS REPORTEDLY EXECUTED FIVE CHILDREN WHO WERE SUSPECTED OF INVOLVEMENT IN THE ADF REBEL MOVEMENT IN FORT PORTAL IN JANUARY. IN FEBRUARY 1999, THE BADLY MUTILATED BODY OF PATRICK L. OCAN WAS FOUND BY RELATIVES NEAR GULU, BOUND AT THE HANDS AND FEET. OCAN, WHO WAS REPORTEDLY LAST SEEN IN UPDF CUSTODY DAYS BEFORE HIS DEATH, APPEARED TO HAVE BEEN CASTRATED, AND HAD SEVERAL STABWOUNDS AND A GUNSHOT WOUND TO THE HEAD.

CIVILIANS CONTINUED TO BE FREQUENTLY DETAINED, AND REGULARLY ABUSED, AT ARMY FACILITIES WITHOUT LEGAL GROUNDS OR ANY FORM OF CIVILIAN OVERSIGHT. DURING COURT PROCEEDINGS RELATING TO TORTURE ALLEGATIONS PUBLISHED IN THE MONITOR NEWSPAPER, ARMY OFFICIALS FROM NORTHERN UGANDA CASUALLY ADMITTED THAT CIVILIAN WOMEN ARE REGULARLY "PUNISHED" AT ARMY FACILITIES BY HAVING THEIR HEADS FORCIBLY SHAVEN WITH BLUNT RAZORS.

REBEL ACTIVITY REEMERGED IN EASTERN UGANDA FOR THE FIRST TIME SINCE THE DEFEAT OF THE UGANDA PEOPLE'S ARMY IN THE LATE 1990S. IN MID-1999, A PREVIOUSLY UNKNOWN REBEL GROUP NAMED THE UGANDA SALVATION ARMY/FRONT (USA/F) BEGAN CARRYING OUT SMALL-SCALE ATTACKS ON PRISONS AND OTHER GOVERNMENT FACILITIES IN THE EAST, LEADING TO AN INCREASED DEPLOYMENT OF GOVERNMENT TROOPS IN THE AREA. IN MAY, A REBEL GROUP CALLING ITSELF THE CITIZENS ARMY FOR MULTI-PARTY POLITICS (CAMP) CLAIMED RESPONSIBILITY FOR AN ATTACK ON A POLICE POST NEAR THE TOWN OF LIRA WHICH LEFT ONE POLICEMAN DEAD. BRIGADIER SMITH OPON ACH, THE FORMER CHIEF OF STAFF IN MILTON OBOTE'S ARMY, WAS KILLED BY UPDF SOLDIERS DURING WHAT UPDF CLAIMS WAS A RAID ON A CAMP REBEL TRAINING CAMP NEAR LIRA. YET ANOTHER REBEL GROUP, THE ANTI-REFERENDUM ARMY (ARA), ANNOUNCED ITS EXISTENCE AFTER PARLIAMENT PASSED THE REFERENDUM BILL. IN AUGUST AND SEPTEMBER, HUNDREDS OF ETHNIC KARIMOJONG INCLUDING MANY CHILDREN AND WOMEN DIED IN INTER-ETHNIC FIGHTING RELATED TO CATTLE-RUSTLING RAIDS. THE UPDF INTERVENED IN THE KARIMOJONG FIGHTING IN SEPTEMBER, ATTACKING WARRING KARIMOJONG WITH HELICOPTER GUNSHIPS AND CAUSING HEAVY CASUALTIES.

