

## **AFRICA WATCH OVERVIEW**

**The year 1990 was as dramatic as the previous one. The work done by Africa Watch in its first year created a considerable demand, both inside and outside Africa, for us to expand our activities to accommodate these developments.**

**The year was marked by a popular movement for democracy and human rights which spread nearly as rapidly as the movement the previous year in Eastern Europe. As in Eastern Europe, the electronic media played an important part in spreading news and consciousness of human rights issues -- particularly the international radio stations such as the British Broadcasting Corporation, Radio France International and Voice of America. (Africa Watch gave regular interviews to these and other radio stations throughout the year.) The democracy movement spread most rapidly in Francophone West Africa. Benin moved toward a multiparty system with a new reform-minded Prime Minister after years of "Marxism-Leninism." The right-wing Ivory Coast also embraced multipartyism after widespread popular protests, as did Gabon. Even an entrenched one-party dictator such as Mobutu Sese Seko of Zaire felt the need to pay lip service to the multiparty creed. These transitions were fraught with problems. Harassment of opposition parties continued and there were allegations of fraud in the elections in both Gabon and the Ivory Coast in late 1990.**

**Zambia, like the Ivory Coast, was forced to accede to the demand for multiparty politics after widespread popular demonstrations. The ruling party in Zimbabwe decisively voted against moving to a one-party state after public debate had revealed the extent of popular opposition to such a change. But in Kenya, the government set its face against reform, detaining opposition politicians and human rights activists and shooting unarmed protesters.**

**The spur to all these events was without doubt the transformation of Eastern Europe in 1989, although the underlying cause was long-standing popular revulsion against repressive policies. Some governments outside Africa tried to make political capital out of these changes, seeing them as a move toward a particular free-market economic ideology. In some cases this was undoubtedly true, but in others, such as the Ivory Coast and Zambia, human rights agitation was bound up with opposition to free-market policies, particularly as they affected**

**food prices. In reality, the only common denominator was a concern for greater political choice and respect for human rights.**

**A number of other countries continued on a slightly separate path toward political reform which had begun before the Eastern European revolution. Nigeria, for example, is due to move from military rule to a highly restricted civilian democracy in 1992. Political critics and human rights activists continued to suffer harassment and arbitrary detention, which bodes ill for a genuine transformation. Mozambique embraced a multiparty system and adopted a new Constitution including a Bill of Rights which guarantees the most important internationally recognized human rights. At the end of 1990, the Angolan government announced that it was planning a similar move. In both countries the hope was that political reforms might help to end protracted civil wars which have been the major source of human rights abuse.**

**South Africa also continued to move toward political reform. The events of early 1990 were dramatic: the legalization of the African National Congress and the release of Nelson Mandela. This was followed later in the year by the lifting of the nationwide state of emergency, the context in which serious abuses of human rights had taken place. But further progress was slow, as security forces acquiesced in and even fomented so-called "tribal" or "black-on-black" violence, which claimed hundreds of lives in Natal and later Transvaal.**

**However, other countries were completely untouched by the reforming spirit. Systematic human rights abuse and bloody civil war continued in the countries of the Horn of Africa: Ethiopia, Somalia and Sudan. A particularly deadly feature of these conflicts was the cynical manipulation of food supplies by the armed parties, resulting in widespread famine in Ethiopia and Sudan. Somalia's President Mohammed Siad Barre tried unconvincingly to climb on the reformist bandwagon with changes that were purely cosmetic. The international community, like the people of Somalia, remained unimpressed, and open rebellion continued; at the end of the year, the position of the Siad Barre government was precarious.**

**Across the continent, in Liberia, a rebel insurgency which began in December 1989 grew during 1990, feeding upon popular revulsion against abuses by government troops. Yet rebel abuses simply contributed to a tragic spiral of violence which was unchecked at the end of the year.**

**Africa Watch's priorities remained focused on the situations in the Horn and southern Africa, generally the sites of the worst abuses, with the necessary addition of Liberia, the oldest US ally in Africa. But other political developments forced us to turn some attention elsewhere. Expansion of staff has allowed us to undertake systematic work on some West African countries, notably Mauritania, Cameroon and Nigeria. Support for local human rights groups and defense of human rights monitors continued to play a crucial part in our work, particularly in a country such as Kenya, where the advocates of human rights courageously refused to be silenced by official intimidation. Africa Watch also tried to draw attention to other lesser-known human rights problems: the 26-year-old dictatorship in Malawi, the denial of due process to pastoralists in a Tanzanian land dispute, the denial of religious freedom in Ghana, and restrictions on academic freedom in Zimbabwe.**

**Our publications program has expanded to meet these various demands. Thirty-five newsletters were issued in 1990, as well as four full-length reports, on Somalia, Sudan, Liberia and Malawi. A further report on South Africa was due for publication in early 1991. In 1990, Africa Watch also decided to expand its publications program to include reports on certain continent-wide human rights issues. The impetus was the need to stimulate debate on structural issues and to encourage specific constituencies, such as academics, lawyers and health professionals, to promote the cause of human rights. The first report in this series, *Academic Freedom and Human Rights Abuses in Africa*, will be published in January 1991. The Africa Watch staff contributed numerous articles to newspapers, magazines and journals – not only on human rights abuses themselves, but also on questions such as how governments should properly investigate human rights violations. Staff members also gave frequent radio and television interviews.**

**Access to many of the countries of Africa was difficult. During 1990, Africa Watch was able to conduct missions to a number of countries, including Mozambique, Angola, Zimbabwe and South Africa, to investigate human rights conditions there. But some governments, such as those in Malawi, Sudan, Kenya and Mauritania, excluded us outright. Others, such as those in Cameroon and Somalia, stalled on requests to visit, with the effect of excluding us. Consequently, we depend more than we would wish upon interviews with refugees, often in neighboring countries. The vast number of such refugees is itself testimony to the continuing extent of abuse in Africa, and the magnitude of the work that remains for Africa Watch and its colleagues in the human rights movement.**

# **CAMEROON**

## **Human Rights Developments**

The human rights situation in Cameroon has been characterized by tight restraints on freedom of expression and association, security forces that act with impunity, and abysmal prison conditions, all of which serve to intimidate those who might voice dissent. In early 1990, however, a growing number of citizens began calling for democratization. The government responded by cracking down on the pro-democracy movement, beginning with the arrest of those trying to form an alternative political party and culminating in the killing of seven people at a rally for that party on May 26. Although the government later seemed to accede to some of the pro-democracy demands, there were indications that conditions were tightening up again at year's end.

The crackdown began with the arrest in February of ten prominent citizens – later dubbed "the Douala Ten" – who attempted to form an alternative political party, the Social Democratic Front (SDF). They were tried from March 30 to April 5 on charges of "subversion," under Ordinance No. 62-of-18 of March 12, 1962. Three were sentenced to prison terms: Yondo Black, a lawyer and former president of the Cameroon Bar Association, received a three-year term; Anicet Ekane, a company director, a four-year term; and Jean-Michel Tekam (tried in absentia), a five-year term.<sup>2</sup> Ekane's prison term included a parallel conviction for "insulting the President" under Article 153 of the Penal Code. The trial galvanized protest among previously silent sectors of the population, including lawyers, journalists and students.

The government denied that the ten had been arrested because of their efforts to form a political party, claiming instead that the arrests were for "the holding of clandestine meetings, [and] the fabrication and distribution of tracts hostile to the regime, abusive of the President and inciting revolt." The

---

<sup>2</sup>Two-year suspended sentences were given to Charles Rene Djon Djon and Rodolphe Bwanga. The rest of the defendants were acquitted: Albert Mukong, Henriette Ekwe, Gabriel Hamani, Francis Kwa Moutome, Vincent Fekom and Julienne Badje.

government's claim was contradicted, however, by its inclusion among the allegedly "hostile" tracts of a draft document on the formation of the new political party.

Theoretically, political pluralism is permitted in Cameroon. Article 3 of the Constitution states: "Political parties and groups may take part in elections. They shall be formed and shall exercise their activities in accordance with the law." In reality, Cameroon is a one-party state controlled by the *Rassemblement Democratique du Peuple Camerounais* (RDPC) (Cameroon Peoples' Democratic Movement), under the presidency of Paul Biya.<sup>3</sup>

Despite the obstacles to judicial independence, the Cameroon Bar Association has become increasingly vocal in advocating an opening in the political system and the establishment of basic human rights guarantees. In protest against the detention of Yondo Black and his co-defendants, more than 200 lawyers from the Bar Association attended the trial and, dressed in their black robes, acted as part of the defense team. As a further sign of protest, they decided that as of March 28, they would not attend other trials until the "Douala Ten" case was concluded. Some of these lawyers were subjected to harassment by the government, including efforts to close down their offices and investigate them for tax irregularities. In addition, some received death threats. One of the defense lawyers, Pierre Mbobda, was killed by police under suspicious circumstances in Bafoussam on April 4.<sup>4</sup> Some 150 lawyers from the Bar Association attended his funeral.

---

<sup>3</sup>In 1982, Biya was handed the presidency by President Ahmadou Ahidjo, who had headed the nation since Cameroon's independence in 1960. Ahidjo's party, the *Union Nationale Camerounaise* (Cameroon National Union), was the RDPC's precursor. There have been no recent efforts to gain recognition for alternative political parties in Cameroon. The last attempts, by the *Union des Populations Camerounais* (Cameroon People's Union), the banned opposition group, were rebuffed in 1985.

<sup>4</sup>The circumstances surrounding his death are still unclear. According to one version, the police shot him when he put his car in reverse and pulled away from a roadblock. According to another version, the police had been following him and, after he stopped the car to relieve himself, a plainclothes policeman startled him and then fired his weapon when Mbobda reversed his car to get away. Minister of Justice Adolphe Moudiki said that the incident would be investigated. At this writing, Africa Watch has no further information on the case.

By mid-1990, it seemed as if the Biya government was beginning to soften its stand. One of the most notable changes has been the significant easing of censorship, which has led to considerable press freedom, virtually without government interference. During the party congress at the end of June, Biya announced a series of liberalizing steps, including: ending certain aspects of the emergency regulations that had been in force since 1962, such as the laws on subversion; easing travel restrictions by abolishing the need for exit visas; reinforcing press freedom; and establishing a national human rights commission. This statement was followed later in July with an announcement that all political prisoners would be released. On August 10, Biya issued a presidential decree granting clemency for political prisoners, under which Black and Ekane, as well as another well known political prisoner, Djeukam Tchameni, were released.<sup>5</sup>

## **US Policy**

The Bush administration generally supported the pro-democracy movement, although its human rights policy would have been enhanced had the US embassy in Yaoundé been willing to back up this support with public statements. The embassy, and particularly Ambassador Frances Cook, deserve credit for putting human rights concerns on their agenda and for sending signals of support to the pro-democracy movement. By keeping in regular contact with pro-democracy activists, the embassy demonstrated its interest in their efforts and provided a measure of protection for the individuals involved. In addition, the embassy sent a representative to the trial of the "Douala Ten," and played a role in ensuring that representatives of other Western embassies were present. These signals did not go unnoticed by the Cameroonian authorities. However, Africa Watch is unaware of a single public statement made by the embassy or the State

---

<sup>5</sup>It should be noted that on April 22, President Biya announced that those still in prison for their role in the April 1984 coup attempt would be released. The government's communiqué stated that the amnesty reflected the need to strengthen national unity. It is believed that this measure would affect some 100 prisoners, although no exact information is currently available. Some of these prisoners have already completed their sentences but have remained in detention; a few of those arrested after the coup may have died in detention.

**Department in Washington to reinforce these signals.**

**The only statement on the public record during 1990 was the State Department's *Country Reports on Human Rights Practices*. The report presented an accurate picture of the serious human rights abuses in Cameroon, including the abuse of detainees, arbitrary arrest and detention, harsh prison conditions, and violations of freedom of expression and assembly. Nevertheless, Africa Watch is unaware of any repetition of these observations by the State Department during 1990.**

## **The Work of Africa Watch**

**Africa Watch, which began monitoring human rights in Cameroon in April 1990, published a newsletter in June documenting the Cameroonian government's crackdown on the pro-democracy movement. The newsletter expressed Africa Watch's concern about the government's efforts to silence those demanding an end to one-party rule, and called on the government to adhere to internationally accepted human rights standards.**

**Africa Watch wrote to the government in July requesting permission to send an official fact-finding mission to Cameroon. The Cameroonian authorities have yet to respond. Africa Watch will continue to pursue this effort, in the hopes of conducting research inside the country in the near future.**

# **ETHIOPIA**

## **Human Rights Developments**

The year 1990 witnessed a continuation of systematic, large-scale violations of human rights in Ethiopia. Despite the announcement of political and economic reforms in March, the government made no attempt to check abuses. Any diminution in the extent of abuses merely reflected the government's dwindling control over large areas of the countryside, as well as the massive scale of abuses in previous years. Ethiopian citizens continued to be ruled by a government that regarded life and liberty not as rights but as privileges to be granted at its pleasure.

The end of 1989 saw a dramatic advance southward by the rebel forces of the Ethiopian People's Revolutionary Democratic Front (EPRDF), a coalition led by the Tigrayan People's Liberation Front (TPLF). The rebels thrust to within 100 miles of Addis Ababa. The government responded with the same counterinsurgency tactics that it had used in previous years, including indiscriminate bombing. The authorities also forcibly conscripted tens of thousands of young men and boys, some as young as 13 or 14, in violation of international law and Ethiopian regulations on military service. Conscripts were picked up on the street, in school and at market, given rudimentary training, and sent to the front to do battle with some of the most hardened guerrilla fighters in the world.

In February, the government suffered a major defeat with the loss of the port town of Massawa to the Eritrean People's Liberation Front (EPLF), a movement fighting for an independent Eritrea. During the fighting about 200 civilians were killed, many of them while being kept hostage as "human shields" by the retreating government forces. This defeat triggered an intensification of conscription. Reports from rural villages told of large-scale forcible round-ups of young men and boys. There were also immediate reprisals. Massawa was repeatedly bombed by government aircraft, using napalm or phosphorus bombs, high explosives and cluster bombs. The bombers' main targets appeared to be civilian areas of town and places where civilian refugees were encamped outside town. The cluster bombs were particularly lethal when used against civilian



**targets, since each bomb showered a hail of lethal fragments over a wide area. Over 50 civilians were killed in one such attack, and over 100 in all the bombing raids taken together. In addition, about 25,000 tons of food donated by international humanitarian organizations were burned, and the government prevented a ship carrying relief supplies from docking by threatening to attack it.**

**Under pressure from both the US and the USSR (Ethiopia's major arms supplier), the Ethiopian government largely ceased bombing Massawa in June, although isolated attacks occurred in early September and late October. Elsewhere in the country, frequent bombing raids continued, including in Eritrea, Tigray, Wollo, Gondar, Shewa and Wellega. Many civilians have been killed, much property damaged, and on several occasions convoys carrying relief items have been destroyed.**

**For the most part, government counteroffensives in 1990 were unsuccessful. Government troops continued to employ the counterinsurgency tactics used in previous years, including regular killing of civilians, forcible displacement of communities, and looting and destruction of property. On numerous occasions, soldiers in garrison towns near the front line arbitrarily opened fire on local residents, including women and children. The army was "living off the land," requiring the local population to provide and prepare food. There were also accounts of soldiers forcing local women to serve the garrisons as cooks, cleaners and prostitutes; in some cases, these women were reportedly forced to stay with the troops when they moved elsewhere.**

**The site of some of the worst abuses was the Eritrean capital, Asmara, which was completely surrounded by EPLF forces. Government soldiers in Asmara killed many civilians and created famine conditions by requisitioning food, preventing the free importation of food, and preventing people from leaving for EPLF-controlled areas.**

**The government also cracked down on internal dissent. In May, twelve army officers were executed after having been found guilty of involvement in a coup attempt a year earlier. The early stages of the trial appeared to adhere to due process requirements, but at the end the presiding judge was abruptly removed, and the executions were carried out in secret immediately after the verdict was announced. When this became known, students at the University of Addis Ababa demonstrated to protest the killings, and were met with a violent response, including the use of live ammunition.**

