

# HUMAN RIGHTS DEVELOPMENTS

The ground-breaking democratic advances in South Africa and the genocide in Rwanda were at the extremes of Africa's human rights developments. In between these poles, African states experienced the perpetuation of one-man-no-vote rule and military regimes, varying forms of communal violence, civil war, and near disintegration. Half a continent apart, South Africa and Rwanda provide instructive human rights and humanitarian law lessons. In South Africa, fears of endless and destructive civil war have not materialized as political and social change is taking the form of a dramatic democratic transformation. To the north, between 500,000 and a million Rwandans were killed before a one-party genocidal government was swept away in a whirlwind of its own creation. Rwanda remains in a state of precarious peace with most fundamental issues of political and social change awaiting urgent resolution.

The transition to democratic rule in South Africa represents the magnificent outcome of the long and costly struggle of the South Africans themselves, but also reflects the value of the support and assistance given them by many throughout the world, from both civil society and governmental quarters. Although it was slow in coming, and not as consistent and sustained as it might have been, international support to the cause of democracy and human rights in South Africa did make a contribution, not least through the imposition of sanctions and effective isolation of the offending apartheid regime.

Despite the clear victory of their cause, and the powerful and visionary leadership provided by President Nelson Mandela and his colleagues, the people of South Africa must nevertheless maintain the vigil and struggle to protect and enhance their hard-won liberty. Close monitoring and activism must continue in order to keep the present democratic government in conformity with its obligations to protect and promote human rights for all the people of South Africa. To this end, the country's human rights community must adapt to the demands of the new situation, and make the necessary conceptual and methodological adjustments. During this next and indefinite stage of sustaining and consolidating past achievements, the international community also has a role to play in supporting the local human rights community as well as engaging in its own monitoring and advocacy efforts.

One of the benefits of the dramatic transformation in South Africa is that it is no longer expected to play the disruptive and destabilizing role it did in the past. South Africa when under apartheid rule secretly armed the single-party Habyarimana regime in Rwanda as it prepared its army and militia for genocide (others who provided arms during this crucial period included France, Belgium, and Egypt). The arming of Rwanda was the subject of a Human Rights Watch/Africa and Human Rights Arms Project report published four months before the genocide began. In addition to its domination of Namibia for decades, in defiance of the international community, South Africa also actively participated in the decades-long wars in Angola and Mozambique. With Namibia now one of Africa's examples of democratic government, and Mozambique seemingly on its way to stability and democratic rule after holding national elections under international supervision, one can hope that South Africa will now play a positive role in promoting an end to the war in Angola and a transition to democratic government there as well.

South Africa is also now expected to provide leadership and support for human rights efforts throughout the continent. It is true that other Africans should not have unrealistic expectations of South Africa, and must make due allowance for the competing domestic

priorities of the South African government and civil societies. Nevertheless, there is much that the country can and should share with the rest of Africa.

As shown in this report, one of the main lessons of the genocide in Rwanda is the need to appreciate and address the role of the state in promoting and manipulating ethnic tensions. Another conclusion to draw from that catastrophe of untold proportions is that the international community must take its obligations to prevent and punish the crime of genocide seriously. The fact that the U.N. Security Council voted on April 21, 1994 to reduce the U.N. peace-keeping force (UNAMIR) to a skeletal presence in Rwanda soon after the mass killings started appears to have been interpreted as a license to commit genocide with impunity. The lengthy, though expected, delay in reinforcing the U.N. presence contributed to the loss of hundreds of thousands of Rwandan lives, most of them identified as Tutsis and moderate Hutus, and to the subsequent flight of millions of Hutu refugees into Tanzania and Zaire upon the defeat of the former government by the Rwandan Patriotic Front (RPF). A fraction of the effort and costs of humanitarian assistance provided for the refugees could have prevented most of the mass killings and the flight of civilians in the first place. Only 5,200 of the 6,800 troops approved on May 17 were on the ground by the time of writing in November 1994.

The continuing crisis in Rwanda also merits two further conclusions. First, evidence of violations of human rights and humanitarian law by the present government, installed after the RPF military victory in early July 1994, clearly show that victims can turn victimizers. Unfortunately, genocide and civil war diminish and inhibit the ability of local and international non-governmental organizations to monitor and advocate for the protection of human rights. Local Rwandan groups in particular suffered not only from the killing of their own members, but also, for the survivors, from the society-wide loss of trust across the ethnic divide as allegations of partiality to one side or the other become the norm.

Second, while accountability for previous and current violations should be seen as integral to, indeed essential for, national reconciliation and reconstruction, this is too often sacrificed to political expedience. The tendency of local and international actors is to rush to some sort of "peaceful settlement" that includes the premature granting of amnesty or immunity from prosecution to human rights violators. In the case of Rwanda, there appears to be a commitment to accountability by the present government under its own domestic jurisdiction, but the international community does not seem to be willing to provide necessary assistance in this regard. Given the collapse of the country's judicial system, and the many competing priorities facing the government, the lack of substantial international assistance can in effect mean impunity for the perpetrators of genocide.

An international tribunal for genocide, crimes against humanity, and other grave breaches of humanitarian law can provide another important avenue through which to establish accountability. Although the Security Council has determined to create an International Tribunal on Rwanda, the success of the initiative will ultimately depend upon the cooperation of the international community in the pursuit of those responsible for the genocide and in surrendering these individuals to the custody of the tribunal. The effective work of the tribunal in particular requires action to apprehend those who are now living abroad—notably within the large refugee populations in Zaire and Tanzania, and the few key leaders believed to be in France and elsewhere in Europe.

The flight of refugees from Rwanda to Zaire and Tanzania, followed by the army and militia of the former government, has created an extremely dangerous situation for the whole

central African region. The refugees continue to suffer serious abuses in the camps from elements of the army and Hutu militias who effectively control the camps. Yet, at the time of writing, the international community is doing nothing to protect the refugees or to address and defuse the situation as a whole. Preparations by the well-armed former army to return in force to Rwanda, with a stated intention to "finish" the genocide of that nation's Tutsi minority, have been met with the seeming indifference, if not complicity, of some of the governments with a special capacity to make a difference in the region.

The conclusions and lessons of South Africa and Rwanda clearly apply to other crises involving severe violations of human rights and humanitarian law in Africa today, whether it is a "failed state" situation like Somalia and Liberia, a horrendous civil war as in Angola and Sudan, a state of collapse and political deadlock as in Zaire, or massive repression by a military regime as in Nigeria. From a human rights point of view, the question for the international community should always be how to empower and protect local human rights groups in their monitoring and advocacy efforts, and how to pressure offending governments into compliance with their human rights and humanitarian law obligations. That challenge should not be evaded by claiming that killing and torture and other violations cannot be helped because they are the result of age-old "tribal" hatreds. Governments and ruling elites must be held accountable for their role in promoting and manipulating existing communal and other tensions.

### The Right to Monitor

Opportunities for African human rights monitors and activists continue to grow, and so does the struggle with governments over the right to monitor as well as the frustrations of limited resources. There is a vibrant and robust human rights community in all parts of the continent. But human rights workers are continuously detained, intimidated and otherwise harassed in violation of national constitutional and legal systems, and of international human rights law. Some human rights monitors have been tortured or killed. All suffer from the lack of resources and other limitations on their practical ability to monitor and advocate human rights.

Although there is a role for the international community to play in protecting and promoting the right to monitor, the primary responsibility must lie with African civil society in general, and African human rights activists and organizations in particular. In looking for local monitors to support, however, international human rights and development nongovernmental organizations and aid agencies should not confine themselves to preconceived models of what an NGO is supposed to look like or be. African forms and processes of civil society must be accepted for what they are and supported on their own terms in their work for human rights, whether they are informal groups of elders, associations of women market-traders or, Western style, formally constituted NGOs.

### U.S. Policy

In the case of Rwanda, the U.S. hung back from effective engagement in part because of fears of becoming involved in "another Somalia." But even beyond the difficult issues of how best to deploy U.N. peacekeeping forces in Rwanda, the United States failed to take the lead diplomatically, deferring instead to Rwanda's former European patrons, France and Belgium. This deference to France, in particular, was also characteristic of U.S. policy towards other African countries, such as Zaire. For the United States to have a more effective policy in Francophone Africa, the Clinton administration should come out from behind France's shadow,

articulate its own human rights policy, and encourage the French government too, to introduce objective human rights criteria into its policy in Africa.

Elsewhere on the African continent, where the United States has not insisted upon taking a back seat to other governments, human rights policy has been more vigorous. In the case of Nigeria, for example, the United States responded strongly to President Ibrahim Babangida's disruption of the democratic electoral process and the subsequent military coup by General Sani Abacha, imposing economic sanctions and sharply condemning the human rights abuses that accompanied the political upheaval. Similarly, a strong human rights stance on Malawi, adopted in cooperation with Malawi's other donors, played a key role in persuading the Banda regime to submit to demands for multi-party elections. In South Africa, U.S. involvement in the tense period preceding the elections was useful in encouraging the Inkatha Freedom Party to participate, and in helping minimize the threat of violence. Significant political and economic support for the new South African government, and a high-level delegation at President Mandela's inauguration, sent a welcome signal that multi-racial democracy in South Africa is of deep interest to the United States.

The cases of Nigeria, Malawi, and South Africa suggest that the Clinton administration does have the capacity to support human rights and democracy vigorously on the African continent. But the administration has failed to devote the political and diplomatic resources required to the continent's human rights disasters, particularly Angola, Sudan, Rwanda, Somalia, and Liberia. In Angola, for example, the United States has been engaged in the peace process (and appointed a special envoy to add weight to diplomatic efforts), but the action comes only after over 100,000 Angolans lost their lives in the resumption of hostilities that followed the aborted elections of 1992.

Clearly, the United States' bitter experience in Somalia is the key factor in the Clinton administration's disinterest in humanitarian engagement elsewhere on the African continent. Yet a retreat from leadership in some of the worst human rights crises of our time is the wrong lesson to be drawn from Somalia. In fact, the United Nations' ill-fated experiment in "peace enforcement" in Somalia points to the need to incorporate human rights protection into humanitarian operations, and to limit those operations to the protection of civilians.

Throughout the Cold War, U.S. involvement with Africa was largely determined by support for anti-communist regimes and forces opposing regimes considered to fall into the Soviet camp. In the 1980s, for example, the top recipients of American assistance were the governments of Sudan, Somalia, Kenya, Zaire, Liberia—and Jonas Savimbi's UNITA in Angola. In each of these cases, political, economic and military and security assistance contributed considerably to gross abuses of human rights. Today, anti-communism is no longer the single overriding principle guiding such assistance, and the U.S. has largely abandoned its associates of the recent past. Yet it is not clear that another framework for U.S. relations with Africa has taken its place. Consequently, events in Africa seldom receive the attention they deserve, and the Clinton administration appears disinclined to commit the political, economic, and diplomatic resources needed to help resolve the continent's most intractable human rights disasters.

#### The Work of Human Rights Watch/Africa

Throughout 1994, Human Rights Watch/Africa continued its work of close monitoring and documentation of the human rights situation in twelve countries in Africa, while following

developments in the continent as a whole. Central Africa was a primary concern, with the aftermath of the attempted coup in Burundi, genocide, and massive abuses in Rwanda, and the situation of refugees in Zaire requiring particular attention. A report on Rwanda issued in January provided documentary evidence of the formation and arming of the government's Hutu militias, and the series of killings by them that proved the immediate antecedents of the genocide to come.

Continuing with a theme underscored throughout 1993, it focused on the role of governments and associated elites in promoting and manipulating communal tensions for their own political ends. This theme is emphasized in several of the country sections that follow.

During 1994, it collaborated with four of the specialized projects within Human Rights Watch, namely, the Arms, Children's, Prison, and Women's Rights Projects, in monitoring and advocacy efforts in relation to Angola, Botswana, Liberia, South Africa, Sudan, and Zaire. The work concerned landmines in Mozambique, the arms trade and violations of the laws of war since the 1992 elections in Angola, prison conditions in South Africa and Zaire, and discrimination against women with respect to the citizenship of children born in Botswana. Details of that work can be found in the respective sections of this report concerning those projects of Human Rights Watch. The newest project, the Children's Rights Project, worked with Human Rights Watch/Africa to address the issue of child soldiers in Liberia and in southern Sudan.

## ANGOLA

### Human Rights Developments

Angola's civil war continued. The human cost of the war in 1994 was impossible to determine with precision, but the United Nations estimated that more than 100,000 people have died. In October 1993, 250 child deaths were reported each day in the besieged government-held city of Malanje alone. In September 1994, the U.N. Secretary-General reported that there had been a 10 percent increase in the number of people severely affected by the war since February 1994, and that nearly 3.7 million Angolans, mostly displaced and other victims of conflict, were in need of emergency supplies, including essential medicines, vaccines and food aid.

The appalling levels of death and destruction were in large part consequences of the widespread and systematic violations of the laws of war for which this conflict has been notable.

Both the government and the rebels, the National Union for the Total Independence of Angola (Uniao Nacional para a Independencia Total de Angola, UNITA) have been responsible for these violations. In particular, indiscriminate shelling of besieged cities by UNITA resulted in massive destruction of property and the death of untold numbers of civilians. Indiscriminate bombing by the government took a high civilian toll. As noted by an Africa expert from the U.S. Department of Defense, "This type of warfare bears mainly, cruelly and disproportionately on the populace, which is caught between the warring parties." If the human cost is staggering, so is the lack of international attention. Angola has earned the sobriquet of "the forgotten war."

Thousands of civilians were killed or injured in the indiscriminate government bombing of population centers in UNITA-controlled zones during 1994. The government also actively recruited child soldiers. Human Rights Watch witnessed and photographed the recruitment of

minors in May and June, and interviewed some of the child recruits. Foreign nationals, including Katangans under the protection of the United Nations High Commissioner for Refugees, were also illegally conscripted by the government into its army.

UNITA laid siege to a number of cities and towns in 1994, most notably Malanje and Kuito. UNITA sieges caused widespread starvation of the civilian population. UNITA attacks on humanitarian relief operations were numerous and well-documented. On June 21 UNITA attacked a relief convoy between Lobito and Bocoio with mortar and small arms fire, destroying fifteen World Food Program (WFP) vehicles. Two WFP workers were wounded.

Reports about the torture of prisoners at the Ministry of Interior's high-security interrogation facility, Central de Criminalistica, known as the "Laboratorio" at Catete road, Luanda, continue. Extrajudicial executions also continued in the Luanda area on a reduced scale.

In May 1994, Human Rights Watch interviewed a family in Samba suburb who claimed that their son was killed by the police because he came from central Angola. The International Committee of the Red Cross (ICRC) estimated that there were some 1,100 UNITA detainees in Luanda from the 1992 purge of the city. Many of these were free to move around the city, but could not leave it.

UNITA held large numbers of government prisoners in 1994. It provided ICRC some access to these prisoners. In May 1994, the ICRC for the first time visited government prisoners held by UNITA in Huambo. While in Huambo, Human Rights Watch/Africa was told that these prisoners were held there as an interim measure before being sent to "re-education camps," where captured soldiers were prepared to work for UNITA as porters. UNITA also continued to abduct foreign nationals. On August 26, UNITA soldiers seized two Africare employees north of Porto Amboim.

Mine warfare intensified after hostilities resumed following the September 1992 elections, with thousands of new mines being laid by the government and UNITA to obstruct roads and bridges, to encircle besieged towns with mine belts up to three kilometers wide and to despoil agricultural lands. There were an estimated nine to fifteen million mines laid throughout the country. The U.N. estimated that the number of amputees as a result of mines injury will reach 70,000 in 1994.

But the balance on the battlefield began to change in August 1993, with government forces recapturing from UNITA large tracts of Benguela, Huila, and Bengo provinces. The government made further gains in 1994. Between March and July, the area dominated by UNITA was reduced from 60 percent to 40 percent of national territory. Several strategic centers, such as Ndalatando (Cuanza Norte province), Cafunfo (Lunda Norte), and several occupied wards of Kuito, were recaptured by the government. The loss of Cafunfo, a key diamond area, was particularly hard on UNITA. UNITA was financing its military campaign, including arms imports in breach of U.N. arms embargo, with Angola's diamond wealth.

In response to its greater isolation and battlefield losses, UNITA increased its forcible recruitment of the local population in its war effort. Underage conscription also significantly increased since mid-1994, especially in the UNITA-controlled city of Huambo.

The renewed conflict, and accompanying human rights abuses and violations of laws of war, were being fueled by new flows of arms into the country. In 1993 the government repudiated the "Triple Zero" arms embargo clause of the 1992 Bicesse cease-fire agreement, and went on an international spending spree, buying more than \$3.5 billion worth of weapons in 1993 and 1994. Weapons procurement reached record levels. The government of Angola was

unquestionably the largest arms purchaser in sub-Saharan Africa during the past two years. Some analysts believed that Angola has mortgaged the next seven years of oil production to finance arms purchases, even though its current oil reserves are estimated to last only fifteen years.

The Angolan government was buying weapons from numerous governmental sources in Europe, Africa, Asia, and Latin America, although much of the weaponry was purchased from private international arms dealers. Russia was the largest supplier to Angola. Other countries apparently involved in arming and training the government's forces included Brazil, Ukraine, Bulgaria, the Czech Republic, Uzbekistan, North Korea, Portugal, and Spain. By supplying arms, Portugal and Russia undermined their role as members of the official "Observing Troika" for the peace process.

A private South African "security consultant" firm, Executive Outcomes, apparently provided armed personnel to assist both government forces and UNITA, and at the time of writing had a multi-million dollar contract with the Angolan government.

UNITA was purchasing large amounts of weapons from foreign sources, as well. Such purchases violated both the 1991 Bicesse Accords and the international arms and oil embargo against UNITA imposed by the U.N. in September 1993. UNITA was effective in "sanctions-busting" through neighboring countries, especially South Africa, Namibia, and Zaire. UNITA appeared to obtain much of its weaponry from private sources, rather than foreign governments, although there was some evidence that Russia, Zaire, and others provided arms. Zaire became the most important source of support for UNITA, becoming a transit area and conduit for diamond sales and weapons transfers.

#### The Right to Monitor

The sole functioning human rights group in Angola, the Luanda-based Angolan Association of Human Rights (Associacao Angolana dos Direitos do Homen), experienced police harassment and, in May and June the detention and imprisonment of its members, including its Secretary General Lourenco Agostinho and William Tonet. The detentions followed immediately after the publication of a critical report about prison conditions, which blamed the Ministry of the Interior for corruption and breaches of international human rights standards.

Incidents of harassment of journalists increased in mid-1994 with several detentions. Attempts to publish articles about corruption in the military were also censored on several occasions and access to war zones remained restricted.

UNITA continued to tightly control its zones. Although some journalists in early 1994 were able to move freely in Huambo, this ended by mid-1994 as UNITA tightened its control again.

Angolan journalists have been trying to set up a human rights training project to improve the quality and focus of their reporting.

#### U.S. and U.N. Policy

With the exception of the official recognition of the government in 1993, U.S. policy under the Clinton administration changed little from U.S. policy at the end of the Bush administration. Only at the urging of key members of Congress did the administration in late 1993 appoint a special envoy to assist U.N. peace efforts and attend the talks.

U.S. policy in Angola during 1994 focused on the slow and tortuous peace talks taking place in Lusaka, Zambia. In an attempt to push the process forward, President Clinton, on advice

from Paul Hare, special representative to the Angolan Peace Process, sent two letters, in April and in May to President dos Santos. The letters urged the Angolan president to accept proposals put forward by the mediators. President dos Santos replied on May 27, agreeing to the proposals but also adding a list of his government's conditions. These details were also discussed by the Angolan president with a delegation of U.S. senators, led by Senator Paul Simon, chair of the Senate Foreign Relations Subcommittee on Africa, who were on a fact-finding visit at the time. President Clinton sent a letter in early June to UNITA head Jonas Savimbi urging him to accept the Angolan government's offer of positions in central, provincial, and local administrations.

Apparently fearing that public attention to human rights abuses by the government and UNITA might jeopardize the peace process, the State Department largely kept silent about human rights in Angola. Testimony before Congress over the past year concentrated on developments in the peace process and humanitarian concerns, but there was little public censure of the warring parties for violations against noncombatants. Growing government confidence on the battlefield led to a growing coolness between the U.S. and the government as Luanda appeared to be increasingly critical of international mediation efforts.

The Lusaka peace talks, which started on November 15, 1993, were the focus of U.N. mediation attempts. Chaired by U.N. Special Representative Alionne Blondin Beye, with the participation of Hare and observers from Russia and Portugal, the talks have taken place behind closed doors. The negotiations included a timetable for a cease-fire and UNITA troop demobilization, and a formula for national reconciliation between the two parties. Following clear progress on military issues in the peace talks, on December 13 the government presented to Beye its proposal for a national reconciliation government.

Soon thereafter, the Lusaka talks broke for consultations in the wake of allegations that the government had bombed Kuito, where it was rumored Savimbi was attending a soccer match. Talks resumed in January 1994, with the government and UNITA negotiators agreeing on January 31 on the composition of both the police and anti-riot units. The talks progressed slowly, with the pace determined by calculations on each side on the basis of the situation in the battlefield.

Despite this appearance of progress the talks bogged down in discussions on power-sharing. In late April the U.S. intervened with President Clinton sending letters to both sides. By June the outstanding issue became who would gain the governorship of Huambo. Finally, on September 5, following military set-backs across the country, UNITA compromised by accepting the complete set of U.N. proposals on national reconciliation put forth during the talks, thereby avoiding also a further package of sanctions.

The Lusaka Protocol was finally initialled by both sides on October 31 and the signing of the cease-fire agreement should follow. However, fighting also increased across the country with both sides trying to grab territory to strengthen their territorial positions before any cease-fire is signed. By the middle of November, government troops had recaptured the second city of Huambo from UNITA, and continued military activity appeared to be delaying the signing of an agreement.