IN MARCH, EIGHT FOREIGN TOURISTS AND A PARK WARDEN WERE KILLED IN BWINDI NATIONAL PARK, REPORTEDLY BY HUTU REBELS FROM NEIGHBORING RWANDA. PRESIDENT MUSEVENI VOWED TO "CATCH OR KILL" THE REBELS, AND THE UGANDAN ARMY PURSUED AND KILLED A NUMBER OF SUSPECTED REBELS IN THE NEIGHBORING DEMOCRATIC REPUBLIC OF CONGO (DRC). URBAN TERROR ATTACKS CONTINUED IN KAMPALA, WITH SOME THIRTY BOMB ATTACKS IN OR NEAR KAMPALA CLAIMING AT LEAST FIFTY-FIVE LIVES SINCE 1997. THE NATIONAL ARMY FOR THE LIBERATION OF UGANDA (NALU), A LITTLE KNOWN REBEL GROUP, REPEATEDLY CLAIMED RESPONSIBILITY FOR THE BOMB ATTACKS. INCREASING INSECURITY IN MANY PARTS OF UGANDA AND THREATS MADE BY REBEL GROUPS AGAINST U.S. NATIONALS CAUSED THE U.S. PEACE CORPS TO SUSPEND OPERATIONS AND EVACUATE ITS VOLUNTEERS IN MAY.

UGANDA EXECUTED TWENTY-EIGHT CONDEMNED PRISONERS, CONVICTED OF MURDER OR AGGRAVATED ROBBERY, BY HANGING ON APRIL 29, ENDING A MORATORIUM ON EXECUTIONS IN EFFECT SINCE 1996. AMONG THE EXECUTED WAS HAJJI MUSA SEBIRUMBI, A FORMER NATIONAL SECURITY AGENCY (NASA) AGENT AND UGANDA PEOPLE'S CONGRESS OFFICIAL DURING THE SECOND GOVERNMENT OF MILTON OBOTE, WHO WAS CONVICTED IN 1989 OF THE 1981 MURDER OF FIVE PEASANTS WHO REFUSED TO DISCLOSE THE WHEREABOUTS OF MUSEVENI'S NRA GUERRILLA SOLDIERS.

PRISON CONDITIONS IN UGANDA WERE SEVERE AND AT TIMES LIFE-THREATENING, ESPECIALLY IN RURAL PRISONS WHERE PRISONERS FACED HIGH MORTALITY RATES DUE TO INADEQUATE FOOD AND UNSANITARY CONDITIONS. UGANDAN AUTHORITIES CONTINUED TO ABUSE SERIOUS SECURITY RELATED CHARGES SUCH AS TREASON TO HOLD SUSPECTS IN LENGTHY PRE-TRIAL DETENTION, RARELY RESPECTING THE 360-DAY LIMIT ON PRE-TRIAL DETENTION FOR CAPITAL CHARGES. SUSPECTS REGULARLY SPEND YEARS IN PRE-TRIAL DETENTION ON THE FLIMSIEST OF EVIDENCE, MAKING THE RIGHT TO A SPEEDY TRIAL VIRTUALLY MEANINGLESS.

Idi Amin, who was responsible for a reign of terror in Uganda during his military dictatorship (1971–1979), continues to live in Saudi Arabia and has never been called to account for the widespread human rights abuses committed during his rule.

## **Defending Human Rights**

Uganda has a large number of active human rights organizations, mostly based in the capital Kampala. Local human rights organizations showed an increasing interest in monitoring and advocacy activities, compared to their past focus on less controversial human rights education activities. The increased monitoring activity of the human rights community is at least partly due to the work of the governmental human rights commission, which has demonstrated that the government is willing to allow some monitoring of sensitive human rights issues such as abuses by the army and security organizations. Government continues to control civil society groups through the manipulation of their registration, requiring NGOs to be nonsectarian and nonpolitical. The government continues to refuse to register the Uganda National NGO Forum, a broad consortium of national and foreign NGOs, and declared its May 1999 second general assembly “unlawful.” NGOs groups with ties to political organizations, such as the Foundation for African Development, faced frequent harassment and interference with their seminars and public events. Threatened Congolese human rights activists who were forced to flee to Uganda complained that security operatives from the Ugandan-backed Congolese Rally for Democracy (CRD) harassed them and kept them under surveillance in Kampala.