**In March, President Mengistu Haile-Mariam promised an end to communism. However, one-party rule continued, and no provisions were made for a free press, an independent judiciary or a free trade-union movement. Almost all repressive legislation remained in force, including the Special Penal Code, introduced in 1974 and later amended, which prescribes execution and lengthy prison terms for a wide variety of vague and broadly worded offenses, such as committing an act "designed to destroy the unity of the people" or "intentionally...weakening the defensive power of the state." The same punishments apply to attempts to leave the country without official permission, which the Code treats as a form of treason.**

**The rebel movements also committed human rights violations, albeit on a much smaller scale. The EPLF blocked a shipment of relief food bound for the port of Massawa, and shelled Asmara indiscriminately, killing civilians near the airport. The TPLF was intolerant of dissent within its own ranks, and detained some members without charge. A joint operation by the Oromo Liberation Front and the EPLF during January and February in western Ethiopia yielded at least one incident in which Amharic-speaking civilians were deliberately killed.**

## **US Policy**

**From the time of the restoration of Emperor Haile Selassie after the defeat of the Italians in 1942 to the seizure of power by the Marxist Colonel Mengistu in 1977, Ethiopia was the most important US ally in east Africa. Of particular concern to successive US administrations was use of the Kagnew air base, an important military communications center during the Cold War era, and Haile Selassie's dominance in the Organization for African Unity, which has its headquarters in Addis Ababa. After 1977, relations swung to the opposite pole, with mutual declarations of hostility, the expulsion of the USAID mission and the withdrawal of the US ambassador, as the Ethiopian government aligned itself with the Soviet bloc, receiving several billion dollars worth of military assistance from the USSR. Thereafter, the US resolutely criticized the human rights record of the Ethiopian government. It refused to upgrade diplomatic relations, and gave only humanitarian assistance to the country, the great majority of which was sent through private voluntary organizations.**

**This firm posture of disapproval continued through the first half of 1990. In April, during a visit to the United States by Ethiopian representative Rassa Kebede, the Bush administration protested the bombing of Massawa. It also brought pressure to bear on the Mengistu government to allow relief food to pass through government lines to reach rebel-held territory, by apparently conditioning the supply of humanitarian relief to government-held areas on an agreement to allow it to pass to rebel-held areas, and by raising the issue at the Bush-Gorbachev Washington summit in June. In addition, the US opposed Israel's sale of military technology to Ethiopia.**

**One of the administration's main concerns was the fate of the Ethiopian Jews, known as Falashas. Most of the Falashas emigrated to Israel in the mid-1980s, but about 15,000 remained in Ethiopia at the end of 1990. Early in the year, they left their homes to go to Addis Ababa, in expectation of transport to Israel. However, the Ethiopian government blocked emigration, in the hope of obtaining more weaponry from Israel. Opposing the notion of bartering human beings for weapons, the US pressed for attention to the humanitarian needs of the Falashas.**

**This firm stance in opposition to Ethiopia's human rights abuses began to fade in the last half of 1990, apparently in reaction to President Mengistu's strong support for the US position on the Iraqi invasion of Kuwait. In addition to a series of unprecedented high-level meetings with the Mengistu government -- Secretary of State James Baker met several times with Foreign Minister Tesfaye Dinka -- the United States quietly acquiesced in substantial World Bank loans to Ethiopia. According to the World Bank, some \$430 million in loans were under consideration for Ethiopia at the end of 1990. The US Treasury Department told Africa Watch that the World Bank maintains a "core lending" program -- loans actually extended -- of about \$100 to \$150 million. Although as a formal matter the United States continued to oppose by abstention all loans to Ethiopia unless they meet basic human needs -- at least some of them did not -- the magnitude of the loans under consideration and extended suggested that the Bush administration was not using its vast influence within the World Bank to stop the loans on human rights grounds.**

## **The Work of Africa Watch**

**Africa Watch began its systematic research on Ethiopia in April 1990, issuing newsletters that focused on the following issues:**

- o Violence by the Ethiopian army against the civilian population.**
- o The violent and arbitrary methods of conscription, and the youth of many conscripts.**
- o The bombing campaigns against civilian targets since 1988, including eyewitness testimonies of the bombing of Hausien, a market town which was destroyed in June 1988, with the loss of between 1,000 and 1,800 lives.**
- o The student protest in Addis Ababa in May and its suppression by the security forces.**
- o The siege of Asmara in the 200 days after the capture of Massawa by the EPLF, addressing violations of the laws of war by both sides to the conflict, including the use of starvation as a weapon of war.**

**Africa Watch also wrote to President Mengistu, with a copy to Secretary of State Baker, protesting the situation of the Falasha population in Addis Ababa. Africa Watch published an article in *The Nation* in October highlighting the plight of the Falashas and other Ethiopian abuses.**

# KENYA

## Human Rights Developments

The human rights situation in Kenya deteriorated seriously in 1990, with the government arresting, detaining and sometimes torturing human rights advocates and proponents of multiparty democracy. The year began with clergymen, lawyers and opposition politicians, encouraged by changes in Eastern Europe, discussing the reintroduction of multiparty democracy in Kenya. In June, President Daniel arap Moi abruptly ordered the debate to end. He threatened to hunt down supporters of a multiparty system "like rats."

Meanwhile, Cabinet ministers and ruling party officials called on supporters to take violent action against those advocating political reform. One Minister urged government backers to cut off the fingers of people flashing two raised fingers – a sign of support for a two-party system. Two prominent figures died under suspicious circumstances in which it was widely believed that the government played a role. In February, Kenya's Foreign Minister, Dr. Robert Ouko, reputed to be out of favor with President Moi, was murdered. The perception of government involvement was reinforced by its refusal to release a Scotland Yard report which, under pressure, it had commissioned. In August, Bishop Alexander Muge, who had recently denounced the government, was publicly warned by the Minister of Labor that if he visited the Minister's constituency, he would not leave alive. Muge did visit the district and was killed in a car accident as he was leaving.

Having banned three publications in 1988 and 1989, the government intensified its campaign against the *Nairobi Law Monthly*, one of the few remaining press outlets willing to criticize the country's drift toward dictatorship. On several occasions, the Special Branch threatened and later arrested the magazine's editor, Gitobu Imanyara, a nonpracticing attorney. In September, the Attorney General banned the magazine, making possession a criminal offense. When the magazine's lawyer won a temporary stay of the banning order pending a full hearing by the High Court, he was charged with contempt of court in an unrelated matter.

In early July, the government denied a permit for a rally calling for the

restoration of multiparty democracy. As a result, the principal organizers, two former Cabinet ministers, Kenneth Matiba and Charles Rubia, issued a public statement that the rally would not take place. Just prior to the originally scheduled date, however, the government arrested and detained the two ex-ministers, along with Raila Odinga, the son of a former Vice President and a former long-term political prisoner. The detentions were imposed under Kenya's Preservation of Public Security Act, which allows indefinite detention without charge or trial. Detention orders were also issued for two human rights lawyers, Mohammed Ibrahim and Dr. John Khaminwa, as well as for editor Gitobu Imanyara, all of whom were held without charge or trial.

At the time, Gibson Kamau Kuria, an internationally recognized human rights lawyer, went into hiding to avoid arrest. When he appeared at the US Embassy, Ambassador Smith Hempstone granted him refuge and facilitated his departure from the country. Paul Muite, another prominent human rights attorney, went into hiding for nearly three weeks.

Several days after the arrests, thousands turned out to attend the canceled rally. It was forcibly broken up by police who fired on demonstrators. In protest, demonstrations and clashes occurred in several cities across the Central Province. The police and army suppressed these as well, again using indiscriminate deadly force. While the government claimed a death toll of 23, it appeared that more than 100 died as a result of military and police action. In one incident, six school children were shot dead. As many as 1000 people were arrested.

Three weeks later, in late July, the government released Ibrahim and Khaminwa. However, Imanyara was charged with sedition for publishing an issue of the *Nairobi Law Monthly* entitled "The Historic Debate: Law, Democracy and Multiparty Democracy in Kenya." The charges were still pending at the end of 1990. If convicted, he could be jailed for seven years.

There were other arrests of dissidents throughout the year. In March, Reverend Lawford Imunde was arrested and denied legal counsel. He was later convicted of sedition on the basis of "seditious" entries in his personal diary. In an affidavit, he stated that he had been forced to add incriminating statements to his diary, and that while in custody, and he had been beaten, kicked in the genitals and forced to take cold showers to which he was allergic.

**In late June and early July, twenty-four people were arrested for the production, sale or possession of music cassettes with lyrics critical of the government.**

**In July, the authorities arrested four opposition figures who were charged with holding a seditious meeting: George Anyona, Ngotho Kariuki, Augustin Kathanga and Edward Oyugi. They were also charged with possessing a seditious publication – an issue of *Africa Confidential*. According to their lawyers, they were beaten, interrogated while naked by female officers, and kept in water-logged cells.**

**In early October, the government announced the arrest in Nairobi of Koigi wa Wamwere, a former Member of Parliament who had been living in exile in Norway. Wamwere was allegedly associated with an illegal opposition movement, the Kenya Patriotic Front. The authorities claimed that he had returned to Kenya to incite violence. There were credible reports that in fact he had been abducted from a neighboring country.**

**Special Branch officers arrested two prominent human rights attorneys as accomplices of Wamwere: Mirugi Kariuki and Rumba Kinuthia. Kariuki had been tortured while in detention between 1986 and 1989. The government claimed that he was arrested this time with a cache of arms and ammunition. His wife issued a press release denying these allegations and expressing concern for her husband's well-being. Africa Watch is unaware of any government statement about Kinuthia's arrest. According to their lawyers, both Kariuki and Kinuthia were tortured in custody and may have been forced to sign confessions. They have been indicted for treason, which is a capital offense in Kenya. At the same time, the Kenyan government began picking up various people for questioning.**

**The government also promoted ethnic tensions by fanning resentment against the Kikuyu, Kenya's largest ethnic group, accusing them of supporting multiparty democracy for ulterior political motives. By making direct reference to the experience of the Ibo tribe, who suffered brutally during the civil war in Nigeria, KANU officials attempted both to intimidate those Kikuyu advocating a multiparty system and to incite hatred against them among members of other ethnic groups. This occurred at the same time that President Moi justified the government's resistance to a multiparty system because of the dangers of "tribalism."**

**Also of concern to Africa Watch, the government in November 1989 instituted a "screening" procedure requiring all Kenyans of ethnic Somali origin and all Somali nationals living in Kenya to carry a special card that identifies them as being of ethnic Somali origin or a Somali national. They are eligible to receive state-supplied services as well as to obtain authorization for internal and external travel only if they produce this card.**

**Many Kenyans of ethnic Somali origin and many Somalis who had fled to Kenya from the war in Somalia were forced to seek refuge abroad in 1990, and a large number fled to Tanzania or Burundi, where many were detained, or to Somalia, where the Kenyan citizens found themselves stateless. At least 2,000 Kenyan citizens of Somali origin were deported to Somalia and suffered great physical hardship. As of September, they were living in the compound of the Ministry of the Interior in Mogadishu. They had no recognized legal status, either as legitimate refugees or citizens of either country. They were not receiving adequate humanitarian assistance.**

**On October 16, President Moi announced that all Rwandese refugees would have to leave the country. He claimed that Rwandese refugees were using Kenya as a base for subversive activities -- a direct reference to the October invasion of Rwanda by rebels based in Uganda. On October 22, he extended the order to Ugandan refugees. The exact number of refugees forcibly repatriated is not known, but by December at least 1,000 were known to have reached the Ugandan border in a specially assigned train. Many Ugandans were rounded up in Kenya by police and members of the youth wing of the ruling party. These actions were in clear breach of the Kenyan government's obligations under the United Nations Convention Relating to the Status of Refugees, to which Kenya is a party; Article 32 guarantees refugees the protection of due process of law before repatriation, and Article 33 prohibits forcible *refoulement* except when a refugee has been convicted of a serious crime endangering the community.**

## **US Policy**

**Despite some important contributions during the first half of the year, the Bush administration's record on human rights in Kenya later in the year was decidedly mixed. While Ambassador Smith Hempstone made a number of public**



**pronouncements in support of multiparty democracy, and the State Department issued timely statements condemning the July arrests, the Bush administration in the ensuing months resisted congressional efforts to cut aid to Kenya on human rights grounds, and Assistant Secretary of State for African Affairs Herman Cohen took an unjustifiably accomodating stance toward the Moi government.**

**During the multiparty debate, Ambassador Hempstone encouraged the restoration of multiparty democracy by announcing in a speech before Kenyan businessmen that in the future US foreign assistance would be allocated to countries that "nourish democratic institutions, defend human rights and practice multiparty politics." The message was not lost on either the government or the people of Kenya. The ambassador also hosted gatherings at the embassy, where human rights activists and proponents of multiparty rule were often invited.**

**Hempstone's statements and actions provoked scathing condemnation from Kenyan authorities. The official Kenya News Agency released a statement accusing the embassy of "gross interference in the internal affairs of Kenya." It charged: "Under the pretext of concern for free expression and plural politics the Embassy of the United States of America has attempted to dictate to the people what choices this country should make in her politics." The *Kenya Times*, the KANU-owned newspaper, published a front-page editorial condemning Ambassador Hempstone, headlined "Shut up, Mr. Ambassador." During the July crackdown, Ambassador Hempstone's sheltering of Gibson Kamau Kuria resulted in even more vitriolic attacks.**

**The July arrests of Kenneth Matiba and Charles Rubia prompted the State Department to issue strong statements condemning the regime's actions. One such statement read:**

**We are distressed by the detention without charge in Nairobi during the past two days of Kenneth Matiba and Charles Rubia, prominent Kenyans who have advocated multiparty democracy...These actions can only serve to tarnish Kenya's image in the international community. We call on the government of Kenya to accord these people due process. We further urge the Kenyan government to allow its citizens the right to express opinions freely and to assemble peacefully without hindrance, both principal tenets of the Universal**

### **Declaration of Human Rights.**

**This statement sent a timely and clear signal of support for those pressing for a multiparty political system.**

**Unfortunately, the message that the administration delivered publicly in the months following the crackdown downplayed human rights concerns. Prominent members of Congress wrote Secretary of State James Baker requesting that all military aid and development assistance be suspended. The State Department responded by announcing that Assistant Secretary Cohen would visit Nairobi to express US concerns. Meanwhile, the administration attempted to stave off any action on Kenya's aid. On July 5, one day after the crackdown, the administration signed an agreement to release \$5 million in military aid previously appropriated by Congress. Under pressure from Congress later in July, the administration put a freeze on the aid.**

**The administration sent other mixed signals. On July 30, Ambassador Hempstone participated in a public "signing ceremony" of a US-Kenyan food aid agreement which was reported as a "landmark in US relations with Kenya." Hempstone noted that the aid agreement (which represented a change by providing \$10 million of food aid in grant rather than loan form) "is not only the first time the US has provided such a grant to Kenya, but it is also the first time we have made such a commitment to any African country."**

**Arriving in Nairobi in early August, Assistant Secretary Cohen made no public criticism of the July crackdown and generally minimized US support for political pluralism and human rights. When asked about US backing for multiparty democracy, Cohen chose to emphasize the KANU Review Committee, formed to make minimal changes in ruling-party procedures without breaking KANU's monopoly on political power. He went on to ask: "Who are we [the US] to say that this [multiparty democracy] is best for everybody?" During the visit, he did not meet any human rights advocates or relatives of political detainees. In regard to the detentions, Secretary Cohen claimed that he had "discussed recent events in Kenya" but that he was "not at liberty" to reveal what Moi had said about them.**

**Cohen's visit strengthened President Moi's hand at a time of mounting international pressure for Kenya to democratize, sending a clear message that the US was not going to press human rights concerns. This stance only helped to facilitate the serious deterioration of respect for human rights that followed. On**

**Cohen's return to Washington, according to congressional sources, the administration lobbied against any reduction in aid to Kenya.**

**This more accomodating posture toward Moi was maintained throughout the remainder of 1990. When the *Nairobi Law Monthly* was banned, the Bush administration did issue a public protest, but used considerably weaker language than in July, expressing only "regret." The administration said nothing about the October arrests, and continued to emphasize the hoped-for reforms from the KANU Review Committee rather than the introduction of a multiparty system.**

**While not significantly reducing the amount of aid going to Kenya in fiscal year 1991, Congress, for the first time, attached certain human rights conditions to the military appropriations component. Under the terms of the 1991 legislation, the President will be required to certify that certain human rights conditions have been met if Kenya is to receive the \$15 million in military assistance that was appropriated. Among the conditions, the Kenyan government must: charge and try or release all prisoners, including detainees; stop the mistreatment of prisoners; restore the independence of the judiciary; and permit freedom of expression. Such legislation is clearly a positive way of addressing aid, but given the administration's past forbearance toward abuses by the Kenyan government, scrutiny should be maintained to avoid an unjustified certification. In November, three senators visited Nairobi and warned the government that aid would be cut if the country's human rights performance did not improve.**

## **The Work of Africa Watch**

**Concerned about the mounting abuses, Africa Watch publicized these developments, pressed for US insistence on respect for human rights, and attempted to generate as much protection as possible for the human rights advocates under fire.**

**In early 1990, Africa Watch published two newsletters on the deteriorating human rights situation, focusing on the political crackdown and the government's efforts against the *Nairobi Law Monthly*. In September, another newsletter drew attention to the screening of ethnic Somalis. Africa Watch also**

issued a series of press releases protesting such events as the arrest of Gitobu Imanyara, the banning of the *Nairobi Law Monthly*, and a visit by British MPs who praised the Kenyan government's record on human rights.