Compromise was the U.N. strategy in Lusaka. Accountability for, or discussion about human rights abuses or future monitoring of human rights observance did not play a prominent role in the negotiations. Human Rights Watch urged that it should be integral to any agreement that a contingent of full-time U.N. human rights monitors be deployed to observe, investigate, and publicize violations of human rights and humanitarian law by all parties.



## The Work of Human Rights Watch/Africa

Human Rights Watch/Africa conducted a joint mission with the Arms Project to Angola in May/June. This mission included the first ever Human Rights Watch visit into UNITA zones. In September a second mission to South Africa provided further information. In November, Angola: Arms Trade And Violations of The Laws of War Since the 1992 Elections, was published. It was timed to focus attention on continued weapons flows to the country and to press for the prioritization of human rights monitoring in the future U.N. mission following the reaching of a lasting peace agreement.

Human Rights Watch/Africa was actively engaged in the promotion of measures to address human rights concerns on Angola with the U.S. Congress, the U.N's Department of Humanitarian Affairs and various European and southern African governments, conducting briefings, and highlighting the nature and scale of humanitarian concerns. In addition, Human Rights Watch/Africa gave frequent radio, television and press interviews with U.S., African, and European journalists, and presented its findings on Angola in several academic forums, such as the April "Why Angola Matters" conference at the University of Cambridge, England.

## BURUNDI

### Human Rights Development

Burundi began 1994 still reeling from months of violence that had followed the assassination of its first democratically elected president the previous October. In the last two months of 1993 between 30,000 and 50,000 people had been killed. The population of Burundi, like that of its northern neighbor, Rwanda, is predominantly composed of Hutu, who make up about 85 percent, and Tutsi, who represent about 15 percent of the total. As in Rwanda, there is also a very small number of a third people, the Twa.

Tutsi dominated political, economic and military life in Burundi until the early 1990s. Following internal and foreign pressure for reform, the elite permitted the establishment of a multi-party electoral system. In June 1993, the first Hutu president of Burundi, Melchior Ndadaye, was elected, but he was assassinated on October 21 in the course of a coup attempt by the largely Tutsi army. Within hours of the beginning of the coup, Hutu in the northern, central and eastern parts of the country began barring the roads to prevent troops from reaching their communities. In many of these communities they also launched attacks on Tutsi civilians, sometimes under the direction of local government authorities who were Hutu. The army responded with excessive and often indiscriminate force and attacked Hutu communities, including those where there had been no previous disorder. During the worst weeks of violence, hundreds of thousands of people fled to swamps and forests, to safer regions elsewhere in Burundi or across the frontiers to Tanzania, Rwanda, or Zaire. At the beginning of 1994, thousands—mostly Hutu—remained abroad while thousands of others—mostly Tutsi—clustered in camps or in urban centers, where they could count on ready protection by soldiers or police.

The attempted coup, which collapsed within two days, touched off a constitutional crisis. Both the officials designated by the constitution to succeed the slain president had also been assassinated, leaving a weak caretaker government in power. The crisis continued until January

1994 when the National Assembly designated Cyprien Ntaryamira to serve the remainder of Ndadaye's term as president. Ntaryamira, in turn, was killed two months after his installation in the same April plane crash that killed President Habyarimana of Rwanda. Sylvestre Ntibantunganya, then President of the National Assembly, succeeded him as interim President of Burundi for three months. According to the constitution, a national election should have been held to choose the President who would fulfill the remainder of the five-year term. But given the general insecurity in the country, with thousands of people in displaced persons' camps or abroad, such an election was impossible. Faced with the refusal of the political parties to find a mutually acceptable candidate for the presidency, the constitutional court extended the interim authority of Ntibantunganya. In September the parties finally agreed to install Ntibantunganya for the remainder of the five-year term originally won by Ndadaye in June 1993.

Extremists on both sides increased their bases of support during the eleven months of instability between the assassination of Ndadaye and the installation of Ntibantunganya. Each side used threats and actual violence against the other and against moderates who sought to craft a compromise between the two.

Splinter groups of extremist Tutsi sought to achieve their objectives, such as representation in the cabinet, by "dead city" demonstrations. In February, April, and August, they shut down the capital by barricades, threats, and attacks on those who dared to move around Bujumbura. Each such demonstration resulted in several dozen people dead or injured. Army and police rarely intervened to restore order in these incidents and actually participated in some of them.

Extremist Hutu began training and arming underground militia groups. Throughout the year they staged ambushes and small attacks on soldiers and on camps where displaced Tutsi were housed. In early May, for example, they killed three soldiers in an ambush in the northern province of Ngozi and in June two more were killed in the section of the capital, Bujumbura, known as Kamenga. The army responded to those attacks, killing Hutu indiscriminately. In March, April, and September troops raided predominantly Hutu sections of Bujumbura, such as Kamenga, to search for arms. The operation in April, the most violent of the three, involved encircling and bombarding the neighborhood after most of the inhabitants had been evacuated. The government acknowledged that six hundred people were killed at this time. Several hundred people died in the other attacks. In connection with the September disarmament operation, 385 people were arrested on the orders of the Military Auditor General, Lieutenant-Colonel Janvier Baribwegure. Thirteen of these prisoners subsequently disappeared, apparently the victims of summary execution: their bodies were found several days later just outside the city.

Both Hutu and Tutsi suffered from violence in the countryside as well. Every month there were attacks from one side or the other, particularly in the northern and central provinces. Tutsi from the displaced persons' camps attacked Hutu in adjacent areas, often with the assistance of soldiers. Some of the killing was in reprisal for earlier massacres of Tutsi in the same communities, but other cases of violence were related to the struggle over the control of land and other property. Hutu also attacked Tutsi, such as in Tangara commune, Ngozi province, where thirty-two Tutsi were killed in February, and in Muramvya, where six Tutsi were killed in late June.

The influx of thousands of Rwandan refugees after the genocide began in their country in early April heightened tensions, particularly in those parts of northern Burundi near the frontier. In the province of Kirundi, Rwandan Tutsi, who had sought refuge in Burundi some time

previously, killed dozens of Rwandan Hutu refugees who had just arrived in Burundi. In late July Tutsi killed more than forty Hutu refugees from Rwanda in the province of Kayanza.

Tutsi extremists also assassinated a number of officials or important political leaders, including the administrators of Vumbi commune and Kiremba commune, Kirundo province, and the parliamentary representative from Ngozi province Sylvestre Ndayishimiye, who also headed the militia of the FRODEBU (Front for Democracy in Burundi) political party. Assassins also targeted but failed to kill the Governor of Ngozi province in July and killed an expatriate agent of the United Nations High Commission for Refugees in Kirundo province in mid-August.

Increasingly, extremist rhetoric contributed to the atmosphere of insecurity. In June, a Hutu pirate radio station, called Radio Rutomirangiro, or Radio Truth, began broadcasting calls to violence from a mobile transmitter that shifted between Rwanda and Zaire. In late July the parliamentary leader Christian Ndirakobuca was forced to resign after accusations that he had circulated a tape recording inciting Hutu to hatred and violence. A number of apparently random incidents of violence, such as bomb and grenade explosions in markets and buses, increased the fear of ordinary citizens.

By threats and attacks on houses, Tutsi extremists have forced Hutu to move out of sections of the capital that were predominantly Tutsi. Meanwhile, Hutu have pushed Tutsi out of neighborhoods where they were the minority. This forcible separation of the city into hostile, virtually mono-ethnic zones extended the general separation of the groups that had occurred in some regions of the interior following the violence of late 1993.

The Burundi authorities have made no effective response to halt the continuing violence. The first governmental commission named to investigate the assassination and the attempted coup d'etat of October 1993 and the ensuing killings accomplished nothing. In September new commissions were established at the level of the provinces to gather information about the events. There have been no trials of any of the authors of the coup or the subsequent massacres. Francois Ngeze, implicated in the execution of the coup, was under house arrest for the first six months of the year, but was released in June. The administrator of the commune of Ryansoro was arrested on charges of having directed the killing of Tutsi in his commune but he was released after three months of detention without ever having been brought to trial. When organizers of street violence were arrested in Bujumbura in August, Mathias Hitimana, head of the Party for the Reconciliation of the People, a small extremist party, led students in clashes with the police to force their release. He was subsequently arrested himself but the authorities liberated Hitimana and the other detainees after a "dead city" demonstration left some twenty people dead.

#### The Right to Monitor

Most civilian and military authorities cooperated with the International Commission of human rights experts who arrived in January 1994 to investigate the 1993 coup and its aftermath. After the departure of the commission, however, and particularly after the publication of its report critical of both civilian and military authorities, Burundi human rights activists who had assisted the commission were subjected to threats and harassment. Two of them found it necessary to flee the country. The human rights league ITEKA was subjected to intimidation by authorities during the month of September following its effort to press for investigations into disappearances and summary executions.

#### The Role of the

### International Community

The international community responded rapidly and effectively to the 1993 attempted coup. Its unanimous rejection of the military take-over was important in convincing the troops to return to the barracks. It was less effective, however, in the weeks of violence that followed and paid relatively little attention to the massacres of Hutu and Tutsi that continued for some weeks. In early 1994, international concern with bringing to justice the authors of the coup and the massacres produced no real results. A three person investigatory commission was dispatched by the United Nations Security Council in March. Its report, presumably submitted to the Secretary-General not long after, has never been published nor even made available to members of the Security Council.

The Secretary-General of the United Nations, Boutros Boutros-Ghali, sent a special representative to Burundi after the October violence. He served as a useful mediator between the various factions, helped keep international attention focused on Burundi, and provided balanced assessments of events to correct distorted accounts circulated by extremists. In the face of the catastrophe in neighboring Rwanda, international concern with preventing a similar disaster in Burundi increased. The Organization of African Unity deployed a military observation mission of several hundred soldiers over the course of several months in the spring. They continued to monitor the situation throughout the country until the end of the year. The United Nations High Commissioner for Human Rights visited Burundi in May and called for international attention to the critical situation there. The U.N. then launched a human rights program, focusing largely on long term efforts to improve the judicial system and to educate people about human rights.

A series of international observers visited Burundi including the former African heads of state Sekou Toure and Obasanjo, sent by the Organization of African Unity, a delegation of members of the U.N. Security Council, and a high-level delegation representing President Clinton. African presidents Ali Hassan Mwinyi, Yoweri Museveni, and Frederick Chiluba met in August to seek a solution to the political conflict in Burundi and the Security Council continued to follow developments there throughout the year. The United States has played a constructive role in pressing for political dialogue, judicial reform, and the prosecution of those accused of assassination and mass killings.

International attention has not been sufficient to eliminate the continuing violence nor to bring those guilty of the massacres to justice, but it has helped to prevent a recurrence of killings on the scale of the previous year.

### The Work of Human Rights Watch/Africa

Immediately after the assassination of President Ndadaye and the onset of the massacres, Human Rights Watch/Africa responded to a call from the local human rights league to investigate massive human rights abuses in Burundi. In cooperation with the International Federation of Human Rights (Paris), The Great Lakes League for the Defense of Human Rights (Kigali), and SOS Torture (Geneva), Human Rights Watch/Africa carried out this inquiry in late January and early February. The thirteen researchers from eight countries, known as the International Commission to Investigate Human Rights Abuse in Burundi, published a 200-page report in July, which concluded that the majority of the armed forces in Burundi participated in the attempted coup d'etat and assassination or did nothing to stop these crimes. The report also concluded that members of the administration participated in the subsequent killings of civilians in a number of

communes and that the armed forces repressed the violence in these communes, often with the use of excessive force. In some places, the army attacked civilians who had not previously been involved in the disorder and killings. The most pressing recommendation of Human Rights Watch/Africa and other members of the International Commission was to bring those responsible for the assassination and the other massacres to justice immediately.

Through advocacy at the United Nations, with U.S. officials and with authorities of other governments, and through publication and interviews, Human Rights Watch/Africa worked to secure international pressure on the Burundian authorities for the arrest and trial of those accused of participation in these massive human rights violations. It pressed for measures to make the Burundi courts more effective, including the temporary recruitment of foreign jurists and prosecutors. Human Rights Watch/Africa also kept decision-makers, the press and the public informed about current developments in Burundi, helping to provide factually-based assessments of developments in an atmosphere rife with propaganda.

## ETHIOPIA

### Human Rights Developments

The Transitional Government of Ethiopia (TGE) has brought about significant improvements in the human rights situation in the country since the overthrow of the government of Colonel Mengistu Haile Mariam in May 1991 ended seventeen years of the rule of the Dergue. However, after three years in power, the TGE was still dominated by the Ethiopian People's Revolutionary Democratic Front (EPRDF), the party whose military forces, together with those of the Eritrean People's Liberation Front, defeated the Dergue. The EPRDF held thirty-two out of the sixty-four seats in the Council of Representatives; its army served as the national army of the country, as members of the other forces who fought against the Dergue had yet to be integrated into it. The army of the Dergue government was dissolved and all its members dispersed.

In its early days the TGE adopted a Transitional Charter ("the Charter") which guaranteed basic human rights. A Constitutional Commission was established to draft a new constitution, and a National Electoral Board was created to conduct elections in the country. The government ratified major international human rights instruments and permitted the emergence of more political parties and other associations than ever before in the history of Ethiopia. On the basis of the Freedom of the Press Proclamation (Proclamation No. 34/1992) about two hundred licenses were issued for independent journals and newspapers.

In addition, the TGE took initial steps to support the rehabilitation of former refugees returning from neighboring countries, as well as the hundreds of thousands of former soldiers of the disbanded army who were left without means of support. The government also acted effectively through its Relief and Rehabilitation Commission to avert the imminent famine which threatened an estimated 6.7 million people in 1994.

The systematic "disappearances" and massive extrajudicial executions that characterized the Dergue regime were no longer part of the general human rights situation in Ethiopia. However, the human rights situation was far from satisfactory, as arrests and detention of members of opposition political parties and journalists, and some killings in disputed circumstances, continued to occur. There were increasing allegations of human rights abuses, often involving intimidation of leaders of members of parties and groups that were competing

with the EPRDF in the political process. These political opposition parties and groups included the Oromo Liberation Front (OLF), the Sidama Liberation Movement (SLM), the Coalition of Ethiopian Democratic Forces (COEDF), the Ogadeni National Liberation Front (ONLF), Ethiopian Democratic Union Party (EDUP), the All Amhara People's Organization (AAPO), and the Council of Alternative forces for Peace and Democracy in Ethiopia (CAFPDE). The government appeared reluctant to hand over power to a democratically elected government in the event of its losing in the forthcoming March 1995 general election, when the period of rule by transitional government should come to an end. Unlike the economy, which was doing relatively well, the political situation in Ethiopia appeared to be deteriorating, and tension was mounting.

Members of the opposition parties suffered intimidation, harassment, and other abuses, particularly at the hands of local officials. In many areas, political opponents, despite the freedom to organize, found administrative obstacles to freedom of expression and association insurmountable. The Peaceful Demonstration and Public Political Meeting Proclamation (Proclamation No. 3/1991), which guarantees the right to peaceful demonstration and public political meetings, was largely ignored or misinterpreted, depending on the region in which an application is made.

Although the law does not require political parties to obtain permission to hold public meetings, permits were nevertheless generally required. Furthermore, permission was often refused or delayed to such an extent that parties such as the EDUP, AAPO, and CAFPDE did not have the time to organize effectively or to inform the public of their activities. Some political parties found their meetings surrounded by security personnel who could be seen in the streets advising people not to attend.

The harassment of political opponents extended to personal intimidation and harassment of party members and officials. In Addis Ababa, Ato Aberra Yemane Ab, of the COEDF, was arrested in December 1993 when he arrived in the country for a peace conference, and was still in prison at the time of this writing. Though charges against Mr. Aberra at the time of his initial arrest were dismissed by the courts in April 1994, he was detained indefinitely by virtue of a fresh order by a lower court without formal charge or trial. Members of the SLM, ONLF, and AAPO were also arrested and detained without charge or trial.

Those killed by EPRDF security in 1994 include more than a dozen officials and alleged members of the ONLF in the Somali region, as well as six AAPO members in the Amhara region and five SLM members and officials in and around Awasa town in the Sidamo district. Some of these killings occurred during armed clashes, but others occurred in disputed circumstances in which there was reason to believe killings were arbitrary.

One hundred and fifty-eight supporters of AAPO were detained in September, on charges of staging an illegal demonstration, but released twelve days later on October 2, 1994. They were among the hundreds of AAPO members and supporters who had congregated at the court's compound when the President of the organization, Professor Asrat Woldeyes, already imprisoned on a previous occasion, went on trial on another charge in September. At least fourteen members of AAPO were held at Alem Bekagne (World's End) the central prison in Addis Ababa on different charges and without bail.

At least two hundred of the estimated 20,000 members and supporters of the Oromo Liberation Front (OLF), the main organization which helped the EPRDF form the transitional government in 1991, were still detained in Hurso, Eastern Ethiopia. In September 1994 alone, 194 members of the Sidama Liberation Movement (commonly known as SLM1 to distinguish it

from the pro-government SLM2) were arrested and held in Awasa prison. The chair of SLM1, a very outspoken ex-member of the Council of Representatives, Ato Woldeamanuel Dubale, fled to the United Kingdom after escaping an assassination attempt attributed to EPRDF security in Awassa town in 1992.

More than thirty-seven alleged supporters of the OLF were also arrested on September 3, 1994, in the town of Ambo when they gathered to give condolences to the family of Ato Darara Kafana, a sixty-year-old Oromo businessman, killed by uniformed men in Ambo. Among those arrested was sixty-four-year-old Olli Atomsa.

Outside Addis Ababa and a few other major cities, political activities were subjected to more arbitrary control, and in some regions the local chiefs did not abide by formal guidelines on freedom of association. Supporters of opposition parties were often regarded as enemies of the government. In the Tigray region, members of the Ethiopian Democratic Union Party (EDUP) complained of intimidation and harassment by local authorities belonging to the Tigray People's Liberation Front (TPLF).

Unequal access to the mass media was another major concern in the democratization process, although unfairness was vehemently denied by the head of the Ethiopian News Agency, Ato Amare Aregawi, the most powerful person in the Ministry of Information. Technically, all of the twenty-five or more political parties that were legally registered in May 1994 were to be given regular access to television and radio air time, by a decision of the Council of Representatives. In practice, the allocation was still arbitrary, and liable to be abused. There was a perception of unfair competition among political parties. The Ministry of Information assisted the few parties that needed help to prepare programs for broadcasting. Every other party was entitled only to "campaign time" (available only during the campaign period). Prior to the June 1994 election of the constituent assembly, some parties were specifically denied air time because the Council alleged that this privilege had been abused to "insult other organizations" rather than promote a political program.

The fairness of the political process continued to be a cause for concern. It became increasingly difficult to distinguish between the EPRDF as a political party and the EPRDF as the government in power. Opposition parties lacked equal opportunities and facilities to compete effectively with the government. In some regions the government administrative building also housed EPRDF party offices, which were guarded by security men in military uniform.

On June 5, 1994, elections were held for the Constituent Assembly, the body responsible for debating and enacting the draft constitution. However, the major opposition political parties all boycotted the elections for the Assembly on the grounds that they had been excluded from participation in the drafting of the constitution. Consequently, of the entire 548 seats, 464 (84.7 percent) were won by candidates representing the EPRDF.

The government's ongoing suppression of freedom of the press heightened the feeling of anxiety, fear, and confusion in the country. In the first six months of 1994 twenty-three journalists were detained or subjected to fines because of their critical writings. This had a profound impact on the fledgling independent press, and a number of private newspapers shut down as a result. At the time of writing, there were eight journalists in prison. Keleme Bogale and Tewodros Kebede, both working for Zog, an Amharic weekly, were arrested in the second week of October 1994. Other journalists who were also detained, and released on bail, were Tefera Asmare, Daniel Kifle, Girma Endrias, Habtamu Belete, Ezeddin Mohammed, Girma Lemma, Melaku Tsefaye, and Tsefaye Tadesse.

A number of factors contributed to the press's current problems, including the provisions of the press law itself and the government's apparent disposition to secrecy. The press law (Press Proclamation No. 34 of October 21, 1992) uses such vague and ambiguous language in regulating the content of what journalists may write—as can be found in article 2.4(c)—that it can easily be abused and manipulated in harassing journalists by bringing criminal charges against them if they are critical of government policies or action, and setting bail too high for them to be discharged awaiting trial.

The presence of soldiers in large numbers moving about in civilian communities caused insecurity, although their number was decreasing. The national army, which was in effect and composition the armed wing of the EPRDF, was not restricted to the borders, or those areas presenting high security risks, as stipulated in the Deployment of the State "Defense Army of the Central Transitional Government" Proclamation. These soldiers were in most cases fully armed, often without any form of identification and not in full military uniform. EPRDF soldiers were generally reported to be more responsible than soldiers during the Dergue regime, but reliable accounts of intimidation, harassment, and other forms of abuse nevertheless abounded. A good number of the soldiers did not speak the language of the community where they were billeted, which led to increased tension, fear, abuse, and misunderstanding.

The government's policies on regionalization, ethnicity and language continued to have profound effects on human rights in the country. The TGE created fourteen self-governing regions divided along ethnic lines. The Charter guaranteed the right of every nation (defined as a people living in the same geographic area with a common language and identity) to self-determination. Each region had the added right to adopt its own language.

Though ethnic-based hostilities decreased in intensity and frequency after the adoption of this new policy, they nevertheless continued. This was largely due to failure, on the government's part, to expressly provide for the protection of minorities and ethnic groups dwelling outside their home regions. Inflammatory remarks by the government and local officials, including allusion to Amhara as "neftegna" (meaning "musketeers," a reference to the sort of weapons they used to carry in the past), particularly in Oromo areas dominated by the Oromo People's Democratic Organization, and as "the oppressors" by the troops of the Tigray People's Liberation Front stationed in the South, continued to perpetuate ethnic tensions and hostilities in the country.