## **The Role of the International Community**

As Uganda prepared for a referendum on its restrictive political system scheduled for June 2000, the European Union (E.U.) and the United States (U.S.) increasingly expressed concerns about violations of political freedoms in Uganda. This increasing dialogue between the international community and Uganda on freedom of association, assembly and expression represented a clear change from the past, when the international community steered clear from raising concerns about Uganda’s political system and mostly limited its concerns to abuses associated with rebel conflict in Uganda. However, this increased rhetoric about the need to respect political freedoms and the rights of civil society in Uganda was rarely matched by any specific action. While the international community publicly stated that it wanted a free and fair referendum, it did not publicly protest when the Ugandan government continued to create legal obstacles that made a free and fair referendum impossible.

## **United Nations**

The grave abuses of civilian populations, particularly the large-scale abductions of children, by rebel groups operating in western and northern Uganda continued to be a prominent concern of the United Nations. As in 1998, the United Nations Commission on Human Rights adopted a resolution on the abduction of children in northern Uganda at its 1999 session, calling upon the LRA to cease abducting children and release children being held by the rebel group. UNICEF and the U.N. special representative of the secretary-general for children and armed conflict, Olara Otunnu, continued to work for an end to abductions of children by rebel groups and for the release of children in rebel hands. The U.N. Security Council was briefed by Otunnu and Ugandan diplomats on rebel abuses against children in Uganda during the debate leading to a Security Council resolution urging greater protection for children in armed conflict.

## **European Union**

The E.U. and its member states became increasingly vocal about human rights abuses and governance issues in Uganda, publicly rebuking Uganda on several occasions. This public dialogue between the E.U. and Uganda presented a clear break with the past, when the E.U. had remained mostly quiet about Uganda’s human rights problems and had structured its relationship with Uganda around development programs. However, the statements made by various officials from E.U. member states were often contradictory, suggesting that there was little consensus on how to address human rights issues in Uganda.

During a December 1998 donor meeting in Kampala, then E.U. president Austria presented a strong statement on the need for democratization to the Uganda authorities. The statement informed the Ugandan government that the E.U. would closely monitor “developments between now and the referendum in 2000.”

THE APRIL EXECUTIONS OF TWENTY-EIGHT PRISONERS LED TO STATEMENTS OF PROTEST BY THE E.U. AND THE UNITED KINGDOM, WITH THE UNITED KINGDOM STATING IT WAS "DEEPLY SHOCKED" AND THE E.U. CALLING FOR THE ABOLITION OF THE DEATH PENALTY IN UGANDA.

BRITAIN'S SECRETARY FOR INTERNATIONAL DEVELOPMENT CLARE SHORT EXPRESSED SUPPORT FOR THE JUNE 2000 REFERENDUM DURING A VISIT IN MAY, STATING THAT "UGANDANS HAVE A RIGHT TO CHOOSE WHAT THEY WANT," A POSITION WHICH IGNORES THE MANIPULATION OF THE REFERENDUM ISSUE BY THE NRM AND THE FACT THAT OPPOSITION POLITICAL PARTIES WILL NOT BE ABLE TO CANVASS SUPPORT FOR THEIR POSITION IN THE REFERENDUM. CLARE SHORT ALSO STATED THAT SHE HAD REACHED AN "UNDERSTANDING" WITH MUSEVENI ON MILITARY SPENDING, BUT REFUSED TO MAKE THE DETAILS OF THIS UNDERSTANDING PUBLIC.

DUTCH MINISTER FOR DEVELOPMENT AND COOPERATION EVELINE HERFKENS TOOK A MORE FORCEFUL POSITION DURING AN AUGUST VISIT TO KAMPALA, THREATENING TO CUT OFF DUTCH AID IF UGANDA DID NOT REDUCE DEFENSE EXPENDITURES. THE DUTCH MINISTER ALSO REPORTEDLY CRITICIZED THE NRM FOR EXTENDING ITS TRANSITIONAL PERIOD, DISMISSED THE REFERENDUM AS BEING DEVOID OF FAIRNESS, AND URGED STRONGER MEASURES TO END CORRUPTION. THE DUTCH GOVERNMENT HAD JUST APPROVED US \$39 MILLION IN AID FOR UGANDA, AND WANTED TO ENSURE THAT THE MONEY WOULD NOT SUBSIDIZE INCREASED MILITARY SPENDING.

