

HUMAN RIGHTS WATCH/AFRICA OVERVIEW

Human Rights Developments

Human rights in sub-Saharan Africa continued to be assaulted during 1995, despite improvements in some human rights conditions and new prospects for ending bloody civil wars. In the aftermath of genocide in Rwanda, a new government that put an end to the genocide was itself responsible for abuses this year, while Rwanda's former government threatened to return to "finish" the genocide with its Zaire-based exile army. With the dismantling of apartheid and the extraordinary changes in South Africa, in contrast, tangible progress was made toward the development of a human rights culture.

Although respect for human rights varied from country to country, the issue of impunity cut across much of Africa in 1995, as many countries grappled with the legacy of past abuses, while others suffered from direct interference with the independence of the judiciary. The support given to governments and armed opposition groups known for their abuse of human rights, by governments and state-sanctioned arms traders, also contributed to regional insecurity and widespread human rights abuses.

Throughout the continent, internal armed conflicts and autocratic governments combined to erode respect for human rights. In situations of internal conflicts—whether collapsed states like Somalia and Liberia, or the civil wars of Sudan and Angola—human rights protections were virtually nonexistent, and abuses were carried out with impunity. In situations where entrenched governments were undermining transitions to democracy—like Nigeria, Kenya, and Zaire—the weakness of state institutions and civil society were used by leaders to consolidate their personal rule and to attack their real or perceived opponents.

Proceedings to establish accountability for past abuses were underway in 1995 in Ethiopia, Rwanda, South Africa, and Malawi. In other countries, like Angola and Mozambique, governments and armed opposition alike avoided any effort to confront the issue. In Rwanda and Ethiopia, prosecutions for gross abuses of human rights under previous governments were stymied by lengthy delays.

In Rwanda, some 57,000 people remained in overcrowded and life-threatening prisons awaiting trial for genocide, yet the judiciary remained paralyzed. Although shortages of human and material resources slowed the functioning of the judicial system, this did not explain the failure to try any of those accused of genocide. Hundreds of prisoners died in Rwandan jails this year as the government failed to show the political will to move forward with trials. Nor was there much progress at the international level; a year after its creation in November 1994, the International Criminal Tribunal for Rwanda had yet to hand down an indictment.

Ethiopia presented a different situation, with a Special Prosecutors' Office created to try the 1,500 officials of the Derg government who were detained since 1991. It was only in December 1994 that the top forty-four Derg leaders were charged. South Africa took yet another course, and agreed to establish a National Commission on Truth and Reconciliation to hear applications for indemnity from prosecution for persons who committed gross human rights violations on political grounds, and to prepare a record of human rights abuses committed from March 1960 to December 1993.

Not all governments were interested in confronting these issues. One of the first things agreed upon in peace talks by Angola's warring factions was a general amnesty for illegal acts associated with the war, including human rights abuses. Similarly, the political leaders of RENAMO and the ruling party FRELIMO in Mozambique refused to acknowledge any involvement in human rights abuses, or to make either "truth-telling" or accountability a part of the peace process.

In countries that professed to be democratizing, respect for human rights was undercut by governments seeking to retain power. In Kenya, the government of President Daniel arap Moi attacked independent organizations, journalists, and opposition politicians, and effectively banned a new political party, Safina. In Nigeria, President Sani Abacha announced on October 1 that he was extending his rule and the "transition to democracy" for another two years, while keeping numerous human rights activists, pro-democracy figures, and journalists in prison. In Zaire, the promised transition to democracy was also extended for another two years in July, with no restrictions placed on the military and security forces, which continued to prey on the civilian population.

Nigeria was a clear illustration of the severely circumscribed powers of the judiciary being used to shield the government. The closed trial of alleged coup plotters, who were sentenced to terms of imprisonment and death (the death sentences were commuted to life imprisonment), was characterized by a lack of due process, without the right to choose counsel freely or the right to appeal to an independent court. The same mockery of justice prevailed in the trial by a special tribunal of Ken Saro-Wiwa and other Ogoni activists, which resulted in the death sentence for nine of the defendants. The nine men were hanged just forty-eight hours after the verdict was confirmed by the Provisional Ruling Council: no appeal was allowed as the Abacha government was determined to flaunt its power of life and death in defiance of international appeals for clemency. Chief Moshood Abiola, the presumed winner of the 1993 presidential election, remained in detention, with his trial postponed indefinitely. Human rights and pro-democracy activists were subjected to near-constant harassment or arrest, and several remained in incommunicado detention without charge or trial. The government of Sudan carried out similar practices, with security forces arresting hundreds of demonstrators, often detaining supposed agitators for months without charge or trial. Former Prime Minister Sadiq Al Mahdi, leader of the banned Umma Party whose democratically elected government was deposed by the military coup of 1989, was held in incommunicado detention for three-and-a-half months.

Africa's internal armed conflicts were characterized by widespread violations of human rights and humanitarian law. For much of the year, ongoing civil strife ravaged Sudan, Somalia, Liberia, Burundi, Angola, and Sierra Leone. However, by year's end, hopes were raised by peace agreements and cease-fires that appeared to be holding in Angola and Liberia. All these conflicts involved forces that primarily targeted civilians for killing, often on ethnic lines, causing millions to become refugees or internally displaced. Indeed, Africa is the largest producer of refugees and displaced persons in the world. Several of these conflicts have also been characterized by the extensive use of child soldiers, especially Angola, Mozambique, and Liberia.

Arms flows to abusive governments and rebel groups increased the possibility of renewed war in many areas, especially in the Great Lakes region of Central Africa. The flow of arms to the Rwandan refugee camps in eastern Zaire and military training by Hutu forces of the former Rwandan government, sometimes together with the Burundian Hutu militias, presented serious risks for the entire region. The increased number of weapons in the area fueled conflicts in eastern Zaire that predated the Rwandan

crisis. Evidence of new arms deliveries and foreign military support of rival factions continued in Liberia, despite a U.N. arms embargo, and in Angola, in violation of the Lusaka Protocol. With fragile peace processes underway in both these countries, any influx of arms could undermine the prospects for peace.

More than anywhere else, the situation in Central Africa demonstrated the regional nature of conflict. Zaire and Tanzania suffered from the crises in Rwanda and Burundi, each of which exacerbated the other. Huge refugee flows had ramifications for the environmental, economic, and security conditions in neighboring countries. The regionalization of conflict was not limited to central Africa; the conflicts in Liberia and Sudan also caused massive refugee flows into neighboring countries, leading to tensions with the host population and security problems throughout the region.

The Right to Monitor

One of the most striking developments in Africa in recent years has been the growth of the human rights movement. From South Africa to Zaire, from Kenya to Nigeria, human rights activists have become an important force on the continent, often at considerable risk to themselves. Human rights activists continued to face arrest, imprisonment, and harassment in many countries; some have been tortured and even killed. Nevertheless, human rights activism continued to grow during 1995, sparked by the courageous efforts of individuals and groups all over the continent. Despite a lack of resources and the dangers involved in their work, human rights activists in Africa found new opportunities to expose abuses and to seek remedies.

The crackdown on the human rights movement in Nigeria illustrated both the challenges and the aspirations of many African activists. Several of Nigeria's leading human rights activists have been detained for prolonged periods, often without charge or trial, including Abdul Oroh, the executive director of the Civil Liberties Organisation, Chima Ubani, former general secretary of the Campaign for Democracy (CD) and the campaign officer of the Civil Liberties Organisation, and Dr. Beko Ransome-Kuti, chairman of the CD. However, human rights organizations continued to document and publicize the abuses of the Abacha government, using strategies such as filing cases in national courts against their government, publishing reports, and conducting campaigns to educate people about their rights. The reporting from Nigeria's human rights community helped keep the world informed about the deteriorating conditions in Nigeria, which increased the domestic and international pressure on the government.

The Role of the International Community

The year saw the increasing marginalization of Africa on the world stage. From the cuts in U.S. assistance to Africa to a more generalized sense of donor fatigue, a tangible sense of disengagement from Africa by the international community made attention to human rights abuses in Africa increasingly rare.

At the same time, however, a realization began to take hold that Africa's "failed states" and human rights disasters were all predictable before they exploded, and that preventive action is far less costly than massive humanitarian aid afterwards. In some isolated cases, such as Burundi, the international community seemed engaged in trying to prevent an explosion that it realized might rival the genocide in Rwanda. A series of high-level visits to Burundi from the U.N., the E.U., the OAU, France, Germany, and the U.S. indicated a more active role. The establishment of a U.N. commission of inquiry in August

was evidence of an interest in combating impunity, although it remains unclear how the commission will implement its findings.

But the impact of international pressure is obviously limited. Violence in Burundi continued to spiral out of control, despite international attention. The military government of Nigeria resisted international pressures to commence a meaningful transition and to release political prisoners, despite high-level interventions. The execution of Ken Saro-Wiwa and the eight other Ogoni activists, after world appeals for clemency, demonstrated the Nigerian government's clear contempt for international pressure on human rights grounds.

The United Nations

Most areas of U.N. involvement in Africa saw repeats of the same mistakes of the past, especially concerning the role of human rights protection in U.N. peacekeeping operations. This failure to effectively incorporate human rights into the mandate of peacekeeping forces was especially evident in Angola and Liberia, where the U.N. paid only lip service to human rights reporting. Even in Rwanda, where human rights was accorded a mission of its own, the peacekeeping force failed to protect internally displaced persons, and the human rights monitoring mission was ineffective.

The Somalia intervention showed the cost of failing promptly to address emergencies that threaten international peace and security. The peacekeeping operation excluded human rights considerations from its program, concentrating instead on bringing warleaders to the bargaining table and failing to hold them accountable for their actions. The U.N. itself violated international standards and lost sight of its humanitarian mission, resulting in an enormous toll in Somali civilian casualties. The Somalia experience makes it clear that the U.N. must make monitoring, reporting on and protecting human rights integral to its response to such emergencies.

The establishment of the International Criminal Tribunal for Rwanda in late 1994 was welcomed as an important response by the U.N. to seeking accountability in Africa. Yet as the Tribunal ended its first year in November 1994, no indictments had been handed down, and it was still hampered by a lack of resources, staff, and funding.

U.S. Policy

Africa was clearly not a priority for the Clinton administration, since no compelling issues of trade, investment, or perceived national interest galvanized attention. Given the decreased levels of U.S. assistance to Africa mandated by the U.S. Congress, the administration will have fewer tools with which to conduct its Africa policy. Nevertheless, the U.S. remained engaged in a few places, including the Great Lakes, Angola, and Nigeria. In each of these areas, the administration named a special envoy to illustrate heightened concern, and took opportunities to raise human rights concerns.

While the U.S. is credited with pressuring both sides in Angola to accept the peace process, developments in the Great Lakes and Nigeria presented more intractable situations. To its credit, the U.S. sent a series of high-level delegations to Rwanda and Burundi to demonstrate attention to the region, but the administration did not maximize its leverage with the new Rwandan government to press for human rights improvements. In Nigeria, the administration officials held a series of secret meetings with the Abacha government in an unsuccessful effort to persuade it to proceed with the transition to democracy and to refrain from executing its alleged opponents.

In the Horn of Africa, the administration's main focus was the Greater Horn of Africa Initiative. Launched in 1994, the initiative included ten countries and sought to involve African leaders in tackling the continent's problems, notably the issues of food security, development, and political conflict. Human rights per se was not a part of the initiative, although human rights violations are among the causes of famine. In its policies on individual countries in the region, the Clinton administration denounced widespread human rights abuses by the government of Sudan, but refrained from publicly criticizing the human rights abuses of the Ethiopian government.

The use of visa denials to those obstructing the democratization process proved to be an effective way to distance the U.S. from human rights abusers. This policy was put to good effect in Liberia, Nigeria, and Zaire; during the 50th anniversary of the U.N. in October, for example, President Mobutu and General Abacha were denied U.S. visas and only permitted restricted travel to the United Nations. Although President Mobutu ultimately accepted this limited visa, General Abacha refused to come to the U.S. on such terms.

The administration's support for the International Tribunal on Rwanda and the Commission of Inquiry for Burundi were significant contributions to the establishment of accountability for human rights abuses during 1995. U.S. support for the war crimes trials in Ethiopia was also important. By taking a public stand in favor of these efforts, the administration allied itself with the struggle to end impunity in Africa.

Unfortunately, the Clinton administration made few public statements about human rights in Africa during 1995, and thus lost an important means of raising awareness in the U.S. and internationally about human rights concerns. When combined with the diminishing U.S. aid, the U.S. conveyed an image of increasing disengagement in Africa.

The Work of Human Rights Watch/Africa

Throughout 1995, Human Rights Watch/Africa was a key source of information and documentation about human rights in Africa for journalists, government officials, the United Nations, and humanitarian organizations, among others. Human Rights Watch/Africa provided timely information about areas where human rights abuses were rampant—such as Angola, Nigeria, Liberia, Rwanda, and Sudan—as well as tracking the attacks on civil society and independent activists in places like Kenya. Human Rights Watch/Africa translated the information on human rights challenges into advocacy strategies in the U.S. and Europe, pressuring governments to adopt policies to combat human rights abuses.

In early 1995, Human Rights Watch/Africa opened an office in Rwanda to enable extended investigations of the genocide and to monitor current abuses, while assisting the local human rights groups. Its long record of reliable research in Rwanda has made Human Rights Watch/Africa a leading authority about human rights developments in Rwanda. Staff members were consulted regularly by governments and nongovernmental organizations and were interviewed extensively by U.S. and international media. Human Rights Watch/Africa worked in particular to influence the policies of the U.N., African, and European governments, as well as Canada and the U.S., to address the Rwandan government directly, and to assist in genocide-related prosecutions in Europe, Canada, and the U.S.

Human Rights Watch/Africa was active on Nigeria in 1995, reporting on the political trials, the ongoing crackdown on human rights and pro-democracy activists, and the military repression in the southeast.

After a mission to Nigeria in February, Human Rights Watch/Africa published the first-ever testimony by Nigerian soldiers on the military's punitive campaign in the oil-rich Ogoni area.

The work in 1995 with the Human Rights Watch/Arms Project focused new attention on the issue of arms flows into the volatile region of the Great Lakes, and sparked international attention to the role of other governments in facilitating the arms trade. Again with the Arms Project, Human Rights Watch/Africa continued its work on landmines in Africa, and participated in the campaign to ban the sale and production of landmines. Human Rights Watch/Africa worked with the Children's Rights Project to document the use of child soldiers, notably in Sudan and Liberia, and with the Women's Rights Project on violations of women's human rights in South Africa.

ANGOLA

Human Rights Developments

Following the signing in Lusaka on November 20, 1994 of a cease-fire protocol between the ruling Movement for the Popular Liberation of Angola (MPLA) and the rebel National Union for the Total Independence of Angola (UNITA), Angola entered an uneasy period of peace. But despite continued skirmishing between the rival forces, the U.N. Security Council agreed to mount a new peacekeeping operation in Angola (UNAVEM III), authorizing a military contingent of up to 7000. Respect for human rights marginally improved in 1995, but both sides were responsible for abuses, including restrictions on freedom of movement, extrajudicial executions, conscription of child soldiers, and the intimidation, detention and killing of journalists.

By November 1994, government offensives had reduced UNITA's territorial control from 60 percent to 40 percent of the country. In October, government units had begun their final push toward Huambo, the UNITA-occupied second city in Angola, forcing UNITA into "strategic retreat." Within a month UNITA had lost most of its significant urban and commercial footholds: Soyo, Huambo, Mbanza Congo, and Uige. Retreating from these towns, UNITA's troops looted extensively and killed a number of civilians. UNITA also forcibly conscripted hundreds of civilians from these urban areas; many are still unaccounted for.

The military gains by the government forced UNITA to concede further in the Lusaka peace talks and accept the proposals on national reconciliation put forward at the talks. In return the U.N. agreed that a new set of international trade sanctions and travel restrictions on UNITA would not be implemented. As its territorial losses quickened, UNITA tried to bargain its promise to sign the Protocol against a government promise not to press further militarily. Although both sides initialed the Lusaka Protocol on October 31, with President dos Santos promising the U.S. and U.N. that government forces would not capture Huambo, government forces continued to push forward. Because UNITA forces had pulled out, the government captured the city quickly.

Despite continuing fighting, both sides finally signed the Lusaka cease-fire protocol on November 20. But significantly, neither leader signed it himself, leaving it to Foreign Minister Venacio de Moura for the government and Secretary General Eugenio Manuvakola for UNITA, thereby suggesting a continuing lack of confidence in the stability of the peace process. Human rights did not feature

prominently in the Lusaka Protocol, which advocated impunity under Annex 6, No.1. A general amnesty for "illegal acts" committed prior to a cease-fire was the first issue agreed upon by both sides in the 1993-1994 Lusaka peace talks.

The Lusaka Protocol provides for the re-establishment of the cease-fire; the integration of UNITA generals into the government's own forces (which are to become nonpartisan and civilian controlled); demobilization, under the United Nations Angola Verification Mission (UNAVEM); the repatriation of all mercenaries; the incorporation of UNITA troops into the Angolan National Police (which will come under the Ministry of Home Affairs, but will retain its own organizational structure from the national to local level), and the prohibition of any other police or surveillance organization.

The major political issues covered in the Lusaka Protocol were the U.N.'s mandate, the role of observers, the completion of the electoral process, and national reconciliation. Under the provisions for reconciliation between the parties, UNITA leadership would receive up to eighty-eight private residences, political offices in each province and one central headquarters. UNITA would also hold the government posts of Geology and Mines, Trade, Health, and Hotel and Tourism; the Deputy Minister posts of Defense, Home Affairs, Finance, Agriculture, Public Works, Social Reintegration, and Mass Communication; six ambassadorships; three provincial governorships; seven deputy governorships; thirty municipal and thirty-five deputy municipal administrators; and seventy-five administrators of communes. The government retains all other positions of power and patronage.

The presidential run-off, which was to have been concluded after the September 1992 elections, was set to be held in 1996. In July, however, the National Assembly postponed the elections until the year 2000. A Joint Committee, comprised of the U.N., government, and UNITA representatives, with the U.S., Portugal, and Russia as observers (the Troika), oversees the implementation of the Lusaka protocols.

Despite the Protocol, localized fighting, including targeting of humanitarian agencies, continued throughout 1995. A World Food Programme plane was hit by several bullets in Malanje on December 9, 1994. In March 1995, UNITA fighters shot down a UNAVEM III helicopter in Quibaxe, fired on two ICRC aircraft near Ganda and ambushed an ICRC truck convoy just west of Ganda, on the central plateau. A meeting of military leaders from both sides on January 10, 1995 failed to bring the fighting to an end. Although a second meeting in Waku Kungu in Kwanza Sul on February 2 and 3 made more progress towards consolidating the cease-fire, the U.N. recorded 235 cease-fire violations in March, 110 in July, and 52 in September.