The ongoing struggle for secession in the ethnic Somali area of the Ogaden (now known as Region Five) resulted in continuing bloodshed and threatened future peace and stability in the country. It also provided a disturbing picture of the problems which could face the country in the future if the issue of secession is not settled. The Charter guarantees a right to secession of a people if they are "convinced that their rights are denied, abridged or abrogated." It remained unclear how secession can be peacefully accomplished in Ethiopia under the new policy.

The government had yet to review its policies on land and language, which have contributed to loss of life and enhanced ethnic tensions in the country. Nor had the government adopted specific policies to protect ethnic minorities, to define the rights of ethnic groups in divided communities or to provide specific protection for dispersed groups and persons living outside their ethnic base.

Since the EPRDF assumed powers in Ethiopia in 1991, about 1,300 officials and others associated with the former Dergue regime have been in detention for their alleged involvement in various atrocities committed by the regime. While most of the detainees were held in Addis



Ababa, others were held in detention centers in other parts of the country. For more than three years, the detainees were held without charge as investigations continued and a new judicial system was established. The Office of the Special Prosecutor (SPO) created to handle prosecutions attributed the delay in bringing charges and initiating the trial process to difficulties in gathering evidence. On October 25, a range of charges were presented against sixty-six senior officials of the Dergue regime. Some of the accused, including Mengistu, were to be tried in absentia since their extradition could not be secured.

Attempts to extradite Mengistu from Zimbabwe failed, despite a formal request in February and the visit of the Ethiopian Minister of Foreign Affairs, Ato Seyoum Mesfin, in August 1994. An extradition treaty was signed, however, with Djibouti in September 1994, which should help in bringing some of the accused to trial in Ethiopia.

### The Right to Monitor

A key factor in establishing confidence is the right of human rights organizations to monitor. The transitional government was generally very open to monitoring by human rights organizations based outside the country. Human rights monitoring by local human rights groups was more restricted, however. Several local human rights and development organizations existed in Ethiopia but were required to obtain permits subject to annual renewal. Some were denied permission to operate or experienced extensive delays in obtaining permits.

Two human rights organizations, the Ethiopian Human Rights Council and Gadado (an Oromo word meaning "agony"), were actively involved in receiving complaints, documenting abuses, and publishing their findings. The government denied both organizations formal registration, thereby severely restricting their ability to operate. Professor Mesfin Woldemariam, Chair of the Ethiopian Human Rights Council, was taking the government to court for denying his organization a license, and to contest its claims that the Human Rights Council was "a political organization," that "sides with the opposition," was "ethnically oriented," or engaged in inaccurate reporting. Woldemariam had previously been the target of verbal attacks by the government. Detained in 1993 and since released on bail, he had yet to be charged or tried with any crime.

### U.S. Policy

The U.S. moved from unequivocal support of the transitional government, to more cautious expressions of solidarity and support, but stopped short of seriously, publicly criticizing the government on human rights. Generally, the United States appeared reluctant to stigmatize the government that it helped to set up, or to deal with mounting complaints by opposition parties.

This failure by the U.S. to publicly identify with the human rights cause encouraged misrepresentation of U.S. policy by the Ethiopian government. For example, following his meeting with President Clinton in August 1994, according to the BBC summary of world broadcasts (September 6, 1994), President Meles said that U.S. officials considered attacks on the transitional government by the opposition to be "hooliganism." Human rights concerns were reportedly raised by the State Department and the White House at every meeting with Meles. State Department officials told Human Rights Watch/Africa that Assistant Secretary of State for African Affairs George Moose discussed concerns about press freedom, detention without trial and free association, particularly in the context of next year's elections. While in the U.S., President Meles also met briefly with President Clinton and with Defense Secretary William

Perry, Secretary of State Warren Christopher, and AID Director Atwood. The meeting with the Department of Defense was said to focus on Ethiopia's leadership in the talks on Sudan within the framework of the Inter-governmental Authority on Drought and Development (IGADD), and for the participation of Ethiopian forces in international peacekeeping.

The U.S. government has provided significant foreign assistance to Ethiopia, and should use that leverage to encourage human rights improvements. After South Africa, Ethiopia is the largest recipient of U.S. aid in sub-Saharan Africa. In fiscal year 1994, the U.S. provided \$135.69 million in economic aid (\$37.31 million in the Development Fund for Africa; under PL480, \$55.80 million under Title II and \$42.50 million under Title III), and under others items.

The U.S. Embassy in Addis Ababa was not a forceful public proponent of human rights, and refrained from criticizing the government for its human rights record. The former U.S. ambassador to Ethiopia, Marc Baas, noted in a May 1994 interview with The Ethiopian Herald, a government-owned English-language daily, that the U.S. was concerned about the number of people detained without charge, but he went on to applaud the government for some recent releases and said that he thought that a large part of the problem was that no infrastructure existed for the processing of persons suspected of crimes. He also stated that he remained concerned about the unintentional signal that the transitional government might be sending by arresting and prosecuting journalists.

Similar, cautious approaches were used by the State Department. In February 1994, Assistant Secretary of State George Moose gave an interview to The Ethiopian Herald in which he was asked about the state of human rights in Ethiopia. His response was that he recognized that there were still improvements to be made and that the U.S. government intended to continue making its views known, as in the State Department's annual Country Reports on Human Rights Practices for 1993 and in ongoing discussions with Ethiopian authorities.

U.S. officials did give rhetorical support to the need for respect for human rights. In a press conference in December 1993, Ambassador Marc Baas stated that support for democratization was the keystone of U.S. policy toward Ethiopia, in addition to promotion and respect for human rights and the development of economic reform.

#### The Work of Human Rights Watch/Africa

Representatives of Human Rights Watch/Africa traveled to Ethiopia in the spring of 1994 to investigate issues of accountability for human rights violations by officials of the previous regime, and questions of freedom of association and press under the present government. Some of the findings of this mission were published in Human Rights in Africa and U.S. Policy, a special report by Human Rights Watch/Africa for the White House Conference on Africa held June 26-27, 1994.

On July 27, 1994, the executive director of Human Rights Watch/Africa testified before the Subcommittee on Africa of the House Foreign Affairs Committee, highlighting various concerns arising from the findings of the mission and subsequent follow-up monitoring, including rising ethnic tensions in Ethiopia. A report on accountability issues was due to be published before the end of 1994.

#### KENYA

## Human Rights Developments

During 1994 government intolerance of criticism continued to threaten Kenya's shaky return to a multiparty system. Opposition supporters were required to obtain licenses to hold meetings, but were routinely denied such licenses and arrested if meetings were held without them. Political trials were held of several prominent figures, and mysterious attacks took place on opposition Members of Parliament's (MP) private homes. The right to freedom of expression was threatened by the arrest and charging of a number of journalists in connection with articles critical of the government. The government was particularly sensitive to allegations of involvement in rural violence in Rift Valley Province and continued to deny access to journalists or human rights monitors to the affected areas. Despite plans announced in June 1993 by Attorney General Amos Wako to look into the need for law reform, no attempt was made to amend or repeal repressive legislation. The lack of an independent judiciary remained a serious problem in political cases.

The Kenyan opposition remained divided between two factions of the Forum for the Restoration of Democracy (FORD), FORD-Kenya, and FORD-Asili, and a third party, the Democratic Party (DP), largely along ethnic or regional lines. Although the death in January of Oginga Odinga, leader of FORD-Kenya and member of the group that led Kenya to independence, ended a period of rapprochement between FORD-Kenya and the government, it did not lead to greater union in the opposition. Several unsuccessful efforts were made during the year to set up cross-party or cross-regional alliances; and pledges not to run competing candidates at bye-elections, made at the launch of the short-lived "United Democratic Alliance" in June, were not honored. The ruling Kenya African National Union (KANU) of President Daniel arap Moi successfully won over several MPs representing opposition parties, allegedly with significant financial inducements, and increased its majority in parliament.

Opposition MPs were regularly harassed during the year. Under Kenyan law, the organizer of a meeting must apply in advance for a license from the district commissioner of the area in which the meeting is to be held. Licenses to hold meetings in their constituencies were denied to many MPs during the year, and a number of gatherings that were held were forcibly broken up by police. In March the home of FORD-Kenya MP Anyang' Nyong'o was attacked by armed men, killing his uncle. In other cases, the government continued to use the justice system to silence critics and punish political opponents. A number of MPs were detained for short periods and in some cases charged with political crimes such as subversion. Former MP and political prisoner Koigi wa Wamwere, an outspoken critic of Moi's government, was brought to trial in April with three others, on charges of attempted robbery with violence. Wamwere was alleged to have taken part in a raid on a police station in November 1993, but claimed to have witnesses that he was several hundred miles away at the time the raid occurred. An observer attending the trial on behalf of the International Bar Association concluded that "procedural anomalies" would result in a "miscarriage of justice." The trial is continuing.

A number of other political trials took place in 1994 involving political leaders, journalists and other government critics. In March charges of contempt of court were brought against prominent lawyer and former chair of the Law Society of Kenya G.B.M. Kariuki, and Bedan Mbugua the editor of *The People* (a weekly newspaper owned by Kenneth Matiba, the leader of FORD-Asili), together with the company publishing *The People* and David Makali, a journalist at the newspaper. The charges were brought in connection with an article in which

Kariuki was quoted describing a decision of the court of appeal as a "judicial lynching." In June 1994 the defendants were collectively fined the equivalent of approximately \$25,000. Fines were paid on behalf of Kariuki and the publishing company, but the two journalists served prison sentences of four and five months.

Four journalists with the Standard newspaper were charged with sedition in March, after publication of an article alleging that several people had died in renewed "tribal" violence in Rift Valley Province. The charges were later dropped. Journalists with the Daily Nation newspaper were also regularly harassed: in April charges of sedition, later dropped, were brought against the news editor in connection with an article about the violence; and in July the Australian training editor at Nation Newspapers was ordered to leave the country. Society and Finance magazines, two of the most prominent critics of the government during 1993, were silenced in 1994 as a result of multiple court cases (both criminal and civil), attacks on their printers, and the impounding of controversial editions.

Allegations of torture and ill-treatment in police custody continued to be routine in 1994. In September, following his release from prison, David Makali of The People announced that he intended to sue the state in connection with assaults on him by prison wardens. The accused in the Wamwere case similarly complained of ill-treatment. The killing of several street children by police reservists in Nairobi in July and August led to a public outcry; encouragingly and unusually, charges were made against the policeman responsible.

Two cases illustrated the lack of freedom of association in Kenya. University lecturers at Kenya's four universities continued the strike action begun in November 1993, in protest against infringements of academic freedom and the government's failure to allow registration of the University Academic Staff Union. Twenty-three lecturers were dismissed in January 1994 and evicted from staff housing. A court case for their reinstatement was dismissed following several public statements by President Moi attacking the lecturers. Clashes between students and police took place at various campuses, as students demanded the reinstatement of lecturers. Three thousand doctors at state-run hospitals went on strike in June, also in protest against the failure to register a union. They were fired in August and evicted from their housing, leaving hospitals without staff.

Although fewer serious incidents were reported than in 1993, political violence in the rural areas in the west of the country remained a serious problem. In late 1993 Human Rights Watch/Africa estimated that approximately 1,500 Kenyans were killed and perhaps as many as 300,000 internally displaced since the clashes began. Allegations of government promotion of violence between government-allied members of the Kalenjin or Maasai ethnic groups and members of the numerically dominant Kikuyu and Luo groups, verified in September 1992 by the report of a parliamentary committee made up of KANU members, continued to be made. The existence of several "security operation zones" (established in September 1993), where emergency-type regulations promulgated under the Preservation of Public Security Act gave the government extraordinary powers to limit access to outsiders and to enforce law and order. These measure prevented independent monitoring of security force behavior and did not prevent the outbreak of renewed clashes in late March 1994 in Burnt Forest and in September 1994 in Molo. Eyewitness reports described members of the security forces standing by while homes were attacked. No effort was made to investigate these allegations. Although no further major outbreaks of violence took place during the year, individual attacks continued and the security situation remained precarious in many areas.

The great majority of relief to the victims of the violence was carried out by church groups, principally the National Council of Churches of Kenya (NCCCK) and the Catholic church. Church members engaged in relief efforts or reporting on conditions in the clash areas were subject to official harassment. In January 1994 government officials ordered the demolition of a camp of 30,000 displaced people driven from their land by Maasais. Maasai local government minister William ole Ntimama warned of "war" in July if the 10,000 remaining at the camp were resettled on "Maasai" land. There was no public censure of his remarks. In September 1994 the United Nations Development Programme (UNDP) reportedly stated that one third of an estimated total of 260,000 displaced had been resettled during the nine months of a joint UNDP/Kenyan government project. The UNDP also commended the Kenyan government for its efforts to halt the violence. Following a public outcry in which local relief organizations disputed these figures and challenged the assessment of the government's performance, UNDP accused reporters of taking its statements out of context. The National Council of Churches estimated that no more than 5 percent of those estimated by UNDP to have returned to their homes had actually returned.

Political violence also affected Kenya's coastal cities, where the Islamic Party of Kenya (IPK), denied permission to register as a party for the December 1992 elections, clashed both with police and with a rival party, the United Muslims of Africa (UMA), set up by pro-KANU politicians apparently in an attempt to divide the allegedly Arab IPK from Muslims of African descent. In September the UMA declared a fatwa against IPK leader Sheikh Khalid Balala.

The situation in Kenya's North East province, along the border with Somalia, remained unstable. Local Somali-Kenyan bandits known as shiftas and Somali fighters continue to operate throughout the region, preying on local residents, refugees, and relief workers. The incidence of rape among Somali women living in refugee camps—the subject of critical reports from Human Rights Watch/Africa and African Rights—fell during the year after increased security measures were taken at the camps by the UNHCR, with the aid of funding from several sources, including the U.S. and the E.U.

### The Right to Monitor

Although several Kenyan nongovernmental organizations engaged in monitoring human rights in Kenya operated during 1994, their members as well as individual lawyers defending those accused of political offenses were subject to official harassment. The security operation zones in which clashes occurred effectively prevented independent monitoring of security force behavior in preventing or instigating violence.

The charges against Koigi wa Wamwere appeared to be motivated by his activities in founding the National Democratic and Human Rights Organization in 1993 and in monitoring violence in the Rift Valley. Paul Muite, a prominent FORD-Kenya MP and lawyer acting for Wamwere, complained officially to the Director of State Intelligence and Security in June of constant security police surveillance. The government did permit several international human rights organizations, including Amnesty International and the Robert F. Kennedy Memorial Center for Human Rights, as well as the International Bar Association and the Norwegian Bar Association, to attend the trial of Koigi wa Wamwere as international observers.

In September, Minister for Information and Broadcasting Johnstone Makau cautioned foreign correspondents based in Nairobi against publishing articles that negatively portrayed Kenya.

## U.S. and International Policy

During 1994 U.S. policy toward Kenya continued to de-emphasize human rights concerns. Public statements by Ambassador Aurelia Brazeal and by visiting U.S. officials did not highlight abuses by the Kenyan government, in contrast to the outspoken criticism voiced by previous ambassador, Smith Hempstone.

The U.S. Department of State's Country Reports on Human Rights Practices for 1993, in its section on Kenya, released in February 1994, reported the "substantial evidence" of the complicity of high-level government officials in instigating the clashes, yet the ambassador or other senior officials did not publicly call for investigation of these allegations. On April 7, 1994, the day following the announcement of a curfew in one of the security operation zones, Assistant Secretary of State for African Affairs, George Moose, visiting Kenya at that time, commended President Moi for taking "decisive steps...to curb the resurgence of ethnic violence" and failed to raise other serious concerns. In June 1994, after returning from a visit to the U.S. and a few days after the decision in the Kariuki case mentioned above, Ambassador Brazeal praised political and economic reforms, though "regretting" that permits to hold meetings were still being denied to some political groups and leaders. Brian Atwood, the head of the U.S. Agency for International Development (USAID), visiting Kenya in June, stated publicly that he was concerned about harassment of the opposition and ethnic clashes in the Rift Valley.

In November 1991 the consultative group of bilateral donors to Kenya suspended balance of payments support on governance, economic, and human rights grounds. This suspension was lifted at a consultative group meeting in November 1993, when \$850 million of new aid was pledged in recognition of the "significant efforts of the government to reestablish an appropriate macroeconomic framework and initiate structural reforms." However, the aid was to be released in tranches, and the joint press release issued following the meeting called for the Kenyan government to take action to end the ethnic clashes and to show respect for basic freedoms of assembly and expression. In June 1994 the consultative group met again to review progress. Although further tranches of aid were released by bilateral donors, continuing concern was expressed at corruption, continuing ethnic violence, and restrictions on freedom of expression and assembly.

The U.S. took part in the decision to suspend balance of payments support in November 1991, though it continued to provide development aid, totaling about \$18 million a year, to nongovernmental organizations working in Kenya. USAID announced in April 1994 that it had programmed \$20.2 million, including emergency food aid, in assistance during fiscal year 1994, for the relief of "clash" victims and to alleviate the effects of drought.

## The Work of Human Rights Watch/Africa

Several detailed letters were sent to President Moi throughout the year, protesting violations of due process in political trials and threats to the rights of freedom of expression and association. In June Human Rights Watch/Africa issued a special report to coincide with the White House conference on Africa. The report addressed human rights conditions and U.S. policy in ten countries, including Kenya, and made policy recommendations to the Clinton administration. In July, a report was issued on continuing rural violence and restrictions on freedom of speech and assembly, to coincide with the meeting of the consultative group of donors. In September, a

researcher traveled to refugee camps in North East Province, to investigate progress made by the UNHCR since the 1993 issue of a report on rape of Somali refugees.

## LIBERIA

### Human Rights Developments

Liberia remains a divided country plagued by the proliferation of warring factions. All the factions are responsible for serious human rights abuses against the civilian population, sometimes based on the civilians' ethnic affiliation or their perceived support for another faction, but often simply as a means of sowing terror. A characteristic of the Liberian civil war has been that civilians suffer the most, and are killed in far greater numbers than combatants. The lack of protection for civilians from abuses by all sides and the profound distrust among the warring factions remain obstacles to lasting peace.

There was considerable fragmentation and inter-factional fighting during 1994. The Liberian National Transitional Government (LNTG), a coalition government, was formed on March 7, 1994, replacing the Interim Government of National Unity (IGNU); it governed the capital, Monrovia, backed by the West African peacekeeping force (ECOMOG). Two of the principal rebel factions represented in the coalition continue to dominate much of the country. Charles Taylor's National Patriotic Front of Liberia (NPFL), claimed to control 60 percent of the country prior to its split in August. The United Liberation Movement for Democracy in Liberia (ULIMO), made up primarily of soldiers from former President Samuel Doe's army, the Armed Forces of Liberia (AFL), controlled at least three western counties, but it also split along ethnic lines in March, pitting the Krahn against the Mandingos. A new faction, the Liberian Peace Council (LPC), comprising former AFL soldiers from the Krahn ethnic group, controlled areas of the southeast.

A peace agreement signed in July 1993, known as the Cotonou accord, was believed to be Liberia's last, best hope. The accord stipulated that concomitant with disarmament, a five-person Council of State elected by all the factions would take power from the interim government until elections were held. A thirty-five-member transitional parliament would include thirteen members from the NPFL and the interim government, and nine from ULIMO. Between August 1993 and February 1994, political wrangling prevented the LNTG from being seated. In February 1994, it was agreed that David Kpomakpor, a lawyer representing IGNU, would chair the LNTG, with Dexter Tahyor of ULIMO and Isaac Mussah of the NPFL as vice chairs. Finally, in mid-May, Dorothy Musuleng Cooper was named Foreign Minister.

An important element of the plan involved the creation of a U.N. Observer Mission in Liberia (UNOMIL) to help supervise and monitor the agreement, in conjunction with ECOMOG. The plan also provided for an expanded ECOMOG force, under the auspices of the Organization of African Unity (OAU), to be composed of African troops from outside the West African region. By early 1994, some 800 Tanzanians were deployed in Kakata, and 900 Ugandans were in Buchanan.

In early August, the AFL demanded the right to join the LNTG, saying it should replace the defunct IGNU as the third signatory to the Cotonou accord. The next day, a six-point "statement of intent," calling for an end to hostilities and for cooperation with international peacekeeping efforts, was signed by the AFL, the ULIMO Krahn faction, the LPC, and the LDF,

and Tom Woewiyu of the NPFL, but not the main NPFL faction.

On September 12, a supplementary agreement to the Cotonou Agreement was signed in Akosombo, Ghana, that allies the AFL with the NPFL and ULIMO in a new ruling council charged with disarming the warring factions and leading the country to elections in October 1995. The new council replaces the previous Council of State. The agreement was widely criticized by various members of Liberian civil society as giving too much control to the warring factions. At this writing, no progress has been made in its implementation.

On September 15, a coup attempt was made by troops under the leadership of former AFL chief Charles Julue, who briefly took over administrative offices but were forced out by ECOMOG forces. Julue and some eighty others were taken into custody by ECOMOG. Approximately twenty-eight are being charged with various offenses; seventeen, including Julue, are being charged with treason and are expected to stand trial beginning in late November.

Human rights abuses continued throughout the country by all the warring factions. By mid-September, renewed fighting and attacks on relief workers and other noncombatants, including the capture by NPFL forces of forty-three U.N. observers and six NGO staff who were later released, had forced all relief organizations to recall their staff members to Monrovia. All the fighters continued to act with impunity in their territory, subjecting civilians to a range of abuses, from harassment and detention to arbitrary execution. For its part, the NPFL attacked civilians in its war against the LPC in the southeast, and in the inter-faction fighting that broke out in August. In October, UNICEF reported that about 500 orphaned children, who had been housed in the NPFL capital of Gbarnga, had been moved to Totota, near the battlefield, and were "starving and in grave danger."