## United States

UGANDA'S INVOLVEMENT IN THE CONFLICT IN NEIGHBORING CONGO, AND INCREASING CONCERNS ABOUT CORRUPTION AND THE ANTI-DEMOCRATIC TENDENCIES OF THE NRM, LED TO A NOTICABLE DISTANCING BY THE UNITED STATES (U.S.). AFTER HOSTING PRESIDENT CLINTON AND OTHER HIGH-PROFILE VISITORS IN 1999, UGANDA RECEIVED SCANT ATTENTION FROM THE UNITED STATES IN 1999, AND THE CLINTON ADMINISTRATION SIGNIFICANTLY TONED DOWN ITS CHARACTERIZATION OF PRESIDENT MUSEVENI AS A "NEW LEADER." HOWEVER, PRESIDENT MUSEVENI DID RECEIVE REGULAR VISITS OF U.S. ENVOYS TO DISCUSS THE WAR IN NEIGHBORING DEMOCRATIC REPUBLIC OF CONGO (DRC) BECAUSE OF THE INVOLVEMENT OF UGANDAN TROOPS IN THAT CONFLICT. SENATOR PAUL WELLSTONE OF MINNESOTA INSERTED AN AMENDMENT IN THE 1999 DEFENSE SPENDING BILL, CONDEMNING THE ABDUCTION OF CHILDREN BY THE LRA AND URGING SUDAN TO USE ITS INFLUENCE TO SECURE THE RELEASE OF CHILDREN IN LRA CAPTIVITY.

IN HER JUNE PARTING SPEECH TO THE UGANDAN PARLIAMENT, OUTGOING U.S. AMBASSADOR NANCY POWELL SPOKE ABOUT THE IMPORTANCE OF BASIC FREEDOMS SUCH AS FREEDOM OF SPEECH, RELIGION, ASSOCIATION, AND THE PRESS. WHILE IMPLICITLY ACCEPTING THE IDEA OF A REFERENDUM ON FUNDAMENTAL HUMAN RIGHTS IN HER SPEECH, THE OUTGOING AMBASSADOR DID EXPRESS THE NEED FOR "A CLEAR AND OPEN CAMPAIGN PROCESS, A LEVEL PLAYING FIELD, AND COMPLETE FISCAL TRANSPARENCY." AMBASSADOR POWELL HAD RARELY PUBLICLY RAISED SUCH ISSUES DURING HER TENURE.

UGANDA RECEIVED APPROXIMATELY \$50 MILLION IN DIRECT BILATERAL AID FROM THE U.S., INCLUDING PROGRAMS ON EDUCATION, FOOD SECURITY, HEALTH, AND THE ENVIRONMENT. IN ADDITION, SOME \$25 MILLION WAS PROVIDED IN FOOD AID. UGANDA'S INVOLVEMENT IN THE DRC CONFLICT LED TO DIMINISHED CONTACTS WITH THE U.S., INCLUDING A REDUCTION IN MILITARY-TO-MILITARY TIES. UGANDA CONTINUED TO RECEIVE SOME \$300,000 IN MILITARY TRAINING UNDER THE INTERNATIONAL MILITARY EDUCATION AND TRAINING (IMET) PROGRAM, ALTHOUGH ITS PARTICIPATION IN THE AFRICAN CRISIS RESPONSE INITIATIVE (ACRI) CONTINUED TO BE INFORMALLY SUSPENDED BECAUSE OF ITS MILITARY INVOLVEMENT IN THE DRC.

# ZAMBIA

## Human Rights Developments

WITH A PERSISTENT BACKGROUND OF POLITICAL POLARIZATION AND ECONOMIC PROBLEMS, ZAMBIA'S HUMAN RIGHTS RECORD REMAINED POOR. THE INDEPENDENT MEDIA CAME UNDER ATTACK AND HUMAN RIGHTS NONGOVERNMENTAL ORGANIZATIONS (NGOs) AND POLITICAL OPPOSITION PARTIES CAME UNDER THREAT OF DEREGISTRATION.