In April and May, when Gitobu Imanyara visited Great Britain and the United States, Africa Watch helped to introduce him to journalists, editors and US congressional staff. These contacts proved invaluable when Imanyara was repeatedly arrested in July and August.

Africa Watch protested the July crackdown and hosted a visit by Gibson Kamau Kuria and Kiraitu Murungi when they went into exile. Murungi, another prominent Kenyan human rights lawyer and a law partner of Kamau Kuria, avoided arrest only because he happened to be out of the country at the time of the crackdown. The two human rights lawyers visited Africa Watch's London, Washington and New York offices, where they made contact with a range of potential supporters.

Africa Watch published an article in the *Nairobi Law Monthly* criticizing Assistant Secretary Cohen's failure to raise human rights concerns publicly during his visit to Kenya, as well as his efforts to distance himself from the human rights community. Another Africa Watch article published in *Africa Report* in November also criticized administration policy.

Africa Watch wrote an article published in *The Nation* in August expressing regret that Nelson Mandela had failed to speak out on behalf of detainees during a visit to Kenya. Several other articles written by Africa Watch were devoted to highlighting the plight of detained Kenyan lawyers and appeared in *Legal Times*, the *Chicago Tribune*, the *Washington Journalism Review* and the *Connecticut Law Review*. Efforts were made to mobilize bar groups to send letters of concern to President Moi.

# **LIBERIA**

## **Human Rights Developments**

The ten-year regime of President Samuel K. Doe, characterized by its utter disregard for human rights, came to a violent end in 1990 with the killing of Doe and the disintegration of the country into warring factions. Instead of benefiting from the end of the dictatorship, the Liberian people have been subjected to further abuses by all sides.

The conflict in Liberia, which began in late December 1989 and gathered momentum throughout much of 1990, has bequeathed a disastrous human rights situation. All parties to the conflict – the Liberian Army and the two insurgent forces, Charles Taylor's National Patriotic Front of Liberia (NPFL) and Prince Johnson's Independent National Patriotic Front (INPFL) – have committed grave abuses of human rights. Even the West African "peace-keeping" force – ECOMOG – has been accused of abuses.<sup>6</sup> Many thousands of people have been killed, and over half the population of Liberia has been displaced, including over 750,000 who have become refugees in neighboring countries.

The conflict began in Nimba County, in the northeast, where Taylor's forces attacked. The army responded with a brutal counterinsurgency campaign, killing civilians indiscriminately, burning entire villages, looting and raping. The victims were primarily members of the Mano and Gio ethnic groups, who make up most of the population in Nimba. President Doe, an ethnic Krahn, had surrounded himself with members of his own ethnic group, providing economic and educational opportunities for them at the expense of the rest of the population, and permitting the mostly Krahn military and police to commit egregious abuses against civilians. Doe's government was particularly hostile toward the Manos

---

<sup>6</sup>ECOMOG, or the Economic Community Monitoring Group, comprises five countries of the Economic Community of West African States (ECOWAS): Gambia, Ghana, Guinea, Nigeria and Sierra Leone. They entered Liberia as a peace-keeping force on August 24, but soon took on an offensive role against Charles Taylor's NPFL. The stated purpose of the ECOMOG force was to neutralize Taylor's troops, install the interim government and organize fair elections.

and Gios because of an abortive coup attempt in 1985, led by Thomas Qwiwonkpa, a former general from Nimba, who was a Gio.<sup>7</sup>

As the conflict wore on, Doe's forces committed abuses outside Nimba as well. On the night of July 29-30, government soldiers massacred some 600 people – mostly Gios and Manos, including many women with children – at St. Peter's Church in Monrovia.

Doe's death on September 10 did not end army abuses. The remnants of Doe's forces continued to operate, under the command of Gen. David Nimley, who himself has been implicated in gross abuses against civilians. The army engaged in torture and inhumane treatment of detainees and, especially after Doe's death, widespread looting, pillaging and harassment of civilians.

The NPFL increasingly committed abuses against the Krahns as well as the Mandingos, another ethnic group which was viewed by the rebels as having supported Doe. Prince Johnson's INPFL, a smaller force which broke from the NPFL in February, was engaged in abusive conduct within Monrovia. Rebel abuses included killing civilians, torturing and mistreating detainees, taking hostages and conscripting children. The most dramatic of the rebel atrocities against prisoners was carried out by Prince Johnson himself: the mutilation and killing of Doe.

In the meantime, ECOMOG joined the fray in late August. Concerns about the ECOMOG force include: its bombing of heavily populated civilian areas; abuses by its soldiers including looting, harassment of civilians and attacks against women; and the coordination of its activities with the remaining Doe soldiers and some of Prince Johnson's forces, without regard to their past abuses. These actions violate the obligations that ECOMOG's member states have now incurred as occupiers of part of Liberia under the Fourth Geneva Convention of 1949.

On November 28, all the parties to the conflict signed a ceasefire agreement in Bamako, Mali. As of the end of December, the ceasefire appeared to be holding and conditions, at least in Monrovia, were improving.

---

<sup>7</sup>In the aftermath of the coup attempt, Doe's soldiers engaged in bloody reprisals against real and suspected opponents, targeting mostly Gios and Manos. Qwiwonkpa himself was captured and killed, and his body horribly mutilated.

## **US Policy**

Despite the long-standing historical ties between the United States and Liberia, the Bush administration has not adequately exercised its special responsibility toward the Liberian people at this critical juncture. US policy toward Liberia must be viewed in the context of Washington's extensive support of the Doe regime. During the eight years of the Reagan administration, US officials minimized the regime's obvious human rights abuses and poured money into Liberia,<sup>8</sup> making it the largest recipient of US aid in sub-Saharan Africa. Unfortunately, the US did not use its aid program as a lever to press for human rights improvements.

Assistant Secretary of State for African Affairs Herman Cohen appeared to adopt a "wait-and-see" attitude throughout most of 1990. As late as June, US officials were still justifying their support for Doe while downplaying the systematic abuses of his regime. In testimony on June 19 before the House Foreign Affairs Subcommittee on Africa, Assistant Secretary Cohen responded to questions about past US support for Doe by saying:

I think that if you look back at the beginning of the Doe regime, you can look at it two ways. It was a brutal takeover with a lot of cruelty; that was the bad side. On the other hand, it represented the takeover of Liberia by the majority of the people...So, I think that it was quite natural for us to want to help, and help bring them along. And that, I would say, explains why we invested a lot of money in the Doe government.

The close US involvement with the Doe regime was underscored in late January 1990, when two US military advisers were sent to Nimba County to

---

<sup>8</sup>From 1980 to 1985, the US provided \$500 million to Doe's government. After the fraudulent general election of 1985, Congress passed resolutions conditioning further Economic Support Funds on concrete human rights improvements. Because of congressional pressure, the US ended most assistance to Liberia in 1986. However, US military "advisors" remained in Monrovia.

accompany the commander of the Liberian government forces. The administration claimed that their purpose was to advise the Liberian army on how to curb abuses. But this claim was wholly unrealistic, since two US advisers could hardly serve as a restraining force for troops intent on abusing civilians. At most, the advisers served as a public-relations cover for the abuses that were committed.

In testimony before of the Senate Foreign Relations Subcommittee on Africa on November 27, Cohen described US policy as one of "neutrality." Between December 1989 and the early summer, Cohen said, in meetings with all those involved, the US message was "always the same: Liberia's problems must be settled by Liberians on the basis of democratic values." What this neutrality appears to have meant is that the Bush administration has simply deferred to ECOWAS. This is particularly misguided because the ECOWAS military force, ECOMOG, has assumed a combat role in alliance with the INPFL and the remnants of Doe's forces. That these Liberian troops, who have been responsible for grave human rights abuses, are coordinating their military operations with a "peacekeeping" force is most alarming.

Instead of protesting abuses, the Bush administration has reverted to its role of apologist for those Liberians in power. After meetings with rebel leaders Charles Taylor and Prince Johnson in September, Assistant Secretary Cohen stated that both men "would like to see Liberia with a truly democratic system, and they would cooperate in organizing that."<sup>9</sup> This statement was startling in light of the horrendous atrocities that troops under both men were then committing – atrocities that Assistant Secretary Cohen found no time to comment on publicly. The Assistant Secretary should have used the meeting to make clear publicly that, unlike the policy toward Doe, there will be no US assistance to any force that tries to seize or maintain power by slaughtering civilians. Later, in his November 27 testimony, Cohen expressed reservations about Taylor's negotiating posture during in the peace process, but failed to condemn human rights violations by any of the parties to the conflict.

Cohen also testified that while Doe was still in power, the US "offered to evacuate Samuel Doe and his family from Liberia to another African country

---

<sup>9</sup>Kenneth B. Noble, "U.S. Official Sees Peace Hopes Waning in Liberia," *New York Times*, September 21, 1990.



whenever he wished to leave, but he failed to take up the offer." This effort is significant in light of criticisms leveled at the US for not calling on Doe to step down, similar to the manner in which the US helped to engineer the departure of Ferdinand Marcos of the Philippines and Jean-Claude Duvalier of Haiti.

Approximately half of Liberia's population has either fled the country or is internally displaced. The primary countries receiving Liberian refugees are the Ivory Coast, Guinea, Sierra Leone and Ghana.<sup>10</sup> These countries -- particularly the local people who have taken the Liberian refugees into their homes and villages -- need additional assistance to bear the burden of the huge influx of Liberian refugees. Because of the historical links between Liberia and the United States, and because US support for Doe played a major role in the destruction of the country, European governments and international agencies have looked to the US to take the lead in focusing international attention on Liberia's plight, since they consider Liberia a "US problem." The US is already the largest donor to Liberian refugees. As of December 19, the US government had provided \$65,514,988 in assistance to the refugees, out of a total of \$112,992,146 provided by the international community.

Another dimension to the problem involves Liberians stranded in the United States who seek temporary refuge from the political and ethnic violence plaguing their country. On July 27, the US Immigration and Naturalization Service (INS) issued a cable establishing a voluntary departure program for Liberians on a case-by-case basis, enabling some Liberians to remain in the US. To apply for the new status, however, Liberians with valid visas must turn in their documents and effectively place themselves in deportation proceedings -- a step that many are unwilling to take. Moreover, this new status applies only to those Liberians who arrived in the US before July 27, allowing them to stay for six months; Liberians arriving since then receive no special protection.

While Africa Watch welcomes this step, it is not sufficient to protect all Liberians in the United States who might face persecution if returned to their native country. First, given the continuing level of violence in Liberia, the July 27

---

<sup>10</sup>As of mid-December, the number of refugees was estimated as follows: Sierra Leone, 235,000; Guinea, 409,000; Ivory Coast, 235,000; Ghana, 8,000; Mali, 1,500; and Nigeria, 1,000. In mid-October, Sierra Leone announced that it could no longer accept refugees, although refugees have continued to enter that country.

cutoff date should be extended to include those who have fled Liberia since then, as well as those who will be forced to flee in the future if abuses do not subside. Second, since the fighting and its attendant abuses did not end on July 27 and abuses may continue for many months to come, the six-month voluntary departure period should be extended to no less than one year. Third, to make it economically feasible for Liberians fearing persecution to remain in the United States, the INS should establish a system for prompt processing of requests for employment authorization, along the lines of the deferred-departure program for Chinese in the United States instituted after the Tiananmen Square crackdown.

Some relief came from an amendment to the Immigration and Nationality Act passed by Congress in October. Section 302 establishes the category of "temporary protected status"; the Attorney General may accord such status if he finds that there exist "extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety." The amendment specifically provides that these conditions include:

an ongoing armed conflict within the state (when), due to such conflict, requiring the return of aliens who are nationals of that state to that state (or to the part of the state) would pose a serious threat to their personal safety.<sup>11</sup>

The granting of temporary protected status in the United States also includes work authorization. While Liberia is not specifically mentioned in the amendment, it provides an obvious vehicle for protecting Liberians during this tumultuous period in their country's history. In November, the State Department wrote to the Attorney General requesting that Temporary Protected Status be extended to Liberians.

A related problem is that, at the moment, it is almost impossible for Liberian refugees in other West African countries to enter the United States, even if they have relatives there. The reason for this seems to be that, given the level of violence in Liberia, it is extremely difficult for such a refugee to counter the

---

<sup>11</sup>The amendment also provides for the granting of "temporary protected status" if there has been an earthquake, flood, drought, epidemic or other environmental disaster; if the foreign state is unable, temporarily, to handle the return to the states of aliens who are nationals of the state; and if the state has requested such designation."

presumption that he or she intends to immigrate to the United States. In addition, for fiscal year 1990, the regional ceiling for refugee admissions to the United States from Africa was only 3,500. The ceiling for fiscal year 1991 was raised slightly, to 4,900.

A further difficulty was caused by the normal procedure for registering as a refugee, which requires applicants first to obtain refugee status from the United Nations High Commissioner for Refugees (UNHCR) and then to apply for admission to the United States at one of the US refugee-processing posts in Africa, none of which is in West Africa. In late December, however, the State Department issued a cable which designated Liberia a country of special humanitarian concern for fiscal year 1991. This enables Liberians to apply for refugee status without either prior clearance from the State Department or referral from UNHCR. In addition, the cable authorizes US embassies in West Africa -- Abijan, Accra, Conakry, Freetown and Lagos -- to process refugee applications from Liberians.

## **The Work of Africa Watch**

Africa Watch has attempted to document abuses by all sides to the Liberian conflict, and has tried to influence US policy to confront the tragedy more constructively. In response to the first wave of refugees who fled to the Ivory Coast beginning in late January, Africa Watch sent a researcher to the Ivory Coast in February, who traveled to the Danane and Toulepleu prefectures and conducted interviews with refugees from the Mano, Gio and Krahn ethnic groups. In April, Africa Watch published a 28-page report, *Liberia: Flight From Terror*, which discussed human rights violations committed by the Liberian armed forces, rebel abuses and the role of the United States.

On June 19, Africa Watch testified before the House Foreign Affairs Subcommittee on Africa about human rights in Liberia. Africa Watch urged the US government to publicly call on both the Liberian government and rebel forces to cease their attacks on civilians.

Another researcher went to the Ivory Coast in September to interview more recent refugees and to meet relief workers knowledgeable about the current situation in Liberia. She interviewed newly arrived refugees in several

Ivorian villages in the area of Tabou, as well as refugees who had fled in July to the Ivorian department of Guiglo. The mission resulted in a 27-page newsletter about violations of the laws of war by all parties to the conflict, and included sections on the humanitarian needs of those displaced by the conflict, both within and outside Liberia, and US policy. Africa Watch also published three articles about the human rights situation in Liberia: "A Cry From Our Distant Cousins," in the October 2 edition of the *Los Angeles Times*, "The World Watches Liberians Die," in the October 23 edition of the *International Herald Tribune*, and "Failures of State," in the November-December edition of *Africa Report*.