ULIMO also engaged in attacks on civilians, looting, and executions. On December 23, 1993, ULIMO attacked the United Nations base in Vahun in Lofa County: U.N. and nongovernmental organizations' vehicles were stolen, and their warehouses were looted. The U.N. was forced to evacuate all its staff, as well as eighty-two orphans. In March 1994, ULIMO split into two factions, Krahn versus Mandingo. The fighting in the western counties has been fierce, with civilians being targeted by both sides. On May 27, the Mandingo faction of ULIMO captured sixteen Nigerian ECOMOG soldiers, blaming them for cooperating with the Krahn faction; they were later released. On June 28, the Krahn faction of ULIMO held five UNOMIL observers hostage and subjected them to humiliating mistreatment. ULIMO is also believed to have been responsible for cross-border attacks on Liberian refugees in Guinea.

Late 1993 witnessed the emergence of the LPC, which demanded a seat on the LNTG. The LPC is largely Krahn and was created by former AFL soldiers to fight the NPFL. There are confirmed reports of AFL soldiers fighting alongside the LPC; the AFL soldiers regularly travel through ECOMOG checkpoints into LPC territory, often carrying weapons. The LPC is responsible for serious human rights abuses against the civilian population, especially those the LPC considers to have supported the NPFL. Its abuses include extrajudicial executions, arbitrary arrest and detention, torture, rape, and looting. In late May, the LPC abducted ten soldiers from the Ugandan contingent of ECOMOG, but they were released the following day.

There have been consistent reports that members of the Nigerian contingent of ECOMOG—not the Ugandans or the Ghanaians, who are also stationed in the Buchanan area—are aiding the LPC. Reports indicate that the Nigerians are supplying arms and ammunition to the LPC as a way to weaken the NPFL while profiteering on the side. This allegation has serious implications, even though it is not clear what level of authority in the Nigerian contingent



is responsible for the collaboration.

A disturbing characteristic of the Liberian war has been the use of child soldiers. International law, notably the Protocols of the Geneva Conventions and the United Nations Convention on the Rights of the Child, forbids the use of children under the age of fifteen as soldiers in armed conflict. The African Charter on the Rights of the Child has a higher threshold, stating that no one under the age of eighteen can serve in armed hostilities. In spite of these clear provisions, thousands of children are being used as soldiers in Liberia. There are no precise figures on the number of child soldiers in Liberia; even the total number of combatants in all the factions is unknown, but estimates range between 40,000 and 60,000 combatants. UNICEF estimates that approximately 10 percent of the fighters are under the age of fifteen. The NPFL and ULIMO have consistently used children under the age of eighteen, including thousands of children under fifteen.

The situation of the displaced civilians, estimated at anywhere from half a million to a million, and others resident in many parts of Liberia became increasingly desperate in 1994. Some 200,000 civilians were uprooted in the fighting after August. Relief assistance to these areas had been effectively cut off after the October 1994 offensive, although some food and medicine continued to flow through the Ivory Coast border.

The renewed fighting since August created a new outflow of between 120,000 and 130,000 refugees to Ivory Coast and Guinea. As of November, the total number of Liberian refugees in the neighboring countries was believed to exceed 800,000: 500,000 were reported in Guinea, 318,000 in the Ivory Coast, 20,000 in Ghana, 6,000 in Sierra Leone, and 4,000 in Nigeria. The war also displaced some 400,000 Sierra Leoneans, 170,000 of whom went to Guinea and 100,000 to Liberia. The issue of repatriation of the refugees remained contingent upon progress on the political front and the resolution of security concerns. As of November, refugees had not returned in significant numbers.

#### The Right to Monitor

A number of human rights organizations were able to function in Monrovia without interference from the LNTG or ECOMOG, and the local press often reports on human rights issues. The principal domestic human rights organizations include: The Catholic Peace and Justice Commission, The Center for Law and Human Rights Education, The Liberian Human Rights Chapter, The Association of Human Rights Promoters, and Liberia Watch for Human Rights. However, it was very difficult for these groups to travel outside Monrovia to document abuses. There were no known human rights organizations operating in NPFL, ULIMO, or LPC territory.

Similarly, international human rights organizations, including Human Rights Watch/Africa and Amnesty International, were permitted to visit Monrovia in 1994, but had problems in obtaining permission to travel to other parts of the country.

#### The Role of the International Community

#### U.S. Policy

The main tenets of U.S. policy toward Liberia are to support and promote conflict resolution efforts by ECOWAS (the organization of West African States that sponsors ECOMOG) and the U.N., to withhold recognition of any government in Liberia until free and fair elections lead to a representative government, and to promote ECOWAS and its peace plan. By the end of 1993, the

conflict resolution efforts had gained new momentum: On September 30, 1993, the U.S. obligated \$19.83 million (\$13 million in Economic Support Funds and the rest in Foreign Military Financing) to the U.N. Trust Fund for peacekeeping in Liberia. The money would be used by ECOMOG and the OAU to help finance the deployment of further ECOMOG troops from outside West Africa, but not for lethal assistance. On December 20, 1993, the U.S. allocated an additional \$11 million in support for the UN-monitored African peacekeeping operation in Liberia.

The U.S. was the leading donor to the victims of the war: since the beginning of the conflict, the U.S. had provided some \$320 million in humanitarian assistance to victims of the conflict, including more than \$57 million in fiscal year 1994. An additional \$28.7 million had been provided since April 1991 to assist the ECOWAS-led peace process.

On three occasions in 1994, the U.S. sent senior officials to Liberia: in January, Deputy Assistant Secretary of State for African Affairs Prudence Bushnell; in February, Assistant Secretary of State for African Affairs George Moose; and in June, when Ms. Bushnell returned. All these visits involved meetings with representatives of the main warring factions and were meant to deliver a message that the U.S. had limited patience, and that the factions had to move forward on the peace process. Shortly after the first two visits, the factions announced their agreement about the seating of the LNTG.

Bushnell returned to Liberia in June, and delivered a stronger message to the factions, warning them that if there was no visible progress in the peace process, the U.S. was going to examine its options, and that those factions leaders considered to be obstructing the peace process might no longer be allowed access to the United States. This message was meant to resonate particularly with George Boley, the LPC head, who owns a home in Maryland. However, General Hezekiah Bowen, chief of staff of the AFL, received a U.S. visa and travelled to the U.S. in July, despite that organization's human rights record and its links with the LPC.

On May 9, acting State Department spokesperson Christine Shelly expressed the U.S.'s increasing concern about human rights abuses in Liberia, especially those involving the LPC: "We have received numerous credible reports of gross human rights violations—including murder, rape, mutilation and torture—committed by the LPC against unarmed civilians. The LPC's aggressive military activities have displaced tens of thousands of Liberians and threaten to plunge the country back into full-scale war." The statement also criticized human rights abuses by both factions of ULIMO and the NPFL. U.S. concern over human rights abuses by all sides to the conflict is welcome.

On May 18, Assistant Secretary Moose testified about Liberia before the House Subcommittee on Africa, and articulated U.S. policy as follows: "We seek a negotiated settlement of the conflict with the assistance of the U.N. and Liberia's neighbors in ECOWAS. We believe such a settlement should include provisions for full disarmament of all Liberian warring factions, the return home of more than a million Liberian refugees and displaced persons, credible democratic elections, and the establishment of a unified government based on respect for human rights, democratic principles, and economic accountability." That formulation of U.S. policy remained unchanged for the rest of 1994.

Finally, in late October, Deputy Secretary of State Strobe Talbott, accompanied by Assistant Secretary Moose, travelled to Ghana and the Ivory Coast as part of a week-long African tour, where the issue of the Liberian conflict was discussed with local officials. The talks focused on what the U.S. could do to strengthen the conflict resolution efforts of the West

African states.

#### The U.N. Role

After the U.N. addressed the Liberian crisis in November 1992 by imposing an arms embargo (Security Council Resolution 788), Secretary-General Boutros Boutros-Ghali dispatched his special representative, Trevor Gordon-Somers, to investigate the situation. Human rights concerns have been notably absent from the Secretary-General's statements on Liberia, and he has missed many opportunities to insert provisions for human rights protection into the peace process. The UNOMIL observer mission was created by Security Council resolution 866 in September 1993, and the first contingent of observers arrived in Liberia by year's end.

In April 1994, the U.N. Security Council extended UNOMIL's mandate to October 22, 1994. This was, however, strictly limited: in practice, it has meant that UNOMIL has not reported publicly on either the violations of the cease-fire or violations of human rights and humanitarian law, although apparently reports are being sent to U.N. headquarters in New York. UNOMIL is also restricted in its movements, and has not been able to conduct investigations into reported violations due to practical obstacles as well as the lack of a clear human rights component in its own mandate. However, by avoiding the human rights issues, the U.N. is failing to discharge its mandate in Liberia.

On June 24, Boutros-Ghali submitted his fifth progress report on Liberia to the Security Council. The report included a section on the protection of human rights, which highlighted the continuing "disregard for human life" and even noted abuses attributed to the LPC. However, in a clear indication of the U.N.'s failure to carry out its own human rights monitoring and documentation responsibilities, the report stated that "widespread allegations of human rights violations have not as yet been transformed into verifiable data by either international human rights groups or the four main Liberian voluntary human rights organizations."

In a statement on July 13, the U.N. Security Council described "limited progress" in the peace negotiations, and called for a "substantial acceleration of the disarmament process" as a prerequisite for free and fair elections. It also called on the LNTG to convene a meeting of all the warring factions to formulate realistic plans for resuming disarmament. The statement condemned "all those who initiate fighting and who violate international humanitarian law," but did not identify any of the violators.

In a report to the Security Council on August 29, the Secretary-General noted that the situation had "further seriously deteriorated." He withheld recommendations pending a report by a U.N. fact-finding team headed by Special Envoy Lakhdar Brahimi, a former Algerian foreign minister.

On October 18, Boutros-Ghali recommended a two-month extension of UNOMIL, pending recommendations by another investigative team who will consult the ECOWAS chair, President Jerry Rawlings of Ghana, about the role and responsibilities of the ECOMOG forces and U.N. observers. The Secretary-General also said that because of recent attacks on U.N. observers, their number was being reduced to about ninety.

The U.N. mission in Liberia constitutes one of the only means of exerting pressure on the warring factions, as well as on the Nigerians, to halt this downward spiral. The U.N. must implement its mandate: U.N. observers should be required to report on violations of the cease-fire and of human rights and humanitarian law, and they must protest publicly when they are restricted in their movements. The appointment of a human rights officer for UNOMIL should be a step forward to this end, but the officer must engage in active human rights

monitoring, drawing upon all available resources so that human rights and humanitarian law violations can effectively be documented and their perpetrators identified.

#### The Work of

#### Human Rights Watch/Africa

In April and May, Human Rights Watch/Africa and the Human Rights Watch Children's Rights Project conducted a fact-finding mission to investigate the use of child soldiers by the warring factions. The mission to Liberia also investigated the human rights abuses associated with the ongoing fighting, including extensive abuses attributed to the Liberian Peace Council.

Two publications resulted from the mission. In May, Human Rights Watch/Africa issued Human Rights Abuses by the Liberian Peace Council and the Need for International Oversight, which documented abuses by the LPC as well their links with elements of the Nigerian contingent of ECOMOG. In July, Easy Prey: Child Soldiers in Liberia, was published by Human Rights Watch/Africa and the Children's Rights Project. The report focused on the use of child soldiers by the two main warring factions—ULIMO and the NPFL, and noted that many had been killed in the conflict and many had been forced to take part in killing, maiming, and rape of civilians.

Throughout the year, Human Rights Watch/Africa was involved in extensive advocacy for human rights in Liberia, including briefings for Congressional staff and administration officials, numerous radio and newspaper interviews, and cooperation with nongovernmental organizations working on Liberia. On May 18, Human Rights Watch/Africa testified before the Africa Subcommittee of the U.S. House Foreign Affairs Committee about human rights in Liberia.

## MOZAMBIQUE

#### Human Rights Developments

In its second year of peace, following the October 4, 1992 General Peace Accord, the overall human rights situation continued to improve and culminated in Mozambique's first multi-party election. Restricted freedom of movement and expression in some areas controlled by the former rebel Mozambique National Resistance (RENAMO) and appalling prison conditions and intimidation in some areas of RENAMO supporters by the paramilitary Rapid Intervention Police were the main concerns.

The first ever democratic elections were held on October 27-29, with voter turnout above 85 percent despite RENAMO's abortive and short-lived day-long boycott of the first day of voting. With 95 percent of the votes counted at time of writing the ruling Front for the Liberation of Mozambique (FRELIMO) took 45 percent in the parliamentary elections, giving it 129 out of 250 seats. RENAMO got 38 percent, gaining 112 seats. The Democratic Union, a rightist opposition party won nine seats. Joaquim Chissano, the current president was the winner in the presidential race, with 54 percent of the vote (compared to 34 percent for RENAMO leader Alfonso Dhlakama). On November 14, Dhlakama phoned U.N. Secretary-General Boutros Boutros-Ghali to accept the election results and announced that he was prepared to cooperate with the government in the post-election era.

The election campaign began officially on September 22 and over 5.2 million people registered to vote. It saw little violence and a low key campaign was conducted by both sides,

although there was some intimidation by both in their stronghold areas. The south and far north voted for Chissano and FRELIMO while the central provinces of Manica and Sofala for RENAMO. The results in the strategic provinces of Nampula and Zambezia, where 41 percent of the electorate were registered, were close, neighboring villages often voting for opposing candidates.

The war and experience of human rights abuses played a role in the electoral outcome. In northern Mozambique, RENAMO campaigned to politicize villagers and in some areas sought to make amends for past brutalities. In some districts of Zambezi province RENAMO transferred a number of officers with particularly brutal reputations out of the vicinity, and apologized for past brutalities. In the far south, the scene of many massacres by RENAMO in the 1980s, the electorate overwhelmingly rejected the former rebels, to the extent that even RENAMO controlled zones voted for Chissano and FRELIMO.

Human rights protection remained a low priority at official levels and will probably not feature highly in the policies of the new government. Some sort of accommodation between the two main contending parties is likely and past records of human rights abuses are being ignored. There are no plans for a "Truth Commission," or accountability for past human rights abuses.

The appointment on April 6 of Lieutenant General Lagos Lidimo (by the government) and Lieutenant General Mateus Ngonhamo (by RENAMO) as joint heads of the new Armed Defense Forces of Mozambique (FADM) army is a good indication of this approach. Lagos Lidimo in particular has a reputation for brutality in the late 1980s in operations against RENAMO in Zambezia province.

The official demobilization process for former combatants has been completed, although there are still former soldiers who failed to register. The forty-nine U.N.-run assembly points closed their doors to new arrivals on August 15. ONUMOZ, United Nations Operations in Mozambique, had registered 64,130 government troops and 18,227 RENAMO soldiers. Of these, 7,774 troops have moved to the training camps for the FADM. The total of the new army may reach 12,000, but this is far less than the 30,000 strong army envisaged in the 1992 GPA. Most notable is that the majority of soldiers from both sides wanted to be demobilized and appeared to have no interest in being in the future army.

A notable development in 1994 was the collapse of discipline amongst rank and file RENAMO soldiers toward their leadership, reflected in a significant increase in mutinies and in beatings of their senior military leaders. For example on June 1, RENAMO's Brigadier General Raul Dick was badly beaten by his men in Mocubela Assembly Area when he tried to mediate a dispute about poor conditions. In June and July there were over thirty incidents of soldiers mutinying, often by setting up road blocks and holding civilians hostage until their demands were heard.

Re-integration into civilian society of these demobilized soldiers was one of the greatest challenges for the new post-election government. There was widespread concern that a lack of employment prospects will result in economic and socially induced banditry.

During his first ever U.S. visit in June, RENAMO leader Dhlakama admitted for the first time that RENAMO had in the past recruited child combatants. There were over 2,000 child soldiers known to international nongovernmental organizations in May. According to a UNICEF survey of the problem at this time "these children are under military supervision, kept in tightly guarded bases within RENAMO's strongest military zones." By September RENAMO had begun to fully assist in permitting these children to leave. These children have been problematic for

RENAMO, not least because there have been several incidents in which they went on strike demanding benefits equal to those of adult soldiers. Human Rights Watch interviewed several child soldiers in October just after the elections. Having already lost their families, they also felt betrayed by RENAMO, which they said had "dropped" them. Child combatants have been regarded as unassembled troops by the U.N. and are not eligible for the same sort of benefits that assembled soldiers receive.

The government has continued to build up its paramilitary police force, the Rapid Intervention Police. This force is some 2,000 strong, made up of former army and security personnel, and has a reputation for intimidation and heavy-handed tactics. On October 23 Human Rights Watch witnessed the Rapid Intervention Police use excessive violence against civilians in unrest following the end of a RENAMO electoral rally at Xai Xai.

There remain large quantities of arms cached across the country. A typical arms cache seen by Human Rights Watch in October included six AK-47s, six hand grenades, one RPG-7, and two PMN anti-personnel mines. These had been stored in greased cloth. ONUMOZ officials admit that there are literally millions of guns still in circulation and that both sides have been stockpiling their better weaponry. In September there was a stand-off between the government and ONUMOZ when the U.N. established that there was a massive arsenal of undeclared weaponry, including hundreds of landmines, in storage under the Ministry of Interior in Maputo. After some tense discussions, the U.N. allowed the government to register the arsenal.

Reports of appalling prison conditions and detention without trial continue to be received. There is currently a two year back-log in court hearings that is stalling the judicial process. U.N. Civilian Police monitors (Civpol), whose mandate includes prison visits, spoke of poor conditions, cases of forced labor and incidents of rape by police of inmates in the prisons visited. RENAMO continued to deny complete free movement in its zones, although this situation had gradually improved throughout 1994. In October several informants told Human Rights Watch that they had recently joined RENAMO in exchange for gaining the freedom of their relatives.

### The Right to Monitor

The Mozambican "Human Rights League" attempted to visit RENAMO areas, including its headquarters at Maringue, without success, despite several public invitations by RENAMO leadership to human rights groups to visit its areas. Human Rights Watch/Africa had travelled in RENAMO zones in June and July 1993 when researching its report Landmines in Mozambique.

International human rights groups visited government areas in Mozambique throughout 1994 without hinderance and the London-based organization Article 19 conducted a successful media-monitoring project during the election campaign.

### U.S. and U.N. Policy

The Clinton administration played an important role in the build-up to the elections. U.S. AID continued to invest in the peace process including in several civil education programs. The administration was also anxious that the elections be held in the fall. U.S. permanent representative to the U.N. Madeleine Albright in March warned against any further delay in holding elections. The administration has also pushed for greater accountability of government, including concern for human rights. Following the April appointment of Lagos Lidimo by the Mozambican government as joint head of the new Armed Defense Forces of Mozambique, the administration called the Mozambican Ambassador to the State Department to request an

explanation for the appointment of a man with a poor human rights record to such a senior post.

The administration also played a constructive role in May in putting pressure on RENAMO to permit UNICEF access to its child combatants and speed up efforts to reunite these children with their families. RENAMO leader Dhlakama was told that such actions would facilitate his June visit to the U.S. During Dhlakama's visit to the U.S. he met with the Acting Secretary of State for African Affairs at the State Department and Department of Defense officials. He also called upon U.N. Secretary-General Boutros Boutros Ghali in New York.

The U.S. administration presented two critical "non-papers," on May 23 and on October 11 to the Mozambican government. In May the U.S. administration expressed particular concern about the government's efforts to withhold key combat units such as the Sixth Tank Brigade and the Nyanga Brigade from demobilization, by declaring them "non-assembly areas" in violation of the GPA. The new U.S. ambassador to Maputo, Dennis Jett, used his July 4 speech to follow up on those issues, in addition to pushing for a Government of National Unity (GUN) power-sharing agreement. U.S. Assistant Secretary of State for African Affairs, George Moose visited Mozambique for six hours on August 9 and held talks with Foreign Minister Pascoal Mocumbi and RENAMO leader Dhlakama. In these meetings Moose pushed for both sides to meet the demobilization and election schedules.

The October "non-paper" was even more hard hitting, threatening to "re-evaluate our future development assistance program in Mozambique" unless the government assisted on five key areas, including access to regional arms depots and payment of the salary and subsistence requirements of electoral officials.

The growing costs of nation-wide peacekeeping have made the international community more determined than ever to secure a U.N. withdrawal from Mozambique quickly following the elections. In early May the U.N. Security Council extended the mandate of the United Nations Operation in Mozambique (ONUMOZ) to November 15 and ordered the closing down of the mission by January 31, 1995. In November, the mandate was extended to mid-December, the date when a new government is to be sworn into office. It also authorized the establishment of a police component, Civpol, comprising 1,144 officers, while cutting back the 6,200 member military peacekeeping force to avoid additional costs on top of the annual \$210 million per year already budgeted. In September the U.N. obtained funds from the U.S. to retain a reduced Civpol presence in Mozambique past January 31, 1995. ONUMOZ currently costs \$26,900,000 per month, or about \$900,000 per day.

The Civpol contingent has been ineffectual in some areas. In October Human Rights Watch witnessed Civpol officers consciously avoid investigating reports of human rights abuses. We were told that it would be "too much work," although this was their job.

Beginning in September U.N. priorities focused on a successful outcome of the elections and symbolic actions, such as military and police patrols, increased, pro-active investigation in reports of human rights abuses and the search and destruction of arms depots and caches declined. Only following international pressure, including from the U.S., was the issue of arms caches made a priority in October.

In December 1993 and January 1994 Italian members of the U.N. were accused of child abuse in Sofala province by an alliance of U.S., British, and Norwegian Save the Children Fund organizations. Soldiers from the now withdrawn Italian battalion Albatroz, which had been responsible for guarding the Beira corridor, were accused of repeated abuses of young girls for sexual purposes. In 1993 Human Rights Watch witnessed Italian soldiers solicit attention from a

seemingly underage girl in Chimoio. Internal U.N. investigations have produced no official results on the charges.