THE GOVERNMENT CONTINUED TO PROMISE ITS BILATERAL DONORS THAT IT WANTED TO IMPROVE ITS RIGHTS RECORD. IN ITS NATIONAL CAPACITY BUILDING PROGRAM FOR GOOD GOVERNANCE DOCUMENT PRODUCED PRIOR TO THE MAY 1999 WORLD BANK CONSULTATIVE GROUP MEETING IN PARIS THE GOVERNMENT PROMISED MANY REFORMS, BUT WITH NO REAL SENSE OF ITS PRIORITIES AND NO CONVINCING

DEMONSTRATION OF THE GOVERNMENT'S COMMITMENT TO GOOD GOVERNANCE. AS IF TO UNDERSCORE THE GOVERNMENT'S LACK OF TRANSPARENCY OVER THIS INITIATIVE, THE GOOD GOVERNANCE DOCUMENT ONLY BECAME PUBLIC AFTER THE CONSULTATIVE GROUP MEETING.

THIS GOOD GOVERNANCE DOCUMENT WAS WEAKENED BY THE GOVERNMENT'S FAILURE EVEN TO ACKNOWLEDGE INITIATIVES SUCH AS THE INTRODUCTION OF THE STATE SECURITY BILL IN PARLIAMENT IN AUGUST, WHICH WOULD HAVE CREATED CONDITIONS AMOUNTING TO A PERMANENT STATE OF EMERGENCY, HAD IT BEEN ENACTED. THE BILL PROVIDED FOR A SUSPECT TO BE DETAINED WITHOUT CHARGE FOR FOURTEEN DAYS AND THAT THE PERIOD OF DETENTION COULD BE EXTENDED AS MANY TIMES AS NECESSARY WITH THE AUTHORITY OF A MAGISTRATE. AFTER STIFF OPPOSITION FROM NGOS AND BACK-BENCH MEMBERS OF PARLIAMENT THE BILL WAS WITHDRAWN.

ON FEBRUARY 27, 1999, PRESIDENT CHILUBA FIRED FOREIGN AFFAIRS PERMANENT SECRETARY DOROTHY MULWILA AFTER HER HUSBAND HAD BECOME THE UPND'S DEPUTY LEADER. ALL THE OPPOSITION PARTIES CONTINUED TO FACE RESTRICTIONS ON THEIR EXERCISE OF THE FREEDOM OF ASSOCIATION. THE PUBLIC ORDER ACT PUNISHED BREACHES AND ITS PROVISIONS ON UNLAWFUL ASSEMBLY WITH IT UP TO FIVE YEARS IMPRISONMENT AND CONTINUED TO BE ENFORCED WITH BIAS AGAINST THE OPPOSITION PARTIES. OPPOSITION PARTIES WERE EITHER DENIED PERMISSION TO ASSEMBLE OR HAD THEIR MEETINGS CANCELED ON PUBLIC SECURITY GROUNDS. THE RULING MMD CONTINUED TO HOLD MEETINGS, RALLIES, AND PRO-GOVERNMENT DEMONSTRATIONS WITHOUT PERMITS.

IN MAY 1999 THE ADMINISTRATOR OF THE SHOW SOCIETY OF ZAMBIA ORDERED THE UPND OUT OF THE SHOW GROUND. THE SHOW SOCIETY CLAIMED THAT IT HAD A POLICY OF NOT ALLOWING POLITICAL PARTIES TO OPERATE IN THE GROUNDS, YET THE MMD OPERATED FROM THE SAME PREMISES IN 1991 PRIOR TO THE MULTIPARTY ELECTIONS.