The cease-fire violations occurred mainly in the northern parts of the provinces of Huila, Lunda Norte, Lunda Sul, Malange, Moxico, and Zaire. By September, about 45 percent of these cease-fire violations were attacks on civilians designed either to control the movement of food aid in contested areas or to stop people from moving into areas controlled by the other side. Roads previously cleared of mines had mines laid again overnight, aimed at keeping roads closed and delaying U.N. patrols. Fifteen percent of the incidents were military maneuvers aimed at reinforcing troops or gaining territory. The remaining incidents were termed "minor" by the U.N.

The spirit of the peace process was broken by the importation of new weapons. Although shipments declined in 1995, new specialized weaponry, especially from Russia and the Ukraine, reached the government, albeit on an irregular basis. In early 1995, the majority of the weaponry arriving was the

tail-end of 1994 procurement. However, as the year progressed, it was evident that the government was still purchasing new, specialized equipment.

UNITA also increased its cross-border sanction-busting operations, bringing in new weapons and supplies on secret flights from Zaire to airstrips in the diamond-rich Lunda provinces. UNITA appeared determined to maintain its grip on its remaining diamond assets. Localized, and sometimes fierce, fighting continued in the diamond areas throughout 1995. In July, government forces lost 153 soldiers in fighting against UNITA along a small stretch of the Chicapa River. In order to focus its efforts on controlling the Lunda diamond areas, Uige, and the areas north of Huambo, UNITA signaled its intention to abandon its former bush headquarters of Jamba and invited the U.N. to assist in the evacuation of some 40,000 people.

The first meeting between President dos Santos and UNITA leader Jonas Savimbi for two years occurred in Lusaka on May 6, a symbolic step forward in the peace process. Although President dos Santos had been pressed by hard-liners in the military and party not to attend, immense U.N. and U.S. pressure secured his participation. In June, the government offered Savimbi the position of vice-president of the Angolan Republic. In August, following a second summit in Gabon, Savimbi accepted the position on behalf of UNITA, without making it clear whether he would take the post himself. A third meeting between both leaders occurred in Brussels on September 25 and 26 at a Round Table donors conference in which both leaders once again pledged their confidence in peace and reconstruction. The Round Table resulted in pledges and proposals of contributions of US\$993 million. This exceeded the \$700 million originally requested by Angola.

The reality on the ground remained less positive. The government's ongoing suppression of freedom of the press heightened the feeling of anxiety, fear, and confusion in the country. The killing on January 18 of Ricardo de Mello, the editor-publisher of the semi-independent Luanda-based daily *Imparcial Fax*, by an unknown assailant with one shot in the chest from an AK-47 with a silencer, had a profound impact on the fledgling press. *Imparcial Fax* closed, and its other journalists left the country. Many other journalists received warnings about filing critical reports of the government. Human Rights Watch learned that journalists it visited in June also received anonymous warnings. Conditions were the same in the provinces. In Saurimo, Lunda Sul province, several local demonstrations by local pro-separatist groups were studiously ignored by the state media. A local journalist who tried to report on the situation in Lunda Sul was detained for several months by the local authorities. Attempts by the U.N. mission to set up an independent radio station, Radio UNAVEM, were frustrated by government foot-dragging over the allocation of broadcasting frequencies. Freedom of expression was even more tightly controlled in UNITA dominated areas, with no criticism tolerated.

Free circulation of persons and goods, a specific principle of the Lusaka Protocol, continued to be abused by both sides. Dozens of Angolans interviewed by Human Rights Watch in June complained of not being able to move freely to their homes and that soldiers heavily "taxed" them when they traveled.

A disturbing characteristic of the Angolan conflict has been the use of child soldiers. International law forbids the use of children under the age of fifteen as soldiers in armed conflict, but both sides continued to use child combatants. UNITA redeployed some to work as bonded labor in its diamond areas. There are no precise figures on the numbers, but UNICEF estimates suggested thousands.

Street children also suffered abuses in Angola's urban areas. UNICEF estimated that Luanda alone had 4,000 street children. The majority of these were boys, and their daily life was characterized on the streets by illness, forced labor, sexual exploitation, and arbitrary underage military conscription. Repatriation of prisoners of conflict was slow. In March, both sides provided lists of detainees to the ICRC. In May, the government handed over 208 UNITA prisoners to the ICRC and a further two batches by late August, totaling 230. UNITA released four batches of government prisoners, totaling 230, by September.

Arbitrary detention and assault on suspects by the police remained widespread. Prison conditions across Angola were appalling. The government several times announced that it would improve over-crowded prison conditions, but there was no evidence of this. There were unconfirmed reports of sick inmates being killed by prison warders in Sao Paulo prison in Luanda to clear space for fresh detainees.

The Right to Monitor

A feature of Angola remained the absence of effective branches of civil society that publicize or lobby on human rights issues. The Luanda-based Angolan Association of Human Rights remained the sole functioning human rights group in Angola but did not publish or conduct research in 1995. The National Assembly also maintained a cross-party human rights commission, presided by Domingos Tingu. UNITA reported its human rights concerns through its Lisbon-based Association of Surviving Angolans (ACAS).

The Role of the International Community

The United Nations

On February 8, the U.N. Security Council authorized UNAVEM III to start deploying up to 7,000 U.N. peacekeeping forces, monitors, and civilian police to act as a buffer between the two sides and to prevent the continuation of skirmishes and cease-fire violations. This force would be finally established at a strength of some 6,771 military staff, 350 military observers, 260 civilian police, and 343 international civilian staff. The expected annual cost would be \$383.1 million. About twenty-two to twenty-four self-sustained infantry companies are to be deployed at fourteen quartering areas and eight main weapons storage locations in the country. In Mid-1995, military observers were stationed at fifty-four sites in the country, including all quartering areas, airports, border areas, and other strategic locations. By April, the U.N. was finally able to press ahead with expanded deployment because of the improved security situation on the ground and in its financial and logistics situation. However, delays in deployment continued into late 1995, with U.N. supervised quartering and demobilization efforts many months behind schedule.

Between July 14 and 16, U.N. Secretary-General Boutros Boutros-Ghali traveled to Angola, visiting both Luanda and UNITA's headquarters in Bailundo in an attempt to get both sides to co-operate more fully in the peace process. On August 7, the U.N. Security Council extended the mandate of UNAVEM III until February 8, 1996.

UNAVEM III established a small sub-unit to deal with human rights issues. E.U. member states temporarily funded five human rights specialists from Denmark, France, and Portugal to staff it. These monitors made little impression on the ground and were not effective in bringing attention to abuses.

The U.N. hoped to increase the unit's cadre to eleven so that human rights monitors could be stationed in a majority of the provinces of Angola.

The European Union

The E.U. Presidency issued a Declaration on Angola on February 21, which pledged the Union to make a practical contribution to the consolidation of lasting peace. E.U. funds have been directed towards mine clearance and deploying human rights monitors. In 1995 the E.U. provided ECU 6 million towards mine clearance operations and up to ECU 55 million on humanitarian projects. The E.U. also hosted the September UNDP Brussels Round Table Conference on Angola. On October 2 the E.U. Commission published a declaration of its Common Position on Angola. In addition to supporting the effective implementation of the Lusaka Protocol, especially demobilization of ex-combatants, the E.U. announced its support for democracy, the rule of law, and respect for human rights in Angola. In late October the E.U. committed additional funding for expanding UNAVEM III's program of human rights monitors, providing ECU 600,000 for a human rights project managed by the Netherlands-based European Parliamentarians for (Southern) Africa (AWEPA).

U.S. Policy

Angola remained one of the U.S. administration's Africa priorities in 1995, but only after detailed debate in the House of Representatives and the Senate over funding. Angola is seen by the administration as a special case for Africa because it represents the last piece in a regional settlement in which the U.S. has had significant economic and diplomatic investment. During the Cold War, Angola was the second largest recipient of covert aid from the U.S., after Afghanistan.

The U.S. continued to be Angola's largest trading partner in 1995, purchasing 90 percent of its oil exports. The U.S. also continued to play an important role by providing 30 percent of the U.N.'s running costs in Angola (some US\$100 million) and some 50 percent of the costs of relief operations. At a donor conference in Geneva on February 23, the U.S. pledged \$106 million. The U.S. also played an important role at the September 25-26 UNDP-assisted Brussels Angola Round Table, pledging \$190 million.

In mid-December 1994 and in mid-January 1995, joint USAID/State Department missions visited Angola to review the status of the Lusaka Protocols, and assess what future administration strategy should be.

In January, Paul Hare, President Clinton's special envoy to Angola, visited several provinces. He was mandated to deliver a strong message to both sides that respect for the cease-fire protocol was a precondition for renewed international interest and assistance. According to U.S. officials, Department of Defense and Central Intelligence Agency monitoring of Angola was expanded in 1995, with evidence of Lusaka Protocol violations, especially weapons shipments, sometimes being presented through diplomatic channels to the government or UNITA for explanation and caution.

In early May, following the announcement that President dos Santos would not travel to Lusaka to meet UNITA leader Jonas Savimbi in their scheduled summit, frenetic U.S. diplomatic efforts contributed towards reversing the Angolan government decision to postpone, which turned out to be a watershed in

the peace process in 1995. The U.S. threat not to fund the U.N. operation in Angola and curtail assistance unless the meeting happened was effective.

A new U.S. ambassador, Donald Steinberg, formerly senior director of African Affairs at the White House National Security Council, arrived in late July. Steinberg replaced Edmund DeJarnette who had been ambassador since May 1994. During the hearings for his nomination, Steinberg committed himself to pushing for human rights improvements in Angola. In his early months in the post, Steinberg tried to travel widely to familiarize himself with the Angola situation and was noted to take a special, if discreet, interest in human rights issues.

USAID began development assistance to Angola in 1992 but the program was suspended because of fighting. In 1995 the administration's development request was \$5 million, aimed at economic projects (\$4.2 million) and its Democracy and Governance program (\$800,000). One significant project was for the opening of a full-time Luanda office for the Voice of America radio. The project was funded on the grounds that it would promote more journalistic coverage of sensitive issues, such as continued human rights abuses, while providing training facilities and confidence building for Angolan journalists.

The Work of Human Rights Watch/Africa

Human Rights Watch/Africa in conjunction with the Human Rights Watch/Arms Project continued to closely monitor human rights developments and arms flows into Angola following the November 15, 1994 publication of the Angola: Arms Trade and Violations of Laws of War Since the 1992 Elections report, timed to put human rights back on the agenda at the time of the signing of the Lusaka Protocol and the following expansion of UNAVEM. In March, Human Rights Watch visited Angola and participated in a television documentary on the U.N. and Angola, in addition to conducting research into continued human rights abuses by both sides. Articles drawing attention to the human rights situation in Angola were published, and Human Rights Watch also wrote to the U.N. Security Council members in July and met with U.N. diplomats to urge the U.N. to give a high priority to human rights monitoring and to act decisively against continued weapons flows into the country before extending UNAVEM's formal mandate.

BURUNDI

Human Rights Developments

In Burundi, soldiers and their civilian allies slaughtered innocent victims virtually daily. The army, composed largely of Tutsi (who make up about 15 percent of the population), operated at the command of radical Tutsi leaders rather than under the orders of the ineffective civilian government, nominally controlled by the Front for Democracy in Burundi (FRODEBU), a political party that encompasses many of the majority Hutu. Under the guise of reprisals for attacks on the military or of campaigns to disarm the population, soldiers repeatedly attacked Hutu neighborhoods in the cities as well as Hutu communities in the countryside. The military attacks were replicated on a smaller scale by army-backed militia who terrorized city populations and by killers who assassinated Hutu political and community leaders. Through a combination of violence, intimidation, and political blockage, Tutsi-dominated factions re-appropriated the political control they had lost at the polls in June 1993.

Meanwhile the largely Hutu National Council for the Defense of Democracy (CNDD), based in Zaire, and the Party for the Liberation of the Hutu People (PALIPEHUTU), based in Tanzania, won supporters away from the weakening and more moderate FRODEBU. They stepped up attacks by their own militia who targeted soldiers primarily but who also killed unarmed Tutsi civilians.

According to a July report by the U.N. special rapporteur on human rights in Burundi, some 800 civilians and one hundred soldiers were slain per month by both sides, meaning that more than 10,000 people may have been killed by the end of the year. None of the killers was brought to trial, just as none of those responsible for the 1993 assassination of President Melchior Ndadaye or the subsequent massacres was brought to trial; indeed, many of them continued to hold important positions of leadership. Media from both sides thrived on encouraging the violence between Hutu and Tutsi, while local and foreign arms dealers profited from easy and extensive sales of guns and grenades. The Hutu and Tutsi populations, who had once lived intermingled, were increasingly driven into ethnically segregated areas. As a result of military and militia attacks, Hutu fled most neighborhoods of the capital of Bujumbura. Some 300,000 Tutsi, afraid to return to the homes they had left in 1993 violence, clustered in camps near towns and urban centers where they enjoyed military protection.

The facade of a civilian democratic government was left in place, but elected officials were repeatedly held hostage by radical Tutsi leaders and youth gangs who used "dead city" demonstrations to attain their goals. In late December 1994, for example, FRODEBU officials were forced to replace the president of the National Assembly, and in February 1995 they were obliged to accept both a change in the prime minister and the inclusion of small Tutsi splinter parties in the cabinet after Tutsi youth gangs used grenades, arson, and attacks to interrupt all normal activity in the capital of Bujumbura.

In late March, in April, in June and again in July, the military, supported by militias, attacked the Hutu neighborhoods of Bujumbura, each time killing hundreds of civilians. Outside of the capital, soldiers and their civilian allies killed at least seventy people at Butaganzwa commune, Kayanza province in January; as many as 400 in Gasorwe commune in Musinga province; some 200 in Mutumba commune in Karuzi province in March; and an estimated 250 others in Ngozi province in late October. In addition, military operations in the hills overlooking the capital and immediately adjacent rural regions took hundreds of lives during the month of July.

Two Tutsi militia were principally responsible for terrorizing civilian in the cities, one called the Sans Echecs (The Infallibles) and the other, the Sans Defaits (The Undefeated). They recruited among high school and university students and also among the urban unemployed, and threatened moderate young Tutsi unwilling to join their ranks. Soldiers helped train these militia, and soldiers and police generally did not intervene to halt militia attacks or to arrest those involved.

The spread of violence among students was underlined by a Tutsi militia's slaughter of some two dozen Hutu students at the University of Bujumbura on June 12. Several weeks later, a Hutu militia group attacked the Kiriri university campus and killed six Tutsi, four of them students. During the funeral procession for these victims, an armed group fired sub-machine guns and threw grenades at the mourners, killing ten and wounding fourteen persons. Some thirty secondary school students were slain and scores more injured in more than a dozen attacks on schools throughout the year.

In the countryside, armed groups of displaced Tutsi frequently attacked and killed Hutu living their camps, often with the clear complicity of the local military or police.

The providers of humanitarian aid, increasingly burdened by the need to supply food also to the mostly Hutu Rwandan refugees who fled to Burundi after the 1994 genocide, decided to reduce aid to displaced persons with a goal of stopping it completely during the course of 1995. Extremist Tutsi played on the differences in aid distributed to the Tutsi displaced and that given to Hutu refugees to whip up hatred against both refugees and humanitarian workers. In April a Greek employee of a humanitarian agency was assassinated, supposedly for favoring Hutu refugees over Tutsi displaced people.

The Forces pour la defense de la democratie (Forces for the Defense of Democracy, FDD), the military wing of the exiled CNDD, and its rival, the PALIPEHUTU, attacked a number of military targets during the year. The FDD, based in Zaire, operated largely in northwestern Burundi, where it was reportedly responsible for killing fifteen Burundian army soldiers at Mabayi in Cibitoke province in March. In Zaire its troops sometimes trained with the forces of the former Rwandan government, and they may have carried out joint military operations in Burundi. The PALIPEHUTU troops, based in Tanzania, attacked in northeastern Burundi, where they apparently killed a number of Burundi army soldiers in Gasorwe and Mabayi communes. Hutu forces attacked Tutsi civilians, especially those in camps for the displaced. In late October, for example, they killed some forty persons at a camp in Kayanza province. In Bujumbura, a Hutu militia known as the Intagoheka (Those Who Never Close Their Eyes), was responsible for random attacks against Tutsi.

Both Hutu and Tutsi used assassinations and threats to silence opposing leaders, and even moderates of their own ethnic group. In January, the governor of Muyinga province was stabbed to death. In March the minister of energy and mines, Ernest Kabusheyeme was killed at mid-day in downtown Bujumbura. Two days later a former highly ranked military officer and government official was abducted and later found killed, apparently in retaliation for the killing of Minister Kabushemeye. Some twenty other local government officials were also assassinated in the course of the year, and attacks were made on many others. Four leaders of the FRODEBU party were captured and killed in the first week of June, and the deputy who heads the FRODEBU group in the parliament escaped an attempted assassination in mid-September. In addition, five Burundian priests and one Adventist pastor had been slain as of late October.

The killers took aim at foreigners as well. On June 14, American Ambassador Robert Krueger, the special representative of the Organization of African Unity (OAU), Leandre Bassole, and Burundian Foreign Minister Jean-Marie Ngendahayo were ambushed. The dignitaries escaped unhurt, but two soldiers accompanying their convoy were killed, and nine other persons were injured. On September 30, two Italian priests and an Italian lay sister were murdered in the southern province of Bururi.

Newspapers from both sides incited violence against their opponents. Le Carrefour des Idees published a scorecard of Hutu leaders "who feel threatened." Next to each name was a blank square under the heading "fate." One week before the assassination of Minister Kabushemeye, the same newspaper listed him as number seven of a group of Hutu said to "have murdered Tutsi" and "spread terror." La Nation, a newspaper run by former president Jean-Baptiste Bagaza, published a story attacking U.S. Ambassador Krueger and the special representative of the U.N. secretary-general, Amedou Ould Abdallah, under the headline "Two to beat up or to gun down." On April 10, the newspaper L'Etoile accused Ambassador

Krueger of "fanning the flames" of conflict and said, "The day may come when patriotic Burundis will make him pay. This would be a legitimate act." Radio Rutomorangingo (Radio Truth), which broadcasts intermittently from Zaire, called on Hutu to kill Tutsi before the Tutsi kill them first.

In late March, Army Chief of Staff Jean Bikomagu acknowledged that national police forces under his command had been responsible for massacres that had just taken place in Bujumbura. Official commissions were established to investigate the slaughter in Gasorwe commune and the June massacres in Bujumbura. After some fifty persons were slain at Choga, outside Bujumbura, in September, Ambassador Krueger asked that an inquiry be carried out into that incident as well. The first commission submitted its report, but apparently no disciplinary measures were taken in these or other military massacres, with the exception of a change in command in the post of Chief of Staff of the National Police force.

The Burundian judicial system has been paralyzed since March 1993, when the terms of the judges of the three criminal courts of appeal expired and were not renewed. In the meantime, some 4,000 persons have been detained on serious charges, virtually all of them Hutu. Given that most judges as well as soldiers and police are Tutsi, this situation suggests grave inequities in the administration of justice.