#### The Work of Human Rights Watch/Africa

In March, Human Rights Watch/Africa and the Arms Project published *Landmines in Mozambique*, a 136-page report documenting the serious landmines problem. The report demonstrated how most combatant forces, including those of the Mozambican government, RENAMO, the former Rhodesia, South Africa, Tanzania, and Portugal have been responsible for laying landmines, especially antipersonnel mines. At least fifteen countries, most notably the former Soviet Union, have manufactured more than fifty different types of mines used in the Mozambican conflict.

Most of the mines were laid without markings or warnings to the civilian population. A large proportion were laid in such a way that their victims could not be other than civilians. More than 8,000 civilians are amputees as a result of landmines.

Professional mine clearance only began in mid-1994. Although the U.N. is responsible for coordinating initiatives, its plans were delayed by government and RENAMO political fighting, as well as the U.N.'s own bureaucracy. The U.N. has also engaged in "double dipping," giving clearance contracts to mines manufacturers, an action that Human Rights Watch vigorously opposed. The tragedy in Mozambique caused by landmines demonstrated once again that the 1980 Landmines Protocol had been wholly ineffective.

Human Rights Watch/Africa visited Mozambique in September and October and is preparing an updated Portuguese translation of *Landmines in Mozambique*. Following the government's appointment of Lagos Lidimo as joint head of the new army, the organization actively lobbied against the appointment on the grounds of his poor human rights record. In September Human Rights Watch/Africa met with Raul Domingos, the Head of RENAMO's Political Affairs Department to discuss human rights issues. It also engaged in other forms of advocacy, focused on informing politicians and diplomats on the current human rights situation. Human Rights Watch/Africa participated in several academic forums and conducted numerous press interviews about human rights in Mozambique.

## NIGERIA

#### Human Rights Development

Nigeria edged closer to political chaos in 1994, after the brutal suppression of a broadly supported campaign to remove the military from political office. At the end of 1994, the country was further from the goal of its pro-democracy movement than it had been the previous year. A major concern in the ongoing crisis was the rise of ethnic and regional tension. The government's brutal way of dealing with pro-democracy strikes and demonstrations hardened the separation between north and south and increased the likelihood of more serious outbreaks of violence. During 1994, hundreds of critics of the military regime were arbitrarily detained, and many were killed or wounded as protests and demonstrations were attacked with military force.

General Sani Abacha, who seized power in November 1993, proved unwilling to try to peacefully resolve the political crisis that began in June 1993, when results of a presidential



election were annulled by Abacha's military predecessor, General Ibrahim Babangida. Protests over the cancellation of the election forced Babangida out of office in late August 1993, and his hand-picked civilian successor, industrialist Ernest Shonekan, was deposed in November by General Abacha, Babangida's defense minister.

Upon seizing power, General Abacha disbanded the national and state legislatures, removed the elected civilian governors, and banned all political activity, while, at the same time, avowing his intention to return the country to democracy.

In January 1994 the government announced that a constitutional conference, controlled by the military, would be held to decide Nigeria's future form of government. This announcement was greeted with scorn by pro-democracy leaders, who viewed it as yet another attempt to prolong the military's stay in power and refused to participate in the military's scheme.

In early May, Moshood Abiola, widely believed to be the winner of the 1993 presidential election, announced his intention to form a "government of national unity." The following week, the formation of the National Democratic Coalition (NADECO) was announced. The group, made up of politicians, retired military officials, and pro-democracy figures, was formed in an effort to coordinate and focus the various pro-democracy factions around four main demands: (1) the military must leave political office; (2) Abiola must be installed as president; (3) a sovereign national conference must be held to debate the country's future; and (4) the country must be restructured along truly federal lines. NADECO immediately called on the government to install Abiola as president before the end of May, and called for a boycott of the Constitutional Conference elections, the first of which was to be held on May 23.

Elections to select 273 of the 369 delegates to the Constitutional Conference (the remainder of whom were government appointees) were largely boycotted in the Yoruba-dominated southwest, the home region of Abiola. On the day of the elections, approximately fifteen human rights and pro-democracy activists were arrested, allegedly for trying to disrupt the elections. They were later released.

In late May and early June, members of Nigeria's disbanded legislature met secretly and issued statements calling on Abacha to surrender power to Abiola. On June 1, Ameh Ebute, the former senate president, publicly announced the senators' decision to reconvene. Ebute was arrested the following day. Many more arrests of former senators, former members of the House of Representatives, former governors, and others quickly followed. Many of those arrested were detained without charge for days or weeks. At least thirteen, however, were charged with treason and held for nearly two months before being released on bail. They included six senators, several governors, and several members of NADECO. The six senators were granted bail when they appeared in court on July 27, but their passports were impounded on court orders and they were put under surveillance. Some have been detained again; others have gone into hiding.

On June 11, Chief Abiola declared himself president. He was arrested on June 23 and held incommunicado until his first court appearance on July 5, when, at a Federal High Court in Abuja that had been set up especially for his trial, he was charged with various counts of treason. He was initially refused bail for several months, but the judge ordered that he be given access to his doctor, lawyers, and family members. Abiola's charges were later amended to five counts. According to these charges, Abiola "levied war against the State," "form[ed] an intention to remove or overawe otherwise than by constitutional means the Head of State," "conspired to do an illegal or treasonable act," and "represent[ed him]self to be the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria."

Abiola's health has deteriorated dramatically while in detention. Early in September, the Nigerian Medical Association, whose representatives had been allowed to examine him in the presidential clinic, said that Abiola was critically ill, suffering from high blood pressure and a painful neurological condition that was affecting the use of one leg. Although he was granted bail on November 4, government officials reportedly indicated that Abiola would be freed only if he renounced his claim to the presidency.

The Constitutional Conference convened on June 28. The outcome of the conference, which is supposed to serve as the basis for next year's political program, was to be summarized in a November report; however, in November the delegates announced that they would not finish their work until January 1995. The lifting of a ban on political activities, which was supposed to take effect in January 1995, was also expected to be delayed. No date has been set for the military regime's departure from political office.

A strike was announced on June 27 by the National Union of Petroleum and Gas Workers (NUPENG), which included among its demands recognition of the results of the June 1993 election. Although the government declared it illegal, the strike began on July 4, as planned. A week later, NUPENG's white-collar sister union, the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN), joined. Although the strike did not initially affect oil exports, it had an immediate effect on domestic fuel supplies, sparking riots and protests. By August, the strike had seriously eroded oil export earnings as well.

In attempting to break the strike, Abacha resorted to bribes, threats, arrests, and eventually, when these methods failed, in mid-August dissolved the leadership of the oil unions and ordered workers back to work. Frank Kokori, NUPENG general secretary, was arrested on August 20 by agents of the State Security Services (SSS) in Lagos. Other NUPENG and PENGASSAN officials were also arrested, including the NUPENG president, Wariebi Agamene, who was arrested in mid-September by the SSS. Other oil union representatives have also been arrested. By early September, it became clear that the strike had been broken.

Many other unions, including the National Union of Banking and Financial Institutions, the National Union of Air Transport Services Employment, and the National Union of Local Government Employees, also joined the oil workers strike in early July and stayed out for much of the duration of the strike.

The National Union of Teachers also joined the strike in early July. The Academic Staff Union of Universities (ASUU), the national academic union, embarked on a strike on August 22, which is still in effect at this writing. Many universities had closed down even before the ASUU strike because of protests or school administrators' fear of such protests.

The national leadership of the Nigerian Labor Congress (NLC), the national federation of labor unions, initially did not take a strong stand against the government. However, various state branches joined the strike in July. The national NLC finally went on strike on August 3-5, but it was not observed in the northern states. On August 17, the NLC executive was dissolved along with the oil unions' executives.

Attacks on pro-democracy activists have been ongoing throughout the crisis. Some activists have been killed; others have had their homes and offices bombed. Hundreds have been detained for periods ranging from several hours to several months. A number have been deprived of their passports.

Following the announcement of the oil union strike in late June and continuing through August, police and soldiers were unleashed on pro-democracy demonstrators with tear gas and

live ammunition. An unknown number were killed, mainly in the Yoruba areas. Many of the killings occurred during suppression of peaceful protests, although in some demonstrations, especially in Lagos, violent thugs known as "area boys" took part in anti-military protests that were then suppressed with police gunfire. Violent police and military attacks on universities took place in the south; students were killed, beaten, raped, and arbitrarily detained.

Beginning in late August, there was a new trend in the increased level of lawlessness and terror: firebomb attacks on the homes of dissidents. Although none of the perpetrators of these attacks can be conclusively identified, the government's other abuses against members of the pro-democracy movement created the impression that the government was behind the attacks. Residences of pro-government figures were also destroyed, and a bomb was set off at the premises of the government-owned Radio Nigeria and Nigerian Television Authority in Kaduna, in northern Nigeria.

The detention of opposition figures has been common throughout the crisis. Among the well-known political detainees were Anthony Enahoro, the NADECO vice chair and a statesman who was at the forefront of the struggle for Nigerian independence. Many other politicians and human rights activists were also detained or went into hiding.

Also detained were members of the Ogoni ethnic group, who have protested the environmental degradation of their land by international oil companies, particularly Shell. The leader of the Ogoni movement, Ken Saro-Wiwa, has been detained without charge since May 23 and is currently believed to be very ill. He has been denied medical attention. In November, government-controlled media announced that he and other Ogoni leaders would be tried by a special tribunal in connection with the killing of four Ogoni leaders in May. Past trials before similar tribunals have not respected internationally accepted standards for fair trials.

The authorities also resorted to a variety of other tactics to harass and intimidate the opposition. Meetings were prevented or broken up by armed policemen. Pro-democracy leaders were placed under heavy surveillance. Passports were seized. Human Rights Watch/Africa is aware of at least thirteen passport seizures since July 1994; none has been returned. Those whose passports have been confiscated include Nobel Laureate Wole Soyinka.

The independent press was targeted throughout the crisis, as it was during the political crisis immediately following the annulment of the election in 1993. Newspapers were shut down; reporters attacked and arrested. On June 11, the Concord group of publications (owned by Abiola) and the Punch group of publications were shut by police. Both publishers sued for wrongful closure, but damages awarded by the courts were never paid. Punch began publishing again during the first week of August before it was finally sealed off on September 7, 1994. On August 15, the Guardian group of publications was closed down.

Five photographers were assaulted by security forces and their cameras either confiscated or destroyed at a protest in Abuja on July 28, in which five people were killed during a court appearance by Abiola. The photographers were beaten with horse-whips, batons, and guns.

The News/Tempo has continually angered authorities since it began publishing in 1993. Its staff was targeted on several recent occasions. Bayo Onanuga, editor-in-chief, was arrested and detained briefly in August and September. Deputy editor-in-chief Dapo Olorunyomi was arrested twice after August. Journalists at Punch and The Guardian were also arrested in August. On August 26, two CNN reporters were forced to leave the country without explanation. Their expulsion occurred on the same day that CNN aired their report, which included interviews with two opposition leaders whose homes were firebombed the previous night.

On September 5, it was announced that General Abacha had promulgated a series of harsh new decrees targeting the press, the trade unions, and the judiciary. The decrees sanction the closure of the publications of the Concord group, the Punch group, and the Guardian group for six months from the time of their closures. The premises of all three publishers were to remain sealed-up during this period.

Other decrees dissolved the executive councils of the NLC, NUPENG, and PENGASSAN. The decrees, which were retroactively dated to August 18, 1994, forbid any court from inquiring into any actions taken pursuant to the decrees. They also suspended the constitutional protections of fundamental human rights for the purposes of the decree.

Another decree amended Nigeria's infamous administrative detention law, Decree 2, to allow persons who are deemed to present a security risk to be detained for three months without charge on orders either of the chief of general staff of the armed forces or the inspector-general of police. After three months, the detention order may be renewed. Previously, Decree 2 had allowed detentions for renewable six-week periods and only on orders of the chief of general staff. The amendment was made effective from August 18, just before a round-up of government opponents who remain in detention.

Another decree referred to Abacha's coup as a "military revolution," and stipulated that no "act, matter or thing done or purported to be done under or pursuant to any Decree or Edict" may be challenged in court.

On September 6, Attorney-General and Justice Minister Olu Onagoruwa called a news conference to distance himself from the decrees and threatened to resign if they were not rescinded. He was fired on September 12; no reason was given.

One of the most severe forms of human rights abuse in Nigeria was the repression of the Ogoni ethnic group in the oil-producing Niger delta region. Oil drilling has been responsible for the destruction of the environment in Ogoniland, which led to protests by the Ogonis and, in turn, resulted in their persecution. Oil companies, particularly Shell, have on occasion asked the government to intervene forcibly to suppress Ogoni protests, and their requests have been answered with military action. Hundreds of Ogonis were killed in attacks in 1993. On April 21, 1994, the Rivers State Commissioner of Police ordered an operation involving the military and police to "restore and maintain law and order in Ogoniland." Following the announcement, more villages were attacked, and more than forty Ogonis were killed. Many women and girls were reportedly raped, and villages were looted and burned to the ground. Hundreds of Ogonis were arrested and detained in military camps in the area; most were later released. Visitors to Ogoniland, both Nigerian and foreign, were prevented from conducting investigations into the Ogonis' complaints.

### The Right to Monitor

Nigerian human rights groups were permitted to operate in 1994, but their work became increasingly difficult and dangerous. The abuses endured by groups such as the Civil Liberties Organization (CLO), the Committee for the Defense of Human Rights (CDHR), and the Constitutional Rights Project (CRP) included physical attacks, which could not be definitively tied to any particular group, but were believed to be connected to the government. For example, in August 1994, the home of Clement Nwankwo, head of the CRP, was sprayed with bullets. Similarly, a firebomb was thrown at the headquarters shared by the Campaign for Democracy (CD) and CDHR, also in August.

Human rights monitors were detained on several occasions. Dr. Beko Ransome-Kuti, head of the CD and CDHR, was arrested on June 9, charged with treason, but later released. He was re-arrested on September 14 and released a week later, after being charged with sending "threatening letters to oil company heads." Many members of the CLO, CD, and CDHR were arrested throughout the south in connection with pro-democracy protests.

Meetings and press conferences were routinely prevented or broken up by police, including a press conference on July 18 at the headquarters of the CD and CDHR that was taken over by about fifty armed policemen. Again, on September 10, more than fifty policemen invaded CD headquarters at about 5:00 a.m. and stayed until about 10:00 p.m., during which time they harassed CD personnel and visitors. This attack was believed to be related to a meeting of the CD National Coordinating Council scheduled for that day.

### U.S. and E.U. Policy

The U.S. has been the most outspoken member of the international community advocating for democracy and human rights in Nigeria. Limited steps were taken to press for reform after the annulment of the June 1993 elections, including the cancellation of all but humanitarian aid. Military relations between the two countries were also reduced. In July 1993, the U.S. announced that commercial military sales would be reviewed on a case-by-case basis with the presumption of denial. After Abacha's coup in November, a White House proclamation was announced "suspending the entry into the United States of immigrants and nonimmigrants who formulate or implement policies impeding a transition to democracy in Nigeria or who benefit from such policies, and the immediate families of such persons." These steps have all been maintained to the present.

In April 1994, relations between the two governments cooled even further when President Clinton added Nigeria to the annual list of countries making insufficient efforts to combat illegal drug production. This precludes Nigeria from receiving U.S. aid and from receiving U.S. support for loans from international lending institutions.

On July 27, Jesse Jackson arrived in Nigeria as President Clinton's special envoy and met with General Abacha, Chief Abiola, and members of the human rights community. He failed to make any progress in easing the deadlock and stated upon his return home that the U.S. and other countries should begin "assertive, aggressive diplomacy" to prevent civil war.

In late July, the House of Representatives passed a resolution condemning human rights abuses and calling on the Clinton administration to consider additional means of encouraging a return to democracy. On July 28, four U.S. congressmen, William Jefferson, Donald Payne, Lucien Blackwell, and Craig A. Washington, who were planning to visit Nigeria to investigate political developments and lend support to the pro-democracy movement, were denied visas by the Nigerian embassy in Washington. Nigerian ambassador Alhaji Zubair Kazaure later denied that they were prevented from visiting Nigeria.

Following the annulment of the June 1993 election, the European Political Cooperation (the foreign ministers of the European Community), issued a statement in which "the Community and its member States" decided to adopt the following measures: suspension of co-operation in the military sphere; restrictions on visas for members of the military or the security forces and their families; suspension of visits by members of the military; and suspension of any further cooperation aid. These policies have not, however, been stringently followed. The U.K. has permitted unofficial visits by members of the government. Former military strongman Ibrahim

Babangida, who maintains strong ties to the present government, is reportedly living in Hamburg.

Some statements condemning human rights abuses in Nigeria have been made by European governments. Following the dissolution of the trade unions, the U.K. said it "deeply regretted the turn of events" in Nigeria, and called the banning of the trade union leadership "a further regressive act." On August 26, the E.U. urged the Nigerian government to halt a campaign against political opponents. The statement was released by Germany, which held the rotating E.U. presidency. The statement said it "deeply regret[ted]" the shutting down of newspapers, the dissolution of the boards of the labor unions and the NLC and called on the government "to reverse these trends and to move rapidly to restore Nigeria to a civil democracy to which all Nigerians, including the present regime, have pledged their support."

Weapons shipments have reportedly continued from some European countries. The U.K. has reportedly recently shipped 150 tanks that were ordered in 1992, according to The Economist (September 9, 1994). In both the U.K. and Germany, commercial sales of weapons are licensed by the government, allowing those governments the opportunity to stop the sales on human rights grounds.

#### The Work of Human Rights Watch/Africa

Human Rights Watch/Africa continued to pay close attention to human rights abuses in Nigeria. A letter to General Abacha in June raised the issues of the attacks on the Ogonis and the arrests of pro-democracy activists. In July, Human Rights Watch protested the continuing detention of activists and press closures. A letter in August protested the abusive treatment of Ken Saro-Wiwa.

A press release in August detailed the killings and other abuses directed against members of the opposition. "The Dawn of a New Dark Age": Human Rights Abuses Rampant as Nigerian Military Declares Absolute Power, a report on human rights abuses relating to the pro-democracy protests, was published in October.

Human Rights Watch/Africa participated in a briefing for congressional aides on the Ogoni issue in July. Throughout the political crisis, it conducted radio interviews with the U.S. and foreign media.

Human Rights Watch/Africa and the Human Rights Watch Women's Rights Project conducted two missions to Nigeria in 1994 to investigate human rights abuses directed against women, focusing on abuses against widows in the southern part of the country and the plight of child brides in the north. A report on these matters will be published in 1995.

## RWANDA

### Human Rights Developments

#### The Genocide

On April 6, 1994 Hutu extremists bent on retaining control over the Rwandan state launched a campaign of genocide against the Tutsi, a minority who made up about 15 percent of the approximately 7.2 million people living there in early 1994. A plane crash of suspicious origin that killed President Juvenal Habyarimana triggered the massacres, but the campaign to eliminate

the Tutsi had been planned for months as a way to upset a peace agreement that reduced the extremists' hold over power. The international community beat a hasty retreat from the killing fields, where between one half million and one million persons were slaughtered before mid-July.

The Rwandan Patriotic Front, a predominantly Tutsi exile force, brought an end to the massacres by defeating the forces of the government responsible for the genocide. The defeated government and its armed forces and militia fled to Zaire, ordering Rwandans under its authority to follow it into exile. The resulting catastrophic exodus to Goma and Bukavu cost thousands of lives as Rwandans died of disease, starvation, and lack of water. The authorities responsible for the genocide rapidly re-established their rule over the refugees, using control over the humanitarian supplies of food, water, and medicine to force compliance with their orders. By the end of the year, the guilty authorities were proclaiming their intention to return to Rwanda "to finish the work" of killing Tutsi, and their army and militia, nourished for months by the international community, were preparing for incursions into Rwanda.

In August 1993 the Rwandan government had signed the Arusha Accords, formally ending its three-year old war with the Rwandan Patriotic Front. An important group of Hutu leaders, however, were determined never to implement the agreement, which would have required them to share power with the RPF and to integrate the RPF's guerrilla force into the army. As President Habyarimana repeatedly postponed installation of a transitional government, preparations continued for a massive attack on Tutsi and those Hutu members of the political opposition willing to cooperate with them. A campaign of broadcast propaganda prepared the ground by inciting the Hutu majority to violence against the Tutsi— and against those Hutu who supported reconciliation between the two groups and a power-sharing arrangement in government. In August 1993 a radio station owned by members of Habyarimana's inner circle, Radio Télévision Libre des Mille Collines, had begun broadcasting ever more dramatic incitements to hatred and killing. They targeted by name leading members of the opposition and civil society, as well as the Tutsi minority as a group.

In late 1993 and early 1994, the Hutu extremist political parties (the National Republican Movement for Democracy, MRND, and the Coalition for the Defense of the Republic, the CDR) recruited increasing numbers of unemployed young men to swell the ranks of exclusively Hutu militias. The militia members were trained by soldiers of the Rwandan Armed Forces, particularly by members of the elite Presidential Guard, and arms were distributed to militia members throughout the country. In February militia members killed a moderate Hutu cabinet minister, Emmanuel Gatabazi, who was likely to have opposed Habyarimana in a presidential election, along with several dozen others in the capital. Supporters of Gatabazi then assassinated the president of the CDR party, whom they held responsible for Gatabazi's death.

Arms for the army and militia flowed into the country in considerable quantities in the two years before the genocide from South Africa and Egypt, while advisory assistance was provided by a French military mission. In January, the Human Rights Watch Arms Project issued *Arming Rwanda: The Arms Trade and Human Rights Abuses in the Rwandan War*, a report that documents the arming both of the government forces and the RPF. The report includes as an appendix a secret Rwandan government document setting out the organizational structure of the Hutu militias that were to play such a crucial role in the genocide, including details of their arms requirements and their place in the government's command and control structure.