Africa Watch worked with members of the Liberian community and other human rights activists to disseminate information about the new INS guidelines. In September, Africa Watch wrote letters of concern to INS officials about US immigration policy toward Liberians, and expanded on these concerns in a memorandum to the Senate Judiciary Committee later in the month.

# **MALAWI**

## **Human Rights Developments**

The small Central African country of Malawi remained largely unaffected by the agitation for multiparty democracy and human rights which swept through many of its neighbors in 1990. Since independence in 1964, Malawi has been under the highly autocratic and idiosyncratic rule of Life-President Dr. Kamuzu Banda. Malawi is a one-party state, but even members of the ruling Malawi Congress Party (MCP) are not immune from the whims of the nonagenarian President and his tiny circle of advisors. Among those currently detained without charge is a former secretary-general of the party, Aleke Banda (no relation to the President), who has been in custody since 1980. Another individual detained throughout 1990 was Margaret Marango Banda (also no relation), chairwoman of the northern region of the national women's organization, the *Chitukuko Cha Amai Mu Malawi* (Development of Women in Malawi), or CCAM. She was arrested in 1988, apparently because she criticized corruption in the running of the CCAM, but she has not been charged. A former government minister, Gomile Kuntumanji, died in Chichiri Prison in April. He had been held without charge since 1969.

Regulations in force since 1965 empower the authorities to detain without charge, and without even the semblance of a review of the detainee's case. Africa Watch knows of no releases of those detained under these regulations since 1986. One prisoner, Machipisa Munthali, has been held since 1965. Also detained is Jack Mapanje, the country's best known poet, who was arrested in 1987. He is held at Mikuyu Prison, near Zomba, the country's main detention center. No reason has been given for his detention, but it may have been for plans to publish a volume of poetry which would have been obliquely critical of Banda's style of government. Rigid censorship is in force, with bans on circulation applying to works of many of the West's best known literary figures, as well as to books on the Soviet Union or other Communist states.

Official control over the domestic news media is complete, and is enforced by periodic detention of journalists. In February 1990, the only foreign correspondents based in the country, Mike Hall and Melinda Ham, were expelled without explanation. They previously had been obliged to leave the country, in October 1989, while their work permits were renewed, apparently because Hall

had written about the common practice of forcing people to buy party cards. While Hall was out of the country in late 1989, he gave interviews to the British Broadcasting Corporation (BBC) about human rights in Malawi, which may have contributed to his eventual expulsion.

The hostility to books and the press is only one of the more visible signs of a highly organized system for suppressing dissent. Malawi exhibits an unusual degree of totalitarian control for an African country, with rigid control of all institutions of political and civil society. The legal profession, for example, is impotent because all important cases are heard before "traditional courts" where lawyers have no right to be heard and judges are answerable directly to the President. The Protestant churches are largely held in thrall by Banda's position as an elder of the Church of Scotland. The localities are policed by members of the party and the paramilitary Young Pioneers, who sell party cards and eavesdrop on "subversive" talk. A sugar company employee, Thozwa Konje, spent the whole of 1990 in detention after he had been overheard in a barroom conversation criticizing the government's ethnically discriminatory policy of redeploying teachers to their region of origin. Another man who spent the year behind bars was Dr. George Mtafu, the country's only neurosurgeon. He, too, had criticized official discrimination against Tumbuka speakers from northern Malawi.

On March 18, 1990, police shot dead more than 20 protestors in the capital, Lilongwe, in an incident which showed both the ruthlessness of the Malawian state and the level of popular dissatisfaction. The incident was sparked by the failure of the police to prosecute a businessman who had beaten one of his employees to death for alleged theft. The dead man, a Mozambican refugee, was a truck driver accused of stealing a bag of maize. It is claimed that the businessman bribed a senior police officer to avoid prosecution -- the third time he had done this. The businessman was also believed to be an associate of a senior presidential advisor.

Because the dead man had no family in Malawi, his body was to be handed over to the local party branch in the suburb of Kawale, where he had lived. Party officials, reflecting popular discontent, refused to accept the body. On March 18, the ambulance containing the body set off from the mortuary under armed police guard. Angry local residents threw stones at the convoy, and the police responded by opening fire, killing more than 20 and injuring others. Many of those who died were passers-by who were unconnected with the protest. The massacre went unreported in the Malawian press (and elsewhere, since the only resident

foreign correspondents had been expelled the previous month). However, a few days later both the Inspector General of Police and the Police Commissioner for the Central Region were dismissed.

A particularly appalling practice which apparently continued unchecked in 1990 was the so-called "hard-core program," introduced in the early 1980s as a punishment for recalcitrant criminal offenders. Victims are sent to Nsanje or Dzeleka prisons, where they are chained naked to the floor of their cells and either fed on one-quarter rations or denied food altogether. Few are believed to survive this treatment. In 1990, Africa Watch obtained the names of a number of prisoners alleged to have died as a result of the hard-core regimen.

## **US Policy**

Malawi's relationship with the United States has long recovered from an early hiccup in 1965, when Ambassador Sam P. Gilstrap was expelled over the presence in the US of a senior Malawian opposition figure. The party newspaper thundered at the time: "Malawi will not tolerate the Reds and Yankees to interfere in our affairs." However, Gilstrap soon returned and Malawi later indicated that it supported US policy in Vietnam "one hundred and fifty percent."<sup>12</sup>

The Bush administration's attitude toward the Banda government, like that of earlier US administrations, is warm. In a report to Congress, it stated:

Malawi has been a reliable partner in helping to bring about peaceful change in southern Africa. Malawi has also been a valuable force for moderation, maintaining a dialogue with South Africa while moving to improve its relations with Mozambique and Zimbabwe. U.S. security assistance helps Malawi to continue this role, and to maintain its current orientation and policies, thus contributing to stability in this sensitive region. Moreover, the security relationship serves as a symbol, to friends and adversaries, of continued U.S. readiness to play an active and constructive role in southern

---

<sup>12</sup> Philip Short, *Banda*, London 1974, p. 239.

## **Africa.<sup>13</sup>**

According to the most recently available comparative data, the US was Malawi's fourth largest bilateral aid donor, with \$18 million given in 1987 (out of a total received of \$205.7 million).<sup>14</sup> Aid requested for fiscal year 1991 totaled \$25 million (with the possibility that this would be increased to about \$40 million), compared with an estimated \$21.5 million in FY 1990. Military aid increased from \$1.4 million in FY 1989 to an estimated \$2.2 million in FY 1990, before being reduced to approximately \$1 million in FY 1991.<sup>15</sup> In January 1990, USAID announced the cancellation of \$40 million of Malawi's bilateral debt to the US on the strength of Malawi's commitment to reform programs of the World Bank and the International Monetary Fund (IMF).<sup>16</sup>

One of the stated objectives of US policy is to "maintain good relations with Malawi, and influence with the military, while encouraging respect for human rights."<sup>17</sup> It is not immediately apparent how this is to be achieved. The bulk of military aid in 1991 will consist of Foreign Military Sales financing for aircraft, equipment and weapons. The International Military Education and Training (IMET) program, as applied to Malawian personnel, has no stated human rights component.

The US has consistently voted in favor of loans to Malawi in the IMF and World Bank. In 1983, Malawi received a three-year loan of SDR81 million<sup>18</sup> from the

---

<sup>13</sup>US Department of State and Defense Security Agency, *Congressional Presentation for Security Assistance Programs*, Fiscal Year 1991, p. 194.

<sup>14</sup>OECD Development Assistance Committee, *Geographical Distribution of Financial Flows to Developing Countries*.

<sup>15</sup>*Congressional Presentation for Security Assistance Programs*, FY 1991, p. 195; EIU *Country Report* No. 3, 1989; USAID.

<sup>16</sup>EIU, *Country Report* No. 2, 1990.

<sup>17</sup>*Congressional Presentation for Security Assistance Programs*, FY 1991, p. 194.

<sup>18</sup>IMF loans are denominated in Special Drawing Rights, calculated in terms of a basket of currencies. The SDR is currently equivalent to approximately \$1.44.



IMF, which has been followed by a further loan of SDR55.8 million to support structural economic reform. The World Bank made three structural-adjustment loans between 1981 and 1985. The third was for \$114 million and was followed by a supplementary credit of \$40 million financed by the World Bank, Japan, Britain and the Federal Republic of Germany. Since 1987, the World Bank has concentrated on loans to different sectors of the Malawian economy, with the emphasis on agriculture. In April 1990, World Bank directors approved a \$70 million loan for "adjustment" in the agricultural sector.<sup>19</sup>

The reports on Malawi in the State Department's *Country Reports on Human Rights Practices* have generally been critical and, in recent years, accurate, although sometimes with strange gaps of information. Thus, the 1988 report stated that ethnic and regional tensions were insignificant at the very moment when the government was embarking on a purge of northerners from the civil service and education system. The 1989 report, which corrected that error, stated that the US had attempted to raise the case of Jack Mapanje with President Banda. Africa Watch has also heard independent accounts of US embassy officials attempting to raise human rights concerns with the Malawian government. While these efforts are commendable, it is unfortunate that they should coincide with a large increase in military assistance to Malawi and the rescheduling of bilateral debt. The combined message conveyed to the Malawian government by these measures is clearly the opposite of the Bush administration's professed revulsion over human rights abuses.

A concurrent resolution submitted by Rep. William Green in Congress in May 1990 requests the Secretary of State to condition US military and economic assistance to Malawi on a marked improvement in respect for human rights. It also urges the administration to channel humanitarian assistance through nongovernmental organizations, focusing on development programs that benefit the Malawian people and Mozambican refugees. The resolution also requests the Malawian government to allow human rights organizations such as Africa Watch and Amnesty International to conduct investigative missions in Malawi.<sup>20</sup>

---

<sup>19</sup> *Financial Times*, April 10, 1990.

<sup>20</sup> 101st Congress, 2d Session, H. Con. Res. 327.

## **The Work of Africa Watch**

**At the end of 1989, Africa Watch was refused admittance to Malawi to carry out research and discuss its concerns with the government. In January 1990, an Africa Watch researcher traveled to Zambia and Zimbabwe to interview Malawian refugees. Research into abuses in Malawi continued throughout the year.**

**In October, Africa Watch published *Where Silence Rules: The Suppression of Dissent in Malawi*, which reviewed Malawi's human rights record since independence in 1964, as well as including up-to-date information on detentions, torture and political killings. The report received considerable international publicity, especially in light of the generally scant media coverage of Malawi. In an unusual development, a senior figure in the Malawian government replied publicly to the report's findings, stating that it was malicious and based solely on unfounded allegations made by refugees. He did not explain, first, why Malawian refugees had fled the country or, second, why Africa Watch had been forced to conduct its research outside Malawi. Africa Watch continued to press the government to allow a human rights mission to visit the country.**

# MAURITANIA

## Human Rights Developments

Virtually closed to the outside world, Mauritania has been largely beyond the reach of international observation since its independence from France in 1960. It was briefly in the headlines in April 1989 when a border incident between Senegal and Mauritania sparked off communal violence that left hundreds dead.

Mauritania is an artificial creation linking the nomadic population of Arab/Berber descendants, known as *heydanes* or "white men," living in the north and the sedentary black ethnic communities living in the south.<sup>21</sup> Prior to independence, blacks, with their more settled lifestyle and greater access to education, dominated the civil service and the professions. Since independence, however, political power has been concentrated in the hands of the *heydane* community, which has subjected the country's black population to gross human rights abuses and denied it equality of opportunity in every aspect of public life. Blacks face discrimination in employment in the civil service; the administration of justice before the regular courts and religious courts; access to loans and credits from banks and state-owned enterprises; and opportunities for education and vocational training.

The government's decision to make the *heydanes'* language, Arabic, the official language facilitates discrimination both in the school system and employment, since Arabic is not the mother tongue of blacks, other than former and current slaves. There is only one black judge on the religious courts, and only one black head of a major mosque. Black religious leaders are given smaller government subsidies for the maintenance of their mosques and religious

---

<sup>21</sup> The blacks in the south are members of four ethnic groups -- the Halpulaar, Soninke, Wolof and Bambara -- which together make up roughly 40 percent of Mauritania's population. About another 20 percent are black slaves and former slaves of the *heydane* community who share its culture and identify politically with their former masters. To distance black from black and to weaken blacks as a political force, the government has used these current and former slaves in its repression of blacks from the south.

**schools than their *heydane* counterparts receive. Even in prison, black political prisoners and petty criminals are subjected to special punishments and inferior conditions of detention.**

**To stave off war in April 1989, Mauritania and Senegal decided to repatriate each other's citizens. The Mauritanian government took advantage of the agreement to further the country's "Arabization" by getting rid of its black population. While the mass expulsions abated in the last four months of 1989, the government stepped up its campaign of deportations in early 1990 and continued them throughout the year. In towns, people were arrested in their homes and offices, or simply on the street, and deported. They were stripped of their identity papers and any valuables in their possession and, often, in their homes. Prior to deportation, prominent citizens who the authorities assumed would not flee were requested to come to police stations for at times daily questioning about black opposition groups based in Senegal, or about their "Senegalese ancestors," as a way of establishing their foreign status or simply as a means of intimidation. Despite government claims that only those who had obtained their Mauritanian citizenship fraudulently would be expelled, those deported for the most part were people who had lived in Mauritania for generations; their identity papers had either been confiscated or torn up by the authorities as they were being expelled. Many deportees who tried to return to Mauritania were either arrested and detained or expelled back to Senegal.**

**The government also continued in 1990 the policy it had begun in 1989 of denying blacks passports and not issuing blacks identity papers. Some blacks were arrested after asking for identity papers. Some individual members of the *heydane* community exploited the government's policies to settle private scores – dispossessing black farmers of their land, crippling black business competition and, on a wide scale, refusing wages to black employees and domestic servants. Some of the blacks who complained were arrested or expelled to Senegal.**

**In the villages along the Senegal River Valley, either the army forcibly evicted entire villages, or repeated army atrocities encouraged villagers to flee. These villagers, too, were subjected to vindictive searches, their possessions and livestock were confiscated, and often their entire village was burned. For example, in April, eight hundred people, the population of two villages, fled to a refugee camp in Bekel, Senegal, after threats from the army. A night curfew along the valley, imposed after the events of 1989, continued throughout 1990. Beginning in about March 1990, an unofficial state of emergency was in place along the valley,**

particularly in villages that the government suspected of political agitation.

There was a dramatic escalation in 1990 of the number of black Mauritians killed by the army, particularly along the valley. Sometimes, the attacks were reprisals for attacks by the principal Mauritanian armed opposition movement, the African Liberation Forces of Mauritania (FLAM), based in Senegal. Other times, the motive was to show black Mauritians living on the Mauritanian side of the valley the cost of assisting blacks who return secretly to collect their livestock, or to discourage blacks from crossing the river from Senegal and swelling the growing black opposition in Mauritania. For example:

- o On March 6, Abdoul Boucka N'diaye, a former soldier, and Mamadou Moussa N'diaye, his 20-year-old nephew, were killed in the village of Djowol. They had gone fishing when they were arrested by the national guard, who took them to a military camp just outside the village and slit their throats.**
- o On April 10, soldiers and armed Haratines (black former slaves) arrested seven people in the village of Moudji, including Silly Youmé Bâ and Mamadou Demba Sall. All seven were executed; three were shot and four had their heads crushed by stones. When their bodies were found, all had their hands tied behind their backs.<sup>22</sup>**
- o On April 17, Tierno Saybatou Bâ, a religious leader, was shot dead in the village of Ngoral Gidala as he bathed in the river. He was accused of planning to cross over to Senegal to join the political opposition.**
- o On or about October 27, a young man was arrested in the village of Souboualla, near Kaeda, and accused of being a member of FLAM. He was beheaded, and his head was taken to his village, where the villagers were forced to dance around it.**

**A substantial percentage of the people expelled and killed were members of the Peul ethnic group. For the last several years, Peuls have been the**

---

<sup>22</sup> Amnesty International, "Mauritania: Human Rights Violations in the Senegal River Valley," October 1990, p. 10.

primary target of the Mauritanian government's campaign of persecution against its black citizens, apparently because of the number of prominent positions they occupied. At the end of 1990, the government began to target the Soninke ethnic group.