The Right to Monitor

The Burundi League of Human Rights, Iteka, has been the organization most active in criticizing human rights abuse and calling for moderation and tolerance in political life. Its members and staff have often been threatened over the telephone and by visits of armed men to their homes. At least two have been shot at. The threats led them to limit the frequency and vigor of their criticism. The association SONERA stood closer to the official Tutsi establishment and spoke with an even more muted voice.

The Role of the International Community

The enormity of the failure of the international community in Rwanda the previous year spurred both governments and nongovernmental organizations (NGOs) to play a more active role in trying to halt violence in Burundi. Throughout 1995 there was a series of high level missions to Burundi from the U.N., the European Union (E.U.), the OAU, and from a number of individual governments, including the U.S., France, and Germany. The secretary-generals of both the U.N. and the OAU visited, as did members of the Security Council.

The United Nations

From time to time diplomats, including the secretary general of the OAU, suggested that a peacekeeping force of some kind might intervene in Burundi, but most found such an idea unrealistic. Instead, many international actors supported some form of justice to deal with Burundi's immediate past of unpunished killing and to serve as a deterrent against further large-scale slaughter. In 1994, the mainstream political parties recognized that the inadequacies of the Burundian judicial system were permitting a pattern of impunity that encouraged further massacres. They asked the international community to provide an official commission of inquiry to investigate the 1993 assassination of President Ndadaye and the massacres that had followed. An initial mission sent by the Security Council in 1993 had recommended such an international commission, as did a special envoy sent in 1995 to look into its feasibility. The five person commission, finally established by the Security Council on August 28, began its work in October. It will identify those accused of the killings and will recommend ways of bringing them to justice as well as measures to prevent a repetition of similar killings.

To stress that massive slaughter would not go unpunished, the Security Council adopted a statement on March 29 condemning the ongoing violence in Burundi, emphasizing the importance of accountability, and warning that the council would consider prosecuting any party who committed acts of genocide, just as it had done in the case of Rwanda.

After the assassination of President Ndadaye in 1993, the U.N. secretary-general asked Mauritanian diplomat Ahmedou Ould Abdallah to go to Burundi as his special representative, a post he filled until early October 1995. Although criticized by both sides and often threatened with assassination, Ould Abdallah was able to facilitate contacts among various parties on the complex political scene.

The U.N. Human Rights Centre operated a program focused on education and training. Although it intended to begin active monitoring of the human rights situation at several posts throughout the country, the center did not receive the funds needed to implement this plan.

In March the U.N. Human Rights Commission named a special rapporteur on human rights despite initial opposition from the Burundi government. The special rapporteur, Paulo Sergio Pinheiro, undertook his first mission to Burundi in July. He immediately issued a preliminary report expressing grave concern about the heavy loss of life and other human rights violations. Special Rapporteur on extrajudicial, summary or arbitrary executions, Bacre Waly Ndiaye, in July issued a report on his mission in which he expressed concern about the widespread extrajudicial executions of civilians and the pervasive insecurity.

The European Union

The E.U. stated its objectives in Burundi on March 19 (the Carcassonne statement) and in its common position of March 24. Concerned about the violence, it supported the accords known as the Convention of Government, which had been signed by the main political parties in 1994, and it offered to help in organizing the national debate, called for in the Convention. It promised support in the amount of ECU 3 million for the U.N. human rights center program in Burundi, offered to assist in training magistrates, and called for a round table of donors to facilitate aid to Burundi. In April members of the European Parliament appealed to the E.U. to prepare for military intervention in case the violence in Burundi got worse.

At the end of June, the E.U. reaffirmed its commitment to the objectives specified in March. It expressed concern about the growth of extremism and the increase in violence. It also condemned the massacres by the military in Bujumbura and reminded the Burundi government of its responsibility for the proper conduct of military operations. At that time the E.U. was providing funds to the OAU observer mission, had offered support for the sending of human rights experts, had identified needs to be met in the judicial system, and was ready to offer humanitarian aid to refugees and displaced persons. It announced also that a donors round table had been agreed to by the U.N. Development Programme (UNDP) and the Burundi government. It declared that member states were applying measures banning travel to their countries by certain identified extremists.

The Organization of African Unity

On April 21, the OAU decided to extend the mandate of its military observer team, which had been operating in Burundi since 1994. It also increased the number of observers from forty-seven to

sixty-seven, including soldiers to accompany the Burundi military during operations as well as doctors and engineers. Because the mission was small in size and was limited by regulations which prevented it from traveling without Burundi soldiers, it was sometimes judged ineffective. But its presence appears to have restrained Burundi troops from abuses on at least some occasions.

U.S. Policy

U.S. Ambassador Robert Krueger vigorously and courageously defended human rights in Burundi throughout the year, traveling himself to investigate massacres on the spot, giving press conferences about his findings, and demanding accountability from Burundi authorities. He was supported by the White House, which issued a statement on April 21 commending him for his commitment. Radical Tutsi resented his efforts and did their best to discourage him, even to the point of threatening his life.

The U.S. strongly supported the need for accountability for past and current violence in Burundi. To this end, they favored the establishment of the international commission of inquiry, supported the sending of human rights monitors, and co-sponsored the March 29 Security Council resolution warning of prosecutions for any who became guilty of acts of genocide. They sought to support moderates and to ostracize extremists, forty-seven of whom were excluded from receiving U.S. visas. The White House issued three statements during the year calling for calm and toleration and condemning violence. The U.S. dedicated \$5 million to a conflict resolution program and gave funds to develop local radio broadcasts promoting peace. The U.S. appointed a special coordinator for Rwanda and Burundi, Ambassador Richard Bogosian, who made several trips to the region. The U.S. also chaired the Rwanda Operational Support Group, a group of eleven donor nations, the U.N., the OAU, and the E.U. which met regularly to coordinate policies and promote reconciliation in Rwanda and Burundi.

The Work of Human Rights Watch/Africa

Human Rights Watch/Africa focused primarily on the importance of justice, both for its own sake and as an effective way of cutting short the cycle of violence. In circles where other actors often sought diplomatic compromise even at the price of ignoring past abuse, we advocated for an immediate establishment of a state of law. We urged donors to concentrate on rebuilding the justice system in Burundi and on facilitating international involvement in establishing responsibilities for past slaughter. Through meetings with officials of the U.S. and other governments and of the U.N. as in contacts with the press, we helped provide factually-based assessments in a situation where deliberate misinformation or easy generalizations often distort the reality.

ETHIOPIA

Human Rights Developments

After four years, the Transitional Government of Ethiopia (TGE), established after the toppling of the Derg in 1991, handed over power to a new government named by the parliament elected in August 1995. The Ethiopian People's Revolutionary Democratic Front (EPRDF), a coalition of three ethnically-based political groups led by the Tigray People's Liberation Front (TPLF), remained the dominant force in the

new government. By unanimous vote, the parliament elected the former president of the TGE (and head of the TPLF) Meles Zenawi to be prime minister. The presidency, which is mainly a figurehead position, went to Negaso Gidada, representative of the Oromo People's Democratic Organization. Although there were significant human rights improvements registered under the Transitional Government, the government continued to commit or tolerate harassment of members of opposition parties, freedom of expression was restricted, arrests were carried out without charge or prospect of trial, and suspected extrajudicial executions of opposition activists were reported. In its inaugural session from August 20 to 24, 1995, the parliament formally declared the Federal Democratic Republic of Ethiopia. The constitution divides the country into nine ethnically-based regions and gives each virtual autonomy in legislative, executive, and judicial matters. The constitution also provides each region the right to secede following a simple majority vote in a general referendum, subject to confirmation by a subsequent two-thirds majority vote in the regional legislature.

While some observers viewed these constitutional developments as offering a new model of ethnic accommodation, others accused the government of exposing the country to risks of fragmentation and political turmoil if the liberal constitutional provisions encouraged minorities to seek secession. The thrust of EPRDF policies has been the progressive devolution of powers to the ethnic groups or nationalities. Claiming that they have been left out of the political process during the TGE reign, the major opposition groups, including the Oromo Liberation Front (OLF), the All Amhara People's Organization (AAPO), and the Southern Coalition boycotted the May parliamentary elections. In part a result of this boycott, but also because the EPRDF was in control of all state institutions, the candidates of the EPRDF gained 483 out of the 548 seats in the Council of Representatives. Independent local observers noted that the actual voting in parliamentary elections was free and fair in a majority of cases they covered, although inconsistencies and irregularities were also registered. The final declared results indicated the virtual absence of the opposition in national and regional assemblies, a situation which raised concerns about how the opposition would be able to express its views.

Significant disagreements persisted between the government and various, mostly ethnically-based, opposition groups. A number of these continued to contest the legitimacy of the EPRDF and to claim that they were unfairly represented in the power structure. The opposition repeatedly complained about political harassment by police, local authorities, and security agents. While the government continued to deny these allegations, contending that it only clamps down on armed dissidents, reports published by independent local human rights groups and the local independent media indicated that the legal opposition suffered continuing abuses. Prime Minister Meles Zenawi told the parliament that he would form a human rights commission to investigate abuses.

The issue of accountability for human rights abuses was of particular relevance in Ethiopia during 1995. About 1,500 officials of the Derg government had been detained since 1991. It was only in mid-December 1994 that the top forty-four political officials, members of the inner circle of the Derg, were formally charged with the torture and murder of thousands of people. The others, mainly high government officials and military personnel, were in custody awaiting indictment for war crimes and murder. The new rulers of Ethiopia maintained that only public trials could end the culture of official impunity that made the crimes of the Derg possible.

It is within a context of civil strife and the emergence of a vibrant and dynamic civil society that many human rights abuses occurred during 1995. The political changes in Ethiopia since 1991 and the

prospects of greater regional autonomy had the effect of generating a new dynamic of political participation at the national as well as the local levels. People came forward to express their opinions and to form political parties, civil groups, and organizations in an unprecedented exercise of democratic freedoms.

The Oromo Liberation Front (OLF) broke away from the EPRDF and took up arms against it in 1992, after failing to get a larger share in the TGE. Pockets of armed insurgency persisted in 1995 in various areas of Oromia. In an official communique dated June 18, the Oromo Liberation Front accused the Ethiopian authorities of being responsible for the killing on May 20 of Ali Youssif, one of its leading members, in front of his shop in Addis Ababa. The OLF alleged that this killing was one of a series of assassinations targeting its members and supporters. It cited the death in custody of a twenty-six-year-old farmer, Henok Jonatan, arrested in Najjo, in the western Oromia region, on March 16. He and nine other Oromo prisoners were believed to have been tortured. Similarly, Jafar Ibrahim Utto, a village elder in Kiyyo, in Oborra Province (eastern Oromia), was found dead on April 8 after being detained by pro-government militiamen. Two months earlier, two of his sons had reportedly been arrested, tortured, and murdered by members of the same militia.

The Amhara, who comprise about 25 percent of Ethiopia's estimated fifty-five million people, traditionally dominated political, cultural, and religious life in Ethiopia. Most political groupings representing them, particularly the All Amhara People's Organization (AAPO), were opposed to the new constitution, arguing that EPRDF policies risked destruction of a long heritage of cultural and political unity that was painstakingly developed over time. Dr. Asrat Woldeyes, a physician and founder and leader of AAPO, continued to serve a five-and-one-half-year prison sentence on charges of conspiracy to organize armed rebellion against the government. AAPO maintained that it is committed to nonviolent political action and that Dr. Woldeyes, and four other members of the organization tried with him, were discussing complaints of abuses by government soldiers and pro-government militia against other AAPO members in the meeting that was the basis for charging them with conspiracy against the government.

Article 29 of the new constitution, as well as the National Charter and the 1992 Press Law, provides for the right to free speech and press. However, many journalists continued to be detained, in most cases without charge. While a number of journalists were released from detention prior to the May elections, twenty-three were still detained by August, of whom fourteen were held without charge or trial. The whereabouts of three other journalists remained unknown. Of these, two have been missing for over a year and were feared to be held secretly by the security services for publishing critical articles. The authorities continued to deny that they arrested them. In July, the jury at the central high court sentenced the editor-in-chief of Zog newspaper to one year's imprisonment for printing "groundless allegations" about developments in the conflict in Oromia, while a second journalist from the same publication was acquitted for lack of evidence.

Following the failed assassination attempt against Egyptian President Hosni Mubarak in Addis Ababa in June, the Ethiopian Free Press Journalists' Association reported a new wave of arrests of journalists in connection with articles about the incident. Mulugetta Lule, vice-chair of EFJA and manager of Tobia magazine, was reported to have been detained for sixty-four hours following an article on the questions raised by the attack about the security of the Organization of African Unity, which has its headquarters in the Ethiopian capital. Lule reportedly was released after a guarantor paid a 10,000 birr bail (around US\$2,000), a prohibitive amount when compared to the average monthly salary of a journalist (about

750 birr). Taye Belachew, editor-in-chief of Tobia, reportedly was detained for twenty-one days. Other journalists, from Beza and Roha newspapers among others, were also detained for varying periods in relation to articles on the same incident.

Article 31 of the constitution guarantees freedom of association. Although the Ethiopian government permits the existence of independent nongovernmental organizations (NGOs), a number of NGOs from various fields regularly reported harassment in the form of delays in getting official clearances to operate, the intimidation or detention of personnel, or their arbitrary deregistration. The government requires the registration of NGOs with the Relief and Rehabilitation Commission and a special permit issued by the Ministry of Internal Affairs. Following the formation of the new government in August, new registration regulations also required NGOs to register with the Ministry of Justice. In August, the Relief and Rehabilitation Commission announced the deregistration of forty-seven NGOs, of which forty-five were national and two international. The commission sent letters to the NGOs' banks asking that their accounts be closed and to donor agencies advising them of the deregistration. Most of the affected NGOs appealed the decision to the RRC directly.

In a similar development, the Oromo Relief Association (ORA) complained in August that its offices and operations in Hararghe, Wallagga, and Borena had been closed down following a decision by the Council of Oromia. Reports indicate, moreover, that ORA workers were regularly harassed and subjected to arbitrary detentions, particularly in Borena area, and that the measures to halt the organization's relief operations were politically motivated. Administrative measures have been used to curtail the operational capacity or the existence of humanitarian and welfare NGOs as well as independent human rights monitoring groups (see below).

The Right to Monitor

Criticism of the government's human rights record in the local press was common. The Ethiopian government permits the existence of independent human rights groups, although some of these groups have been the object of harassment for their critical comments about its human rights record or political direction. Groups with a human rights monitoring and education agenda include the Ethiopian Human Rights Council (EHRCO), Action Professionals Association for the People (APAP), Ethiopian Human Rights and Peace Center, the Ethiopian Congress for Democracy, and the Inter-Africa Group. EHRCO has been subjected to intimidating measures on a number of occasions in the past and this continued in 1995 as well. Steps were also openly taken to obstruct its operations. In a press release dated August 1995, EHRCO complained that the government had blocked its bank account. The government also moved against APAP, another human rights group. It was among the forty-seven NGOs whose licenses were revoked by the RRC in August.

Human Rights Watch/Africa as well as other international human rights organizations were able to conduct monitoring visits to Ethiopia in 1995. International human rights organizations and foreign journalists were invited to observe the proceedings of the war crimes trial.

The Role of the International Community

U.S. Policy

In 1995, Ethiopia continued to be the second largest recipient of U.S. assistance in sub-Saharan Africa, after South Africa. In FY 1995, U.S. bilateral assistance was approximately \$125 million, \$84 million of

which was food aid and \$103,000 was for Democracy and Governance programs. These aid levels indicate the substantial U.S. interests in Ethiopia, which involve enlisting Ethiopia as an ally in the Horn of Africa as well as U.S. support for its democratization process. However, even as it sought to encourage the Ethiopian government in its democratization efforts, the Clinton administration was reluctant to publicly raise human rights issues in Ethiopia.

U.S. officials maintained that discussions with the Ethiopian government focused on several areas: regional issues in the Horn of Africa, especially relating to security concerns; domestic issues such as democratization, respect for human rights, and economic reform; and trade issues involving U.S. business interests. In pursuing these agendas, the U.S. had regular exchanges with Ethiopian officials, often at a fairly high level. However, the administration made no public statements during 1995 about the human rights situation in Ethiopia apart from the State Department's annual Country Reports on Human Rights Practices for 1994, which gave a comprehensive and critical account citing many patterns and cases of violations.

In February, National Security Advisor Anthony Lake met with representatives of the Transitional Government of Ethiopia after a series of meetings organized by the Congressional Task Force on Ethiopia. The Task Force, which was chaired by Congressman Harry Johnston, and included State Department Director of East African Affairs David Shinn, succeeded in bringing together representatives of major opposition groups and the TGE in an attempt to find a compromise that would allow the participation of the opposition groups in the political process and the May elections as a step toward the resolution of the outstanding issues in the long term. Negotiations collapsed, however, after only three days of talks. The TGE representative insisted that opposition groups accept the existing constitutional framework as a precondition for participation in future talks, a precondition that the opposition groups rejected. On February 11, a White House statement noted that the meeting with Lake "underscored the President's commitment to democracy in Ethiopia."

The Work of Human Rights Watch/Africa

In order to focus international attention on the trials of the former government, Human Rights Watch/Africa published a report in December 1994 entitled, *Reckoning Under the Law*. The report described the role of the Special Prosecutor's Office, the rights of the victims, and the rights of the defendants. Human Rights Watch/Africa sent a mission to Ethiopia in June to update the progress of the trials.

KENYA

Human Rights Developments

Throughout 1995, the government of President Daniel arap Moi continued to undermine Kenya's multiparty system through harassment and intimidation of perceived critics. The year was characterized by attacks on organizations and publications that were critical of the government, harassment of the political opposition, and a continuation of a policy of persecution on ethnic grounds. President Moi's barrages against his critics became more pronounced, including warnings that criticism of the government would be considered treason, that any "insults" of the president would result in arrest, and that the government would be "strict" with nongovernmental organizations.

In the early part of 1995, the human rights situation notably deteriorated as the government launched a crackdown against human rights activists, opposition politicians, and internally displaced persons. The escalation of human rights abuses came in the wake of new commitments of foreign aid, pledged without strong human rights conditions, at the December 1994 consultative group meeting of Kenya's donors.

In February, two independent organizations, the Center for Law and Research International (Clarion) and the Mwangaza Trust, were banned by the government. The Mwangaza Trust was notified on January 18 that it had engaged in activities "which require it to be registered under the Societies and NGO Act," although the letter did not specify what these activities were. Another banning involved the magazine Inooro, which has been published by the Catholic Church for many years. On February 23, the magazine was declared "a prohibited publication" under Section 52 of the Penal Code.

The office of the Legal Advice Center (LAC), a nongovernmental organization, was violently attacked by unknown assailants in March. On February 1, the office of Finance, an independent magazine, was firebombed. A well-established pattern of attacks on government critics by unidentified assailants raised concerns that both were targeted for their work to publicize and stem government abuses.