The preparations for slaughter were well known to the resident expatriate community,

including diplomats as well as representatives of nongovernmental organizations. The special representative of the Secretary-General of the United Nations and the commander of a United Nations peace-keeping force (UNAMIR), present to facilitate the execution of the Arusha Accords, were also informed about these threatening developments. The U.N. commander even apparently sought authorization from New York for some form of preventive action. But no effective measures were taken. By March 1994 tensions were so great within Kigali that Rwandan human rights activists had sent their children out of the city. When the president's plane crashed on April 6, the armed forces command seized the opportunity to set in motion a plan of genocide that had developed over months. Within thirty minutes of the plane crash, military, police, and civilian militia set up roadblocks around the city, and the killing began.

Members of the army's presidential guard were initially dispatched to the homes of moderates within the government. Among the earliest victims were Prime Minister Agathe Uwilingiyimana, a progressive Hutu from an opposition party; Lando Ndasingwa, a Tutsi cabinet minister in the Habyarimana transition government, who was executed along with his Canadian wife, their two children, and his mother; President of the Supreme Court Joseph Kavaruganda; and numerous human rights activists. The presidential guard also tortured and executed ten Belgian soldiers from UNAMIR who had attempted to protect Prime Minister Uwilingiyimana.

The presidential guard was soon joined by the party militias. Together, they killed an estimated 20,000 people in Kigali and its immediate environs within a week. Shortly after the crash and the beginning of the massacres, a group of politicians close to Habyarimana and backed by the military proclaimed themselves the new government. The RPF resumed the civil war on April 8, with an immediate objective the rescue of its troops in Kigali and in an attempt to stop the massacres. On April 12 Belgium announced its intent to withdraw its 400-person UNAMIR contingent. Emboldened by the evacuation of Belgian troops and the failure of the remaining UNAMIR forces to respond, the leaders of the genocide extended its scope outside the capital to the east and the southwest by April 15.

In communities where the killing was not proceeding rapidly or thoroughly, outside elements, usually militia members, were imported to spur the slaughter. In the southern prefecture of Butare, it was both militia and members of the presidential guard who were brought in to execute massive killings in a region in which local people had largely resisted carrying out the genocide of their Tutsi neighbors. In such cases, local people were often given the choice of kill or be killed. Faced with such a choice, most agreed to join in the slaughter.

In most communities, local government officials organized and personally directed the murders. Eyewitnesses in several places reported that the killers arrived under the direction of local officials to begin their "work" at 8 a.m. and to finish at 4 p.m. The assailants then returned home singing, to come back the next morning and begin the slaughter once more. In most communities, the repeated attacks continued until all the Tutsi were killed: clearly the goal was complete elimination of the minority rather than its simple defeat.

Barriers on all roads and paths prevented victims from fleeing massacre sites. All Rwandans were required to carry identity cards which specify their ethnic group. Tutsi who sought to pass the barriers were selected on the basis of these identity cards and killed on the spot. When people sought shelter in neighborhood churches, hospitals, or schools, they were killed all the more efficiently, often through the use of grenades. Survivors were finished off with machetes, clubs, or guns. At such sites as Kibungo, Cyahinda, and Shangi, thousands of people



were executed in a matter of hours.

By mid-May, militia leaders were calling upon their members to finish "cleaning up" (nettoyer) Tutsi and members of the Hutu opposition who had escaped death up to that point. In the months that followed, militia backed by the military made nightly visits to other locations where people at risk had taken refuge and removed groups of people to be executed. Anyone who was educated or had shown capacity for leadership was targeted first to ensure that the mass of victims would be left disorganized and unresisting for later slaughter. A substantial number of Catholic clergy were among the victims. The RTLM radio urged attackers not to repeat the mistake of sparing children, as had been done in previous massacres. The killers, some of whom had a radio in one hand and a machete in the other, heeded the advice and slaughtered children as well as adults.

Reliable accounts describe the heroism of some Rwandan authorities, both civilian and military, who sought to prevent or halt the slaughter in their regions. Unfortunately, their efforts proved futile in most cases. Military officers who tried to maintain order or to save threatened civilians were themselves killed. The systematic murder of the Tutsi population continued even as forces of the RPF engaged the military in an advance on Kigali.

Although representatives of the RPF and the Rwandan army reportedly agreed to a cease-fire on June 14, the agreement never took effect. In tandem with the genocide, but quite distinct from it, the active fighting continued throughout the month of June. On July 4 the RPF took control of Kigali, prompting a mass exodus of Hutu soldiers and civilians to Zaire, Burundi, and Tanzania. In late October there were an estimated 1.2 million Rwandan refugees in Zaire, 270,000 in Burundi, and over 500,000 in Tanzania.

By the end of 1994, soldiers of the former Rwandan army and members of the militia were terrorizing the refugee camps, particularly in Zaire. Unrestrained either by authorities of the former Rwandan government or by authorities of the local government, they were murdering, raping, and stealing at will. They systematically intimidated any refugees who might have wanted to return to Rwanda and in several cases killed those who appeared ready to leave the camps. One of the most serious incidents occurred in late August in Kibumba camp where several hundred refugees awaiting transport were attacked by militia members. Thirty Rwandan boy scouts in Katale camp, who had been charged with organizing security and helping with food distribution, vanished in late September, apparently murdered because they had represented an obstacle to full militia control of the camp. Militia members also threatened expatriate members of the relief community in late 1994.

Soldiers in Zaire continued to be paid by the former Rwandan government and, as the year ended, were preparing to resume the war against the new government of Rwanda. At the end of October, these soldiers were apparently the assailants responsible for killing thirty-six civilians in an early morning raid in the northwestern prefecture of Gisenyi.

### The New Government of Rwanda

The new government of Rwanda, headed by President Pasteur Bizimungu and Prime Minister Faustin Twagiramungu, was installed on July 21. Although the cabinet includes representatives from all the parties that signed the Arusha Accords except the MRND, the party responsible for the genocide, the new government is clearly dominated by the victorious Rwandan Patriotic Front. Speaking for the new authorities, the Minister of Justice announced plans to prosecute all those accused of having participated in the genocide. He disposed of absolutely no resources,

however, to carry out the enormous task of bringing to justice thousands of killers

The former government had taken along all bank funds, vehicles, computers and other movable property in its retreat to Zaire. The Ministry of Justice, like other branches of the new government, had no funds to draw upon for salaries or equipment as it struggled to begin operations. The Minister appealed for international assistance, both in the form of seconded personnel—judges and prosecutors—and in the form of funds. As of early November, no significant international assistance had begun, either to the Justice Ministry or other parts of the government.

Findings of an investigation by Human Rights Watch/Africa indicate that the RPF troops killed hundreds of civilians as they advanced south and west through Rwanda prior to and just after the cease-fire in mid-July. They executed these unresisting civilians in groups ranging in size from several dozen to several hundred, often in regions where Tutsi had been massacred in large number. The victims, some of whom included Tutsi, were killed indiscriminately and were not interrogated before being killed. In an incident in late October, approximately forty persons were killed in the commune of Gisovu, and in early November, nine others were killed and thirteen wounded at Musebeya in the prefecture of Gikongoro.

RPF soldiers were also responsible for the removal of thousands of other persons, individuals, and small groups who were accused of having played a role in the genocide. Human Rights Watch/Africa documented several cases in which the accused were subject to interrogation and then summarily executed. Further investigation was needed to establish the number of such victims, but it was clearly at least in the hundreds. Thousands of those who disappeared could have in fact have been alive in detention, but given the initial absence of an administrative capacity to register and keep track of prisoners, it was impossible to know for sure who was in custody and who had been killed.

Approximately 10,000 of the people accused of involvement in the killings were detained in civilian prisons at the beginning of November. Thousands of others were imprisoned in irregular conditions at military camps, communal lockups, private houses, latrines, and shipping containers. Conditions in the regular prisons were deplorable, largely as a result of overcrowding and lack of resources. Sanitary conditions were lamentable, and dysentery was a major problem. Between two and seven prisoners died daily from this and other diseases at Kigali Central Prison. Prisoners at the regular prisons counted themselves lucky, however, because they were not subject to beatings or torture, as were those less fortunate persons who were detained in irregular facilities. About 20 percent of the prisoners in Kigali Prison had had some kind of preliminary hearing by early November. Some have been in detention since August, but the lack of personnel in the courts posed major obstacles to rapid processing of cases. Hundreds of persons were arrested every week and, given the paralysis of the judicial system, there was little prospect for speedy trials of the accused.

Various government authorities have repeatedly asserted that reprisal killings of those accused of genocide would be severely punished, and the government has in fact arrested several dozen of its own soldiers on charges that they killed civilians. To bring an end to reprisal killings, the government must have the resources to make its judicial system operational so that the accusations of participation in the genocide can be dealt with in an orderly fashion.

In the absence of a police force, the maintenance of order remained in the hands of the army, creating widespread fear. An atmosphere of insecurity was also heightened by frequent and bitter disputes over property. Refugees who left Rwanda decades ago had returned and

appropriated property, including a large number of the houses and businesses in the capital. Authorities insisted that the original proprietors would be able to reclaim their property but, in many cases, those who tried to do so ended up being arrested, accused of having participated in the genocide by those who wished to keep their property. In some cases, property owners seeking to reclaim their houses were attacked outright by the squatters, who often have the support of local military forces.

### The Right to Monitor

Until April, Rwandan human rights organizations were permitted to function—albeit in the face of growing threats. Numerous members of the human rights community, including Charles Shamukiga, Fidele Kanyabugoyi, Ignace Ruhatana, Patrick Gahizi, Father Chrysologue Mahame, S.J., and Abbé Augustin Ntagara, were massacred by the presidential guard immediately after the plane crash on April 6. Subsequently, Matthieu Uwizeye, a human rights activist and judge, was killed by Hutu extremists, as were Joseph Habarugira, Augustin Ruzindana, and Sylvestre Nkubili. Charles Mbabajende, permanent secretary of the human rights league LIPREDHOR, was executed by the RPF in Byumba. Among those singled out by Radio Mille Collines as "enemies" or "traitors" who "deserved to die" was human rights activist Monique Mujawamariya, executive director of the Rwandan Association for Human Rights and Public Freedoms, who narrowly escaped with her life.

Following the organization of a new government by the RPF, local human rights organizations resumed their activities and organized teams which have begun documenting the genocide. Although the new government agreed to allow U.N. human rights monitors to be posted inside Rwanda and professed to be open to investigations by local and international human rights organizations, the new government sometimes restricted access to particular areas. For example, the representative of the U.N. special rapporteur on Rwanda was refused permission to visit Butare Veterinary School. A representative of Human Rights Watch/Africa, who was investigating reports of abuses by the current Rwandan government, was intercepted by soldiers and discouraged from continuing her research. Out on the hills densely occupied by soldiers, many people were afraid to talk about abuses.

### The Role of the International Community

The international community, satisfied with the success of the Arusha Accords in August 1993, found itself faced with a terrible defeat nine months later. Following the plane crash, the beginning of the massacres, and the resumption of the civil war, the U.N. and the U.S. initially reacted with retreat, confusion, and lethargy. This apparent indifference, combined with the lack of any reaction by the international community to the massacres in Burundi in October and November 1993, made the Rwandan Hutu extremists think that they too could kill with impunity.

### U.N. Policy

The Rwandan tragedy should have come as no surprise to the international community. Repeated warnings by human rights activists, as well as sources within the Habyarimana government, combined with the broadcasts by Radio Mille Collines, sent a clear signal that a crisis was imminent. But neither the U.N. nor any individual nation took any effective action to

avert the disaster. When the massacres began, UNAMIR troops did not even draw their guns to defend themselves—a result of their limited mandate which extended only to monitoring, as well as insufficient arms and equipment. If UNAMIR had intervened rapidly and firmly in the first week, the massacres might not have turned into genocide. On April 21 when the U.N. Security Council withdrew all but a token number of UNAMIR troops, the de facto authorities were encouraged to extend the scope of the killings.

Even in the face of convincing proof of the true nature of the massacres, a few Security Council members refused to acknowledge that they constituted genocide. Part of the reason may have been that Jacques Roger Booh-Booh, the Special Representative of the U.N. Secretary-General in Rwanda, who appears to have been sympathetic to the self-proclaimed regime throughout his tenure, repeatedly characterized the slaughter as free-for-all fighting between the RPF and the army. Finally, after eight hours of discussion, the Council adopted a declaration on April 30 that used all the terminology of the International Convention on the Prevention and Punishment of the Crime of Genocide, but paradoxically rejected the usage of the term "genocide" itself. The members of the Council apparently wanted to avoid the obligation to act under the terms of the Convention, which requires its signatories to "prevent and punish" this crime against humanity.

Faced with the horror in central Rwanda and the mass exodus of refugees to Tanzania on April 29, delegates from the Czech Republic, New Zealand, Spain, and Argentina took steps to persuade the other states represented on the Security Council to send more troops to Rwanda with an expanded mandate. On May 17 the Council finally authorized the deployment of UNAMIR II, with up to 6,800 soldiers, including ninety police, to defend displaced persons, refugees, and civilians in danger. However, internal U.N. conflicts and bureaucracy caused further delays. The poor countries that had agreed to provide troops and the rich countries that had agreed to provide equipment continuously begged each other to deliver what they had promised. Moreover, the key actors seemed unwilling to expedite their normal decision-making processes. In late June a contingent of French troops entered Rwanda and established a peacekeeping zone in the southwestern region of the country. The Security Council welcomed the French intervention, which lessened pressure on the U.N. for speedy action. As of early November, only 5,254 UNAMIR II soldiers were in place; their numbers included only thirty police.

Shamefully absent at the moment of the killings, the international community is now moving slowly to bring those guilty to justice. On July 1 the Security Council voted to establish a Commission of Experts to examine crimes against humanity perpetrated in Rwanda since April 6 and to advise on the desirability of further proceedings through an international tribunal. After several months of study, the Commission recommended establishment of an international tribunal to try those accused of these crimes. In early November the Security Council established the International Criminal Tribunal for Rwanda to consider genocide, crimes against humanity and other violations of international humanitarian law. The Tribunal will be expanded by the addition of two trial chambers. The Tribunal will share an appeals chamber with the tribunal for the former Yugoslavia, and will be served by the same chief prosecutor, South African jurist Richard Goldstone. Rwanda, which has a seat on the Security Council, voted against the resolution—largely because the International Tribunal would not have the power to order the death penalty. The government of Rwanda did agree, however, to cooperate with the Tribunal.

In an extraordinary session held in May, the U.N. Commission for Human Rights

recommended that a special rapporteur and human rights field officers be sent to investigate the genocide in Rwanda. In reports published in June and July, Special Rapporteur René Degni-Ségui documented the genocide and other human rights violations. The first U.N. human rights field officer arrived in Rwanda on June 10 but received none of the personnel or resources needed to carry out her important charge. In August the U.N. High Commissioner for Human Rights promised 147 observers, but only fifty-two were in place by early November. They received almost no training and had great difficulty obtaining vehicles and communication equipment.

U.N. human rights monitoring efforts were further undermined by a conflict between U.N. departments. In September the UNHCR published a report charging the RPF with systematic revenge killings and suspended further repatriation of refugees. U.N. authorities in Kigali, including UNAMIR and representatives of the U.N. Center for Human Rights, publicly challenged the validity of the report. They subsequently investigated the charges in a cursory fashion before declaring them unfounded.

### U.S. Policy

From the beginning of the Rwandan civil war on October 1, 1990, the U.S. tried to play the role of "honest broker" between the Rwandan government and the RPF. This strategy, reasonable at the beginning of the conflict, appeared to have attained its greatest success with the signing of the Arusha Accords in August 1993.

Aware of the Rwandans' preparations in anticipation of the resumption of civil war and shocked by the extent of the killings, the executive branch responded by setting up, in the first week of the crisis, an inter-agency working group, which included among its members representatives from the Pentagon, the State Department, the National Security Council, and the Central Intelligence Agency. According to one of the participants, this working group asked all the necessary questions but never formulated effective answers.

The U.S. remained constrained by its earlier interpretation of the situation as a civil war and failed to confront the genocide that was launched as part of a strategy for winning the war. The priority of the U.S. was to achieve a cease-fire and a return to the terms of the Arusha Accords. When this misplaced strategy proved unsuccessful, the U.S. had no alternative plan of action. Certain White House officials counseled that military intervention would be useless because they believed that the war resulted from deeply rooted "tribal hatreds" which, "because they had always existed," would continue forever. A few weeks after the massacres had begun, when it had long been evident that genocide was taking place, a senior member of the Clinton administration ordered officials not to speak of "genocide" because the use of this term could increase the moral pressure on the President and force him to act. Only in mid-June, in the face of Congressional outrage and a rash of critical articles in the press, did Secretary of State Warren Christopher finally invoke the term.

Focused on the combat between armies, the U.S. failed to deal with the massacres of civilians—which were clearly more than simple and inevitable consequences of the war. American officials refused to consider asking the Pentagon to jam broadcasts of Radio Mille Collines through which the murder squads were directed, as human rights activists and members of Congress had asked. They likewise refused to organize the international community to condemn the massacres and to isolate the de facto government for its having been established on the basis of genocide. The rump genocidal regime was permitted to operate out of the Rwandan

Embassy in Washington and to represent Rwanda at the U.N.

Members of Congress expressed their concern about the massacres and pressured the administration for more action. On April 26 the Senate passed a resolution condemning the systematic massacre of civilians in Rwanda. The House Subcommittee on African Affairs held hearings on the subject on May 4, and the Senate held hearings in July. These efforts had little effect due to the American public's lack of interest. Public pressure on President Clinton to act developed only later, after the mass exodus of refugees to Goma.

The decision of the U.S. to restrict its role in Rwanda to traditional diplomacy was most significant for its impact on U.N. policy in the crisis. The U.S. supported the formation of UNAMIR in October 1993, even though the vote in the Security Council took place on the day after eighteen American soldiers were killed in Somalia. By April 1994, however, the specter of U.S. troop losses in Somalia had come to haunt Washington, and U.S. officials sought only to limit U.N. peacekeeping in Rwanda.

Rwanda was the first case to be treated under Presidential Decision Directive 25 (PDD 25), which dictated that the U.S. would provide military or financial support only to peacekeeping operations that met certain criteria: well-defined objectives and a plan to attain them, a detailed budget, a cease-fire between belligerents and their agreement to the presence of U.N. forces, a relatively fixed date for the termination of the operation, and an indication of countries that would make soldiers available.

Given the weak roles played by Belgium—because of the prior withdrawal of its soldiers—and France—because of its close relationship with Habyarimana's government, the U.S. played a key role in the U.N.'s decision to withdraw the majority of UNAMIR forces in late April. The long delay in deploying UNAMIR II was also largely a result of U.S. intransigence.

To its credit, the U.S. government actively encouraged the U.N. High Commissioner for Human Rights, José Ayala Lasso, to become involved in investigating and condemning the mass slaughter. Only a few days after meeting with John Shattuck, the State Department's Assistant Secretary for Human Rights, in mid-May, Ayala Lasso called for the appointment of a special rapporteur on Rwanda and convened a special session of the U.N. Human Rights Commission.

Following the French entry into Rwanda in late June, the U.S. government deferred to the French. The U.S. did not call upon the French to jam the radios and arrest persons involved in genocide. Nor did the U.S. speak to the need for other governments, such as Tanzania and Zaire, to arrest suspected mass murderers who had fled to refugee camps there or provide the means to help them do it. Meanwhile, the deployment of a proposed African UNAMIR enhancement stalled, with no additional men made available for want of equipment from the West.

Only after the RPF had taken over all of Rwanda except the French zone and announced the formation of a national government did the Clinton administration take its first actions to stigmatize and denounce those who had committed genocide. On July 14 President Clinton announced that he would close the Rwandan Embassy in Washington, D.C. and freeze the assets of Rwandans in the U.S. The U.S. government also announced that it would seek the expulsion of the rump government from Rwanda's seat at the U.N.

In late July the U.S. stepped up its relief efforts in Rwanda. The U.S. contributed over \$237,000,000 in emergency assistance to Rwanda between April and mid-November 1994. Like the rest of the international community, the U.S. conditioned direct bilateral assistance on the new government's human rights record.

## The Work of Human Rights Watch/Africa

Before the Rwandan genocide began, Human Rights Watch/Africa attempted to alert the international community to the imminent crisis and to assist Rwandan human rights groups in monitoring an increasingly dangerous situation. Following the April 6 attacks on Tutsi and members of Rwandan civil society, the organization tried to protect its colleagues and to facilitate evacuation, where possible. It also focused on persuading decision makers and the press to call the killing "genocide" instead of labeling it "tribal bloodletting" and worked to get a new and enlarged U.N. force with a broader mandate sent back to Rwanda to halt the massacres. In addition, it lobbied the U.N. Human Rights Commission to send a special rapporteur to investigate the situation and prepared documentation for his inquiries.

At the height of the genocide, Human Rights Watch/Africa published a report entitled *Genocide in Rwanda: April-May 1994* as well as numerous news releases, articles, and editorials denouncing the genocide and demanding an international response. In May the organization brought a lawsuit in U.S. federal district court on behalf of Tutsi Rwandans living in the United States against the head of the CDR for his role in inciting the genocide.

Human Rights Watch/Africa undertook missions in mid-August and again in October to gather documentation on the genocide and to monitor the human rights situation.

The organization is currently attempting to ensure that those individuals guilty of genocide and crimes against humanity are brought to justice in an orderly fashion. To this end, it welcomed the establishment of the international tribunal and urged governments to contribute funds, equipment, services, and expert personnel and to collaborate in apprehending former Rwandan leaders. Human Rights Watch/Africa is also advocating for increased international assistance to the Rwandan judiciary.

The organization continues to report on and seek to deter abuses, including vengeance killings, by or with the acquiescence of the new government. It is assisting Rwandan colleagues in rebuilding the human rights movement, encouraging them to remain representative of the entire spectrum of ethnic and political groups in the country.