TEDDY NONDO CONTINUED TO SERVE AS DEPUTY COMMISSIONER OF THE DRUG ENFORCEMENT COMMISSION DESPITE ACCUSATIONS THAT HE CARRIED OUT TORTURE IN 1997. THE HUMAN RIGHTS COMMISSION RECOMMENDED, IN ITS MARCH 30, 1998 REPORT ON ALLEGATIONS OF TORTURE OF DETAINEES FOLLOWING THE 1997 COUP ATTEMPT, THAT OFFICERS ACCUSED OF THE OFFENSE OF TORTURE—INCLUDING NONDO—BE RETIRED IN THE PUBLIC INTEREST BUT ADVISED AGAINST INSTITUTING CRIMINAL PROCEEDINGS. TORTURE WAS FORBIDDEN, BY ARTICLE 15 OF THE ZAMBIAN CONSTITUTION AND AFTER SOME FOOT DRAGGING, THE GOVERNMENT WITHDREW THE RESERVATIONS IT HAD ENTERED ON THE CONVENTION AGAINST TORTURE, CRUEL, AND INHUMAN TREATMENT (CAT), ON FEBRUARY 19.

REPORTS OF POLICE TORTURE CONTINUED. ON AUGUST 2, TWENTY-SIX-YEAR OLD VIOLET TEMBO DIED AFTER BEING TORTURED BY POLICE OFFICERS AT LUSAKA'S LOS ANGELES POLICE POST. TEMBO, EIGHT MONTHS PREGNANT, WAS DETAINED ON JULY 23 AND RELEASED ON JULY 27. SHE WAS DETAINED TO ASSIST POLICE IN LOCATING HER HUSBAND, ACKIM NGOMA, A SECURITY GUARD AT GALAUN HOLDINGS LTD. AFTER INVESTIGATIONS AND INQUIRIES BY THE ZAMBIAN BASED NGO AFRONET, POLICE OFFICERS NYMBIRI AND MFUZI, ACCUSED OF TORTURING NCHIMUNYA, WERE ARRESTED.

ON MARCH 10 AND 11, SIX JOURNALISTS FROM THE *Post* NEWSPAPER WERE DETAINED BY THE POLICE FOR PUBLISHING A STORY HEADLINED "ANGOLA WORRIES ZAMBIA ARMY." THE STORY CRITICIZED ZAMBIA'S MILITARY CAPABILITY AND PREPAREDNESS IN THE FACE OF A POSSIBLE MILITARY ATTACK FROM ANGOLA. ALL THE REPORTERS, INCLUDING EDITOR-IN-CHIEF FRED M'MEMBE, WERE LATER CHARGED WITH "ESPIONAGE". ALTHOUGH THEIR CASE WAS COMMITTED TO THE HIGH COURT ON APRIL 16 NO DATE WAS SET FOR TRIAL. THE GOVERNMENT'S INTENTION WAS QUESTIONED AS TWO OF THE JOURNALISTS, LUBASI KATUNDU AND AMOS MALUPENGA, WERE ON LEAVE AT THE TIME OF THEIR ARREST WHILE RUEBEN PHIRI AND MUKALYA NAMBITO WERE OUT OF THE COUNTRY.

THE ZAMBIA HUMAN RIGHTS COMMISSION REMAINED ACTIVE ON NONCONTROVERSIAL ISSUES. IT CONTINUED TO ISSUE STATEMENTS ABOUT HUMAN RIGHTS ABUSES, NOTABLY EMPLOYMENT GRIEVANCES AND PRISON CONDITIONS, BUT AVOIDED DIRECT CRITICISM OF THE GOVERNMENT. OF THE 960 COMPLAINTS HANDLED SINCE INCEPTION, 797 OF THE CASES WERE LABOR RELATED.