The government continued to hold a monopoly on all broadcast media and refused to grant licenses for private broadcasting. Journalists came under attack for writing articles critical of the government. In January, two Daily Nation reporters—Alex Cege and Julius Mokaya—were dismissed in circumstances suggesting government pressures. On January 16, two other Daily Nation journalists were detained after investigating allegations that the Kiambu district commissioner was involved in drug trading. On April 28, government officials stormed the premises of the printer Colourprint Ltd., which prints some of the independent publications, and dismantled its printing machines. In April, Finance magazine editor, Njehu Gatabaki, and the director of Colourprint Ltd, were charged with sedition for publishing and printing an article that quoted an alleged guerrilla leader. The speaker of parliament prohibited newspapers from reporting the findings of a committee report on government embezzlement, known as the Goldenberg scandal.

International journalists were not exempt from government censorship. On February 17, the government canceled a license and seized three reels of film belonging to a British Channel 4 television crew that had come to film a documentary on tourism and travel. In April, President Moi threatened to expel the Nairobi correspondents of international journals Time, Newsweek, and the Washington Post for writing articles that highlighted the government's human rights abuses.

The political opposition parties—the Forum for the Restoration of Democracy-Kenya (FORD-Kenya), FORD-Asili, and the Democratic Party (DP)—remained divided largely on ethnic or regional lines. Throughout the year, opposition members faced harassment from the government. Frequently, licenses to hold meetings in their constituencies were denied to opposition politicians, and a number of peaceful gatherings were forcibly broken up by police.

In February, the government announced that two guerrilla groups, the February Eighteen Resistance Army (FERA) and the Kenya Patriotic Front, from Uganda, were plotting to overthrow the government by force. The government called for the alleged leader, John Odongo, a refugee in Uganda, to be forcibly repatriated. The refusal by the U.N. High Commissioner for Refugees to assist in repatriating

Mr. Odongo resulted in a threat by President Moi to expel the estimated 230,000 refugees (most from Somalia and Sudan) in camps on Kenyan territory.

In early May, top members of the Kenyan opposition announced the formation of a new political party, Safina (which means Ark in Kiswahili). President Moi and several ruling party officials immediately spoke out against its registration. As a result, Safina's application for registration under the Societies Act has been stalled since June 20. On June 23, in an effort to prevent Safina's registration, the attorney general published a bill which, if enacted into law, would severely restrict the formation and registration of new opposition parties and the functioning of those already existing.

One founding member of Safina, conservationist Richard Leakey, a Kenyan of English origin, was denounced by President Moi as a racist colonialist. Shortly after, one hundred armed Maasai stormed the Leakey home demanding the departure of "the colonialist." In August, Mr. Leakey and several Safina members were attacked with whips and clubs by ruling party youth wingers and severely beaten.

The government continued to use the judiciary to silence critics and to punish political opponents. No progress was made during 1995 by the legal reform task force formed by the attorney general in 1993 to amend or repeal repressive legislation. In January, President Moi stated that none of the government's policies could be "interfered" with by the courts.

The trial of prominent opposition figure Koigi wa Wamwere, a former MP and founder of a human rights organization, on charges of armed robbery, concluded in October. He was sentenced to four years imprisonment and a flogging for attempted robbery, in a trial that did not conform to international standards.

Although the large-scale violence that characterized the ethnic persecution in the early 1990s diminished, the government continued its potentially disastrous policy of targeting certain ethnic groups. Since 1991, the government has been responsible for unleashing terror to provoke the massive displacement of people of Kikuyu, Luo, and Luhya origin. The campaign against certain ethnic groups from the Rift Valley Province caused at least 1,500 deaths and some 300,000 to be displaced. These attacks have pitted Kalenjin and Maasai, the ethnic groups of the president and his ruling elite, against those ethnic groups identified with the political opposition—Kikuyu, Luo, and Luhya. Large-scale attacks have decreased since the 1992 election, but persecution against the displaced continued in 1995. There were regular reports of acts of violence and intimidation against those who attempted to return to their land.

In March, the government repealed emergency regulations established in September 1993, under the Preservation of Public Security Act, which had given the government extraordinary powers to enforce law and order and to limit access to outsiders in some of the areas where the worst violence had occurred. The regulations had restricted the ability of journalists and human rights workers to document events in the area.

A joint Kenyan government and United Nations Development Programme (UNDP) project to resettle the estimated 300,000 driven from their land by the "ethnic" violence was failing. Since the program began almost two years ago, there has been little reintegration. The government has consistently manipulated and undermined the UNDP program, obstructing genuine resettlement efforts. In December 1994,

government officials forcibly dispersed a camp at Maela, where approximately 30,000 displaced people, predominantly of the Kikuyu ethnic group, had sought refuge since October 1993. Without notice, government officials razed the camp and forcibly transported some 2,000 of the residents to Central Province; there they proceeded to question them about their ethnicity and ancestral background. It forcibly moved some of the victims for the second time in January 1995.

The forced removal of certain ethnic groups from the Rift Valley Province appeared to play a part in the growing calls by Kalenjin and Maasai politicians for the introduction of majimboism, a federal system based on ethnicity that would give political and economic power in the Rift Valley Province only to members of those pastoral groups originally on the land before colonialism, such as the Kalenjin and Maasai.

The Right to Monitor

Although several Kenyan nongovernmental organizations engaged in monitoring human rights in Kenya during 1995, some of their members as well as individual lawyers defending those accused of political offenses were subject to official harassment. A wide range of local human rights organizations continued to function, including the International Commission of Jurists (Kenya), the International Federation of Women Lawyers (FIDA-Kenya), the Kenya Anti-Rape Organization, the Kenya Human Rights Commission, the Legal Advice Center (LAC), the Legal Education and Aid Program (LEAP), and the Public Law Institute. The National Council of Churches of Kenya (NCCCK) and the Catholic Church continued to provide relief to the displaced population and to monitor ethnic persecution.

The attacks against the LAC and Finance magazine in early 1995 served as an informal warning to organizations and publications critical of government policies. In March, the Law Society of Kenya, the Legal Advice Center, and the Kenya Human Rights Commission issued a joint statement in which they noted that they too were targets of intimidation meant to silence critics and feared that their lives were in danger. In April, President Moi attacked international human rights organizations for reporting on Kenya, accusing them of adopting double standards. In July, two days before donors met to discuss Kenya's human rights record, the government announced the creation of a government Human Rights Committee.

The Role of the International Community

Since 1991, when aid to Kenya was suspended on economic and human rights grounds, donors have failed to sustain pressure for the respect of human rights, in large part due to the justification that the government had taken significant steps towards economic reform. Donors seemed willing to countenance harassment and intimidation of government critics as long as the government continued to liberalize the economy and retain a multiparty system in name.

In December 1994, at the consultative group meeting, Kenya's bilateral and multilateral donors expressed satisfaction with Kenya's economic and human rights record. The December 1994 donor statement announcing renewed aid noted "the positive developments over the past year with respect to the democratization process, ethnic tensions and human rights issues," despite strong evidence to the contrary. As a result, US\$800 million in new commitments were pledged, reversing the 1991 decision to withhold aid on human rights and economic grounds. However, the deterioration in the situation in early 1995 indicated that this rosy assessment was premature.

Donor concern at the escalation of human rights abuses resulted in an unscheduled donor meeting that was held in Paris on July 24. The closing statement of the July consultative meeting stated that: "Most bilateral donors expressed concern about the overall direction of political events since the end of 1994," and highlighted issues such as freedom of the press, freedom of association, and independence of the judiciary. However, the donors stopped short of a suspension of aid.

The European Union

While the European Union did not take a unified position of strong condemnation of human rights violations in Kenya, some European donors unilaterally expressed their dissatisfaction. Germany cut its aid levels due to "disappointment over Kenya's serious political backsliding," and offered only DM49 million (US\$34.6 million) for 1995-6 purely for technical cooperation—compared to the DM138 (\$97.5 million) it had pledged in 1993-4. Denmark also declined to release DKr 180 million (\$32.8 million) for health projects because of doubts about human rights and government accountability. Both Denmark and Japan noted that continuing assistance would depend on improvements in Kenya's political and economic record.

However, other European countries were less willing to link aid to human rights improvements. The United Kingdom, in particular, was responsible for blocking European Union efforts to condition aid to Kenya. Britain, with aid payments of £31 million (about \$49.6 million) for 1995 ranks among Kenya's leading bilateral donors. Up to £2 billion (\$3.2 billion) is invested in Kenya. Following the July donor meeting, Britain's overseas minister, Baroness Lynda Chalker, publicly criticized Kenya's human rights record and warned that normal bilateral aid flows would not resume until Kenya's political climate improved. While the statement appeared to be a reversal of British policy, the British Embassy in Kenya rebutted that presumption and insisted that Baroness Chalker had been misquoted and misinterpreted.

U.S. Policy

While the United States did raise human rights issues, both with the Kenyan government and at the donor meeting in July, U.S. officials were less outspoken on human rights than in the past and appeared unwilling to take the lead to press for multilateral donor action. In 1995, U.S. aid to Kenya totaled approximately \$18 million, 94 percent of which was directed to NGO sources.

Throughout 1995, the embassy in Nairobi issued several press releases and statements on a variety of human rights issues in Kenya, including backsliding on constitutional reform, attacks on judicial independence, "ethnic" violence, good governance, and restrictions on freedom of expression and association. In January, the embassy expressed its dismay at a recent outbreak of ethnic violence at Mai Mahiu, and two further statements protested the forced dispersals of the internally displaced by the government. A statement by Ambassador Aurelia Brazil publicly lamenting the government's decision to prohibit private broadcast media was criticized as a violation of sovereignty by ruling party officials. In February, the ambassador was held up by police for one hour at a police station when she tried to enter Naivasha for a lunch meeting, on the grounds that she was trying to visit a camp for the internally displaced. In August, Congressman Harry Johnston met with President Moi and raised concern over harassment of the political opposition. The embassy simultaneously released a press release criticizing the harassment of the opposition.

The Work of Human Rights Watch/Africa

Alarmed by the deterioration in the human rights situation in the early part of the year, Human Rights Watch/Africa intensified its efforts to publicize the situation. Throughout the year, Human Rights Watch/Africa was involved in advocacy for human rights in Kenya at conferences, U.S. congressional briefings, and in the Kenyan and international press. In March, Human Rights Watch/Africa wrote to President Moi to call for an end to the violations and followed up with a meeting with the Kenyan ambassador to the United States.

In anticipation of the donor meeting in July, Human Rights Watch/Africa wrote letters to Kenya's major donors, detailing the recent human rights violations, and participated in a briefing for the U.S. delegation to the donor meeting. Human Rights Watch/Africa also issued a report entitled Kenya: Old Habits Die Hard. The report highlighted the abuses which had taken place since the last donor meeting in December 1994.

LIBERIA

Human Rights Developments

By the end of 1995, hopes for peace and respect for human rights in Liberia were once again rekindled. After a dozen prior peace agreements, a new accord signed in Abuja in August again seemed to be Liberia's last, best hope.

One of the hallmarks of the Liberian war has been the proliferation of armed factions, all of which targeted civilians and were responsible for systematic human rights abuses, and none of which was fighting for any recognizable cause or ideology. The war has also been characterized by the extensive use of child soldiers, boys younger than fifteen years old who were easy prey for all the factions. The massive displacement of the civilian population has been another tragic aspect of the war, leading to some 750,000 refugees and one million internally displaced, out of a pre-war population of some 2.5 million. Finally, the Liberian war has been carried out in a climate of utter impunity, with no one held accountable for the crimes committed against the Liberian people. The challenge now is to bring an end to the bloody civil war, which has cost an estimated 150,000 lives and devastated the country.

In accordance with the peace accord, a new transitional government was sworn in on September 1. The new government took over from the Liberian National Transitional Government (LNTG), which had governed the capital, Monrovia, since March 1994, backed by the West African peacekeeping force, ECOMOG. The main warring factions are: Charles Taylor's National Patriotic Front of Liberia (NPFL), which began the civil war with the incursion of its exile army in December 1989; the Armed Forces of Liberia (AFL), the army of former President Samuel Doe, made up largely of the Krahn ethnic group; the United Liberation Movement for Democracy in Liberia (ULIMO), made up primarily of former AFL soldiers, which split in March 1994 along ethnic lines, pitting the Krahn faction of Roosevelt Johnson (ULIMO-J) against the Mandingo faction, led by Alhadji Kromah (ULIMO-K); the Liberian Peace Council (LPC), another offshoot of the AFL, which has been fighting the NPFL in the southeast; and the Lofa Defense Force (LDF), from Lofa County. ECOMOG, which is mostly Nigerian, has been in Liberia for more than five years, and while its presence has helped protect many civilians living in Monrovia, ECOMOG's reputation has been tarnished by its support for various anti-NPFL, Krahn-based factions.

In August 1995, a new peace agreement was signed in Abuja, amending and supplementing the Cotonou and Akosombo accords, which includes all the warring factions and provides for a new cease-fire. The new six-person Council of State is composed of Wilton Sankawolo, as chairman; George Boley, representing the LPC, the Central Revolutionary Council of the National Patriotic Front of Liberia, and the Lofa Defense Force; Alhadji Kromah, representing ULIMO; Oscar Quiah, representing the Liberian National Council; Chief Tamba Tailor; and Charles Taylor of the NPFL. The agreement provided for presidential elections to be held in one year, in August 1996.

Liberian civilians continued to be terrorized throughout 1995. No meaningful investigation was made into the Cow Field massacre outside Monrovia in December 1994, during which forty-eight people were killed, most of them children. The perpetrators have never been identified, but many reports indicated that Krahn-speaking fighters were involved. The LNTG announced that nine AFL soldiers had been arrested, but the results of its inquiry were not publicized.

Massacres of civilians were reported in several other parts of Liberia during 1995. In Grand Cape Mount County in March, a massacre was reported in Meenkor town, apparently related to fighting between the two ULIMO factions.

In Bong County, which had been under the control of the NPFL, fighters abused civilians, burned their villages, and prevented them from receiving humanitarian assistance. International relief groups found that as many as 43 percent of children under age eleven suffered from malnutrition in parts of Bong and Margibi counties.

In the area around Buchanan in Bassa county, civilians have been caught in the fighting between the NPFL and the LPC, with both sides attacking civilians and accusing them of supporting the other faction. Many atrocities have been reported in these attacks, including beatings, rapes, cutting off of body parts, and executions. On April 10, more than seventy civilians in the village of Yosi in Bassa County were massacred; it remains unclear which warring faction—the NPFL or the LPC—was responsible. The fighters ordered the villagers to gather in an open field and then attacked them with machetes and clubs. Although the massacre was publicized by UNICEF, no investigation was opened and the killers remained unidentified. In June, UNICEF reported that 652 women had been raped in Buchanan within the prior six months.

As expected, the signing of the peace agreement did not have immediate effect throughout the country. Within two days of the start of the cease-fire, the rival wings of ULIMO fought each other near Tubmanberg, west of Monrovia. Reports of skirmishes between the LPC and the NPFL in the southeast also continued. In the northeastern town of Ganta in late September, relief workers from the World Health Organization (WHO) and the U.N. Children's Fund (UNICEF) had to abort their mission after being harassed by twelve NPFL fighters; the fighters held the relief workers at gunpoint, commandeered a WHO vehicle, and stole money and personal effects. The vehicle was later returned, although it was in poor condition. In October, new fighting broke out in Gbarnga between the NPFL and ULIMO-K.

The continued fighting among the warring factions raised serious questions about the prospects for repatriating the 727,000 Liberian refugees who fled to neighboring countries. Some 370,000 were in the Ivory Coast, 395,000 in Guinea, 14,000 in Ghana, 4,600 in Sierra Leone, and 4,000 in Nigeria. In addition, approximately one million are internally displaced.

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. International law—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.

The Right to Monitor

A number of human rights organizations were able to function in Monrovia without interference. The principal 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 often difficult for these groups to travel outside Monrovia to document human rights abuses. There were no known human rights organizations operating in NPFL, ULIMO, or LPC territory.

The Role of the International Community

The United Nations

In September 1993, the United Nations Security Council created a U.N. Observer Mission in Liberia (UNOMIL) to help supervise and monitor the Cotonou peace agreement, in conjunction with ECOMOG. On September 15, 1995, UNOMIL's mandate in Liberia was extended until January 31, 1996; on November 10, the Security Council voted to strengthen the mission to 160 military observers. UNOMIL has a mandate to report on violations of the cease-fire and violations of humanitarian law, but since its creation in September 1993, it has not reported publicly about the situations it has monitored.

Human rights concerns have been notably absent from the U.N.'s reporting on Liberia. Accordingly, many opportunities were missed to insert provisions for human rights protection into the peace process. The U.N. observers must fulfill their mandate to monitor and report on human rights violations if their presence is to contribute effectively to the peace process.

A U.N.-sponsored donors meeting in New York on October 27 raised US\$145.7 million to support the peace process in Liberia, with only a small portion going to ECOMOG. The main donors were the U.S., which pledged \$74 million, and the E.U., which pledged \$53 million for reintegration activities; the U.K. pledged \$7.7 million, and France pledged \$3 million.

U.S. Policy

Throughout the war, the U.S. policy has been to support the conflict resolution efforts of the Economic Community of West African States (ECOWAS) and the U.N., to withhold recognition of any of the governments until elections could be held, and to promote ECOWAS and its peace plan. However, by deferring to ECOWAS, the U.S. lost important opportunities to influence the negotiations and to insert human rights guarantees into the process.

The U.S. has been the largest donor to the Liberian relief effort. (Other U.S. aid is prohibited by the Brooke Amendment, which suspends aid to countries that have failed to repay their loans to the U.S.) The U.S. has spent some \$380 million in humanitarian and peacekeeping assistance to Liberia, including assistance to the refugee communities outside Liberia. In addition, some \$60 million has been provided for conflict resolution efforts such as financing the Senegalese and later the Ugandan and Tanzanian contingents to ECOMOG.

During 1994, the Clinton Administration sent several delegations to the West African region to deal with the Liberian crisis. In early 1995, President Clinton appointed Ambassador Dane Smith to be his special envoy to Liberia, and he made five trips to the region. His primary functions involved moving the peace process forward and obtaining a regional consensus on stopping the flow of arms into Liberia.

In an important move, in July 1995, the U.S. detained Momolu Sirleaf, a high official of the NPFL, at Dulles Airport for violating Article 212F of the Immigration and Nationality Act which, by presidential proclamation, prohibits entry into the U.S. of those individuals hindering the peace process. The presidential proclamation was issued on September 1, 1994, but this was the first time it was applied. Sirleaf was held for approximately forty-eight hours before being released pending a hearing, which was scheduled for early November. The U.S. action was intended to send a signal to the warring factions that they would not be allowed to continue using the U.S. as a base for financing their war effort.

By year's end, there was considerable discussion about enhanced U.S. support for ECOMOG. ECOWAS was seeking some \$90 million for its peacekeeping operation in Liberia, and an additional \$42 million for demobilization. The U.S. was considering how it could respond to these requests, which also include ECOMOG's need for communications support and equipment. At the donors meeting on October 27, the U.S. pledged \$75 million for Liberia: \$50 million in food aid, \$10 million for trucks for ECOMOG, and the remaining \$15 million for demobilization.