By year's end, over 50,000 expelled black Mauritians were registered at refugee camps, and 30,000 to 40,000 more were living in Senegalese towns and villages. Another 25,000 to 30,000 had sought sanctuary in Mali, where the government refused to recognize them as refugees.

One positive development was the release in late September of over a dozen black political prisoners arrested in September and October 1986, tortured and sentenced to four- and five-year prison terms after a grossly unfair trial. They had been accused of being members of FLAM and implicated in the publication in April 1986 of a document called "The Manifesto of the Oppressed Black," which detailed a wide range of black grievances. They had been given a year's remission at the end of 1989. They included Ibrahima Sall, a former lecturer in history at the University of Nouakchott, and Ibrahima Sarr, a journalist. Against this encouraging development was the government's refusal to release 35 black army officers sentenced in October 1987 to 20 years' imprisonment for allegedly having been part of a coup attempt. They were held at Aioun el Atrouss, a remote fortress. Many of the prisoners' families had been deported.

The end of 1990 saw hundreds of blacks arrested throughout the country, following a government announcement on December 6 that it had foiled a coup attempt planned for November 27. Several of those arrested were said to have died under torture. Some were released after days or weeks in detention, but the others were due to be tried under charges of treason, which carry the death penalty. The Mauritanian government accused Senegal of backing the coup attempt, which Senegal denied. Among those arrested were black members of Mauritania's small navy, customs officials, members of the army, police officials, civil servants, as well as hundreds of ordinary civilians. Most of the military officers and soldiers arrested are from the Soninke ethnic group and include: six senior officers working for the navy at Kadei; three teachers working at a military training school at Atar; a member of the National Guard at Nouadhibou; and many military personnel and others working as doctors and nurses at Nouadhibou naval base. Others who came from other ethnic groups were also arrested at other military installations. It was impossible to calculate the number who were originally arrested or those who remained in detention at year's end. Those detained were

rumored to be held at a military barracks at Jereida. Other reports indicated that they were being held at a military camp called Mamekhare.

It was impossible to take the government's claim of a coup attempt seriously. First, the charges were announced only in December, even though the arrests began in mid-October. Second, the number of black army officers and rank-and-file soldiers had been drastically reduced since the last alleged coup attempt by black army officers in October 1987. After that, blacks were purged from the army, no new black recruits were hired, and those blacks that remained were disarmed. Black members of the army, police force, National Guard, various security services and the customs service were also prominent among the black professionals who were deported. Third, the government identified Mauritania's navy -- a relatively insignificant force -- as the chief architect of the coup, again suggesting that the arrests were in fact part of the government's broader policy of discriminating against the country's black population.

The existence of black slaves who belong to *heydane* masters has existed for centuries in Mauritania. July 5, 1990 marked the ten-year anniversary of the latest formal abolition of slavery in Mauritania; slavery had previously been abolished in 1905 and again in 1961. Unfortunately, none of these official terminations eradicated slavery in practice, particularly in the countryside, where the institution is still widespread. Slavery continues because legislative enactments were not accompanied by initiatives in the economic and social field. Although slaves are no longer sold on the open market, sales continued through discreet arrangements, such as "exchanges" or the giving of lifelong "presents." Slaves have no legal rights, and generally are not permitted to marry, have a family, attend school or go to mosque. They are routinely tortured and subjected to acts of appalling cruelty as punishment for such offenses as disobeying their master or attempting to escape.

## **US Policy**

Like most other foreign governments and international organizations involved in trying to resolve the dispute between Mauritania and Senegal,<sup>23</sup> the

---

<sup>23</sup> These include the Organization of African Unity, which has been involved from the

Bush administration focused its attention on the international aspects of the dispute. Presumably to encourage the two sides to negotiate, the administration avoided any step that would alienate the Mauritanian government. The result was a general failure to speak out publicly about the discrimination against blacks in Mauritania which lies at the heart of the conflict between the two countries.

There were two exceptions to this policy of silence. First, in December 1989, Janet Mullins, Assistant Secretary of State for Legislative Affairs, wrote to Rep. Gus Yatron, chairman of the House Foreign Affairs Subcommittee on Human Rights and International Organizations, stating:

At the conflict's outset, the US Government urged both Senegal and Mauritania to halt the violence and expulsions and seek diplomatic solutions to the problems that caused them. Our Embassy in Nouakchott has expressed to the Mauritanian government in strong terms on numerous occasions our concern over the clear violations of human rights which occurred there. Senior State Department officials have visited Senegal and Mauritania to assess the problems and have stressed to the authorities the need to respect human rights. Mauritania has now stopped expelling its black citizens and there have been no recent reports of major human rights violations.<sup>24</sup>

Second, the State Department's *Country Reports on Human Rights Practices for 1989*, published in February 1990, included a well informed chapter on Mauritania which bluntly described a wide range of institutionalized abuses against the country's black population, including politically motivated killings, torture, unfair trials, deportation without due process, the dismissal of blacks from the civil service, the army and other professions, and the discrimination against blacks in employment, religion and access to land. The report was equally frank and informative about the lack of political rights for all Mauritanian citizens,

---

beginning, and the European Community/Africa-Caribbean-Pacific, which in October 1990 appointed the former Belgian Prime Minister, Leo Tindemans, as a mediator.

<sup>24</sup> While the deportations had tapered off at the end of 1989, they escalated again in early 1990 and continued throughout the year.



highlighting the domination of the political process by the military, the absence of opportunities to exercise freedom of assembly and association despite legal guarantees, crippling restrictions on freedom of expression, government domination of the media, and the unfair nature of trials before the State Security Court, which tries offenses against state security. Country reports in previous years have also been frank in their criticisms of the government's human rights record, though not as detailed as the report issued in 1990.

The total US aid to Mauritania for fiscal year 1990 was approximately \$6 million. This included \$590,000 in development assistance, some \$5 million in food aid (PL 480) and \$124,000 in military training (IMET). For FY91, the administration requested roughly similar amounts of aid. There appeared to be some discussion at year's end that these figures would be reduced in light of Mauritania's close relations with Iraq.

## **The Work of Africa Watch**

Having been refused permission to visit Mauritania, a representative of Africa Watch spent a month in Senegal in May and June, interviewing a wide range of black Mauritians in the cities and throughout the camps in the Senegal River Valley. On the occasion of the tenth anniversary of the last abolition of slavery on July 5, Africa Watch published a detailed newsletter highlighting the largely cosmetic nature of the abolition and documenting the continued existence of slavery in Mauritania. Africa Watch published an article in June in *The Guardian* of London detailing the killing, deportation and persecution of black Mauritians, and an article in August in *The Christian Science Monitor* discussing the persistence of slavery despite its legal abolition.

# **MOZAMBIQUE**

## **Human Rights Developments**

**Mozambique has been beset by civil war for most of the last 30 years. First, the nationalist forces of the Mozambique Liberation Front (FRELIMO) fought the Portuguese colonial authorities, who were responsible for large-scale massacres of civilians and other human rights abuses. Then, since soon after independence in 1975, the FRELIMO government has faced an armed insurgency, the Mozambique National Resistance (RENAMO), which was backed initially by Rhodesia and later by South Africa. In this war, too, appalling abuses have been committed. Human rights violations by RENAMO – which include killings, mutilation, abduction and hostage-taking – have become well known, in part because of a report by Robert Gersony, commissioned by the US State Department and published in 1988. However, there have also been serious abuses on the government side, notably killings, torture and long-term detention without trial. The war has displaced three million people, or one-fifth of the population; there are more than 800,000 refugees in Malawi alone. Five million Mozambicans depend on food aid.**

**In 1990, the Mozambican government took dramatic steps to guarantee human rights and to end the civil conflict. In January, a new draft Constitution was announced, which included a judicially enforced Bill of Rights containing guarantees of the right to life, the right not to be subject to torture, freedom of conscience, religion and association, and various internationally accepted norms for a fair trial. After public and parliamentary debate, various other rights were added, notably a guarantee of press freedom and the transformation of Mozambique into a multiparty system. The document was finally approved in November.**

**Also in November, the government began a third round of peace talks with RENAMO. (Earlier negotiations, beginning in 1989, had failed to produce results.) At the beginning of December, a partial ceasefire was announced – apparently a major breakthrough.**

None of these developments came out of the blue. The legal system, in particular, has undergone a major restructuring in recent years designed to protect the rights of prisoners. Until 1988, those charged with crimes against the state were tried by a Revolutionary Military Tribunal – part of a state-security court system which was distinct from the ordinary judicial structure based on Portuguese civil law. Trials before the Revolutionary Military Tribunal were often summary, and those who came under its jurisdiction had no right to appeal or to petition for *habeas corpus*.

In 1988, a Supreme People's Court was established as the country's highest judicial body. This led to the abolition of the Revolutionary Military Tribunal. Security cases are now heard before regular provincial-level courts, with a right of appeal to the Supreme People's Court (known as the Supreme Court under the new Constitution). While these developments represent a considerable improvement in theory, Africa Watch remains concerned that in practice security prisoners still are not adequately informed of their legal rights, often lack proper legal representation, and receive trials which fall short of internationally accepted standards of fairness. This is a particular problem in the provinces, where there is a chronic shortage of lawyers and general dislocation as a result of the war. Africa Watch has also observed similar shortcomings in security cases heard in Maputo.

The security police (SNASP) retain extensive powers of detention, including the authority to detain those accused of economic and political crimes against the state. In September 1989, the government restored the right of SNASP prisoners to petition for *habeas corpus*. Ostensibly, these prisoners now have the same rights as other prisoners – the right to counsel and the right to be charged or released within a certain period.

A continuing area of concern for Africa Watch is the forced removal of populations in the course of government counterinsurgency operations, resulting in acute shortages of food for those displaced. In a number of districts of the northern province of Zambezia, people who had been living in RENAMO-controlled areas were forced from their homes, where they had been able to provide adequately for themselves, to camps, where there was no food and poor sanitation. In Mugulama, for example, the displaced had been under army control for two months beginning in January 1990 before relief agencies were told of their presence. It was reported that 20 to 30 were dying of starvation daily. Challenged on this practice, the government claimed that it was moving people for their own

protection.

## **US Policy**

**The US embassy in Maputo has played a positive role in reinforcing the Mozambican government's moves to enshrine human rights protection in law. In particular, Ambassador Melissa Wells, who left Mozambique in late 1990, was instrumental in encouraging President Joaquim Chissano along the path of reform.**

**Mozambique has become one of the largest recipients of US aid in sub-Saharan Africa, with a total of \$51 million proposed for fiscal year 1991. (The figure is so high because of nearly \$30 million in PL480 Title II food aid.) Within this large figure are a number of small but useful expenditures. For example, the United States funds the National Institute for Legal Assistance (INAJ), which is at present the only source of legal advice in the country; it provides typewriters for rural courts and law books to the university, and during 1990 funded a conference of international jurists on the draft Constitution.**

**In January, after the publication of the new Constitution, the Bush administration removed Mozambique from the list of Marxist-Leninist states barred from receiving Export-Import Bank assistance. The rationale for the move was not only improved respect for human rights, but also changes in economic policy – in particular, Mozambique's recent membership in the World Bank and International Monetary Fund and its adherence to an IMF structural-adjustment program.**

## **The Work of Africa Watch**

**Africa Watch began work on Mozambique only in late 1990. A research team visited the country in October and November, where it met President Joaquim Chissano, Minister of Justice Ussumane Aly Dauto and other officials. It also attended court hearings and interviewed prisoners. One member of the team stayed on in Mozambique, while the second plans to return in early 1991. Future**

**research will focus on the situation in the war zones, leading to a report to be published in 1991.**

# **NIGERIA**

## **Human Rights Developments**

**An unsuccessful but bloody military coup attempt on April 22 weakened the already fragile state of human rights in Nigeria in 1990. The military government of Gen. Ibrahim Babangida used the attempt as the occasion for a massive crackdown on civilian opposition figures and institutions. The government's heavy-handedness in this and other instances called into question whether the planned transition to civilian rule, due to be completed in 1992, would proceed.**

**A total of 69 alleged coup plotters were executed in 1990, after trials which lacked the most basic safeguards. Forty-two were shot on July 27; twenty-seven more were killed on September 13 after a retrial. Military and civilian suspects alike were tried by a military tribunal, presided over by a former government minister who was later reappointed to his ministerial post. The proceedings were conducted in camera. The accused were not allowed to choose their own legal counsel. There was no judicial appeal.**

**The crackdown on dissent that followed the coup attempt shook the foundations of Nigeria's fragile civil society. A number of newspapers and magazines were temporarily closed. Journalists, lawyers, human rights activists, politicians, religious figures and academics were targeted for arrest and harassment. Several leaders of the Christian Association of Nigeria (CAN) were temporarily detained for protesting discrimination against Christians.**

**The universities, which have been a particular target of the government for some time, continued to suffer in 1990. In December 1989, the government promulgated Decree 47, which authorizes imprisonment and fines for any student found guilty of taking part in a demonstration or organizing a protest. In March 1990, a government announcement of an agreement for a \$120 million World Bank loan for the 21 federal universities touched off boycotts and demonstrations by students who feared that part of the agreement would require a cut in academic programs and staff. Some of the demonstrations were broken up by armed troops. After the coup, a number of students were arrested, particularly members of the**

**National Association of Nigerian Students, which has been banned since 1986. Three academics, Professors Obaro Ikime and Omotoye Olorode and Dr. Idowu Awopetu, were arrested and detained for three months after the coup; they were later forced into retirement for "the public interest." In an August 27 address to the nation, Gen. Babangida legalized the Academic Staff Union of Universities, which had been banned since 1988, on the basis that "universities can, and indeed should, make positive contribution to the emergence of a new sociopolitical order." However, the President warned:**

**(The) government will not hesitate to deal with individuals and groups who attempt to use our universities as launching pads to foment troubles and subversion and to destabilize the program of transition to civil rule.**

**In addition to the bashing it took after the coup, the press endured mounting threats on its independence in 1990. Shortly before the coup attempt, then Chief of General Staff Augustus Aikhomu accused the media of leading a campaign "to bring down the government." Later in the year, Aikhomu again urged journalists to promote views to ensure unity, peace and stability. Finally, the Government threatened to implement Decree 59 of 1988, which establishes the Nigerian Media Council and authorizes it to set entry qualifications for journalists, keep a registered list of journalists and monitor their conduct according to ethical standards. Late in 1990, however, authorities indicated that the legislation may be subject to further revision.**

**The State Security (Detention of Persons) Decree 2 of 1984 was a major focus of Nigerian human rights groups in 1990, particularly the Civil Liberties Organization. The decree, which cannot be challenged in court, has been regularly used to silence government critics; probably hundreds of Nigerians are currently detained under it. In late January, the government amended the decree by reducing from six months to six weeks the initial period that a detainee may be held before his or her case is administratively reviewed. However, a detention may still be renewed indefinitely. The amendment also removed the authority of the Minister of Internal Affairs and the Inspector General of Police to detain suspects by decree, vesting this authority exclusively in the Chief of General Staff. In addition, the amendment established a panel to review the cases of all those currently being held under Decree 2. The decree was widely used by the government to detain opponents in the aftermath of the attempted coup.**

**In a case which gave rise to widespread concern, the government denied due process to a section of the urban poor in Lagos. Some 300,000 residents of the Maroko slum were left homeless when the government razed their neighborhood in July, after giving residents a mere seven days' warning. Attempts to bring the matter before the courts were fruitless; the one court that agreed to hear the case set the date for the hearing two days after the planned demolition, then dismissed it on the grounds that the dispute had been overtaken by events. The former residents were settled in camps, which are overcrowded and lack heat, light, sanitary facilities and clean water. There is not enough food and no medical services. Police have reportedly assaulted, raped and harassed the residents.**

**The government has continued to keep a tight hold on labor organizing, ever since it dissolved the Nigerian Labor Congress (NLC) in 1988, apparently for its opposition to government policies. The government has sought to control the reconstituted NLC, and in 1990 cancelled May Day celebrations, citing fears of security problems in the wake of the coup attempt.**

**On January 31, the government dropped criminal charges against Gani Fawehinmi, a prominent human rights lawyer, and Alhaji Balarabe Musa, a politician. The two had been separately charged in 1989 with offenses under the Transition to Civil Rule (Political Program) Decree 19 of 1987. The program for transition to civilian rule, which has been carefully orchestrated by the government, prevents all former politicians from running for election. In addition, in 1989, the government declared illegal all political parties then seeking registration. Thereafter, Gen. Babangida announced that only two government-created parties would be authorized – one a little to the left, and one a little to the right. Musa was charged with launching a political party despite being banned from participation in politics, and Fawehinmi was charged with obstructing the transition-to-civil-rule program. Despite being granted bail by the courts, they were both administratively detained for several months under Decree 2. Fawehinmi was held incommunicado under harsh conditions.**

**On September 6, the police blocked the site of a planned national conference on Nigeria's political future. In a letter to the conference organizers published that day in a Nigerian newspaper, Attorney General Prince Bola Ajibola, who had been invited to the conference, stated that he would not attend and warned organizers that they might be subject to five-year prison sentences if they proceeded. Shortly before the conference was due to take place, on August 16, its chairman, Alao Aka-Bashorun, a well known government critic and former**



president of the Nigerian Bar Association, was picked up for questioning by the State Security Service. His passport was seized. In December, a Lagos high court agreed to hear a five million naira (approximately \$500,000) suit against the federal government for canceling the conference.