## SOUTH AFRICA

### Human Rights Developments

South Africa's first all-race elections, held from April 26 to 29, 1994, opened a new era in the country's history. A new interim constitution came into effect on the first day of voting, under which all South Africans will have for the first time the protection of a bill of rights enforced by a constitutional court. At the same time, the ten ethnically determined "homelands," the foundation of the apartheid system, were dissolved and were incorporated into nine new administrative regions. In a landslide victory, the African National Congress (ANC) won 62.6 percent of the national vote, and on May 10, Nelson Mandela, the president of the ANC, was inaugurated as State President. A five-year government of national unity (GNU) was installed, in which both the National Party (NP), led by outgoing president F.W. de Klerk, and Chief Mangosuthu Gatsha Buthelezi's Zulu-dominated Inkatha Freedom Party (IFP) were represented in the cabinet. The new national assembly, in which women as well as black South Africans

were substantially represented for the first time, was empowered to draw up and adopt by a two-thirds majority a final constitution for South Africa. In October, during a visit to the U.N., President Mandela signed the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.

Although ultimately certified as "free and fair" by the Independent Electoral Commission (IEC), which was charged with the conduct of the election, serious concerns were raised during the election campaign and the days of voting, particularly in Natal, the stronghold of the IFP. The IFP, together with several right wing parties and the homeland "governments" of KwaZulu (where Buthelezi was chief minister), Ciskei, and Bophuthatswana had withdrawn from multiparty negotiation in August 1993. Until one week before the poll, the IFP maintained it would boycott the vote. On April 19, 1994, well after all nominal deadlines had passed, Buthelezi announced that the IFP would after all participate. Although the criticisms of the IEC are mostly centered on lack of planning and disorganization rather than fraud or deliberate sabotage, there were allegations of ballot-stuffing, intimidation, and even of "pirate" voting stations in rural KwaZulu, where independent monitoring proved difficult to arrange at such short notice. With 50.3 percent of the regional vote, Inkatha received much greater support than had been predicted by opinion polls, although the IEC stated that it was satisfied that the final result had not been significantly affected by any irregularities in the poll.

The administrations of the homelands of Bophuthatswana and Ciskei, both hostile to the elections, collapsed in the weeks before the vote. In Bophuthatswana, a wave of mass strikes and protests by civil servants provoked a crisis in the second week in March in which the homeland president, Lucas Mangope, was deposed. Several thousand members of the extreme right-wing Afrikaner Resistance Movement (AWB) invaded the homeland in support of the government, but were eventually escorted back to South Africa by South African troops. At least twenty-seven black civilians were killed in the course of the disturbances, many of them in drive-by shootings by the AWB, others by Bophuthatswana security forces as civilians engaged in looting. Following an exchange of fire with Bophuthatswana security forces in which one AWB member was killed, two others were summarily executed. In Ciskei, which had for some months shown signs of weakening in its resistance to the elections, civil servants strikes led the government to invite South African intervention and voluntarily step down. Administrators were appointed by the government to take over responsibility for each homeland for the period leading up to the elections.

Political violence, which had been the principal threat to the transition process and was expected to disrupt voting in Natal and on the East Rand near Johannesburg, did not affect the election days themselves, which were amongst the most peaceful in several years. However, it was difficult to assess the effect that violence prior to the election had on voting behavior. During the last two weeks of March and first two weeks of April, 429 people were recorded killed in political violence in Natal/KwaZulu, the worst affected area, largely in clashes between supporters of the ANC and IFP. In an attempt to contain the crisis, the government declared a regional state of emergency on March 31. Levels of violence decreased dramatically after Chief Buthelezi announced that the IFP would contest the elections, and continued to decrease over the following months. The Natal state of emergency was lifted in August. By the end of October 1994, 2,480 people had died in political violence during the year, according to the Human Rights Committee of South Africa (HRC), a nongovernmental monitoring organization based in Johannesburg. One thousand six hundred thirty-one of these died before the election.



Long-standing allegations that political violence had been perpetrated and deliberately provoked by "third force" elements within the security forces and members of extreme right wing parties and paramilitary groups, were confirmed during the election campaign, by the investigations of a standing commission of inquiry headed by Justice Richard Goldstone. On December 6, 1993, the Goldstone Commission's fourth interim report concluded that there was a "high probability" that at least one "hit" squad had been operating in the KwaZulu Police (KZP). On March 18, 1994, the Goldstone Commission published a report which finally confirmed that senior South African Police (SAP) officials had been involved in supplying Inkatha with weapons and financial support. On March 22, 1994, a task force appointed by the Transitional Executive Council (TEC) to carry out the investigation into the operation of security force hit squads concluded that hit squad activity was responsible for the killing of "a significant proportion of those who have died in political violence in Natal/KwaZulu." In July, the retiring commissioner of the KZP stated that he was convinced of the existence of hit squads and called for a thorough investigation. On May 18, 1994, the task group issued a further report concluding that paramilitary training camps set up by Inkatha in KwaZulu in 1993 and 1994 were illegal and "may have provided elements within the IFP and KwaZulu government with the capacity for large scale insurrection." A third report, leaked to the press, linked the minister of police in the new KwaZulu/Natal administration, to allegations of gun running for Inkatha. Several individuals implicated in the allegations were elected as IFP members of the new national or regional assemblies.

The white right wing, which had posed a potentially serious threat to the elections, was split into more moderate and hardline wings by the failed AWB "invasion" of Bophuthatswana. Although the hardliners continued to boycott the elections, ex-General Constand Viljoen contested the elections as leader of a new party, the Freedom Front, which won 2.2 percent of the national vote, and nine seats in the new national assembly. A right-wing bombing campaign culminated in several massive blasts which killed at least twenty-one people in and around the greater Johannesburg metropolitan area in the days immediately preceding the election. Thirty-four members of extreme right-wing organizations opposed to the elections were arrested during the next few days and charged with murder and attempted murder. However, although the Freedom Front continued to call for an "Afrikaner homeland," the threat of widespread white violence in resistance to a black government receded.

Reforms by the National Party government since 1990 or by the TEC, the body charged by the multiparty negotiating forum with facilitating the transition to a democratic order in South Africa, were accelerated by the new government. Amongst the most significant measures were a Police Bill, for the reform of the police force; a new child welfare program, to provide health care, primary education and promising that all children would be removed from South Africa's prisons; and a Restitution of Land Rights Bill, to establish procedures for the investigation and adjudication of claims by communities dispossessed by apartheid. The day before the election, following weeks of controversial debate within the TEC, President de Klerk signed a declaration abolishing the principal provision of security legislation allowing detention without trial. However, legislation allowing detention without trial in some cases remained in force, though subject to new guarantees of due process under the bill of rights.

Unrest in prisons was a feature during the entire negotiations process, in connection with disputes over the release of political prisoners and the extension of the franchise to prisoners, and continued to be a serious problem. Riots affected many prisons both before and after the

elections; on June 10, Mandela announced a six month reduction in all prison sentences in an effort to quell the latest disturbances, and in August a program of new prison building to relieve overcrowding. A judicial commission of inquiry was appointed to investigate unrest in prisons over the election period. Several hundred people were still on death row at the end of September although a moratorium on executions remained in effect, some sentences were commuted and the ANC reaffirmed its opposition to the death penalty. In October, the constitutional court announced that its first case would be to decide the constitutionality of the death penalty.

The question of accountability for past abuses was one of the first issues to be addressed by the new government. The Minister of Justice, Dullah Omar, a longtime human rights activist, announced that amnesty legislation would be enacted for political crimes—as required by the interim constitution. Each person seeking immunity from prosecution would have to make a separate and public application, and amnesty would be linked to the operation of a truth commission, to be appointed to record the crimes of apartheid. However, the detailed terms of the truth commission and amnesty were the subject of intense negotiation within the GNU. Draft legislation was released in October, but without the agreement of the NP and the IFP. In the meantime, little was done to bring known human rights abusers to justice. In the last days of the old government, President de Klerk controversially granted amnesty under existing legislation to a number of security force members. Agreed draft legislation was finally released in November, which reflected NP pressure by providing for the amnesty hearings to be in secret. Despite the findings of the Goldstone Commission in regard to covert support for hit squads and for Inkatha, no high ranking officials were indicted and most remained in office. One prosecution was mounted against the commander of a unit and his subordinates found to have been involved in illegal covert operations near Johannesburg. However, the trial was postponed, after the principal accused indicated that he intended to apply for amnesty if he were eligible under the new legislation.

### The Right to Monitor

With the installation of a new government, all official restrictions on monitoring human rights abuses in South Africa were lifted, although violence in the townships remained a serious threat to media reporters and human rights monitors alike during the lead up to elections: in January, a freelance photographer was killed in the East Rand township of Katlehong. Large numbers of international and local observers monitored the conduct of the election, with the agreement or under the control of the IEC. The ANC also indicated its intention of introducing a much more open style of government; for example, by establishing standing committees of the national assembly to monitor the performance of the executive branch and proposing a new freedom of information act.

### International and U.S. Policy

Following the election, South Africa completed a process of reintegration into the international community begun under the previous government. In ceremonies over the next months it was readmitted to the Commonwealth and joined the Organization of African Unity and Southern African Development Community (SADC). In October, Nelson Mandela became the first South African head of state to address the General Assembly of the U.N. Presidents François Mitterrand of France and Robert Mugabe of Zimbabwe were the first heads of state to be received by the new government; British Prime Minister John Major visited South Africa in

September, announcing a \$160 million aid package from the U.K. British officers were retained to assist in the integration of ANC cadres into the new South African army. The European Union, South Africa's largest donor, announced the inclusion of South Africa within its Generalized System of Preferences, and authorized \$350 million worth of loans from the European Investment Bank. Crises in the small enclave state of Lesotho, in January and in August, saw high level representatives of the old and new governments meeting for the first time with the leaders of Botswana and Zimbabwe to discuss a common approach.

In May 1994, the U.N. Security Council finally lifted the arms embargo in force against South Africa since 1977, opening the alarming possibility of South Africa becoming a major weapons supplier to the rest of Africa. The chief executive of Armscor, the procurement agency for the South African army and the armaments industry's marketing organization, announced that he expected South Africa to double arms exports as a result—and to gain 25,000 jobs in arms manufactures. South Africa participated in several major arms exhibitions throughout the year. However, the new government stated that South Africa would contribute to the U.N.

conventional arms registers, announced a ban on the export of landmines, and stated that South Africa would not export arms to countries that abused human rights or were divided by civil war.

In November, a commission of inquiry appointed by the new government held hearings into illegal arms trading by Armscor both before and after the election. Inquiries focused on an October shipment of AK-47 rifles, supposedly bound for Lebanon, that had attempted to offload in Yemen and been returned to South Africa. Armscor admitted that, provided an end-user certificate was provided, it made little effort to verify the final destination of weapons. Due to outstanding criminal proceedings against Armscor in a Philadelphia court, in connection with violations of arms sanctions during the 1980s, U.S. arms sales to South Africa remained embargoed after the new government was installed.

Nelson Mandela was the only African leader invited to President Clinton's inauguration; although Clinton did not himself attend Mandela's own inauguration, a high level delegation headed by Vice-President Al Gore and First Lady Hillary Rodham Clinton represented the U.S. at the ceremony. The Vice-President spoke of the "beginning of a new partnership" between the U.S. and South Africa, at both government and commercial levels. In October, President Mandela visited the U.S.

In May 1994, President Clinton announced that U.S. assistance would be increased to \$600 million over three years; including a doubling of U.S. AID's contribution to \$166 million for 1994. Although continuing to support the nongovernmental sector, U.S. agencies would for the first time work directly with the South African government. In addition to previously announced investment guarantees by the Overseas Private Investment Corporation (OPIC), other components of the aid package included trade promotion services by the Commerce Department; a 30 percent increase, to \$3.4 million, in the U.S. Information Agency budget for South Africa; a \$100,000 Department of Defense training program for the South African military; and negotiation of a double taxation treaty. During Mandela's October visit, AID committed a further \$150 million in loan guarantees for housing and electrification programs, as well as a \$100 million enterprise fund for the southern Africa region. OPIC announced two equity funds, totaling \$150 million, designed to generate about \$1.3 billion in new investment.

Legislation lifting the ban on U.S. support for IMF and World Bank loans to South Africa, and removing all conditions on Export-Import Bank guarantees, was passed through Congress shortly after the formal lifting of U.N. sanctions in September 1993. In June 1994, the

U.S. Information Agency hosted a two-day conference for representatives from the business, government and nonprofit sectors of both South Africa and the U.S., to stimulate ties between the two countries. In October, a new cooperative commission was announced, chaired by Vice-President Gore and South African Deputy President Thabo Mbeki, to promote joint initiatives in energy, education, and economic development.

#### The Work of Human Rights Watch/Africa

A representative of Human Rights Watch/Africa traveled to South Africa in January and February, following up previous work by investigating violence in Natal and abuses of freedom of expression and association in Bophuthatswana. A report based on the research, *Impunity for Human Rights Abuses in Two Homelands: Reports on KwaZulu and Bophuthatswana*, was published in March 1994. In February, a report on prison conditions in South Africa was published, based on research carried out in 1992 and 1993.

Two representatives of Human Rights Watch attended a conference in South Africa in February examining the question of accountability for past abuses, and a detailed letter urging respect for the need for truth and justice was sent to President Mandela in June. Beginning in October, a representative of Human Rights Watch/Africa was currently based in Pretoria.

## SUDAN

#### Human Rights Developments

The military-National Islamic Front (NIF) government is in its sixth year of power, continuing to dismantle civil society and to enforce laws and policies which discriminate against non-Muslims and women. Civil and political rights even for Muslim men are not recognized, suspended by a draconian set of emergency rules established when the junta seized power in 1989. Political parties and independent trade unions remain banned, with no prospects, under the present regime, for freedom of association or expression. Torture and arbitrary detention continue to be prominent features of the human rights picture in Sudan.

The civil war, waged mostly in the southern third of the country and in the Nuba Mountains in the central region known as the transition zone, remains beyond military solution as the parties to the conflict continue to inflict extreme hardship on the southern and Nuban population. Massive and expensive humanitarian assistance by the world community has been required to prevent starvation of hundreds of thousands of civilians. Negotiations to end the armed conflict petered out in 1994, despite international encouragement.

Sudan, the largest country in Africa and with a population of about twenty-five million, is ethnically and religiously diverse, although the current government seems determined to impose one mold, of Arabism and militant Islam, on the population. An aspect of this has been to impose its contested version of Islamic shari'a law on both Muslim and non-Muslim segments of the population. The government has also embarked on urban clearance programs to remove the large non-Muslim population with war-displaced southern and Nuban people from the greater Khartoum area to isolated sites far from urban areas. With little or no notice, the displaced, who have fled for safety and work in the north, have seen their homes destroyed without compensation as a result of this clearance program. In the first seven months of 1994, at least

160,000 were newly displaced in this manner, according to Médecins Sans Frontières (MSF). An estimated 800,000 southerners displaced by the war are presently sheltered in the outskirts and slums of Khartoum.

Sudanese security forces clashed with protesting squatters in Omdurman on October 15, 1994. The security forces killed at least five and severely injured fourteen squatters who protested the government's attempts to destroy their settlements and remove them to primitive sites in the desert far outside Khartoum.

Children among the southern displaced have suffered in particular. Young southern boys have been picked up by the government from the streets and markets of Khartoum and sent to remote indoctrination camps without notice to their families. The program flouts child welfare laws and procedures, although it is presented as a measure to deal with "street children." Boys are given Muslim names and religious instruction in Islam regardless of the fact that most do not come from Muslim families. Boys who have escaped from the camps say that camp officials tell them they will be inducted into the government militia (for the war in the south) when they reach fifteen.

The northern political opposition, which formerly found expression in political parties, remains severely repressed. Not only are parties banned, but the leaders and activists who have remained in the country are periodically arrested, often without charges, and frequently mistreated or tortured. Those who are released sometimes have been put under daily obligation to report to the security forces, where they are made to wait until nightfall. This harassment continues for months in some cases; the authorities may see this as a means to avoid international criticism of long-term detentions.

In 1993 retired Brigadier Mohamed Ahmed al-Rayah al-Faki, imprisoned in 1991, complained in writing to the authorities of having been severely tortured over an eighteen-month period. He said he was raped, subjected to electric shock, beaten, doused in hot and cold water, and held in chains over long periods. Although al-Faki named his torturers and gave details of the torture, the complaint has not been addressed by the authorities.

When defendants accused of conspiring to cause acts of sabotage testified at their trial in early 1994 that they had been tortured, court-ordered medical examinations confirmed torture. The only remedy offered by the court, however, was to advise the victims to file a complaint with the police. The accused were convicted and sentenced to long terms of imprisonment on the basis of confessions obtained through torture.

Arrests of political activists continued in 1994. The top leaders still in the country of the two largest Sudanese political parties, now banned, were both arrested, as were many of their followers. Sadiq al-Madhi, elected prime minister in 1986 and overthrown in 1989, who is the head of the Umma Party, was kept in a "ghosthouse"—an unofficial place of detention—for ten days; many of his followers were jailed for longer periods of time, some of them more than once. Sid Ahmad al-Hussein, the secretary general of the Democratic Unionist Party, was also detained and tortured several times. Several members of the Communist Party were arrested, and others remain long-term political detainees without charge or trial.

Independent trade unions remain banned, and government-sponsored unions are being established, but union activists continue to press for improvement in working conditions. Many were arrested in 1994, including those who organized a campaign in Sennar to require government agencies to pay long overdue wages to their employees.

All of the independent press was banned after the 1989 coup, but the government

introduced a new, allegedly more liberal press law in late 1993. The first and only independent newspaper to try to operate under this law, al-Soudani al-Doulia, was stifled in early 1994, despite the fact that it was owned and operated by a leading NIF party member. Because of its rather independent line, this newspaper was raided and its publication stopped for two days in February, and the news editor was arrested and held for almost two months. In April, as the result of reporting on corruption and other matters critical of the government, two journalists and the owner-editor were arrested. This time the newspaper was closed and its assets confiscated. The journalists and owner were eventually released.

During this process, the new press law was not invoked; the newspaper was banned under the emergency law "for raising doubts about the purpose and struggle of the armed forces and People's Defense Forces" and having the aim of "destroying the revolution."

In the war in the south and Nuba Mountains, the government made military gains against the rebel forces of the Sudan People's Liberation Army (SPLA)-Mainstream, headed by Commander John Garang. Formerly rebel-held towns and areas in Equatoria province were captured by the government, using means which included indiscriminate bombing of civilian areas. Kajo Keji, an important town on the Ugandan border, fell to the government.

Much of the large civilian population living in these areas was evacuated prior to government advances, in particular the three displaced persons camps known as the "Triple A" camps. Located on the east bank of the White Nile, these camps sheltered about 100,000 people.

In the evacuation some 60,000 fled to Laboni, a remote site near the Ugandan border, which was only accessed with difficulty by relief agencies who had been assisting the displaced at the "Triple A" camps. At first, access was almost blocked because of the poor condition of the roads. Later in the year, however, relief agencies using the roads in northern Uganda to truck food into southern Sudan were faced with sharply increased problems of banditry and landmines on those roads, apparently placed by Ugandan rebel groups. As a result, deliveries to the two camps of Laboni and Mughale (together sheltering about 97,000 people) were often suspended for safety reasons.

The source of the landmines in Uganda's border areas is unclear, although the beneficiary of this activity is most certainly the Sudanese government, which has long viewed all relief efforts in southern Sudan as plots to aid the SPLA. Ugandan rebel activity by the Lord's Resistance Army against the Ugandan government resulted in a clash in August near the border in Gulu, Uganda, where U.N. and nongovernmental relief staff were located, forcing their evacuation for several weeks. Also in August, Norwegian Church Aid's compound and the Catholic mission in Pakele, Uganda, which ministers to Sudanese refugees, were attacked by armed men, killing three and abducting five, including two nuns and a priest.

Mundri in Sudan's Western Equatoria province was bombed by the government of Sudan for several days in early October. Fighting was reported between the government of Sudan and the SPLA-United (renamed South Sudan Independence Army, SSIA, on September 27, 1994) around Bentiu in September and October; there had previously been no clashes between the government and SPLA-United since Malakal was attacked in late 1992.

In another development related to the war, an epidemic of Kala Azar, a disease transmitted by sand flies, was reported by MSF to have claimed some 200,000 victims, many in Bahr el Ghazal; access to the area for medical teams and supplies was frequently thwarted by fighting by the government and SPLA factions.

The southern Sudanese rebel movement continued to be split. The SPLA-Mainstream and

the SSIA (led by Commander Riek Machar) continued to differ over personalities and program, SSIA being in favor of a sovereign south. But open warfare between the two factions was greatly reduced from the level of 1993, when together they were responsible for probably tens of thousands of civilian casualties due to indiscriminate attacks, raiding, asset destruction, and war-related diseases.

Clashes between the two factions were reported in the Ikotos area of Eastern Equatoria in February 1994. In mid-1994 faction fighting again disrupted life in Lafon village of Eastern Equatoria; there were faction clashes there in early 1993 when Lafon was burned to the ground with dozens of civilian casualties. In 1994 the Pari community of Lafon complained of military occupation and food aid abuses by SSIA.

In the period July to September 1994, there was serious faction fighting in and around Mayen Abun, Bahr el Ghazal. SPLA-United commanders Faustino and Kerubino (both formerly long-term political prisoners of SPLA-Mainstream, who escaped in late 1992) attacked SPLA-Mainstream's Mayen Abun, then departed after ten days. The town was thoroughly looted by both sides. Heavy fighting took place in the villages, with an estimated 1,000 dead, mostly civilians, some of whom drowned trying to cross the Lol river fleeing the attackers. Nearby Akon, where MSF had warned in April of a serious rate of malnutrition, remained insecure, however, making resumption of assistance difficult.