Given the history of ECOMOG's involvement in Liberia, Human Rights Watch/Africa called for close attention to be paid to ensure that their mission is conducted in an even-handed fashion without assisting or prejudicing any of the warring factions. Any future U.S. assistance to ECOMOG must be contingent upon transparency of ECOMOG operations and strict scrutiny of ECOMOG conduct. While new national contingents or military support personnel were to be introduced into ECOMOG from Burkina Faso, the Ivory Coast, Benin, Niger, Mali, and Togo, the bulk of the ECOMOG forces would remain Nigerian military, a highly problematic recipient of U.S. assistance. This situation made human rights conditions for the receipt of U.S. assistance doubly urgent.

In a statement released on October 23, the U.S. embassy warned that new violence in Liberia could threaten the peace process. The embassy advised all parties in Liberia "to demonstrate their commitment and responsibility to peace by exercising control over their supporters and intervening personally and swiftly to halt cease-fire violations and other threatening acts, including the sale or purchase of arms and their distribution."

The Work of Human Rights Watch/Africa

With the seeming inability of the peace process to move forward, Human Rights Watch/Africa continued to monitor human rights developments in Liberia and to publicize the situation. Human Rights

Watch/Africa frequently briefed journalists, government officials, and U.S. congressional staff about Liberia, and participated in discussions aimed at pressuring the warring factions to respect human rights.

After the peace accord was signed, Human Rights Watch/Africa testified in September before the U.S. Senate Subcommittee on Africa of the International Relations Committee. The testimony recommended ways that human rights protections could be incorporated into the peace process.

MOZAMBIQUE

Human Rights Developments

After Mozambique's first ever multi-party elections in October 1994, human rights practices improved throughout the country. For many observers Mozambique is seen as a success story in Africa with a bloody civil war ended and elections generally considered free and fair. However, significant human rights concerns remain, including restrictions on freedom of movement and expression in some areas controlled by the former rebel Mozambique National Resistance (RENAMO), heavy-handed and intimidatory government policing, and appalling prison conditions.

A final breakdown of the 1994 election results showed that the ruling Front for the Liberation of Mozambique (FRELIMO) took 57 percent of the vote, to just 28 percent for RENAMO in urban areas, but that in rural districts RENAMO scored a narrow victory of 41 percent to FRELIMO's 40 percent. Unlike in neighboring countries, such as Angola and South Africa, there has been no power-sharing between the government, headed by President Joaquim Chissano, and the main opposition party. This was part of a government strategy to slowly strangle RENAMO of resources by denying it access to positions of patronage and power. With few exceptions, the new administration is made up of FRELIMO supporters, although RENAMO does receive a state subsidy of about US\$1.1 million yearly. Throughout 1995 RENAMO warned that it was in financial crisis and could not guarantee control of its supporters without additional resources.

Impunity for human rights abuses during the 1977-1992 civil war continued to be advocated by both FRELIMO and RENAMO officials. Officials from both sides have told Human Rights Watch that any trials or exposure of the past would undermine national reconciliation. There has been no acknowledgment at senior levels in RENAMO or FRELIMO of involvement in human rights abuses; in some cases, known human rights abusers in authority continued to generate fear and mistrust among those who knew about their past abuses.

A de facto situation of "dual administration" persisted, in which RENAMO continued to exercise administrative control over a patchwork of territory. Expanding public administration into areas dominated for many years by RENAMO remained slow. In Sofala province, RENAMO still effectively ran three districts (Maringue, Cheringoma and Muanza), and large parts of three others (Gorongosa, Chibabava and Machanga). In these areas RENAMO boycotted schools, health posts and even shops that it believed were funded by the Chissano government. This resulted in some violence and confrontation.

In Manica province, in June, a dozen police attempted to open a police station in Dombe, but the RENAMO-supported regulos (former colonial chiefs) expelled them and a dispute has continued ever since. Forty-four of these Dombe regulos demanded that the government buy them uniforms and pay them a wage before they permitted the police to return. In northern Nampula, western Tete province and in Sofala province, RENAMO also blocked freedom of movement and information and, as in Dombe, claimed that it had won the 1994 multi-party elections. In contrast, in some areas of Zambezia and Nampula provinces, there was better cooperation between RENAMO and the government, with increasing freedom of movement and expression.

There were several reports of extrajudicial executions. The government-appointed administrator of Mongincual district in Nampula province, Isidro Loforte, was suspended by the provincial governor in June following reports that he had ordered the execution by firing squad of a disabled former soldier and was involved in a series of other crimes.

Police behavior remained a serious concern and was the source of the majority of complaints Human Rights Watch received from Mozambique in 1995. Police units and especially the paramilitary police force, the Rapid Intervention Police, maintained a reputation for intimidation and heavy-handed tactics. Arbitrary detention, torture and bribery were common allegations. There was tangible evidence that the Rapid Intervention Police were used to intimidate RENAMO supporters. Several policemen interviewed by Human Rights Watch admitted that malpractice was common, but justified it by saying they felt it was internationally acceptable police practice: they said many U.N. Civilian Police monitors (CIVPOL) engaged in corrupt practices and did not comment on their policing style although they frequently visited their stations. Until the U.N. withdrew from Mozambique in December 1994, CIVPOL was mandated to monitor police practice.

Prison conditions and detention without trial remained a source of grave concern. According to official statistics, there were 2,572 prisoners in prisons across the country and over half, 1,451, were still waiting to be tried. The full number may have been considerably higher as the official statistics are unreliable. The recognized capacity of the central prison in Maputo was 800 but, at this writing, it had 1,576 prisoners, of which only 566 had been sentenced; 686 had been detained, pending trial. The civil prison (for lesser crimes) in Maputo also had a serious overcrowding problem. Its official capacity was 250, but it held over 550 prisoners.

The situation in the provinces was worse. In the first eight months of 1995, thirty-one prisoners died of hunger or untreated illness in Manica's provincial prison in Chimoio. Built to house 300, it held over 900. Similar reports of overcrowding and deaths of inmates in Tete, Nampula and Gaza provincial prisons were obtained by Human Rights Watch. In July, prisoners rioted in the Xai Xai jail, Gaza's provincial prison, reducing the building to a shell. The riot was in protest against the long delays in cases coming to court. Of the 164 prisoners in the jail, only twenty-one were serving sentences.

Riots and press reports on poor prison conditions prompted Justice Minister Jose Abudo to tour provincial prisons in July, resulting in a public acknowledgment that, with the exception of Niassa provincial jail, all prisons were substandard, and in a pledge that there will be a full review of the prison system.

The Information Service for State Security (SISE), the state security service, became more active after the withdrawal of the U.N. It appeared to have engaged in a recruitment drive, especially among

FRELIMO supporters, offering scholarships and other incentives for joining. Human Rights Watch was concerned that this was a return to the previous practice of maintaining SISE as a branch of the ruling party.

Throughout 1995 there were incidents of banditry, occasional riots, and violent demonstrations by ex-combatants who are found reintegration into civilian society hard and had few employment prospects. Most violent incidents were believed to have been acts of economic and socially induced banditry. The thousands of guns readily available for as little as a second-hand shirt were a potential temptation to more focused violence and protest. There have also been incidents where landmines have been used by highwaymen to ambush vehicles.

The Right to Monitor

The League of Human Rights (LDH) was active in lobbying the National Assembly about the poor policing standards of the police and the performance of the interior minister, Manuel Antonio. A new Mozambican nongovernmental organization, the Center for the Promotion and Defense of Human Rights (CPDH), was launched in April. It is comprised of past members of the LDH, who found its operational style too confrontational. The CPDH pledged to defend civil, political, economic and cultural rights.

The Role of the International Community

The United Nations

Following the October 1994 elections, U.N. policy was focused on the withdrawal of its forces from Mozambique. On November 19, 1994, the then U.N. special representative, Aldo Ajello, formally declared that the elections had been free and fair. On November 21 the U.N. Security Council endorsed the results and called on all parties to accept and fully abide by them.

The United Nations Operation in Mozambique's (UNOMOZ) mandate was extended until the swearing in of the new government in December, and U.N. withdrawal continued until the end of January 1995. After this date, only the Accelerated Demining Program (ACP), the U.N. supervised mine-clearance operation, continued. This program was an attempt to compensate for the little mine-clearance that occurred during UNOMOZ's mandate. The ACP had 450 mine clearers, organized in ten platoons, plus a headquarters in Maputo. It depends on outstanding funds from the UNOMOZ budget and on personnel provided by the governments of Australia, Bangladesh, Germany, the Netherlands, and New Zealand, committed until November 1995. At a meeting in Copenhagen during the March 1995 World Summit for Social Development and at the U.N. in New York in October, U.N. Secretary-General Boutros Boutros-Ghali assured President Chissano that the U.N. remained committed to providing assistance to Mozambique for reconstruction and for its mine-clearance in particular.

The U.N. proclaims Mozambique as a success. However, the U.N. clearly had not performed well in human rights monitoring and mine-clearance. Poor CIVPOL monitoring directly influenced subsequent local policing standards and contributed to the lack of seriousness with which respect for human rights was maintained by local police. Hundreds of thousands of antipersonnel mines, manufactured by at least fifteen countries, were found in Mozambique and frequently claim victims. Until mid-1994 U.N. mine-clearance efforts were limited due to internal U.N. disputes and a lack of political will by U.N.

special representative Aldo Ajello to confront the issue and quicken clearance efforts. Such failures have lessons that future U.N. operations of this kind should take into account.

U.S. Policy

Bilateral U.S.-Mozambican relations deteriorated in 1995 despite the fact that the peace process was regarded as a success. A prime reason for this was the United State's pressure, through its embassy in Maputo, to demand a power-sharing arrangement with RENAMO following the multiparty elections and the government's refusal to bow to this demand. A dispute over the style of tendering for a lucrative gas pipe-line contract in which U.S. companies had significant interest also contributed in late 1995 to keeping these already poor relations cool. The U.S. government presented a "non-paper" (aide memoire) to the Mozambican government on March 10. The paper was timed to coincide with the March 14-15 annual Consultative Group (donors') meeting in Paris. The paper was hard-hitting, and called for economic reform, a transparent budget, cuts in military expenditure, and efforts to curb corruption. It also called for greater efforts by the government to further reconciliation, particularly through funding for opposition parties and a halt to police harassment of RENAMO members. The Mozambican government did not respond to this non-paper; its ambassador in Washington even refused to accept a copy. U.S. policy was softer towards RENAMO, with little comment on its continued blocking of freedom of expression and movement in some of its zones.

U.S. policy after March was been aimed at keeping the Mozambican government to its commitments undertaken at the March Paris donors meeting. USAID shifted its strategy and resources from emergency relief toward longer-term development programs. Initiatives for mine-clearance, repatriation of refugees, and the re-integration of ex-combatants have featured prominently. Institutional support, especially for the new legislature, has also benefited from funds. U.S. assistance to Mozambique in 1995 stood at about \$42.25 million, down from the previous year total of \$70 million.

The Work of Human Rights Watch/Africa

Human Rights Watch's Mozambique program was aimed at following up recommendations made in Landmines in Mozambique, a report jointly produced by its Africa Division and Arms Project in 1994. The key objectives were lobbying the Mozambique government to sign and ratify the 1980 Landmines Protocol and to participate constructively in the 1995 Vienna Review Conference of the Convention on Conventional Weapons (CCW). In late October, President Chissano indicated that Mozambique supported an international ban on the production of antipersonnel landmines.

On June 14, the thirtieth anniversary of the first recorded landmine incident in Mozambique, Human Rights Watch and the Faculty of Arts at Eduardo Mondlane University, Maputo, jointly hosted a one-day conference on landmines. The conference delegates called on the Mozambican government to ban the use and transfer of antipersonnel mines. A book based upon the conference proceedings was also launched in October as a joint Human Rights Watch and Mozambique National Archives initiative.

Human Rights Watch also met government and Renamo officials both in Mozambique and in Europe and the U.S. to discuss human rights issues. It also engaged in other forms of advocacy aimed at informing interested individuals and groups on the current human rights situation and conducted numerous press interviews.

NIGERIA

Human Rights Developments

Human rights, pro-democracy, and labor activists were imprisoned; press freedom was restricted; and the powers of the judiciary were severely circumscribed in Nigeria as military rule extended into the twenty-seventh year out of the country's thirty-five years of independence. General Sani Abacha, who seized power in November 1993, announced on October 1, Nigeria's independence day, that he would remain in power until 1998, fueling skepticism in Nigeria and internationally about the military's promise of a transition to democracy. With the execution of Ken Saro-Wiwa and eight other Ogoni activists on November 10, the Abacha government demonstrated its utter contempt for the rule of law.

The closed trials of some fifty alleged coup plotters, including former Head of State General Olusegun Obasanjo and former Deputy Head of State Major-General Shehu Musa Yar'Adua, by a seven-man military tribunal, exemplified the progressive disintegration of the rule of law throughout the country. Most of the defendants were detained incommunicado and without charge between March 1995 and the start of the trials in early June 1995. They were denied access to independent and freely chosen legal counsel, although they had the option to be represented by armed forces personnel with legal training. In late July, forty of the defendants, who included active and retired military personnel as well as civilians, were convicted and sentenced, some to varying terms of imprisonment and others to the death penalty. The tribunal's decision was not subject to review by a higher court, but only to confirmation by the Provisional Ruling Council. On October 1, General Abacha announced that the Provisional Ruling Council would commute the sentences of those defendants who had been sentenced to death. Critics of the Abacha government claimed that the government "fabricated" the coup crisis to perpetuate its tenure; the government produced no compelling evidence that a coup attempt actually occurred.

Chief Moshood Abiola, the presumed winner of the annulled June 12, 1993 presidential election, also remained in detention under harsh conditions in late 1995, notwithstanding his deteriorating health. In April 1995, Abiola agreed to a conditional release on terms proposed by General Abacha. These terms included confinement to his house, a ban on future political activities, and a prohibition against leaving the country. However, Abacha later reneged on his promise on the ground that the courts were adjudicating Abiola's case. Although Abiola was charged with treason after he proclaimed himself president in late June 1994, his trial has been adjourned indefinitely.

Most of the draconian decrees promulgated by the Abacha government in the fall of 1994 remained in force throughout 1995. These decrees banned independent publications that criticized the government, dissolved the governing bodies of the trade unions, and limited the scope of judicial authority by, for example, permitting the administrative detention of persons deemed to present a "security risk" for renewable periods of three months and suspending the right of habeas corpus. The government also promulgated the Money Laundering Decree of 1995, which gave government officials the authority to tap telephone lines, monitor bank accounts, intercept mail, and access computer systems to prevent drug trafficking and money laundering.

Although the Nigerian government renewed Decrees 6 and 7, which imposed additional six-month bans on *The Punch* and *The Concord*, in early June, these decrees were lifted on October 1. The government attempted to silence outspoken journalists in 1995, including George Mbah, the assistant editor of *Tell*

magazine, who was arrested and detained on May 5, 1995, reportedly after he published an article about the alleged coup attempt in March 1995. Kunle Ajibade was detained on May 23, 1995, reportedly after he refused to reveal his sources for an article in *The News* magazine, which claimed that military panels of inquiry had found no evidence of a coup attempt. Chris Anyanwu, editor-in-chief of *The Sunday Magazine*, was arrested and detained in March 1995, released without charge, and subsequently rearrested in late May or early June. Ben Charles Obi, editor of *Classique* magazine, was arrested and detained on May 9, 1995. These individuals, who were subsequently convicted of involvement in the alleged coup, were originally sentenced to life imprisonment, but their sentences were commuted to fifteen years.

Throughout 1995, the trade unions were run by government-appointed administrators. Several trade union leaders, including Frank Kokori, Wariebi Kojo Agamene, Francis Addo, and Fidelis Aidelomon, were detained in August 1994 because of their involvement in the oil workers' strike for democracy and were still imprisoned at the end of the year.

Arrests and harassment of human rights and pro-democracy activists were commonplace throughout 1995. Both Dr. Beko Ransome-Kuti, chairman of the Campaign for Democracy (CD), and Femi Falana, chairman of the National Association of Democratic Lawyers, were arrested on January 12, 1995. Both were released on January 20. Sylvester Odion-Akhaine, secretary-general of the CD, was arrested on January 17. At the time of this writing, he was still in incommunicado detention—withstanding a ruling by the Lagos High Court on May 25 that he should be unconditionally released. Shehu Sani, CD coordinator for Kaduna, was arrested on March 9; he also remained in detention.

As the second anniversary of the annulled June 12, 1993 presidential election approached, the Abacha government stepped up arrests of human rights and pro-democracy activists at an alarming rate, presumably in an effort to stifle criticism. On June 3, 1995, State Security Service (SSS) members broke up a meeting of the Democratic Alternative (DA), and arrested and detained without charge DA President Alao Aka-Bashorun and Dr. Onje Gye-Wado, a member of its National Coordinating Committee. Those activists who were arrested and detained without charge in the week preceding the anniversary included Olisa Agbakoba, president of the Civil Liberties Organization (CLO), CLO campaign officer Tunde Akanni, Femi Falana, and Dr. Beko Ransome-Kuti. Most of these individuals were released shortly after June 12.

General Abacha's announcement on June 27, 1995 that he was lifting a ban on political activity generated hope that arrests of government opponents would diminish. On July 3, however, the SSS arrested and detained Chief Gani Fawehinmi, National Coordinator of the National Conscience Party and one of Nigeria's most prominent human rights lawyers, shortly after he had criticized the Abacha government at a press conference. Fawehinmi was released on July 18, the same day that the SSS arrested Chima Ubani, secretary-general of the DA. As of this writing, Ubani remained in detention.

In late July, the SSS arrested Abdul Oroh, the executive director of the CLO, Dr. Beko Ransome-Kuti, and Dr. Tunji Abayomi, the chairman of Human Rights Africa and legal counsel to General Olusegun Obasanjo. These arrests appeared to be in response to a protest letter these individuals wrote to General Abacha which was published in Nigeria's *This Day* magazine on July 21, 1995. Abayomi was arrested following a press conference in his chambers, at which he alleged that the government had no concrete evidence of a coup plot.

Arrests of members of the National Democratic Coalition (NADECO), which includes politicians, retired military officials, and pro-democracy figures who support Abiola's installation as president, as well as other government opponents were commonplace in 1995. Those held as of this writing included NADECO General Secretary Ayo Opadokun and Acting General Secretary Wale Osun. Abiola's personal physician, Dr. Ore Falomo, was detained on April 20, apparently because he publicized his concerns about Abiola's deteriorating health and harsh conditions of imprisonment; Falomo was later released.

Human rights violations in Ogoniland, an oil-rich area in southeastern Nigeria, were particularly severe in 1995. The Movement for the Survival of Ogoni People (MOSOP), led by Ken Saro-Wiwa, has been at the forefront of the confrontation between the indigenous communities of the Niger Delta, the oil companies, and the government. Like other communities in oil-producing areas, the Ogoni contend that multinational oil companies, particularly the Shell Petroleum Development Company, with the active cooperation of the Nigerian government, have ravaged their land and contaminated their rivers, while providing little, if any, tangible benefit in return. In the wake of the May 21, 1994 murders by a mob of four Ogoni leaders who had been branded as pro-government, the Rivers State Internal Security Task Force embarked on a series of punitive raids on Ogoni villages. These raids were characterized by flagrant human rights abuses, including extrajudicial executions, indiscriminate shooting, arbitrary arrests and detention, floggings, rapes, looting, and extortion. The security forces continued to arbitrarily arrest, detain, and beat Ogoni civilians in 1995. In late July, security agents raided and sealed the MOSOP office in Port Harcourt.