The weakening of the judiciary continued to be an issue in 1990. In addition to the debilitating effects of rule by military decree -- particularly Decree 13 of 1984, which states that no court challenges are permitted to any decree or edict of the government -- the government on a number of occasions has ignored rulings of the court. For example, in 1989, the Lagos High Court ordered the State Security Service to return the passport of Gani Fawehinmi. The passport was not returned until October 1990, when Minister of Information Alex Akinyele released it as an act of clemency, making no reference to the court order of the previous year.

Violence by the police continued to be a major problem in 1990. According to a paper delivered by the National Institute of Advanced Legal Studies in a recent conference on human rights and the administration of justice in Nigeria, 60 percent of a sample of accused persons alleged police mistreatment. The problem appears to be exacerbated by an attitude of tolerance adopted by the highest levels of government toward violence directed at common criminal suspects. For example, Lagos State Governor Col. Raji Rasaki publicly stated in 1990 that citizens should feel free to lynch armed robbery suspects.

Nigeria's prisons are notoriously overcrowded, and prisoners regularly die as a result of substandard conditions. In March 1990, seven of 29 armed robbery suspects due to appear before a military tribunal died in custody from undisclosed causes. A report the same month by the Civil Liberties Organization (CLO) on the Kirikiri Maximum Security Prison stated that 48 inmates had died in the course of the previous year. Although the government attributed these deaths to "natural causes," the CLO investigation revealed that malnutrition, 72 percent overcrowding, and a lack of medical attention to diseases such as tuberculosis were largely responsible.

## **US Policy**

**The Bush administration made public statements about human rights in Nigeria only twice in 1990 – on the two occasions that coup suspects were executed. A July 31 statement by the State Department said:**

**We have limited information about the 42 people reportedly executed following the rejection of the appeals of their convictions by a military tribunal. We are nevertheless concerned that they were tried in camera and did not have the right to choose their own counsel. We have consistently expressed concern to the Nigerian government about upholding respect for human rights in Nigeria, including the rule of law, especially since the abortive coup.**

**We will continue to make Nigeria aware of our human rights concerns, including respect for the rule of law.**

**A statement on September 14, before the State Department had verified that the second round of executions had been carried out, merely acknowledged that death sentences had been handed down.**

**The State Department's *Country Reports on Human Rights Practices for 1989*, issued in February 1990, provided a generally balanced view of human rights conditions in Nigeria, although it played down both police abuses and prison conditions by referring to "press reports" and "frequent charges" of abuses, rather than addressing them in its own voice.**

**In replies to letters sent by Africa Watch about the role of the US government in promoting human rights in Nigeria, Bush administration officials have stressed that in private discussions with the Nigerian government they have consistently pressed for respect for human rights. Africa Watch believes that a stronger public stance is called for, since the Nigerian government has repeatedly avowed its respect for human rights.**

**In fiscal year 1990, direct US aid to Nigeria consisted of \$11.5 million in development aid for specific projects and \$100,000 in military training. For 1991, these levels remain roughly the same, but \$6 million in Economic Support Funds has been added for unspecified development projects.**

## **The Work of Africa Watch**

**Africa Watch began monitoring human rights in Nigeria in 1990, out of recognition of Nigeria's significance to the region and to Africa as a whole, and the important political development now under way. Four newsletters were published at various stages in the aftermath of the coup attempt, addressing the executions, arrests and press closings. The September newsletter also discussed the closing of the national conference.**

**On July 31, Africa Watch sent a lengthy letter to Gen. Babangida, raising a wide range of concerns relating to freedom of the press and religion, the weakening of the judiciary and labor unions, attacks on the universities, abuses by police and prison authorities, and the elections. After the second round of executions, a letter of concern was again sent to the President, as well as to the Nigerian ambassador to the United States, requesting permission for an Africa Watch delegation to visit the country. The government has not replied.**

**Africa Watch also sent letters to US officials with responsibility for Nigeria, alerting them to our human rights concerns.**

# **SOMALIA**

## **Human Rights Developments**

In 1990, facing deep cuts in foreign aid and diplomatic isolation after international exposure of massive human rights abuses by his government, President Mohamed Siad Barre announced a number of measures, largely cosmetic or unimplemented, intended to improve his image. These included the release in October and November of about 20 suspected rebel sympathizers held without charge or trial since July and August 1989; promises of a referendum on a new constitution and local multiparty elections in 1991; abolition of the National Security Court (NSC), a special court which reported directly to the President and handled "political" cases; reintroduction of the right to habeas corpus in political cases; the abolition of the principal security agency, the National Security Service (NSS); ratification of a number of international treaties; and promises to allow Africa Watch and Amnesty International to visit the country. On September 3, the President dismissed his Prime Minister, whose government had been in power only since February, and in late November, he made further Cabinet shuffles; in each case these moves were preceded by talk of "change." And on December 26, in a move to forestall the collapse of his government, President Barre legalized the formation of opposition political parties.

The various announced reforms, by only scratching at the surface of repression, did little to stem a dramatic deterioration in the human rights situation throughout 1990. In part for that reason, the organized rebel movements and prominent opposition voices rejected these moves as irrelevant to the raging political turmoil and demanded, as in the past, that President Barre step down before negotiations to end the civil war can begin.

For example, the abolition of the NSS was not accompanied by the demise of other security agencies with similarly unlimited powers of arrest and detention and notorious reputations for torture and ill-treatment of detainees. These include the President's own bodyguards, the Red Berets; the "Backbreakers," a branch of the military police; the *Hangash*, another branch of the military police; the Victory Pioneers, a uniformed paramilitary group; and the investigative wing of the ruling Somali Revolutionary Socialist Party (SRSP). Similarly, the decision to dismantle

**the NSC did not guarantee a fair system of justice because other courts, such as the Mobile Military Court and the Regional Security Court, retained the power to sentence people to long prison terms and even death without any pretense of due process. In an effort to show that the government was opening the political system, President Barre resigned as Secretary General of the ruling party, only to be replaced by a son-in-law who for many years headed the NSS.**

**Promises to allow international human rights groups access to the country never materialized. In an April meeting with representatives of Africa Watch in New York, then Foreign Minister Ahmed Jama Abdulle extended an invitation to visit the country but later failed to respond to inquiries about the timing of such a visit. In June, Amnesty International was due to have talks in Mogadishu with the government but the authorities postponed the visit at short notice.**

**The government continued to arrest and detain citizens without charge or trial for peaceful expression. In June, 45 prominent Somalis, including the first civilian president, the former president of parliament, former ambassadors, civil servants, religious leaders, elders and intellectuals, were arrested after they signed a document that was sharply critical of the government's human rights and economic policies and detailed steps toward national reconciliation. They were detained for three weeks and brought to court on charges of sedition and treason, which carry the death penalty. Surprisingly, they were acquitted for lack of evidence – the first such acquittals ever in a political trial in Somalia. The trial, which lasted only a few hours, became a major political event, with the court surrounded by huge crowds facing heavily armed guards. The government was clearly anxious to avoid a bloodbath if heavy sentences were imposed.**

**But Somali jails and unofficial detention centers continued to hold thousands of lesser known political detainees and common criminals, living under inhumane and abusive conditions. In fact, the number of those in custody escalated dramatically as the government sought to "contain" the thousands of displaced persons arriving every month in Mogadishu by detaining many of them in former military training camps outside the city. Arrested during roundups known locally as "rafs," several thousand people, for the most part small farmers and nomads from the central region belonging to the Hawiye clan, were held at Dhanane military training camp, situated near Laanta Bur prison in the direction of Merca; Qorileh camp, located about 25 kilometers east of Mogadishu on the coast; and a camp to the west of Belet Weyne. It was impossible to estimate the exact**

**number of prisoners and detainees in Somalia, since the government refused to publish any figures, but unofficial sources placed the figure at between 7,000 and 10,000, including many arrested when war broke out in the north who were believed held at Berbera, Borama and Burao.**

**By the end of 1990, Somalia was in an advanced state of anarchy. As conditions worsened and the economy crumbled, opposition intensified and citizens became more outspoken in their criticism of government policies and leadership. The three principal rebel movements also agreed to coordinate their military tactics and to cooperate politically in their campaign to hasten the departure of President Barre.**

**Perhaps the most significant development in 1990 was the extent to which the war, until then confined largely to the rest of the country, was felt in the capital. As thousands fled to Mogadishu from more insecure regions, the economy weakened substantially. In addition, the United Somali Congress (USC), a rebel organization formed in 1989 by the Hawiye, Somalia's largest clan which is centered in Mogadishu, stepped up its campaign to destabilize the government. Beginning in August, the USC intensified its attacks in Mogadishu, and at year's end was said to be within 50 kilometers of Mogadishu. It was widely believed that the main obstacle holding the USC back was advice from clan elders that an assault by the USC on Mogadishu would unleash massive government reprisals against civilians.**

**Random killings by soldiers, particularly the President's heavily armed bodyguards, the Red Berets, as well as by ordinary criminals and soldiers in plainclothes, became so common that people were afraid to leave their homes at night. The government blamed "robbers" for the murder of a number of foreigners, but it was widely believed that they were killed by the Red Berets. Shooting was heard every night in Mogadishu and corpses were found in the morning in different districts. Both soldiers and civilians were responsible for looting government warehouses to obtain food; looting of private homes was facilitated by the frequent absence of electricity, adding to the climate of fear. Government troops and rebels used rocket-propelled grenades, injuring many innocent bystanders. Bomb explosions at the central post office, at a military barracks and outside a government ministry killed at least 10 people.**

**The Red Berets shot dead over 100 civilians at a soccer stadium on July 6 after the crowd jeered the President; over 300 were injured. A number of**

demonstrators, policemen and soldiers died in late October when protests about a sharp increase in gasoline prices and calls for the release of political prisoners escalated into violent clashes in Mogadishu. Scores of others were injured. Families of those injured during political protests often did not take their wounded to hospitals for fear of arrest. From the end of November to the end of the year, more than 150 people died in Mogadishu, mainly as a result of fighting between two clans, the Abgal and the Galgalo. The Abgal accused the Galgalo of attacking them at the government's instigation. In addition, many civilians died from shots fired from passing cars belonging to the army and security agencies.

Many embassies reduced their staff, restricted the movement of those who remained, and advised their citizens not to visit Somalia. Insecurity in Mogadishu forced thousands of people to seek a measure of peace in the refugee camps in Ethiopia. The government's ability to mobilize its forces against the USC was strained by the growing defections from the army of both officers and rank-and-file soldiers; many joined one of the armed rebel movements.

The war in the north, which broke out in May 1988 between the government and the Somali National Movement (SNM), continued unabated in 1990. In addition, the insurgencies that began in 1989 in the central region, led by the USC, and in the south by the Somali Patriotic Front, intensified and led to massacres of unarmed civilians by the army. The heavy fighting created such a level of insecurity that most aid agencies pulled out of Somalia, leaving hundreds of thousands of people displaced within the country beyond the reach of international assistance and observation. Hunger and disease also took their toll on the civilian population. The war has destroyed the country's infrastructure – which was limited to begin with – and the displaced face food shortages, inadequate shelter and the absence of medical facilities. Refugees, mainly from the north, continued to flee to Ethiopia, Djibouti and Yemen to escape the insecurity in Somalia. International assistance to Somali refugees in Ethiopia and Djibouti became increasingly inadequate as more people fled.

The government's counterinsurgency strategy continued to draw no distinction between civilians and armed insurgents. Targeting the nomads who make up an overwhelming majority of the country's population, the army and pro-government militias sought either to punish them for their presumed support of the rebel movements or to discourage them from providing any such assistance. In Belet-Weyne, Kismayo, Bosaaso, Burao, Loya'ade and other towns and villages, the army killed unarmed civilians, destroyed their livestock and water-reservoirs,

and looted and burned their homes and warehouses. This repression has encouraged the civilian population to arm itself and to form militia groups. The increasingly militarized situation throughout country, as well as the government's lack of effective control over much of the territory, rendered the government's promise to hold multiparty elections largely meaningless.

## **US Policy**

From 1978 until 1989, the United States was Somalia's most important ally, and a significant source of economic and military assistance. The relationship was cemented during the Somali war with Ethiopia in which the Soviet Union switched its alliance from Somalia to Ethiopia. The provision of military, economic and diplomatic support, accompanied by a decision to refrain from public criticism of human rights abuses, was rationalized by the need to protect US interests in this strategically located country. Those interests include a naval facility for the US Central Command at the port of Berbera as well as military and electronic facilities elsewhere. Even after war broke out in the north in May 1988, the Reagan administration continued to provide military assistance and to defend the regime against a US Congress that was increasingly critical of the government's human rights record and its conduct of the war.

In 1989 and 1990, however, the Bush administration began to disengage significantly from Somalia, and the change in its policies were as dramatic as they were welcome. This was in large measure the result of pressure from Congress, which demanded the disengagement on human rights grounds, as well as of the realization that the government was disintegrating. The end of Cold War rivalries also reduced Somalia's significance to the United States.

The erosion of confidence in the Somali army apparently prompted the United States to cancel "Operation Brightstar" naval exercises in September 1989; the exercises were not rescheduled in 1990. The ten-year Berbera agreement granting access to these facilities expired at the end of 1990.