Further south in Bahr el Ghazal, in Akot, an attack by SSIA on this SPLA-Mainstream town on October 22 resulted in an estimated 106 deaths (only twenty were SPLA soldiers) and eighty-nine wounded (only eighteen of them SPLA soldiers). Some of the killed were patients in the Akot hospital. The town, including the hospital, the church and relief organization compounds, was heavily looted, and about 35,000 civilians were displaced.

The SSIA by late 1993 reversed its year-long refusal to permit unaccompanied boys to be reunified with their families by U.N. agencies, which was a step forward in the solution of the problem of thousands of boys segregated from their families for SPLA military purposes (which began in the mid-1980s). The SPLA-Mainstream, however, made no move in the direction of recognizing that this was even a problem, and continued to have under its jurisdiction several thousand boys whom it had separated from their families and who when not obliged to perform military duties were receiving grossly inadequate care.

### The Right to Monitor

Both the Sudan Human Rights Organization (SHRO) and the Bar Association were effective Sudanese human rights monitors prior to the 1989 coup. Since then, the SHRO has been banned, and in 1993 the Bar Association was taken over by government supporters. The Bar Association no longer serves as an independent human rights voice.

The U.N. special rapporteur on Sudan, Dr. Gáspár Biró, visited Sudan twice in 1993. He published an interim report in November 1993 and a final report in February 1994. The government took umbrage at his finding that hudud and gisas punishments were contrary to international human rights law binding on Sudan. Some hudud offenses, sometimes referred to as "absolute crimes" in Islamic law, are punishable either with death or amputation or flogging. Armed robbery, for example, is punishable by death or death and crucifixion, or amputation of the right hand and left foot. Children who have not attained puberty may be whipped by way of discipline instead of being subjected to other corporal punishments or death. Gisas is the institution of retribution, whereby a premeditated offense is punished by inflicting the same act

which was committed—an eye for an eye. As a result of these critical reports, the government has refused to allow the U.N. special rapporteur to return to Sudan, thus making even more difficult his mandated duty of human rights monitoring.

The government of Sudan in mid-1993 rescinded an earlier invitation to Human Rights Watch/Africa to visit Sudan. After publication of the report, *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan*, in July 1994, the government renewed its invitation to Human Rights Watch/Africa. It has responded that it would like to make this visit in early 1995.

#### The Role of the International Community

The U.S. government condemned human rights violations by both the government and the SPLA factions in the State Department's Country Reports on Human Rights Practices for 1993.

Ambassador Melissa Wells (a strong human rights advocate who was U.S. ambassador to Mozambique when a peace agreement was negotiated) was appointed in May as special envoy for Sudan. Her brief, which was specifically on the peace process and humanitarian matters, did not include public criticism of human rights concerns, which remained in the purview of U.S. Ambassador Donald Pettersen, based in Khartoum. Ambassador Pettersen continued his visits to the southern war zones in 1994, including Nimule in February 1994.

The U.S. government issued statements during 1994 condemning various human rights violations; on February 8, 1994, it expressed concern over the indiscriminate bombing of civilians in the south by the government, and in October it condemned the riot police in Khartoum for shooting into a crowd of unarmed displaced persons and squatters protesting forcible resettlement. In November it strongly condemned the South Sudan Independence Army's killing of more than one hundred residents in the town of Akot in southern Sudan in October.

In mid-1994, the Sudanese authorities turned over accused terrorist Ilich Ramirez Sanchez, known as "Carlos the Jackal," to the French government. This cooperation did not, however, result in the lifting of the 1993 U.S. listing of Sudan as a state sponsor of international terrorism. Some asserted that the French, however, supported Sudan in its negotiations with the International Monetary Fund (IMF), and that as a result the IMF did not proceed with its threatened expulsion of Sudan from the IMF.

The European Union condemned the February 1994 bombings by the Sudanese Air Force in Equatoria, which harmed the civilian population and caused a mass exodus to Uganda. On October 31 the E.U. condemned the use of violence by the government to repress demonstrators in Omdurman who protested the razing of their homes. The E.U. called upon the government of Sudan to halt its violent campaign against the inhabitants of squatter settlements, and to compensate these victims.

Peace talks in Nairobi, Kenya between the government and the SPLA factions were sponsored by the Inter-Governmental Agency on Drought and Development (IGADD), an East African agency comprising Eritrea, Ethiopia, Kenya, and Uganda. Other countries such as the U.S. also encouraged the peace negotiations. Human rights were not specifically included in the talks that IGADD facilitated, and in September 1994 the talks foundered over the issues of autonomy for southern Sudan and the role of shari'a law.

The U.N. continues to maintain Operation Lifeline Sudan (Southern Sector), a large relief operation for the needy war-affected population of southern Sudan, operating from bases in Uganda and Kenya. Aside from the appointment of a special rapporteur on human rights, the



U.N. has taken no other steps to increase its monitoring of human rights in Sudan, such as a program of human rights monitors. The U.N. has also failed to press the Sudan government to rescind its decision to prevent the special rapporteur from revisiting the country.

#### The Work of Human Rights Watch/Africa

Human Rights Watch/Africa has kept up the pressure on the government of Sudan by publishing and widely disseminating a series of reports on human rights abuses in the war zones and in the north, and by advocating a program of U.N. human rights monitors to promptly investigate and intervene with the government and the rebels on human rights issues. We have also advocated that the Security Council impose an arms embargo on all sides to the conflict, based on the indiscriminate use of weapons by all parties. The international community is urged to vote against any further disbursements or loans to Sudan until its human rights performance is substantially improved.

The reports were the book-length *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan* (July 1994) and *In the Name of God: Repression Continues in Northern Sudan* (October 1994). In addition, the Children's Rights Project of Human Rights Watch reissued the chapter on child soldiers and children in the custody of the SPLA factions from *Civilian Devastation* to bring additional attention to this special worldwide problem, with a view to raising the minimum age of recruitment from fifteen to eighteen in all conflicts, and to encouraging the family reunification efforts undertaken by the U.N. in Sudan. This report is entitled *Lost Boys: Child Soldiers and Unaccompanied Boys in Southern Sudan*.

## ZAIRE

#### Human Rights Developments

The human rights situation in Zaire continued to deteriorate during 1994, with widespread abuses against a population with no recourse to the rule of law. Extrajudicial execution, arbitrary arrest, illegal detention, torture, rape, looting by government troops, and rampant corruption were the hallmarks of government in President Mobutu Sese Seko's twenty-ninth year in power. The massive influx of Rwandan refugees into Zaire in July and August further complicated Zaire's human rights picture.

An economic crisis, characterized by soaring inflation (estimated at 13,000 percent in Kinshasa), massive unemployment (estimated at 80 percent), nonpayment of civil servants, paralysis of the commercial banking system, and the collapse of the country's copper mining industry, produced starvation, malnutrition, and disease. Shortages of food and medicine were also the result of frequent rioting and massive looting by rampaging troops of the army. Lines of communication broke down, and roads ceased to exist. In urban areas throughout the country, vulnerable populations including children, the elderly, and the handicapped were especially at risk. The World Bank closed its office in Zaire in January 1994 due to the country's failure to pay its debts.

Faced with the breakdown of government services, communications, and the economy, the nongovernmental sector took on many essential functions. Nongovernmental organizations (NGOs) were active in providing health care and education, organizing feeding centers and

development projects, and performing a range of other services. This active civil society, which included human rights groups, was one of the only bright spots in Zaire in 1994.

For most of 1994, the general atmosphere of insecurity was intensified by the ongoing political stalemate between President Mobutu and the opposition coalition known as the Sacred Union, headed by former Prime Minister Etienne Tshisekedi, who was elected by the Sovereign National Conference in 1992. Mobutu repeatedly undermined prospects for a transition to multiparty democracy, which he promised to support in April 1990. As long as the army's elite troops and the treasury remain under his personal control, Mobutu may be able to maintain power.

A report on the human rights situation in Zaire by United Nations Secretary-General Boutros Boutros-Ghali, published on December 23, 1993, described human rights violations by the security forces as well as their interference in the transition process. The report stated that "[t]he virtual impunity apparently enjoyed by the security forces would seem to indicate that they commit human rights violations with the consent of the highest authorities."

Between late 1993 and early January 1994, an agreement was forged between Mobutu's Political Forces of the Conclave and the Sacred Union, which was to lead to the dissolution of their rival parliaments. On January 14, however, Mobutu unilaterally merged Tshisekedi's transitional parliament, the High Council of the Republic (HCR), with his own National Assembly. Mobutu called the new parliament, which was given the authority to select a new prime minister, the HCR-Parliament of Transition (HCR-PT). The opposition considered this move a "constitutional coup" and on January 19 called for a nationwide strike, which was observed throughout the country.

A new constitution designed to govern the country during the transition period was promulgated by Mobutu on April 9. The transition was supposed to last fifteen months, culminating in presidential and legislative elections.

The battle subsequently focused on the process of selecting a new prime minister under Article 78 of the transitional constitution. The opposition split and did not put forward a consensus candidate. Tshisekedi refused to resubmit his candidacy on the theory that he had already been elected prime minister by the national conference. The HCR-PT proceeded to validate seven other candidates.

On June 14 Kengo Wa Dondo, a former prime minister and businessman, was appointed prime minister by the HCR-PT; he was installed on July 11. The opposition Union for Democracy and Social Progress (UDPS) protested this, maintaining that Tshisekedi remained the lawful prime minister; the UDPS subsequently refused to accept three ministerial posts offered by Kengo and threatened to boycott the upcoming general and presidential elections. On August 5 Kengo announced his intention to abide by the transition schedule fixed by the constitution.

As of this writing, the voting majority in the transitional assembly was in the hands of Mobutu supporters. Eighteen out of the twenty-eight most significant ministers, including the Minister of Defense, were also close allies of Mobutu. Moreover, the Zairian armed forces and the national economy remained largely outside the control of the new prime minister. Human rights violations continued; civilians were continually subjected to a range of abuses by the military, including rounds of pillaging, arbitrary arrests, ill-treatment, and murder.

Independent journalists and opposition politicians were particularly targeted in 1994. In March security forces detained the outspoken Zairian journalist Kalala Mbenga Kalao for eighteen hours and confiscated his possessions before permitting him to leave for the United

States, where he was granted political asylum. In June the mutilated corpse of Pierre Kabeya, a journalist with the weekly *Kin-Matin*, was found near the Loano military camp in Kinshasa. On the previous evening, Kabeya had reportedly submitted for publication an article regarding the 1991 trial that followed the killings of students in Lubumbashi in May 1990 in which security forces were implicated. Other journalists affiliated with newspapers close to the opposition, including Ipakala Abeyi Mobito, editor of *La Référence Plus*, and Wilfried Owandjankoi, publisher of *La Tempête des Tropiques*, were arrested and detained by the authorities. A further crackdown on the press was expected from a warning issued by the government in late September, which specified that all writers, publishers, or printers committing a press offense would be tried and eventually sentenced according to the laws of the Republic.

Political opposition members were harassed as well. Joseph Olenghankoy, a member of the High Council of the Republic and a leader of the Radical Opposition Renovation Force, was arrested on June 10 by Mobutu's Special Presidential Division (DSP), detained incommunicado, and reportedly beaten and interrogated about his political activities. He was released on June 22. The elite army troops of the DSP ransacked Olenghankoy's house on September 13 and October 4, reportedly in retaliation against Olenghankoy's organization of a protest against the government.

On June 12 Tshisekedi was arrested by the DSP and detained for ten hours. The DSP also arrested and detained Denis Bazinga, one of Tshisekedi's counselors, stripped him of his clothing, and released him in a cemetery the following day. Troops opened fire on civilians in front of the home of Frederic Kibassa Maliba, President of the UDPS, on June 13. On June 27 an opposition meeting at the UDPS headquarters in Mbuji Mayi was broken up. Lambert Mende, a UDPS spokesman, was arrested and released shortly afterward.

On July 5 the Civil Guard, the paramilitary police force, arrested Léon Muntuntu Kadima, a member of the National Secretariat of the UDPS and one of Tshisekedi's counselors, after he denounced Kengo's election. Muntutu was detained incommunicado and without charge until September 16. While in detention, he was tortured.

Members of the Civil Guard and the DSP opened fire on Tshisekedi's compound on July 11, killing his bodyguard and wounding at least five other people. At least six people are reported to have been taken to Makala Central Prison in Kinshasa, notwithstanding their injuries. Tshisekedi's home and office were ransacked. Some observers say that this raid was intended as a reprisal for a violent confrontation that had occurred on the morning of the same day between UDPS activists and soldiers around Tshisekedi's house, in which four soldiers had been seriously injured.

Soon after Kengo's appointment, the new prime minister reportedly issued an order forbidding all opposition leaders to travel outside the capital, whether abroad or within Zaire. A group of soldiers led by Kengo's brother reportedly seized and beat Lambert Mende so that he was unable to leave as planned on a flight to Brussels on August 25. The Kengo government also restricted access by opposition activists to the broadcast media.

Shaba, Zaire's mineral rich province, continued to offer the clearest case of the government's manipulation of ethnic and regional divisions. A government-inspired campaign of terror that began in August 1992 caused approximately 500,000 Shaba residents to be displaced from their homes in the neighboring region of Kasai. While Kengo denounced the expulsion of Kasaians from their homes, he had taken no action to facilitate their return as of November 1994.

The influx of between 800,000 and 1,400,000 Rwandan refugees into eastern Zaire in mid-July significantly heightened the level of instability in this region. Public infrastructure grew even more overburdened, and cholera and dysentery became widespread. The arrival of thousands of Hutus, many of whom were heavily armed, in the North Kivu region reportedly exacerbated pre-existing tensions between local Zairians and villagers of Rwandan origin (Banyarwanda). Aid agencies estimated that 250 villagers died in ethnic clashes and 32,500 villagers fled their homes between September and November.

The security situation in the refugee camps in Goma, Zaire became increasingly volatile by the end of 1994 due to the activities of former Rwandan army troops and militia members, most of whom were still armed; the failure of the Zairian military to exert control over the refugees, the involvement of Zairian troops in widespread violence and extortion in the camps, and banditry. Members of the defeated Rwandan army and Hutu militia intimidated other refugees through control of the system of distribution of food relief and access to shelter and terrorized those who wanted to return home. Those suspected of seeking to return or of opposing the former government were murdered. One of the most severe incidents occurred in late August in Kibumba camp, where a group of 200 to 300 refugees awaiting transport were attacked by Hutu militia members. Thirty Rwandan boy scouts in Katale camp, who had been charged with organizing security and helping with food distribution, were either murdered or vanished in late September. Militia members also threatened foreign members of the relief community in late 1994. The situation deteriorated so much that by early November international humanitarian groups were threatening to withdraw from the camps. Units of the former army and Hutu militias were reported to have carried out armed incursions into Rwandan border areas and to be training and rearming for military operations on a large scale.

In October the Zairian government prohibited the enrollment of Rwandan children in local schools in an effort to encourage repatriation. The Zairian and Rwandan prime ministers and the United Nations High Commissioner for Refugees signed a tripartite agreement setting out a framework for repatriation, which will be implemented when security conditions improve and it can be ensured that returning refugees will not be victimized by the new Rwandan authorities.

Zairian soldiers, sent to Goma after the mass influx of refugees in July, looted from both refugees and Zairian residents and were reportedly responsible for a number of killings of civilians in Goma. They committed such abuses with apparent impunity.

### The Right to Monitor

The human rights community in Zaire was amazingly vibrant. Recognizing that they have a crucial role to play in the democratization process, Zairian NGOs were planning major initiatives to prepare the terrain for elections. Other activities included education and consciousness-raising efforts relating to human rights and democracy.

The principal human rights groups in Kinshasa included Amos, which emphasized the link between human rights and Christian values; the Association for the Promotion of Responsible and Democratic Broadcasting (APARD); the Zairian Association for the Defense of Human Rights (AZADHO); the Black Robes; the Zairian Human Rights League (LIZADHO); the Voice of the Voiceless for Human Rights (VSV); and Human Rights Now, a coalition of human rights organizations. There were also specialized groups, including the Association of Prison Professionals, the Christian Service for Women's Rights, and the Zairian League of Voters.

Other new human rights groups emerged in various regions. In South Kivu, these included the Association for the Promotion of Human Rights (APDH), the Office of Legal Assistance (BAJ), the Union of Young Democrats for Reconstruction, Heirs of Justice, and the Justice and Peace Commission of South Kivu. In North Kivu, they included the Advice and Support Group for the Realization of Internal Development, the Justice and Peace Commission of North Kivu, Muungano, and the Training Center for the Promotion of Human Rights. In Upper Zaire, Justice and Liberation, the umbrella group of which all the functioning human rights groups in Kisangani are members, was the most active organization. In Shaba, the primary groups were the Center for Human Rights and Humanitarian Law, the Justice and Peace Commission, and the local branch of LIZADHO.

As in past years, Zairian human rights activists were subject to harassment by the Zairian government and security forces in 1994. At the beginning of the year, Muile Kayembe, who headed the Black Robes, an organization of young lawyers that investigates prison conditions and focuses attention on important court cases, was interrogated by security forces following the distribution of materials claiming that all citizens, from the caporal (a low-ranking soldier) to the maréchal (a clear reference to President Mobutu) were equal before the law. Guillaume Ngefa Atondoko, the President of AZADHO, was reportedly pulled aside by agents of the National Intelligence Service at Ndjili Airport. The authorities confiscated all the AZADHO publications that he was carrying and permitted him to leave the country to attend a human rights seminar only after a week of discussions. Reverend Placide Tshisump Tshiakatumba, the chair of the International Society for Human Rights, was reportedly threatened by the Zairian government in March and has since gone into hiding.

#### U.S. and E.U. Policy

Since early 1992 the U.S., France, and Belgium have periodically collaborated to support the transition process begun by the National Conference and pursued by Prime Minister Tshisekedi until his ouster by President Mobutu's supporters. These three countries have repeatedly called on the opposition and the Mobutu regime to proceed with the transition.

In 1994 most contacts with the authorities were made privately by the U.S., France, and Belgium. Prior to the appointment of Prime Minister Kengo in June, the U.S. and its allies expressed concern about the deteriorating situation and supported the mediation efforts of Archbishop Monsengwo. Much of their energy was directed toward pressuring the opposition to compromise and urging Tshisekedi to rejoin the government.

The Clinton administration's policy on Zaire, which exemplifies its deference to the French with regard to Francophone Africa, was virtually indistinguishable from that of the Bush administration. Prior to Kengo's appointment, U.S. support for Tshisekedi was lukewarm. As in the past, U.S. policy seemed to turn on the perception that while Mobutu may be the main obstacle to the transition, he must play a crucial role in that process, although senior U.S. officials made statements publicly distancing themselves from Mobutu and criticizing human rights abuses.

The U.S., France, and Belgium viewed the appointment of Prime Minister Kengo with cautious optimism. All three countries issued carefully worded statements implicitly recognizing his appointment and received Kengo in their capitals in late 1994. They announced, however, that they would not renew bilateral aid to Zaire until Kengo demonstrated control of the economy and the security forces, as well as an improved human rights record. A realistic calendar for free

and fair elections was also of central concern to the U.S. and its allies.

In the wake of the Rwandan crisis, Mobutu portrayed himself as a regional mediator, and the French government appeared willing to help him assume that role. In return for allowing French troops to operate out of the Zairian border town of Goma, senior French officials reportedly promised to end Mobutu's diplomatic isolation. The French government subsequently invited Mobutu to the Franco-African summit in November. Mobutu also sought to play on the world's fears that the Rwandan tragedy could be replicated in Zaire and that only he could prevent it. Even had it wished to, the U.S. was too disengaged from Zaire to mount any effective challenge to these efforts to rehabilitate Mobutu.

The U.N.'s involvement in Zaire focused on the provision of humanitarian assistance in the refugee camps on the Rwandan border. Special envoy Lakhdar Brahimi conducted an investigatory mission to Zaire from July 31 to August 8. In July Roberto Garretón was appointed special rapporteur on Zaire, and he was scheduled to visit in November.

Zaire's voting rights were suspended at the IMF on June 1, as a result of its failure to pay debt arrears of approximately \$315 million. The U.S. strongly supported the suspension; France abstained in the vote. This move had little practical effect since the IMF had already cut off funding to Zaire, but it was symbolically important.

The US provided approximately \$6.5 million in humanitarian aid to Zaire in fiscal year 1993 and approximately \$11 million in fiscal year 1994, in addition to funds for relief assistance. The last U.S. military forces involved in emergency relief operations for Rwandan refugees pulled out of Zaire on October 1. In late October the U.S. was considering sending an ambassador to Zaire; the last American ambassador was withdrawn in March 1993. U.S. State Department officials were also discussing the possibility of assisting in training the Zairian armed forces to perform a peacekeeping role in the refugee camps on the Rwandan border.

By the end of the year, France had undertaken to increase its humanitarian aid to Zaire in the health, education, and transport sectors. There were indications that the French government might begin providing limited bilateral assistance after the IMF and the World Bank had approved Kengo's program. Like the U.S., Belgium opted to provide humanitarian aid but refused to resume direct assistance. The U.S., France, and Belgium appeared inclined to support Kengo before the multilateral lending institutions.

#### The Work of Human Rights Watch/Africa

In January Human Rights Watch/Africa and the Human Rights Watch Prison Project issued Prison Conditions in Zaire. The report, based on a mission to Zaire in 1993, examines all aspects of Zairian prisons, where the already decrepit and overcrowded system has virtually collapsed under the weight of neglect and corruption. The prisons reflect and magnify the general devastation of Zairian society.

In June Human Rights Watch/Africa issued a special report to coincide with the White House conference on Africa. The report addressed human rights conditions and U.S. policy in ten countries, including Zaire, and made policy recommendations to the Clinton administration.

Human Rights Watch/Africa also engaged in campaigns to raise awareness about human rights in Zaire and to advocate needed remedies, working to attract governmental, congressional, and press attention to the ongoing crisis.