Shortly after the May 1994 murders, Ken Saro-Wiwa and Ogoni activists Ledum Mitee, Barinem Kiobel, John Kpuinen, and Baribor Bera were detained. On February 6, 1995, the prosecution charged them with four counts of murder at the first session of the special tribunal established expressly to hear their case. The eight-month delay in filing charges in the case, in conjunction with the procedural irregularities that characterized the trials—including the presence on the tribunal of an active member of the armed forces, the highly militarized tribunal premises, and the lack of any provision for independent review—strongly suggested that the charges were politically motivated. On March 28, the special tribunal assumed jurisdiction over the cases of ten additional defendants, all of whom were formally charged on April 7 with the murders of the Ogoni leaders.

In the face of increasing evidence of the tribunal's bias against the defendants, the original defense team withdrew from all the cases by mid-July 1995 in order to avoid legitimizing the proceedings before the tribunal. The immediate impetus behind their withdrawal was the tribunal's refusal to admit into evidence a videotape or transcript of a government press conference on May 22, 1994, the day after the murders, where Lieutenant-Colonel Komo, the military administrator of Rivers State, accused MOSOP of carrying out the murders. The videotape also includes a statement by A. M. Kobani, a prosecution witness, which contradicts his testimony in the case against Saro-Wiwa, Mitee, Kiobel, Kpuinen, and Bera, in several material respects. The defense team intended to use Kobani's earlier statement to undermine his credibility.

At least one of the defense lawyers subsequently employed by the government Legal Aid Council also resigned, reportedly after being denied access to Ken Saro-Wiwa. Security agents made the representation process even more difficult when they confiscated important files and videotapes from the MOSOP office in Port Harcourt and then sealed the premises.

In late October, Ken Saro-Wiwa, Barinem Kiobel, John Kpunien, Baribor Bera, Saturday Dobee, Felix Nwate, Nordu Eawo, Paul Levura, and Daniel Gbokoo were convicted and sentenced to death; the remaining defendants were acquitted. On November 8, the Provisional Ruling Council confirmed the sentences of those convicted. Despite world appeals for clemency, all nine defendants were executed by hanging in Port Harcourt on November 10. The executions underscored General Abacha's complete disregard for human rights and international law.

The Right to Monitor

Despite severe constraints on their activities and a persistent government campaign of arrest and harassment of their staff, Nigerian human rights groups continued to document and publicize abuses due to the courage and commitment of their local activists. The Constitutional Rights Project (CRP) and the Civil Liberties Organization (CLO) engaged in fact-finding and documentation of human rights abuses throughout the country, filed cases in national courts, and in some cases filed petitions with international treaty bodies. Both the Committee for the Defense of Human Rights (CDHR) and the Nigerian Association of Democratic Lawyers (NADL) also filed cases in national courts. CDHR supplemented its litigation efforts by publishing and distributing leaflets to generate increased awareness of human rights developments and by organizing symposia and rallies to promote human rights and democracy. The Legal Research and Resources Development Center acted as a clearinghouse for human rights reports and documentation from local and international NGOs, published human rights education materials in easy-to-understand English and local languages, and trained paralegals to use these materials in reaching out to deal with the concerns of local communities. The Port Harcourt Institute for Human Rights and Humanitarian Law continued to develop its network of paralegals, who educated local communities in southeastern Nigeria about their rights, provided legal advice and assistance, monitored governmental accountability, and documented abuses. The Nigerian branch of the International Federation of Women Lawyers (FIDA) filed cases in national courts, organized educational programs, and undertook community organizing. The Campaign for Democracy and the Democratic Alternative were involved in community organizing and political consciousness-raising throughout the country, with a view to sustained mass political action.

The Role of the International Community

The defeat of a resolution on Nigeria at the February 1995 session of the United Nations Commission on Human Rights was an indication of the divided sentiments of the international community with respect to human rights abuses in Nigeria. The draft resolution advocated a return to democratic rule and called upon the Nigerian government to reinstitute the right of habeas corpus, release political detainees, restore press freedom, lift arbitrarily imposed travel restrictions, and respect the rights of trade unionists. The resolution was rejected by twenty-one votes to seventeen, with fifteen abstentions; while most Western countries supported the resolution, most African and Southeast Asian nations opposed it. In meetings with Nigerian officials, the U.N. High Commissioner for Human Rights expressed concern about the human rights situation in Nigeria.

The execution of Ken Saro-Wiwa and the other Ogoni activists on November 10 provoked a strong reaction from the international community. The U.S., Britain, and other countries withdrew their ambassadors. The Commonwealth countries, which were meeting in Auckland, New Zealand, suspended Nigeria's membership—the first time such an action had been taken. The Commonwealth set a two-year

deadline for the Nigerian government to restore democracy and constitutional rule or face expulsion. Nelson Mandela, speaking at the Commonwealth summit, called the executions a "heinous act." The European Commission suspended development cooperation with Nigeria and recalled its head of delegation. Britain announced a total ban on arms sales. The Organization of African Unity (OAU) condemned Nigeria for the executions as did U.N. Secretary General Boutros Boutros-Ghali.

The International Finance Corporation (IFC), the private sector lending arm of the World Bank, was considering a loan of US\$100 million plus \$50 million in equity to an entity called "Nigerian LNG, Ltd." for the construction of a liquefied natural gas plant in southeastern Nigeria and a gas pipeline through the Niger delta to the northern part of the country. The direct recipient of the funds would have been the Shell Petroleum Development Company (the Nigerian subsidiary of Royal Dutch/Shell), which is involved in a joint venture with the Nigerian government, Elf, and Agip. After the execution of Ken Saro-Wiwa and the other Ogoni activists on November 10, the IFC decided against the project. On November 15, however, Shell announced that the project would go forward.

During the summer, a delegation of the Commonwealth visited Nigeria and met with representatives of the government, the business sector, and nongovernmental organizations. Upon their return, the leader of the delegation, former Canadian Foreign Minister Flora MacDonald, confirmed that the team had found evidence of repression, including a lack of judicial independence and deteriorating prison conditions.

The European Union

On July 14, 1993, the European Political Cooperation (the foreign ministers of the European Community) issued a statement on Nigeria in which the European Community and its member states agreed to suspend military cooperation, suspend visits by members of the Nigerian military and intelligence services, and impose visa restrictions for members of the Nigerian military, security forces, and their families. In early December 1993, the E.U. reiterated these measures and further recommended travel restrictions for all military staff of Nigerian diplomatic missions; case-by-case review, with a presumption of denial, for all new export license applications for defense equipment; cancellation of training courses for all Nigerian military personnel; case-by-case review of new E.U. aid projects; and suspension of all non-essential high-level visits to and from Nigeria. In late 1995 numerous E.U. member states called for clemency for the alleged coup plotters who had been sentenced to death.

The measures adopted by the E.U. have been selectively enforced. The European Development Fund has promised substantial assistance to Nigeria, including funds for export promotion, hard currency facilities for the government, as well as aid to the telecommunications industry, news agencies, and universities.

Although the United Kingdom has endorsed virtually all the measures adopted by both the European Political Cooperation and the E.U., the British government has evaded many of the above-mentioned restrictions in practice. In September 1995, British Prime Minister John Major met in London with Chief Ernest Shonekan, General Abacha's predecessor as president, in apparent defiance of visa restrictions. Moreover, notwithstanding the U.K.'s endorsement of the provision for case-by-case review of export license applications for defense equipment, the British government has issued at least thirty export licenses for military equipment since January 1, 1994. The president of the British Board of Trade has described all of this equipment as "non-lethal," although he refused to disclose the precise

nature of the equipment. The U.K. is also reportedly completing delivery of eighty Vickers tanks pursuant to a contract executed in 1991. The British Foreign and Commonwealth Office does not deny that weapons shipments have taken place since December 1993 pursuant to export licenses granted prior to the imposition of restrictions.

On October 12, the European Parliament called on the European Commission and the European Council to suspend the application of the Lomé Convention to Nigeria without delay, based on human rights concerns; this step would restrict aid and privileged access to E.U. export markets. The European Parliament also called on Commonwealth nations not to invite representatives of the present Nigerian government to the November 1994 Commonwealth meeting as an act of protest.

To protest the execution of Ken Saro-Wiwa and the other Ogoni activists on November 10, the European Commission announced it was suspending development cooperation with Nigeria and recalling its head of delegation. Fifteen individual member states had already withdrawn their envoys.

United States Policy

Nigeria assumes considerable importance in U.S. policy, due to the country's size and importance on the African continent, its vast natural resources, and its economic potential. The U.S. has \$3.9 billion invested in Nigeria, primarily in the petroleum sector. Since the annulment of the 1993 election, the Clinton administration has made strong public declarations condemning the Abacha government and has undertaken policy initiatives intended to facilitate a transition to democracy in Nigeria and to promote human rights. However, the Nigerian government appears to have been impervious to this pressure. Throughout most of 1995, U.S. diplomatic efforts focused primarily on the fate of the alleged coup plotters, with the exception of intermittent references in some public statements to broader human rights concerns. The U.S. embassy occasionally sent representatives to observe the trials of Ken Saro-Wiwa and other Ogoni activists.

In response to the annulment, the U.S. canceled all foreign assistance to Nigeria, with the exception of humanitarian aid. In fiscal year 1995, U.S. aid to Nigeria amounted to \$13.5 million, for projects concerning health, population, child survival, and democratization. The U.S. also ended all government-to-government military assistance and training, except counternarcotics training, requested the withdrawal of the Nigerian military attaché from the U.S., withdrew the U.S. security assistance officer, and suspended travel to Nigeria by the U.S. defense attaché. Since July 1993, when the U.S. announced that military sales would be reviewed on a case-by-case basis, with the presumption of denial, the U.S. has granted less than twenty applications for export licenses for non-lethal defense equipment.

In response to Abacha's coup in November 1993, the Clinton Administration suspended the entry into the U.S. 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."

The practical impact of these provisions has been reduced because they are waived for Nigerian government officials who seek to enter the U.S. for the purpose of attending meetings of international organizations, although the movements of such officials are restricted during their visits. In April 1994, President Clinton decertified Nigeria for its failure to control illegal drug trafficking, which meant that the U.S. was precluded from granting any foreign aid to Nigeria and from supporting Nigerian applications for loans from international lending institutions. All of the above policies remained in effect in 1995.

In 1995 President Clinton appointed a special emissary, Donald F. McHenry, who reportedly undertook at least five secret missions to Nigeria in an effort to expedite the transition to democracy and improve U.S.-Nigerian relations. General Abacha's prolonged transition timetable suggests that McHenry's efforts were at best marginally successful. Senior State Department and White House officials severely criticized the trials of the alleged coup plotters. In August, President Clinton reportedly warned General Abacha that a decision to execute the alleged coup plotters would have serious consequences for U.S.-Nigerian relations.

In response to General Abacha's October 1 statement, the White House issued a press statement criticizing the length of the proposed transition program as well as the government's failure to provide for significant civilian participation in national decision-making in any transitional government. The statement went on to welcome the decision to commute the death sentences of the alleged coup plotters, but called upon the Nigerian government to provide prompt clarification of their status. The statement also reiterated earlier calls for the prompt and unconditional release of political detainees and for an open appeal process for those convicted in secret trials.

After the execution of the Ogoni activists on November 10, the White House issued a statement strongly condemning the executions, stating that they "demonstrate to the world the Abacha regime's flouting of even the most basic international norms and universal standards of human rights." In addition to protesting the executions, President Clinton decided to recall Ambassador Carrington from Lagos for consultations; to ban the sale and repair of military goods and provisions of related services to Nigeria; to extend the ban on visas to include all military officers and civilians who actively formulate, implement, or benefit from the policies that impede Nigeria's transition to democracy; and to require Nigerian government officials visiting the U.N. or the international financial institutions to remain within twenty-five miles of those organizations.

The Work of Human Rights Watch/Africa

Human Rights Watch/Africa issued numerous press releases denouncing arrests of human rights and pro-democracy activists, and wrote General Abacha in June to call for clemency for the coup suspects who had been sentenced to death. Also in June, Human Rights Watch/Africa sent letters to the U.N. High Commissioner for Human Rights; the U.N. Special Rapporteur on Extrajudicial, Summary, and Arbitrary Executions; and the U.N. Special Rapporteur on the Independence of the Judiciary urging them to appeal promptly to the Nigerian government to prevent the arbitrary execution of the alleged coup plotters.

Based on a fact-finding mission to southeastern Nigeria in February, Human Rights Watch/Africa issued a report entitled *The Ogoni Crisis: A Case-Study of Military Repression in Southeastern Nigeria*. This report focused on the most recent phase of the crackdown in the Ogoni area, which began in late May 1994. Human Rights Watch/Africa used the report to encourage Royal Dutch/Shell and other multinational oil companies operating in Nigeria to adhere to a set of basic human rights principles in the course of their business operations. The report also comprised the basis of submissions to the U.N. Committee on the Elimination of Racial Discrimination and the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities. Letters to General Abacha in April and October protested the unfair trials of Ogoni activists charged with the May 1994 murders of four Ogoni leaders and called for them to be retried before an independent and impartial tribunal. After the execution of the last

Ogoni activists on November 10, letters were sent to the European Union, the Security Council, and the multinational oil companies recommending various actions to be taken to isolate the military government of Nigeria.

Human Rights Watch/Africa provided information about human rights developments in Nigeria to the U.S. and international press, governments, and intergovernmental organizations. In July, Human Rights Watch/Africa testified on Nigeria before the Africa Subcommittee of the U.S. Senate Foreign Relations Committee. Human Rights Watch/Africa also participated in coalitions of nongovernmental organizations working on Nigeria in Washington, London, Dusseldorf, and Amsterdam.

RWANDA

Human Rights Developments

The government of Rwanda, in power only six months at the start of 1995, faced enormous problems in rebuilding a country shattered by war and a genocide that had taken the lives of between one half and one million of its citizens. In repeated declarations, authorities affirmed that bringing the perpetrators of genocide to justice was one of their most important tasks, but as the year neared its end, they had tried no one. They had, however, arrested some 57,000 people who were being detained in inhumane and life-threatening conditions, virtually all of them in violation of due process guarantees of Rwandan law.

Authorities also saw dispersing the hundreds of thousands of displaced persons clustered in camps as a central concern. During 1995, they eliminated the camps, but at the cost of thousands of lives. In the worst massacre of the displaced, at Kibeho camp in April, as in some other cases of soldiers killing civilians, military authorities justified the slaughter on the grounds of self-defense. They announced investigations into several such incidents or, in the case of Kibeho, they called for an investigation by an international commission, but they have not published the results of their own investigations. Authorities removed commanding officers and even detained several junior officers accused in these cases, but, as of late 1995, they had apparently not brought to trial anyone involved in these killings.

Outside Rwanda some two million refugees who had fled the new government in mid-1994 remained unwilling to return home, but those in Zaire, where the largest number lived, were facing the possibility that they might be forcibly expelled before the end of the year. Meanwhile leaders of the former government, which was responsible for the genocide, were training and arming soldiers for incursions to Rwanda.

At the beginning of 1995, some 15,000 persons had been jailed in official prisons, communal lockups, or regular places of detention. As the year neared its end, the number had increased to some 57,000, and arrests were continuing at the rate of more than 2,000 per month. Virtually all the detained were accused of having participated in the genocide, most on the basis of denunciations alone. Relatively few detainees had been formally charged after some form of investigation.

On April 6, 1995, the anniversary of the start of the genocide, the prosecutor in Kigali brought seven persons to trial on charges of having participated in the mass slaughter. The proceedings lasted only a

few hours before the prosecutor asked for a postponement to permit further investigation. By November 1995, this trial had not resumed, nor had any other trial begun on charges of genocide.

Rwandan authorities attributed the judicial paralysis to lack of resources, both material and human. International assistance to the judicial system, promised by a number of donors in late 1994 and early 1995, trickled in. In July 1995, about a third of a promised \$13 million had actually been delivered. The situation in terms of personnel was equally difficult. With only thirty-six judges, fourteen prosecutors, and twenty-six police inspectors, the government hardly had the staff necessary to prosecute tens of thousands of persons. The government initially favored bringing in foreign judges to aid in the trials, but by mid-year the Transitional National Assembly had rejected the proposed legislation needed to authorize foreign judges to sit in Rwandan courts.

Although real shortages of human and material resources slowed the operation of the judicial system, this did not account for the failure to try even one of the more than two hundred cases that were ready as early as April 1995. The authorities who ended the genocide appeared unwilling to prosecute its perpetrators, either because they lacked confidence in judges named by the previous government or because they saw some political interest in detaining large numbers of persons indefinitely.

Since the establishment of the current government, soldiers have been responsible for maintaining law and order because there has been no functioning police force: backed by some civilian recruits known as the local defense force, soldiers carried out thousands of arrests without warrants, often without the knowledge or approval of appropriate judicial or local authorities. Efforts by the minister of justice and various prosecutors to end this practice had little effect. Similarly, the military has interfered with the release of detainees by judges or prosecutors. In February, for example, soldiers refused to release the priest Joseph Ndagijimana, who was ordered freed by the prosecutor at Gitarama. In other cases, soldiers or local authorities have immediately re-arrested persons freed by magistrates.

In late 1994, Minister of Justice Alphonse-Marie Nkubito created a "Selection Commission" (Commission de triage) to review cases of detainees who might be eligible for release, and in 1995 similar commissions were established in about half the major jurisdictions in Rwanda. The commissions, however, were ineffective; they met irregularly and freed at most several dozen persons in each of the jurisdictions where they operated. Those few people released by the commissions were only provisionally at liberty and had not been cleared of the charges against them. They, as well as those freed directly by magistrates, remained at least suspect, if not already convicted in the eyes of some in their communities. Some of those released were attacked or killed, such as Deputy Prefect Placide Koloni, while others lived in hiding (see below).

The arrests of persons accused of genocide so long after the end of the slaughter raised the question of why it took so long for complaints to be registered, particularly against persons who had been living in their home communities in the interim. In February, March and April, a number of officials from the former government, including some re-appointed to their posts by the current government, were arrested, arousing concern that the arrests were politically motivated.

The capacity of Rwandan prisons is officially given as 12,250 but the number actually in jails was more than 57,000 in October. In the worst of the prisons, four inmates shared every square yard of space, unable to sit, far less to lie down. Many suffered from illness or infection. Several hundred cases of

gangrene were reported at the Gitarama prison, where ill prisoners had limbs amputated in an effort to save their lives. In this worst of the Rwandan prisons, nearly 1,000 of 7,000 inmates died in the period from September 1994 to June 1995. These inhumane and life-threatening conditions drew extensive criticism from the international community, which offered aid in building new prisons. In early October, the first of these new prisons was opened and one thousand prisoners were transferred there. Immediately after the opening ceremonies, however, the prisoners were returned to their original place of detention.