The Persian Gulf crisis renewed fears that Somalia's strategic location would encourage the Bush administration to overlook Somalia's human rights



**record and strengthen ties to the government, but the crisis did not appear to have influenced administration policy toward Somalia. By the end of 1990, the administration had announced no plans to use the Berbera base, which in any event had less strategic significance as a jumping point to the Persian Gulf in light of the massive deployment of US troops in Saudi Arabia. Nor, in light of the turmoil in Somalia, did the port present itself as an inviting spot for rest and relaxation for troops on leave.**

**In a reflection of the administration's dissatisfaction with the government of Mohamed Siad Barre, there were no new Economic Support Funds or military assistance granted in fiscal years 1989 or 1990. A once large USAID mission has been scaled down to two people whose purpose is to close down old programs. All projects, including development programs, have been suspended. By contrast, US economic aid for 1988 totaled about \$30 million.**

**Aside from human rights considerations, the provisions of the "Brooke Amendment" also made Somalia ineligible for new aid beginning in January 1990 because the government was in arrears on its international debt. But even in the unlikely event that the government were able to repay its debts, Congress placed strict limits on aid to Somalia in the Foreign Aid Appropriations bill for fiscal year 1991, which President Bush signed into law on November 7, 1990. No provision was made for military aid or Economic Support Funds, and all other assistance to Somalia was placed on a "reprogramming basis," meaning that Congress must be informed before any disbursement of development aid goes forward.**

**State Department officials issued a number of public statements in 1990 either protesting government abuses or criticizing the government's conduct of the war. For example, on July 11, The State Department condemned the killings in the soccer stadium:**

**According to reports we have received from Mogadishu, troops inside the stadium fired shots into the air after a crowded soccer match became unruly. The crowd rushed out of the stadium and was fired upon by troops outside. The troops inside then also opened fire on the crowd. President Siad Barre was inside the stadium and he had delivered a speech just before the incident occurred.**

**We deplore the continuing violence in Somalia. We call upon**

**the government, as we have done in the past, to establish control over its own forces and to take political steps necessary for national reconciliation.**

**In August, the State Department publicly protested, both in Mogadishu and in Washington, a massacre in Berbera in which the army shot dead 17 Isaak men and critically wounded two others in front of a restaurant in the center of town on August 16, in retaliation for attacks against government personnel and property by the SNM.**

## **The Work of Africa Watch**

**In January 1990, Africa Watch published a 268-page report on the war in northern Somalia, which had broken out in May 1988. By the beginning of 1990, an estimated 50,000 to 60,000 had been killed and nearly half a million had fled the country, the majority for Ethiopia. Entitled *A Government at War with Its Own People: Testimonies About the Killings and the Conflict in the North*, the report was based on research and interviews with newly arrived refugees in August 1989 in Djibouti and from June to October 1989 in England and Wales, where a sizeable refugee community had also gathered. The report provided eyewitness accounts of the human rights abuses that preceded the outbreak of war, and examined the conduct of the war by government forces and SNM insurgents.**

**In July 1990, Africa Watch issued a press release on the massacre of over 100 unarmed civilians at a soccer stadium in Mogadishu. In August, Africa Watch issued a press release drawing attention to the August 16 massacre in Berbera. A 30-page newsletter published in September exposed the superficiality of the government's "improvements" and documented a wide range of recent government abuses, including several massacres of unarmed civilians and the detention and torture of political opponents.**

**Africa Watch published an article in the November edition of *Africa Events* underlining the limitations of the government's campaign of reform. An article in *The Christian Science Monitor*, also in November, drew attention to the plight of Somali refugees in Ethiopia and the displaced within Somalia, particularly the deliberate denial of food by the government to the displaced. And**

an article by Africa Watch in December, describing the acceleration and abuses of the war in Mogadishu, appeared in *The Guardian* of London.

## **SOUTH AFRICA**

### **Human Rights Developments**

The year 1990 was one of both celebration and tragedy in South Africa. The world rejoiced over State President F.W. de Klerk's February 2 speech, in which he lifted the ban on the African National Congress (ANC) and other opposition groups and promised to free Nelson Mandela, halt executions, release a number of political prisoners, allow some exiles to return home and partially end emergency restrictions. By year's end, the national state of emergency had been lifted and the Separate Amenities Act of 1953, which had required local officials to reserve municipally owned property exclusively for whites, had been repealed.

Detracting from the optimism generated by these promising developments were the brutal killings in the second half of 1990 of more than 1,000 South Africans in the townships around Johannesburg. The so-called "black on black" violence spread in late July from Natal province, where it has claimed the lives of at least 5,000 over the past four years, to the Transvaal, where it continued throughout the rest of the year. Despite abundant evidence of official complicity, South African leaders denied allegations that government security forces were implicated in the killings, while admitting that the violence might be the work of a "hidden hand" or "third force."

The repression in South Africa in 1990 was in part a backlash by the security forces against the expectations of blacks who, in the wake of President de Klerk's promises and Mandela's release, demanded an end to apartheid. Members of the security forces did not change their tactics according to the new attitudes of the national government, and they continued to persecute blacks as before, particularly members of the ANC and other opposition groups. Not a day after de Klerk's February 2 speech, which included a promise to end the season of violence, police used force to suppress jubilant demonstrations by blacks. On March 26, initial talks between the government and the ANC were called off after 17 black protesters were killed by police in Sebokeng, south of Johannesburg.

The momentous changes of February sent shock waves throughout South Africa's "independent" homelands, whose residents suffer the extremes of

poverty and corruption and must bear the additional burden of the loss of their South African citizenship. On March 4, a brutal surge of repression in the Ciskei ended in a coup, removing the tyrannical regime of President-for-Life Lennox Sebe. Three days later, in Bophuthatswana, at least six demonstrators were killed and hundreds injured when police fired on a peaceful protest by some 150,000 residents, whose demands included reincorporation into South Africa. A state of emergency has been in effect in Bophuthatswana since March and is used to persecute members of the opposition. On April 5, leadership of Venda was "handed over" by President Frank Ravele to Col. Gabriel Ramushwana. Protests against official abuses, including some 19 killings in February and March and numerous detentions, had brought Venda to a virtual standstill prior to the coup.

The South African government denied any responsibility for what appears to be the self-destruction of the homeland system and blamed it instead on "inter-tribal" conflicts. In May, the government announced that it would no longer pursue independence for the six "self-governing" homelands, and that it would not incorporate any more land into the homelands without the approval of the legal residents of that land. Only two months later, however, the Ciskei leader, Brig. Oupa Gqozo, claimed that South Africa had agreed to incorporate nearly 100,000 acres of land into the Ciskei.

Several judicial inquiries were undertaken in 1990. The most publicized, and ultimately the most disappointing, was the Harms Commission. Justice Minister Kobie Coetsee announced the establishment of the Harms Commission on January 31, in response to outcries by South African and international human rights groups over allegations by three former police officers in October and November 1989 that they had been members of an officially authorized and funded police death squad. In early 1990, another death squad, the Civil Cooperation Bureau (CCB), sponsored by the South African Defense Forces, was revealed. The allegations presented the de Klerk government with one of its first major domestic crises and nearly provoked the dismissal of the Defense Minister, Gen. Magnus Malan.

Unfortunately, the Harms Commission was seriously flawed in both design and practice. At the outset, Justice Harms announced that he would limit the inquiry to acts committed within the borders of South Africa, even though many anti-apartheid activists had been assassinated on foreign soil. Government witnesses, some of whom showed up to testify in wigs and other disguises, were not required to produce pertinent documents. The CCB was disbanded in August,

but no prosecutions resulted. The Harms Commission report, which was released in November, failed to name any special units of the army or police, let alone any individual officers, as participants in the death squads. The report was denounced by opposition groups as a whitewash.

On the other hand, the Goldstone Commission, which investigated the Sebokeng massacre in March, found that the riot police had used force which was "quite immoderate and disproportionate to any lawful object sought to be attained." Nearly half of the 281 people killed by gunfire had been shot from behind.<sup>25</sup> Although the commission recommended prosecution of several members of the riot police, there was no public indication that prosecutions had begun by the end of 1990.

In Natal, which has been devastated by violence for several years, 50 died in the three days immediately following Mandela's release. On April 2, President de Klerk announced that he would send more police and army troops to the area, seemingly an ineffective solution in light of repeated claims by human rights groups that security forces have exacerbated and prolonged the bloodshed. De Klerk excluded Natal when he ended the national State of Emergency in June, but finally lifted the emergency there in October.

Police abuses are likely to continue throughout the country because the police retain wide powers, including the ability to detain suspects indefinitely for interrogation under Section 29 of the Internal Security Act of 1982. Max Coleman of the Detainees' Parents Support Committee was quoted as saying that, from January to late November 1990, some 1,600 had been detained in South Africa – double the number detained in 1989. Reports of torture and deaths in detention continue. According to Coleman, three blacks died in detention in South Africa in 1990.<sup>26</sup>

In July, Chief Mangosuthu Buthelezi, leader of the KwaZulu homeland that is scattered throughout Natal, announced that his Inkatha cultural movement had

---

<sup>25</sup> David Beresford, "Riot police condemned by SA judge," *The Guardian* (London), September 3, 1990.

<sup>26</sup> Christopher Wren, "Despite Changes, South Africa Detentions Remain," *New York Times*, December 2, 1990.

become a national political party. The war in Natal soon spread to the townships around Johannesburg, where it has pitted predominantly pro-Inkatha inhabitants of hostels against predominantly pro-ANC township residents. The hostel dwellers, whose legal residences are in KwaZulu, have been forced to come without their families to seek work in the townships. The horrible living conditions of the hostels provide a prime breeding ground for violence

The first incident occurred after a July 22 Inkatha rally in Sebokeng turned violent, killing 24. The violence escalated rapidly in August and September. In response, on September 15, the South African government initiated Operation Iron Fist, which called for curfews, the arming of police vehicles with machine guns, the use of aerial spray dyes, and razor-wire barricades to encircle hostels and squatter camps. Twenty-seven townships were placed under emergency rule. On September 19, amid accusations that the security forces were contributing to the violence, President de Klerk ordered the formation of "special investigative units" to examine allegations of police misconduct in the township violence. Mandela was among those who said that the matter was too serious to be treated as an internal police matter, and called instead for an independent inquiry, which the government has so far refused to allow. By year's end, the Transvaal township violence had claimed over 1,000 lives. Emergency rule was lifted, but increased fighting in December resulted in the reimposition of emergency rule in four townships.

## **US Policy**

US policy toward South Africa followed the trend set during President Bush's first year in office. That policy differed markedly from the "constructive engagement" of former President Reagan and former Assistant Secretary of State for African Affairs Chester Crocker, in that Bush administration officials were more vocal in their criticism of the South African government and were usually more careful to explain the uneven nature of many government reforms.

For example, after President de Klerk's announcement in June of the

**partial lifting of the State of Emergency, the Bush administration stated:**

**We welcome the announcement of the ending of the State of Emergency in South Africa except in Natal. This is another significant step toward creating a climate conducive to negotiation that will lead to a democratic, non-racial, South Africa....**

**Much work remains to be done by all sides. The issue of the remaining political prisoners needs to be resolved. The continuing climate of violence and intimidation must be transformed, and the senseless killings in Natal Province must end.**

**The administration also maintained a firm and clear voice on sanctions. In reaction to President de Klerk's February 2 speech, President Bush said that he had been convinced of the need "to review all policy."<sup>27</sup> Shortly thereafter, President Bush invited both President de Klerk and Nelson Mandela to visit the White House. However, the administration was quick to state that it remained bound by the conditions of the 1986 Comprehensive Anti-Apartheid Act, and could not yet lift or modify sanctions.**

**During the first official visit to Washington by a South African President since 1945, Bush gave an unprecedented blessing to de Klerk by pronouncing South Africa's path to reform "irreversible." However, in keeping with the administration's commitment to maintain sanctions, any discussion of the sanctions question was assiduously avoided. Before meeting with Bush, de Klerk had said that he did not come with a "shopping list" of steps that he expected the US administration to take; after their meeting, both said that the sanctions were not mentioned. Following the meeting, Assistant Secretary of State for African Affairs Herman Cohen made clear that the administration would not lift sanctions until further steps were taken:**

**The two remainaing obstacles are the relase of prisoners and the lifting of the state of emergency in Natal. President de Klerk indicated that the prisoner release procedures are now in train but he did not indicate when he expected those procedures to**

---

<sup>27</sup> Maureen Dowd, "Bush Would Weigh Easing Sanctions," *New York Times*, February 3, 1990.



be completed. The state of emergency he did not comment on.

(Although the state of emergency was later lifted, all prisoners had not been released by year's end, so sanctions continued.)

In one of the few areas of difference with the Bush administration in 1989, Africa Watch criticized it for its silence on the fragmentation of South Africa into separate bantustans, and noted that some of the most serious violations of human rights occurred in the "independent" homelands of Ciskei and Bophuthatswana. On March 9, 1990, following a military coup and the imposition of a state of emergency in Ciskei and the killing of seven protestors in Bophuthatswana, the administration broke this silence and issued one of its first public statements condemning the South African government's homelands policy. Commenting on the violence in Bophuthatswana, the State Department said:

(T)he United States does not recognize the so-called 'independent homelands' established by the South African government. We are concerned by the serious violence which has erupted in at least two of the homelands. People in these areas are being denied the rights which are due to all South Africans. We regard compulsory assignment of blacks to these homelands and efforts to deprive them of their South African citizenship as fundamental violations of human rights.

This was an important advance in US policy.

However, there was one major human rights development in South Africa that completely escaped the administration's public commentary: allegations regarding the role of the security forces in fanning the violence between supporters of Inkatha and the ANC. To the knowledge of Africa Watch, no public statement by the US government has ever directly commented on the role of the South African security forces in this violence. Instead, to the extent that the administration has focused on the issue of fighting between Inkatha and the ANC at all, it has treated the issue as a domestic political problem. For example, in April, the State Department simply urged that "all parties put political considerations aside and work together to develop a strategy for ending the violence." Similarly, in the chapter on South Africa in the *Country Report on Human Rights Practices for 1989*, issued in February 1990, the State Department accurately noted the devastating impact that this violence has had upon South

**Africa, but failed to comment upon the role of the security forces.**

**The lack of US comment on the South African security-force role in this violence was highlighted by events before and during President de Klerk's visit to Washington. In the week prior to his arrival, the death toll in just the townships around Johannesburg had reached over 750, and reports in both the US and South African press commented on the alleged involvement of South African security forces in fanning the violence. However, according to Assistant Secretary Cohen, when President Bush met President de Klerk, he restricted his remarks on this issue to expressing "concern about the growing violence in South Africa" and urged de Klerk to "fulfill his responsibilities to maintain law and order."<sup>28</sup> While this strong statement of concern was to be applauded, it would have been more effective if President Bush had shown some recognition of the role of the government forces in promoting the violence.**

## **The Work of Africa Watch**

**In 1990, Africa Watch continued to concentrate attention on the neglected issue of human rights abuse in the homelands. A newsletter in January on abuses related to forced incorporation of land into Ciskei highlighted the suffering endured by one community whose homes were demolished in reprisal for their resistance to incorporation. Africa Watch published an article in the October issue of *Africa Events* which traced the roots of the recent township violence to homeland policies and discussed current human rights issues in the homelands.**

**Throughout the year, Africa Watch contacted the South African authorities about particular cases of detention in the homelands, including Venda human rights activist Magwedzha Phaniel Mphaphuli, detained on March 22 in the city of Louis Trichardt; Glen Thomas, a field worker with the Grahamstown Rural Committee, a human rights group which works with the rural people in the Ciskei and the northern border region, who was arrested in May; and Dr. Thabo Rangaka, Nomvula Hlongwane, Mangel Panchia and others arrested on November 12 and 13 for their involvement with MAREF -- the Mafikeng Anti-Repression Forum -- an**

---

<sup>28</sup> White House Readout Following the Visit of President de Klerk with President Bush, September 24, 1990.

organization which monitors human rights in Bophuthatswana.

**Africa Watch sent messages to Mandela, President de Klerk and South African Ambassador to the United States Piet Koornhof which welcomed Mandela's release, the lifting of the ban on the ANC and other organizations, the decision to suspend executions and the release of several other political prisoners. The messages to the government also urged the complete lifting of the State of Emergency, the repeal of the Population Registration and Group Areas Acts, and the release of all political prisoners.**

**In early January 1991, Africa Watch will release a full-length report, *The Killings in South Africa: The Role of the Security Forces and the Response of the State*. Written by an Africa Watch researcher who visited Natal and other areas of South Africa in mid-1990, the report contains dozens of eyewitness accounts of the violence, including descriptions of the role of the security forces in promoting the violence and their failure to respond to the needs of the victims.**

# **SUDAN**

## **Human Rights Developments**

The year 1990 was tragic for human rights in Sudan. The prior year had fostered a mixture of hopes and fears, with the first half of the year yielding progress toward peace in the government's seven-year-old civil war in the south against the Sudan People's Liberation Army (SPLA), the mounting of a relief operation (Operation Lifeline) in famine-stricken areas, and extensive efforts to protect constitutionally guaranteed freedoms by such organizations as the Bar Association, the Doctors' Union and the Journalists' Union.