## **Defending Human Rights**

VARIOUS NGOS MONITORED AND REPORTED ON HUMAN RIGHTS VIOLATIONS. AFRONET PUBLISHED ITS SECOND DETAILED ANNUAL HUMAN RIGHTS REPORT IN 1999. A ONE-DAY REVIEW MEETING OF ZAMBIA'S GOVERNANCE PERFORMANCE WAS HELD BY NGOS IN LUSAKA IN MAY. THE MEETING CONCLUDED WITH A COMMUNIQUE ISSUED PRIOR TO THE WORLD BANK CONSULTATIVE GROUP MEETING IN PARIS. ON RETURN FROM PARIS, THEN FINANCE MINISTER EDITH NAWAKWI ATTACKED THESE NGOS WITHOUT MENTIONING THEIR NAMES. THE GOVERNMENT-CONTROLLED PRINT MEDIA CRITICIZED THE ZAMBIA INDEPENDENT MONITORING TEAM (ZIMT) AND AFRONET FOR CAMPAIGNING AGAINST ZAMBIA'S DONOR EFFORTS.

## **Role of the International Community**

THROUGHOUT 1999, THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) WAS STEADFAST IN SUPPORT OF PRESIDENT FREDRICK CHILUBA'S MEDIATION EFFORTS IN THE WAR IN THE DEMOCRATIC REPUBLIC OF CONGO (DRC). THE EUROPEAN UNION AND THE UNITED STATES

also supported the Zambian government's efforts, which had the blessing of the Organization of African Unity (OAU) and the U.N. Security Council.

In May 1999, Zambia's cooperating partners emphasized the immediate importance of good governance, including the protection of human rights, freedom of the press, fighting corruption, and institutional capacity building. Premised on satisfactory economic and governance performance, Zambia's external partners disclosed plans to make available at least U.S.\$240 million in balance of payment (BOP) support, and an additional U.S.\$390 million in project assistance. By September 1999, bilateral donors had not disbursed all the pledged balance of payment support. The May 1999 Consultative Group meeting agreed to hold the next round of talks in Lusaka.

The World Bank for two years running had linked Zambia's aid program to progress in economic reform and governance. The World Bank claimed that significant progress had been made in economic reform, but identified governance related issues, the privatization of the remaining assets of the Zambian Consolidated Copper Mines (ZCCM), and civil service reform as top items for urgent action. The Zambian government, again, was urged to take swift and decisive action on alleged human rights violations associated with police interrogations and accusations of torture in the aftermath of the October 1997 coup attempt. So far, no action has been taken against any officer. Rather, High Court Judge Japhet Banda sentenced fifty-nine of those accused in relation to the coup attempt, to death on September 17.

The release of additional funds by major donors was conditional on the outcome of a commission of inquiry set up by the government to investigate the alleged torture after the 1997 coup attempt. Judge Japhet Banda, headed the commission and had yet to begin the inquiry.

## **European Union, Norway, Canada, and Japan**

The European Union has responded more favorably to Zambia's economic recovery program during the year. In August the E.U. released U.S.\$44.1 million for the structural adjustment program and reconstruction of roads. Germany released half of a U.S.\$10.5 million grant for debt relief that had been withheld since 1996.

The United Kingdom, while emphasizing the importance of upholding democracy and human rights, canceled U.S.\$75.5 million of the debt owed to the U.K. and rescheduled for twenty-four years repayment to U.S.\$106.6 millions. The U.K. pledged U.S.\$20 million at the last Consultative Group meeting to be linked to real progress in the sale of Zambian Consolidated Copper Mines (ZCCM). The U.K. indicated willingness to contribute towards implementing the Capacity Building for Good Governance document through the Department for International Development (DFID).

Scandinavian governments maintained that they would only release balance of payment support to Zambia if the Zambian government stood by its promises to improve its human rights and governance record. Denmark had for two years running not released balance of payments support, citing lack of adherence to good governance standards, and lack of respect for human rights as a major obstacle. The Danish Ambassador to Zambia Mads Saandau-Jensen noted that "the Danish government has placed emphasis on good governance and human rights as a condition in previous meetings."

In August, the Japanese government also released U.S.\$36 million in balance of payment support but at the same time called for an improved human rights record.

## **United States**

The United States policy focused on Zambia's economic recovery program and efforts to promote democracy. The U.S. is not a major donor to Zambia. In March, the U.S. signed an agreement for \$20 million in fresh assistance towards improvement of the health sector with particular emphasis on HIV/AIDS and immunization.