Conditions at the brigades, communal lockups, and other irregular places of detention were even worse. Complaints of beating and torture were rare at the regular prisons, but detainees arriving from other facilities reported brutal and humiliating treatment.

Rwandan authorities improved the treatment of imprisoned minors, of whom there were more than a thousand. Several hundred, most of them aged seven to thirteen years old, were moved to a special facility established by UNICEF. At Butare prison, children aged fourteen to seventeen were separated from adult prisoners and given educational facilities.

At the end of 1994, the Rwandan authorities announced that they would soon close the displaced persons' camps in southwestern Rwanda that housed some 220,000 people. The vast majority of the camp residents were unarmed civilians who had fled before the Rwandan Patriotic Army (RPA) troops in June and July 1994. Hidden among the displaced were a small number of armed extremists, members of the militia and others that had participated in the genocide, who continued to kill, rob, and threaten others in the camps and in neighboring communities.

Representatives of various U.N. agencies and international nongovernmental organizations (NGOs) were discussing a plan for closing the remaining camps with Rwandan authorities when several thousand RPA soldiers surrounded four camps in mid-April. The largest of these was Kibeho, with a population of some 120,000.

On April 18, the soldiers fired in the air to herd the residents into the center of the Kibeho camp. Thousands of persons panicked and stampeded, causing the deaths of nine persons. In a series of incidents between April 20 and 22, the troops fired directly into the crowd, using machine guns as well as rock-propelled grenades, killing thousands of people. On April 23, they chased and shot at unarmed civilians, including children, who were attempting to flee the carnage. During the nights of April 20 and 21, unidentified assailants killed and wounded dozens of camp residents in attacks with machetes. Rwandan authorities cited these attacks and the wounding and death of several RPA soldiers on April 22 as evidence that troops faced a serious threat and were justified in firing. Several hundred troops of the United Nations Assistance Mission for Rwanda (UNAMIR), the U.N. peacekeeping force, were present at Kibeho during the massacre but failed to execute their mandate to protect the displaced.

On April 23, UNAMIR soldiers assisted RPA soldiers in burying some of the dead, who were estimated by U.N. officers to number 8,000. Other victims were not buried but rather were thrown in latrines or were removed from the camp in trucks for disposal elsewhere. The Rwandan government sharply contested the U.N. figures and announced that fewer than 400 had been killed. Later, U.N. officials lowered the estimate of those killed to about 2,000.

At the request of the Rwandan government, an international commission carried out an investigation into the Kibeho killings. In a generally inconclusive and superficial report, the commission concluded that the slaughter had not been planned. It added, however, that there was evidence of serious human rights abuse by both RPA soldiers and unidentified elements among the displaced population. It gave no estimate of casualties, but indicated that the death toll was higher than the number advanced by the Rwandan government.

Following the closing of the camps, thousands of the displaced were sent home by truck, but thousands of others left Kibeho and the other camps in convoys escorted by RPA soldiers. En route, many were attacked by gangs of civilians who beat them and pillaged their belongings. Hundreds of the displaced were arrested as they arrived in their home communes and were crammed into lockups that were already full to bursting. In the commune of Rusatira, twenty-eight persons died of suffocation on April 26 after having been forced with hundreds of others into a small jail.

In early September, RPA troops killed at least 110 unarmed civilians in the northwestern commune of Kanama. According to Rwandan and UNAMIR authorities, a number of militia and soldiers of the former government had made incursions into the region in the weeks just before. On the evening of September 11, an RPA lieutenant was killed by unidentified assailants on the highway that passes Kanama. At dawn the next morning, RPA soldiers assaulted local residents in three separate attacks. Many of the victims were older women and children, and some were killed while sleeping in their beds. When General Paul Kagame, vice-president and minister of defense, went to the scene, he admitted that the soldiers had committed excesses and announced that any found guilty of violations would be punished. At the same time, he warned that local residents must prevent any infiltration of their area by forces from Zaire or suffer the consequences.

In addition to the massacres described above, unidentified assailants, often in uniform, killed or caused to disappear a substantial number of Rwandans during the year. Some of the best-known cases involved government officials or local leaders, who had criticized government policy. In January, Edouard Mutsinzi, a leading journalist who had criticized the government, was attacked by a gang of five armed men and barely survived. The prefect of Butare Prefecture, Dr. Jean-Pierre Rwangabo, was shot at an improvised roadblock on March 4 along with his son and the driver of his vehicle. He had called for the release of prisoners against whom there was little evidence of guilt. On July 27, Placide Koloni, Deputy Prefect of Gitarama Prefecture, was assassinated along with his wife, two children, and the family cook. Oreste Habinshuti, Deputy Prefect of Gikongoro Prefecture until the end of July, was killed on the night of August 1. A judge, Bernard Nikuze was shot outside his home in Butare in late August, and a local government official, Jean-Baptiste Sinamenaye, was assassinated in Gisenyi at the end of September. Authorities have opened investigations in several of these cases, but no one has been brought to trial for these crimes.

Concerned with continuing insecurity and abuses by the military, Interior Minister Seth Sendashonga insisted upon some resolution to the problem of military indiscipline at a cabinet meeting at the end of August. The meeting turned hostile and ended without settling the issue. On August 28 Prime Minister Faustin Twagiramungu resigned over this issue of insecurity, as did Sendashonga. Minister of Justice Nkubito and two other ministers were ousted at the same time, eliminating the most effective voices against military influence in the government.

The two million Rwandans in refugee camps in Zaire, Tanzania, Burundi, and Uganda have suffered from intimidation and violation of their rights, by officials of the former Rwandan government and officials of host countries. Robbery, rape, and murder were frequent occurrences, although the presence of a special unit of Zairian soldiers under the supervision of the U.N. High Commissioner for Refugees improved the security of the camps in Zaire somewhat. In March, Tanzania closed its border to any new refugees, and in August, Zaire expelled some 16,000 refugees, 14,000 of them to Rwanda, the others to Burundi. Zaire has threatened to drive out the 1.2 million refugees in its territory by the end of 1995. Reports by the Human Rights Watch/Arms Project and others documented the flow of arms to the camps as well as military training by forces of the former government, sometimes together with militia of Burundian exiles. Although the international community repeatedly expressed alarm about the risks of renewed war in this region, the U.N. was unable to muster the forces needed to separate the soldiers from civilian refugees and to interrupt these military preparations. As the year ended, incursions from Zaire into Rwanda were increasing in number and scale. In early November the RPA killed a reported 300 soldiers of the former government in an attack on an island in Lake Kivu, nominally in Zairian territory.

The Right to Monitor

In keeping with its declared commitment to openness and improving human rights, the government permitted Human Rights Watch/Africa and other international human rights organizations to conduct investigations in Rwanda throughout the year. Occasionally Human Rights Watch/Africa was prevented from entering an area by soldiers who cited security considerations, but such prohibitions were unusual. Since the establishment of the current government, Rwandans have been hesitant in making contacts with Human Rights Watch/Africa. Several said that they had been warned not to give information to foreigners or even to talk at length with them. Although we knew of no cases of persons having suffered from being in touch with us, field officers of the U.N. human rights operation have reported such cases among their contacts.

The once dynamic Rwandan human rights movement split this year into two groups, only one of which criticized violations effectively. Activists have been occasionally threatened and harassed by the military. Some have chosen to live abroad, saying that it is impossible to carry on human rights work in Rwanda today.

Abbe Andre Sibomana, editor of the largest newspaper in Rwanda and vice-president of the Association pour la defense des droits de la personne et des libertés publiques (ADL), has criticized human rights abuse under both the former and the current governments. Threatened by RPA soldiers and others, he was also subjected to unsubstantiated charges of involvement in the genocide.

The Role of the International Community

Having beaten a hasty retreat in the face of the 1994 genocide, the international community tried to act more responsibly in Rwanda during 1995. But torn between the hope of redressing past wrongs and a fear of supporting a new government whose record was unproved, the international community pursued a hesitant and indecisive course. It wasted the opportunity to exercise influence through firm, coordinated action and elicited increasing distrust and hostility from Rwandan authorities. At a conference organized by the United Nations Development Programme (UNDP) in January, various foreign donors pledged US\$587 million to help rebuild Rwanda, but much of that money was already committed to Rwanda before the genocide and another substantial part was designated to repay arrears to

the World Bank. Of the funds pledged in January, less than \$100 million had actually arrived in Rwanda six months later. In July the donors pledged another \$200 million in development aid.

The United Nations

When the first UNAMIR peacekeeping force failed to protect the targets of genocide and political slaughter in 1994, U.N. officials justified its inaction on the grounds that its mandate did not extend to such protection and that the force was too small and ill-equipped to undertake the task. The second UNAMIR, created on May 17, 1994, had a broader mandate, including specifically the protection of civilians at risk, and a far larger complement of troops (5,500), but it too failed to protect unarmed civilians, both those slaughtered at Kibeho camp in April 1995 and those who were attacked on the trek back to their home communities in the days immediately after. NGO personnel working in the Kibeho area had observed the buildup of troops in the weeks before the attack and expected a potentially violent closing of the camps. Presumably UNAMIR soldiers and military observers were also well informed about these preparations. Even had they been taken by surprise when the camps were encircled, they still would have had time to reinforce their contingents before the massacre four days later.

While the failure of UNAMIR at Kibeho is clear, it is more difficult to estimate the impact of the U.N. peacekeepers on general security in the country. Many Rwandans took comfort from the presence of the international troops, and those at risk often preferred to live near U.N. posts. Proximity to U.N. locations was no guarantee of protection, however. Deputy Prefect Koloni was assassinated although he lived just next to a U.N. post and after he had specifically asked for protection (see above). UNAMIR soldiers and military observers, like human rights field officers and personnel from NGOs have played an important role in informing the world about human rights violations.

In June, the mandate for UNAMIR was extended until December 1995, but the force was to be gradually reduced to 1,800 and its duties were also to be shifted from providing security to "assisting in the normalization of the country." As financial problems worsened for the U.N., the secretary-general proposed further reductions in the number of troops in early October.

The U.N. human rights effort was a tangle of overlapping authorities destined for permanent conflicts over mandate and materials, limiting the impact of one and all on the real problems of human rights and accountability for abuses. The effort included the work of a special rapporteur named by the U.N. Human Rights Commission, a field operation run by the Geneva-based Human Rights Centre under the authority of the High Commissioner for Human Rights and an International Tribunal created by the Security Council. None of these human rights agencies had the resources required for their work. The special rapporteur operated with virtually no staff. The field operation was so short of funds that it was never able to field the full complement of one officer for each of the 147 communes of Rwanda. The International Tribunal was so restricted by lack of staff and resources that Justice Richard Goldstone, its chief prosecutor, was obliged to call a special conference in May to raise money for its operation.

The High Commissioner's field operation was supposed to gather data on the genocide, to monitor the current situation of human rights, and to assist in re-establishing the judicial system and a rule of law. When the International Tribunal was established, the field operation was directed to deliver to it all materials on the genocide. Apparently the Tribunal staff found little of the material usable for its prosecutions and, since the field operation failed to publish any of the data, its investigation has thus far served little purpose.

In monitoring the current situation, the field operation worked with such complete discretion that it was difficult to see what impact it had. Its officers had no regular reporting procedure to inform all relevant Rwandan officials of abuses. The head of the field office rarely made a clear and forceful public condemnation of even major human rights violations. Such impact as the operation had came from the local activities of some persistent and dedicated field officers. Logistical and administrative problems, enormous at the start, diminished in the course of the year.

The U.N. field operations's technical assistance unit sought to improve the judicial system and to coordinate foreign assistance to it. The unit spent many months hammering out an agreement between international donors and the Rwandan government for aid to the judicial system only to have it all delayed by conflicts between U.N. agencies over which would control the funds. An accord to bring in foreign experts at first provided for teams of four persons for each prefecture, a judge, a prosecutor, a police inspector, and a defense lawyer. But when Rwandan interlocutors indicated that the program would be approved more easily if the provision for defense lawyers were dropped, the U.N. human rights experts made that change.

As the International Tribunal ended its first year of operation, it was still dependent upon a handful of permanent staff members and a slightly larger number of others seconded by supportive governments. The Tribunal promised to announce at least one indictment before the end of 1995.

The European Union

At first reluctant to aid the new Rwandan government, reportedly because of opposition from France, the European Union (E.U.) in December 1994 decided on an aid package of ECU 67 million. On April 26, following the Kibeho massacre, the E.U. suspended ECU 50 million of that aid. It restored full assistance in July. The Netherlands and Belgium also suspended portions of their bilateral assistance following the Kibeho massacre, but they resumed full assistance several months later.

U.S. Policy

The U.S. consistently insisted on the importance of bringing to justice the perpetrators of the genocide. It donated \$3 million to the International Tribunal as well as supplying it with some seconded staff, and it pledged some \$4 million to the Rwandan judicial system. Total U.S. government assistance to Rwanda was \$274 million in humanitarian assistance, \$4 million to rebuild government ministries, \$2.5 million to pay Rwanda's World Bank arrears, and \$860,000 for the Human Rights Field Office. In addition, a Defense Department team assisted Rwandan forces in demining several parts of the country.

In January, the Clinton administration named a special Rwanda coordinator, initially Ambassador Townsend Friedman, and after his death in June, Ambassador Richard Bogosian. The U.S. also chaired the Rwanda Operational Support Group, a group of eleven donor nations, the U.N., the OAU and the E.U. which met regularly to coordinate policies and promote reconciliation in Rwanda and Burundi.

In dealing with current human rights violations, the U.S. issued statements condemning the assassination of Pierre-Claver Rwangabo in March, expressing concern about the violence in Kibeho in April, and calling for an inquiry into the massacre at Kanama in September. It failed to press vigorously enough for progress in the judicial domain.

The Work of Human Rights Watch/Africa

Human Rights Watch/Africa worked first to ensure that those accused of genocide be brought to justice. In order to establish a firm, detailed body of information about the slaughter, Human Rights Watch/Africa carried out a major study of the genocide in several communes in southern Rwanda, based on extensive documentary material as well as eye-witness testimony. It provided substantial expert witness testimony in the proceedings against former Rwandan officials being prosecuted outside of Rwanda, including Jean-Bosco Barayagwiza and Leon Mugesera as well as in the cases pending in Belgium. It supplied both evidence and general information to Justice Goldstone and his staff on the International Tribunal. Through contacts with U.S., European and African officials as well as with U.N. staff, Human Rights Watch/Africa sought to secure continued commitment to prosecutions for genocide. In frequent conversations with Rwandan officials, it stressed the importance of prompt trials and improvements in the conditions of detention in Rwandan jails. It sought to persuade foreign donors to provide adequate funding for the Rwandan judicial system and to use their influence with the Rwandan government to speed the beginning of trials.

Even while seeking to keep alive a sense of the horror of the genocide and the need to punish it, Human Rights Watch/Africa sought to ensure that these crimes against humanity not serve to excuse current human rights violations. Present at Kibeho during the killings, Human Rights Watch/Africa reported fully on the massacre. As a result of frequent visits to the prisons, it was able to present detailed information about the sufferings of detainees and the consequences of the paralysis of the judicial system. Human Rights Watch/Africa testified at a rare joint hearing of the U.S. House and Senate Africa Subcommittees on April 5, and published fifteen press releases and reports on human rights conditions in Rwanda.

Human Rights Watch/Africa supported Rwandan human rights activists with training and advice on methodology as the local organizations carried out their own work in documenting the genocide.

Field work was carried out during the year by a research team based in Rwanda sponsored jointly with the International Federation of Human Rights.

SOUTH AFRICA

Human Rights Developments

After the euphoria of 1994, 1995 saw the onset of realism in South Africa as the leaders of the African National Congress (ANC), the former liberation movement and now senior partner in a government of national unity, came to grips with the challenges facing them in remaking their country. While the year generally saw positive developments in the creation of a human rights culture, progress was disappointingly slow in some areas, while threats to the new democracy were also apparent. Most seriously, continuing political violence in KwaZulu-Natal province and secessionist demands by the Inkatha Freedom Party (IFP) undermined the inspirational progress of reconstruction and reconciliation.

During the course of the year, a range of legislation with important implications for human rights was passed by the National Assembly. These acts included a new Police Act, a Labor Relations Act, an Emergency Act (repealing former emergency legislation and introducing strict controls over emergency

powers, in line with the interim constitution), land reform legislation, and an Education Act. At the same time, first steps were taken to developing a truly accountable parliamentary system, as committees of members of parliament (MPs), formed to monitor specific subject areas, accepted public submissions, and held hearings relating to new legislation.

Important reforms were proposed or implemented during the year in the police, prison, and court systems. Police reform included the replacement of the former commissioner of police, who was tainted with involvement in political police operations under the previous government, and the gradual amalgamation of the former homeland police forces even more abusive than the centralized police into a single new national police service. In May, however, three local organizations monitoring human rights published a report alleging that police torture of criminal suspects was continuing on a regular basis. Until the end of August, the Human Rights Committee, a nongovernmental organization monitoring human rights and political violence, recorded twenty-three deaths in police custody. However, in October, when asking for confirmation from the police, they were told that 507 had died in police custody by the end of September, far higher than anything recently recorded in South Africa. The police later stated that the correct figure was 168 deaths, including deaths resulting from injury during arrest, for the first nine months of the year. The new Police Act mandated the establishment of an "independent complaints directorate" to investigate complaints by the public of police misconduct, but human rights groups feared that it would have insufficient powers to be effective.

Prison conditions were characterized by violence both between prisoners and by guards assaulting prisoners. In May, legislation passed in 1994 was implemented by the minister of correctional services to release from prison 700 children awaiting trial. However, lack of consultation with NGOs and other government agencies meant that many of them were not housed in suitable alternative accommodation and either escaped or were released to the streets. In July, a "transformation forum," including representatives of the prison administration, parliament, unions, and NGOs, was established to examine South Africa's correctional system and began to consider proposals for prison reform.

Positive developments for the criminal justice system were threatened by a public outcry at increasing levels of violent crime, and a rise in vigilante justice by individuals frustrated at lack of action against known criminals. Government responses included aggressive police house-to-house searches, and an act to make access to bail more difficult in cases of violent crime, returning the burden of proof to an accused person to show why he or she should be released.

In 1995, the government pledged to ratify a number of international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination Against Women. In September, a high-level delegation led by the minister of health attended the U.N. women's conference in Beijing and played a prominent role. Important initiatives to address the problem of violence against women were announced during the year, but real progress was hampered by lack of resources to devote to education and training of police and justice officials. Women continued to be discriminated against under customary law.

The new constitutional court, established to adjudicate disputes under the interim constitution, heard its first cases in 1995 and delivered a number of significant judgments based on the bill of rights. Most important of these was the judgment declaring the death penalty unconstitutional, delivered in June.