This period of relative optimism ended with a *coup d'etat* on June 30, 1989, in which the parliamentary government was overthrown by Lt. Gen. Omer al-Bashir, who became head of the ruling Revolutionary Command Council (RCC). After an early period of uncertainty, the true colors of the new government became clear. Immediately after the coup, several hundred politicians, trade unionists, lawyers, journalists and businessmen were detained, and all nonreligious organizations were dissolved. In November and December 1989, the government renewed its war effort, suspended Operation Lifeline, passed the "Popular Defense Act" to legitimize militia forces (which were responsible for gross violations of human rights), and stepped up its assault on the trade-union movement, which was engaged in nonviolent protests against the government, especially its dissolution of trade unions. One prominent unionist, Dr. Mamoun Hussein, was sentenced to death.

The year 1990 dawned in the midst of a crackdown of unprecedented proportions. Several hundred trade-union activists were arrested in December 1989 and January 1990, including the leaders of Sudan's professional associations. Many were taken to unofficial detention centers, known as "ghost houses," and subjected to torture. For a few, the aim of the mistreatment was to obtain information; for the majority, it appears to have been simply to intimidate. Detainees were confined for long periods in dark, cold and wet closets, denied adequate food and medical attention, beaten and lashed, given electric shocks, doused with icy water, subjected to mock executions, prevented from praying and denied visits from families and lawyers. After some weeks of this treatment, most

were transferred to regular prisons, in which torture was not practiced, but detainees were allowed only infrequent visits and denied medical attention. Seventy political detainees were transferred to Shalla Prison in Darfur, where conditions are very poor. Few detainees have been charged.

Detainees have occasionally been released, and Dr. Mamoun was reprieved. However, there have been continual rounds of new arrests, and torture continues. In April, a young doctor, Ali Fadl, died under torture. Two businessmen have been hanged after being convicted of currency offenses.

After coup attempts in March, April and September 1990, many army officers were arrested. In April, twenty-eight senior officers were summarily tried and executed. Ten executions followed the September coup attempt.

Government policy includes strict censorship. Only government-controlled newspapers are permitted to publish, and in August, a journalist was sentenced to 14 years in prison after being convicted by a military tribunal of producing seditious literature.

The government has violated international labor law by dissolving all trade unions, confiscating their assets and replacing them with government-appointed "steering committees." Trade unionists involved in strikes have been accused of "waging war against the state" (a crime that carries the death penalty) and many have been imprisoned.

While the government has made no clear statement on the issue, the imposition of a version of Islamic Law is certainly one of its central aims. The version proposed for Sudan discriminates against non-Muslims and women, includes crimes such as apostasy (which many devout Muslims find alarming), and mandates cruel, inhuman and degrading punishments such as amputation and lashing. Justice is currently meted out in special "Revolutionary Security Courts," staffed by active-duty military officers, in which no defense counsel is allowed, rules for admitting evidence are arbitrary, and rights of appeal are limited. The Bar Association has been dissolved and many prominent lawyers have been detained or placed under restrictive orders.

In late December 1989, members of an Arab militia armed by the previous government and legitimized by the Popular Defense Act committed a massacre at el Jelelein. About 1000 members of the (non-Muslim, southern)

**Shilluk tribe, including women and children, were burned or shot to death. The government response to this atrocity has been to deny any measure of responsibility for what it described as "tribal fighting." An official inquiry was launched, but its findings, if any, have not been made public.**

**Killings by militia have also continued in the Nuba Mountains of southern Kordofan and in Darfur, where local conflicts were exacerbated by repeated invasions by the Chadian army to fight rebel Chadian forces stationed in the region and supported by Libya. In early December 1990, these forces overthrew the Chadian government of Hissan Habré.**

**January and February 1990 witnessed an escalation of the war in the south, especially around Juba, the southern regional capital, home to about 200,000 civilians. There were reports of atrocities by both sides, including indiscriminate shelling of Juba by the SPLA. The SPLA also prevented all relief flights from reaching the town for several weeks.**

**In March, an agreement was signed launching Operation Lifeline II, to provide humanitarian relief to civilians on all sides of the conflict. While the relief program succeeded in delivering most of the aid promised, humanitarian organizations met numerous obstacles mounted by both sides. The SPLA refused to allow trains and barges to move for many months, and when it finally relented, pro-government militias then prevented the trains from traveling. In June and repeatedly in September, government planes bombed relief centers in the south.**

**Government food policy in the north has been negligent and irresponsible. Through a set of misguided policies, including the export of the entire national grain reserve, the government succeeded in turning a food shortage into a severe famine, which was intensifying at the end of 1990. The purpose of the sale appears to have been to acquire hard currency for the purchase of weapons needed to pursue the war. Abuses such as the burning of shantytowns and the forced removal of residents have served to exacerbate the suffering of underprivileged groups. The government has refused to recognize the famine or to appeal for significant amounts of assistance. It has also systematically restricted the work of humanitarian organizations, except those associated with Muslim fundamentalism. Many tens of thousands of Sudanese citizens, mainly children, will die on account of this famine.**

**Food shortages led to civil unrest in several towns, including a strike by**

railway workers in Atbara in November, to which the government responded with harsh measures, including lethal force against protesters.

## **US Policy**

During 1990, the Bush administration became increasingly disenchanted with the Sudanese government, and began to show a corresponding readiness to criticize its abuses. This criticism became especially vociferous after al-Bashir declared his support for the Iraqi invasion of Kuwait. This changing attitude follows 15 years in which successive US administrations have been extremely reluctant to criticize the Sudanese human rights record. For example, while the new US ambassador, James Cheek, strongly protested the death sentence of Dr. Mamoun in December 1989, the US said nothing in response to the massacre at el Jebel in the same month.

This policy of rare public comment in the face of Sudanese abuses continued through the first half of 1990. In February, USAID began withdrawing all nonemergency assistance to Sudan, but that move was required by US laws mandating an end to most US aid when an elected government is overthrown in a *coup d'etat*, as well as when a government is in arrears on its international debt. In March, the US government played a prominent role in pushing for the establishment of Operation Lifeline II, but declined to criticize the government's human rights record at the time, apparently on the grounds that such criticism might endanger the agreement for the relief operation. Human Rights Watch holds that, however laudable a humanitarian-relief effort, fear of jeopardizing its existence – in effect, giving in to perceived or actual government blackmail – is no grounds for remaining silent about serious human rights violations.

On April 26, following the first round of executions of army officers, State Department spokesman Richard Boucher was questioned by a journalist about whether there had actually been a coup attempt or people had simply been "rounded up and shot." His response, indicative of the US reluctance at the time to criticize Sudan on human rights grounds, was: "I think that's something for a good reporter to find out."

Following the al-Bashir government's declared support for the Iraqi

**invasion of Kuwait, the Bush administration began criticizing Sudan's human rights record publicly. In September, when the government bombed relief centers in the south and impounded food in the north, the administration publicly condemned the bombing, delayed a shipment of concessionary-sale wheat destined for Sudan, and diverted funds consigned for relief in government-held areas to help finance UNICEF operations in rebel-held areas. These actions had the immediate effect of forcing changes in Sudanese government policy. Contemplating Sudan's enormous needs for relief in the face of nationwide famine, the Bush administration also attached strict conditions to the delivery of such relief to ensure that it was not used for political purposes, including requirements that it reach the needy and that humanitarian organizations not be obstructed in carrying out their work.**

**Similarly, the administration delivered strong criticism of Sudanese government abuses in testimony before Congress in October and November. For example, on November 27, testifying before the Senate Foreign Relations Committee's Subcommittee on Africa, Assistant Secretary of State for African Affairs Herman Cohen reported:**

**The human rights situation has not improved in any significant way. Sudanese citizens are still subject to detention without charge by the security forces, and we estimate there are currently two to three hundred political prisoners. Some prisoners are occasionally released, but new ones replace them. Perhaps the only hopeful sign is that physical and psychological abuse of detainees has decreased. Reports of torture -- common earlier in the year -- are now rare. But many detainees are still held in substandard conditions in isolated areas and do not receive proper medical care.**

**We have told the government of Sudan numerous times that the human rights situation there is unacceptable and must be improved. In particular, we have said that all detainees should be either charged or released, that they should be treated humanely, and that if charged they should receive prompt and fair judicial process.**

**Africa Watch would have wished that such outspoken criticism might have been delivered throughout the year.**



## **The Work of Africa Watch**

**In March, Africa Watch published a report entitled *Denying "The Honor of Living" -- Sudan: A Human Rights Disaster*. The report addressed not only the actions of the current government in suppressing dissent and dismantling the institutions of civil society, but also the war policies of previous governments and abuses by the SPLA. There were also chapters on the creation of famine in southern Sudan and the resurgence of slavery.**

**Africa Watch has also published 14 newsletters on Sudan, six in 1990. These have covered:**

- o The political detention of lawyers, academics, doctors, trade unionists, journalists, writers and poets.**
- o The massacre at el Jelelein.**
- o The government's attempts to reduce the status of women in Sudan, under the banner of Islamic propriety, by restricting their access to employment and their right to travel.**
- o The civil conflict in Darfur.**
- o The summary trial and execution of army officers, and the death under torture of Dr. Ali Fadl.**
- o Conditions in Shalla prison.**
- o Government censorship and control of information, and actions against journalists and academics.**
- o Government actions that have produced nationwide famine and crippled the mechanisms for responding to the acute humanitarian need.**
- o Torture in detention facilities, and the denial of medical care in prisons.**

- o The case of Mahjoub Sherif, "the People's Poet," who is imprisoned without trial.**

**Twice in 1990, Africa Watch testified before Congress on human rights in Sudan. On March 15, it testified before a joint hearing of the House Subcommittee on African Affairs and the Select Committee on Hunger. On November 27, it testified on human rights and famine in Sudan before the Senate Foreign Relations Committee's Subcommittee on Africa.**

**On June 1, Africa Watch presented a petition on violations of labor rights in Sudan to the United States Trade Representative (USTR). The petition detailed abuses of workers' rights under the Bashir government and sought to have Sudan removed from the list of countries which receive trade benefits under the Generalized System of Preferences, as required by US law. On September 28 and 29, Africa Watch testified before the USTR on labor rights violations in Sudan. The decision of the USTR is expected by April 1, 1991.**

# **ZIMBABWE**

## **Human Rights Developments**

**The year 1990 was one of significant change in Zimbabwe. A 25-year-old state of emergency was lifted, and with it the government's power to detain without charge. The few remaining detainees were released, as were some 200 prisoners convicted of politically related offenses. After much debate, the ruling party decided not to proceed toward the creation of a one-party state.**

**On the negative side, however, general elections early in the year were accompanied by intimidation of opposition parties and manipulation of the media. In late 1990, the government sought to reduce the independence of the University of Zimbabwe and to amend the Constitution to restrict certain rights.**

**In July, Minister of Home Affairs Moven Mahachi announced that the government would not seek parliamentary renewal of the state of emergency when it expired that month. The emergency had been imposed in 1965, shortly before the Rhodesian government made its Unilateral Declaration of Independence from Britain, and was retained after Zimbabwe gained lawful independence in 1980. It gave the government a variety of special powers, notably the right to detain indefinitely without charge or trial on grounds of national security. This power was used extensively by the Rhodesian government, but also at certain times by the Zimbabwean government. At one point, in 1985, some 200 detainees were believed held under emergency powers. By 1990, the number detained had dwindled to a handful of individuals alleged to have carried out acts of sabotage on behalf of South Africa. Their detention orders lapsed when the emergency ended.**

**Local and international human rights groups had called for the emergency to be lifted. They had also requested the release of more than 200 prisoners serving sentences for politically motivated security offenses. In July, the government announced an amnesty for these prisoners. Later, a South African woman sentenced to 12 years' imprisonment for spying was released after completing only one quarter of her sentence. She had been tortured before her trial and Africa Watch had called for her release because of the unusually cruel**

**and degrading treatment that she had already suffered.**

**Under the terms of Zimbabwe's independence, certain "entrenched clauses" of the Constitution would not become open to amendment by a two-thirds majority in Parliament until the tenth anniversary of independence in April 1990. For some time, President Robert Mugabe had made clear that once he had the constitutional freedom to introduce such a measure, he wished Zimbabwe to become a one-party state. However, in the last two years, public opposition to such a move has grown. In August and September, the Politburo and the Central Committee of the ruling party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF), met to consider the issue. Both bodies overwhelmingly rejected the one-party system, removing it from the political agenda for the foreseeable future. President Mugabe won considerable praise for allowing free discussion of the issue within the party and for then abiding gracefully by the majority decision.**

**However, a continuing bone of contention is the operation of the Ministry of Political Affairs, which is in effect a subsidy from the taxpayer to the ruling party. The use of government money to fund one of the contestants must cast doubt on the result of the general election held in March, which was said to have yielded a showing of nearly 80 per cent for ZANU-PF. Other causes for concern were the blatant partisanship of the government-owned daily newspapers, radio and television, as well as the use of administrative measures to prevent the main opposition party, the Zimbabwe Unity Movement (ZUM), from holding meetings in the months leading to the election. ZUM members were subject to harassment, often in the form of short-term detention without charge. Only days before the election, a leading ZUM candidate in Gweru was shot, apparently by security officials, and his election agent was detained and beaten. The harassment continued in the aftermath of the election, with some ZUM organizers detained and one parliamentary candidate arrested on a trumped-up charge of illegally possessing a gun. The charge was later dropped and the persecution of ZUM members eased with the lifting of the state of emergency.**

**In October, the government introduced legislation to restrict the independence of the University of Zimbabwe and to increase the disciplinary powers of the university administration. The Minister of Higher Education is to have a hand in the selection of a majority of the members of the governing body, and important guarantees of independence are removed from both staff and student disciplinary committees. In late 1989, the university was closed for some**

weeks after riot police came on campus to break up a student seminar on government corruption.

In December 1990, the Parliament passed government-proposed amendments to the Declaration of Rights, making whipping of juveniles a constitutionally authorized punishment and declaring hanging a legitimate way of carrying out the death penalty. In 1989, the Supreme Court had found that whipping of minors was in violation of the section of the Constitution outlawing inhuman or degrading punishment. The government responded at the time by removing all corporal punishment from the statute book but now seeks to restore it. The Supreme Court had asked for argument on the issue of whether hanging contravened the same constitutional provision. The amendment is clearly designed to pre-empt its ruling.

The significance of these amendments goes beyond the question of whipping and the death penalty. It raises the prospect that the government may attempt to amend the Constitution whenever it faces an adverse Supreme Court ruling, effectively undermining the Declaration of Rights. At the end of 1990, a confrontation between the government and the Supreme Court was expected.

## **US Policy**

The Bush administration describes its aim as "helping to maintain a democratic, racially harmonious, and economically successful Zimbabwe."<sup>29</sup> However, apart from the largely accurate chapter in the State Department's *Country Reports on Human Rights Practices*, Africa Watch is aware of only one public statement on human rights in Zimbabwe issued by the administration in 1990. In that statement, a State Department spokeswoman, questioned on the conduct of the elections, described them as "free and fair, despite acts of intimidation and violence during the campaign."<sup>30</sup> In Africa Watch's view, this underestimated the significance of harassment of ZUM for many months before

---

<sup>29</sup>US Department of State and Defense Security Agency, *Congressional Presentation for Security Assistance Programs*, FY 1991.

<sup>30</sup>State Department Regular Briefing, April 2, 1990.

**the election, as well as the importance of the government's control of the principal mass media and the Ministry of Political Affairs. The State Department said nothing on a variety of other topics that merited comment, for example, the (ultimately unsuccessful) campaign for the creation of a one-party state.**

**The embassy in Harare has been quietly active in promoting human rights issues, consulting local human rights groups in the preparation of its own reports and distributing material from international bodies. In addition, the State Department's country reports on human rights practices in Zimbabwe in recent years have been accurate and balanced.**

## **The Work of Africa Watch**

**In late 1989, Africa Watch published a report on Zimbabwe, which was widely read within the country. In the course of 1990, a number of the recommendations in the report were implemented, notably the lifting of the state of emergency and the release of political prisoners. In January and November 1990, an Africa Watch researcher paid two brief visits to the country.**

**In March, Africa Watch submitted a memorandum to President Mugabe detailing harassment of opposition parties and making recommendations for measures to ensure free and fair elections.**

**A newsletter published in April detailed violence against opposition members during the election campaign and the later arrest of some ZUM organizers. Their subsequent release was also reported. Another newsletter in November detailed the government's proposals on the university and the Constitution.**