Political violence in the province of KwaZulu-Natal threatened to undermine the process of reform and reconciliation. Although the number of deaths in political violence in the province was well below the horrific figures preceding the 1994 election, the Human Rights Committee recorded a total of 694 deaths in the province by the end of October, of a total of 1,016 political killings countrywide. The new provincial government remained virtually paralyzed throughout the year due to conflict between the IFP and other parties, particularly the ANC; and, on a national level, the IFP withdrew from the constitutional assembly and, for a period in February, also withdrew from the National Assembly. The basis of the IFP's grievances was its continuing demand for almost total autonomy for the province of KwaZulu-Natal within a federal South Africa.

During the year, there were further revelations of illegal covert activities by the security forces of the previous regimes in Pretoria and the homelands, right up to the date of the 1994 elections. Two trials, of a former South African security branch policeman, and of three police reservists from the KwaZulu homeland, provided the main evidence, including allegations of the involvement of senior IFP and KwaZulu government officials in political assassinations and the promotion of violence. A number of former security police also spoke to the press during the year about their efforts to undermine the ANC and other black opposition groups under the previous regime. An "Investigation Task Unit" (ITU), appointed by the new government in 1994 to follow up allegations made by the Goldstone Commission of hit squad activity in KwaZulu-Natal, made a number of arrests during 1995 in connection with assassinations carried out in the province during the late 1980s. Those arrested included the former minister of defense, Magnus Malan; a personal adviser to IFP leader Chief Mangosuthu Buthelezi, M.Z. Khumalo; and a number of former high-ranking security force officials. However, human rights groups expressed concern at the apparent reluctance of provincial Attorney-General Tim McNally to prosecute less high-profile cases put before him by the ITU.

Ominously, reports from KwaZulu-Natal suggested that political assassinations and the deliberate promotion of violence were continuing. While both ANC and IFP supporters were involved in violence, the evidence suggested that systematic efforts to destabilize the province emanated, as in previous years, largely from the IFP. In January, the graduation of 600 recruits from the KwaZulu Police training college in Ulundi, the capital of the former KwaZulu, was blocked by the new national police commissioner and the minister for safety and security, after it was discovered that only fifty-four of them were qualified to graduate and forty-three had criminal records. In September, it was revealed that Inkatha "self protection units" (SPUs), many of whom had passed through paramilitary training camps before the 1994 election, had been paid from provincial government funds during 1995. Both IFP and ANC leaders were the targets of assassination attempts, some of them successful, throughout the year.

In July, legislation to establish a National Commission on Truth and Reconciliation was finally signed into law by President Nelson Mandela, after long negotiations between the various parties to the government of national unity. The commission will hear applications for indemnity from prosecution for persons who committed gross violations of human rights on political grounds, prepare a record of human rights violations committed during the period March 1, 1960 to December 6, 1993, and make recommendations for reparations to the victims. In September, a panel of respected individuals was appointed to oversee the process of selection of the commissioners and make recommendations to the president. It was expected that the Commission itself would not start operations until early in 1996, when it would have a maximum of two years to complete its work.

The transition in South Africa resulted in an increasing number of economic migrants and refugees seeking to enter the country from southern and central Africa. Estimates of the number of illegal aliens in South Africa ranged as high as eight million, or almost 20 percent of the population. A number of attacks on "foreigners" were reported throughout the year, although both the ANC and the Congress of South African Trade Unions (COSATU) urged tolerance and stated that illegal immigration to South Africa should be seen in the light of the previous government's policies of regional destabilization. New legislation tightened regulation of visas and work permits, and made citizenship more difficult to acquire. In June, the army requested finances for the extension of the electric fence currently bordering Mozambique to cut off the borders of Zimbabwe and Botswana. However, ratification of the refugee conventions of both the U.N. and Organization of African Unity was approved by parliament in October. Addressing its history of illegal weapons dealing to abusive states, South Africa's arms industry underwent a major restructuring during 1995. A commission of inquiry headed by Mr. Justice Edwin Cameron published an interim report in July, finding "a conclusive and dismal picture of irresponsibility" under the previous government, and urging greater openness in and control over South Africa's arms trade. In August, the cabinet announced the introduction of a new process to authorize weapons exports that would forbid the export of South African arms to governments that violate human rights. South Africa attended the September conference in Vienna on the Convention on Prohibitions and Restrictions on Certain Conventional Weapons, acceding to the convention on September 13. The government disappointed human rights and humanitarian organizations, however, by arguing that, while "long-life" landmines should be banned, "short-life" landmines should be permitted under international law. During October, ratification of the two protocols to the Geneva Conventions was approved by parliament.

The Right to Monitor

No restrictions on human rights monitoring were maintained by the government of national unity. South Africa's human rights community continued the process of adjusting to life under a democratic government. While many individuals active in the human rights and anti-apartheid fields left to join government in one form or another, those remaining in the NGO movement stated their commitment to independent criticism of their former colleagues.

The Role of the International Community

The European Union

Negotiations for South Africa's accession to the Lome Convention, by which the relations of the African, Caribbean, and Pacific (ACP) states with the European Union are regulated, continued throughout the year. The European Commission stated its preference for South Africa to have limited access to Lome Convention benefits, due to its relative wealth compared to other ACP states, but for a bilateral trade agreement to be agreed. The commission also announced that it would support the government's Reconstruction and Development Program through the "European Program for Reconstruction and Development" (EPRD). The EPRD budget for 1995 was ECU 125 million, while that for 1996 to 1999 would be ECU 500 million, making the European Union South Africa's largest donor of development assistance. This money would be spent in the fields of education, health, job creation, rural

infrastructure, and the promotion of representative and efficient government and balanced regional development.

U.S. Policy

The U.S. embassy in South Africa made no statements relating to human rights issues during the year. The State Department human rights report for 1994 reflected a generally thorough and accurate picture of the human rights situation in the country, but, as in previous years, chose to play down allegations of deliberate promotion of political violence, especially by senior members of the IFP and officers in the police force of the former KwaZulu homeland.

The budget of USAID for South Africa totaled U.S.\$186 million for FY 1995. \$25 million of the total assistance was devoted to the Democracy and Governance Program, which included support for human rights. The priorities of the program in South Africa were strengthening the rule of law and respect for human rights, promoting free and fair elections (for the next national elections in 1999), strengthening civil society, and promoting more accountable governance.

The new South African government's friendly relations with Cuba and a proposed deal for storage of Iranian oil in South Africa caused conflict with the U.S. A longstanding U.S. prosecution being brought against various companies, including Armscor and a U.S. company, International Signal and Control, for sanctions-busting arms deals during the 1980s, also soured U.S./South Africa relations for much of the year, as the U.S. blocked further arms trade between American companies and South Africa as a result. Negotiations for a plea-bargain settlement of the case, after which remaining U.S. arms sanctions against South Africa could be lifted, centered around the payment of heavy fines by Armscor and the other accused.

The Work of Human Rights Watch/Africa

A representative of Human Rights Watch/Africa was based in South Africa throughout the year, at the local human rights group Lawyers for Human Rights. Several letters were sent to the South African government urging the government to take a strong stand on human rights issues. In May, a report following up on previous reports on political violence was published, titled Threats to a New Democracy: Continuing Violence in KwaZulu-Natal. In November, a book length report, Violence Against Women in South Africa: The Response of the State to Domestic Violence and Rape, was published to coincide with the international day of no violence against women and a national conference on domestic violence.

SUDAN

Human Rights Developments

The self-proclaimed government of National Salvation is in its seventh year of power in Sudan. The government sought to consolidate its military gains of the last two years by pursuing an outright military victory over the southern rebels, the Sudan People's Liberation Movement/Army (SPLM/A) and Southern Sudan Independent Movement/Army (SSIM/A). The military government of President Lt. Gen. Omar Hassan Al Bashir continues to be dominated by the National Islamic Front (NIF). The

politicization of religion and ethnicity under the NIF agenda of Islamization, together with the protracted civil war, remained a main source of human rights abuses in the country, north and south.

In the north, prospects for the Sudanese people to exercise their right to change their government peacefully remained curtailed as the government continued to hold opposition activists in administrative detention. Draconian emergency laws, instituted after the toppling of the previous democratically-elected government in 1989, ban political parties and independent unions and deny freedom of expression and assembly.

Thirteen years of civil war have shattered the civilian population of southern Sudan. Sudanese continued to flee the war-torn south and to seek relative safety in neighboring countries; by mid-1995, some 553,000 were refugees, and 650,000 internally displaced lived a marginal existence in the north.

As in previous years, both the government of Sudan and the rebel factions continued to commit abuses against civilians in the war zone. War resumed in the south in August after four months of a cease-fire negotiated by former U.S. President Jimmy Carter. The government forces captured Kaya, a key town on the Ugandan border. In September, government planes bombed Mundri, Badiet, Ombasi, and Chukudum among other localities, causing dozens of civilian casualties. An SPLA force attacked thirty-five villages in the Nuer area of Ganyiel of Upper Nile on July 30, killing over 210 persons, more than half of whom were children. These clashes, between the SPLA's main force and splinter-factions drawn on largely ethnic lines served as reminders of the deeper divides that underlie the political and strategic divisions among the rebel groups.

All parties to the conflict took actions that hampered Operation Lifeline Sudan (OLS), the U.N.-led relief operation that seeks to extend much needed assistance to the war-affected population. The Sudan government continued to issue permits for relief flights to land only selectively. Flights are the only means of emergency food deliveries to a number of southern locations. The barge operation on the White Nile, one of the vital routes of OLS food and relief supplies deliveries, was repeatedly delayed and interrupted after incidents of attacks, hostage-taking, and looting, all of which involved human rights abuses, violations of the rules of war, and violations of the ground rules between the OLS and the rebels.

On May 7, a Nuer militia, probably aligned with the government, held two World Food Programme (WFP) workers as hostages as it diverted a barge to off lift supplies. Before the end of this attack, soldiers from the rebel faction led by Lam Akol intervened and took the barge under their own control. Remaining WFP workers were taken hostage, as the soldiers looted the barge and stole the hostages' personal belongings. In May, the government captured two doctors, one Italian, one Sudanese, working for the Italian NGO Comitato Collaborazione Medica (CCM) in Pariang, an SPLA area in Upper Nile. To pressure for their release, the SPLA took hostage three U.N. relief workers, two government officials, and a WFP pilot who came to Pariang in late May to pick up the doctors. The government released the doctors in June 18, and the SPLA set its hostages free the next day.

Civilians had no respite from human rights abuses in the Nuba Mountains. The government continued to forbid any U.N. or nongovernmental assistance or visits to thousands of needy civilians living in rebel areas of the Nuba Mountains, pursuant to its abusive counterinsurgency policy of "draining the sea."

New evidence brought to public attention during 1995 demonstrated that the government was methodically and cruelly starving the Nuba people into government straight-jacket. The government

bombed the village of Regifi on June 21 and July 9, killing six villagers and wounding thirteen, mostly children. Hundreds of mostly non-Muslim children were sent to traditional Koranic schools in northern Kordofan. Further north, Nuba children, as well as children displaced from the south, remained prime targets for "collection campaigns" in which unaccompanied children are swept from streets of northern cities and towns into government camps, where children are held without notifying their families and are given Islamic education regardless of their religion.

The government adopted a military strategy of integrating pre-existing tribal militia into its forces to stem the rebel gains in the south and the north. Arabized nomadic tribes were integrated into the Popular Defense Force (PDF), a government paramilitary force created in 1989. These militia were responsible for indiscriminate killings of civilians, abduction, and sometimes enslavement of women and children and looting of cattle and other property.

Increasing economic difficulties in Sudan resulting in severe power failures and interruptions in water supplies led to demonstrations in various neighborhoods in the capital and other cities in April. Government security forces arrested demonstrators by the hundreds and then released some of them in small groups. Pro-government mass organizations, such as the Popular Committees for Surveillance and Services operating at the neighborhood level, pro-government unions in workplaces, and NIF-dominated student unions helped security agents identify supposed agitators, who were detained for longer periods, up to five months in some cases, without charge or trial and without access to family or lawyers.

In March, the government closed down the so-called Citibank ghost house (also known as "the Oasis"), one of the best known unacknowledged detention centers called ghost houses, where ill-treatment and torture of administrative detainees was widely practiced. About sixty security detainees were moved from Citibank ghost house to a specially-constructed security wing in Kober Prison. However, the fact that these detainees remained under the authority of the Sudan Security Service and not of the Prisons Department of the Ministry of Interior meant that they did not benefit from legal guarantees and protections that prison regulations provide for political prisoners.

Ex-Prime Minister Sadiq Al Mahdi, leader of the banned Umma Party, whose democratically elected government was deposed in the military coup of 1989, was arrested in May following a public sermon he gave in which he listed government weaknesses and called on his followers to undertake peaceful political opposition to the government. At least 200 members of his party were detained, some for a few weeks, others for several months. The government failed to charge him with any crime in the three-and-a-half-months during which he was held in incommunicado detention.

In August, officials announced the release of "all political detainees and prisoners" in a general amnesty, and invited exiled opposition leaders to return to the country and engage in legal opposition, although the controls over political life were not lifted. A committee of appeal was established to review petitions from thousands of people dismissed from their jobs in the public sector since 1989.

A total of thirty-two detainees and eighteen convicted political prisoners were released in late August. Authorities also released some 200 old, sick and disabled prisoners from Kober Prison in Khartoum in August. This followed the reported release of all women imprisoned for minor offenses and mothers of young children. The releases may also have been motivated by deteriorating conditions in prisons: Sudan's director-general of prisons said prisons suffered from diminishing budgets, leading to situations

of hunger among inmates or even cases of death from lack of medical care. In July, he said there were 1,000 sick women in jail and 300 children imprisoned with their mothers.

Students of the University of Khartoum protesting the September 2 detention of three colleagues took to the streets starting September 9. This triggered three days of violent demonstrations as others joined the protest, with clashes between demonstrators and riot police, security forces, and others. At least five demonstrators were reportedly killed, although unofficial sources reported up to forty casualties. Riot police and security forces fired live ammunition and tear gas to disperse crowds. Dozens were wounded and hundreds detained. Security agents detained alleged "trouble makers" for longer periods, typically people with a history of detentions under this government. They were sent to "ghost houses" which re-opened and were kept busy during September, October, and November. Among those detained were leaders of the banned political parties, trade union and labor movement, lawyers, student activists, and professionals.

The most alarming development during the demonstrations was the appearance of plain-clothed young men at road blocks, checking identities and intimidating crowds into dispersing by threatening them with their automatic hand weapons. The young men were apparently private—but government sanctioned—NIF party militia.

Freedom of the press and freedom of expression remained severely restricted since the 1989 coup. In March 1995, the government-appointed Press and Publications Council withdrew the licenses of two independent newspapers, Zilal (Shadows) and Dar Fur al Jadidah (New Darfur), following the publication of critical articles. Zilal was authorized to resume publication in September.

In a bid to prevent the free flow of information in and out of the country and to prevent free expression, security agents in July searched, without warrant, the offices and homes of private businessmen, looking for fax and telex machines, which they confiscated. New strict licensing measures that require Security's prior approval for the installation of faxes and the purchase of photocopiers were put into effect. A security censorship office remained in charge of inspecting incoming regional and international newspapers, magazines, and books. Any independent publications carrying reporting deemed critical of the government were confiscated. The same censorship office also inspected incoming and outgoing mail.

The Right to Monitor

Following the 1989 coup, the government banned the Sudan Bar Association and the Sudan Human Rights Organization (SHRO). Both had a record of independent human rights monitoring and involvement in public education, legal representation and advocacy. In their place, government supporters established the General Union of Sudanese Lawyers and an official organization also called SHRO. These two organizations continued to demonstrate unconditional support of the government human rights record. The original SHRO still functioned out of Cairo and London as an organization in exile, informing the public and the international community about developments in the Sudan.

The government issued entry visas to Human Rights Watch/Africa, the Lawyers Committee for Human Rights, the International Commission of Jurists, and a delegation of the European Parliament to conduct human rights missions to Sudan during 1995. The government, however, continued to deny the U.N. Human Rights Commission's special rapporteur on Sudan, Dr. Gaspar Biro, entry to the country,

accusing him of being an "enemy of Islam" because of critical reports. It addressed the same accusation to Amnesty International following the start of its 1995 campaign about Sudan's human rights record.

The Role of the International Community

Sudan continued to be marginalized internationally, and its human rights record was often criticized in 1995. On March 8, 1995, for example, the United Nations Human Rights Commission condemned human rights violations in Sudan in a resolution expressing "deep concern at continued serious human rights violations." Nevertheless, bilateral and multilateral partners in the relief operations in Sudan, including the U.N. agencies, failed to challenge the government's virtual blockade of the people of the Nuba Mountains and its exclusion of U.N. relief agencies and international nongovernmental organizations from delivering relief supplies to war-affected populations.

The European Union

The European Parliament condemned the human rights record of the government of Sudan on July 13, and called on member states of the European Union to exert pressure on the U.N. for sanctions, particularly the imposition of an arms embargo. The aim of such sanctions would be to "bring pressure to bear on the Sudanese government to stop the massacre of its southern population and respect human rights throughout the entire country." In mid-September, the European Union presidency welcomed the releases of political prisoners and detainees in Sudan as an important step towards respect for human rights and democracy in Sudan.

U.S. Policy

The U.S. government condemned the human rights records of both the Sudan government and the southern rebel factions in the State Department's Country Reports on Human Rights Practices for 1994. Because of a 1993 U.S. State Department decision that placed Sudan on the list of countries it said supported "international terrorism," the Sudan continued to be ineligible for all U.S. assistance, except humanitarian aid.

In a welcome move, the U.S. rejected the nomination of al-Fatih Erwa as ambassador of Sudan to Washington. It was widely assumed that a principal reason for this rejection was his presence as a senior official in Juba in 1992 after an aborted SPLA attack on the town, when the government summarily executed or made "disappear" hundreds of alleged rebel supporters, including four employees of U.S. Agency for International Development. Although the government promised an investigation of these events, three years have passed with no report.

In March, the U.S. Embassy in Khartoum ruled out any recognition of the local elections of state councils on the grounds that they were not free. In mid-August, the Embassy condemned the SPLA for the massacre of some 200 civilians and the displacement of thousands of other people in Ganyiel, Upper Nile. It called upon the rebel group to investigate the massacre and take appropriate measures. Following the government releases of political detainees and prisoners in September, the U.S. Embassy in Khartoum described the gesture as "encouraging."

The Work of Human Rights Watch/Africa

Human Rights Watch/Africa continued to closely monitor the situation on all sides of the conflict and maintain regular advocacy activities. A Human Rights Watch/Africa fact-finding mission visited Sudan for six weeks in May and June at the invitation of the government. This was the first-ever Human Rights

Watch mission to Khartoum. Before the mission commenced Human Rights Watch asked for assurances that it would be permitted to set up and attend meetings with private individuals without notice to the government. The delegates interviewed many individuals in private, with no visible interference in Khartoum. In Juba, however, the insistence of security agents to be present at all times, in a clearly intimidating manner, made private meetings impossible.

One of the outcomes of this visit was the publication of a report with the organization's Children's Rights Project in September 1995, *Children of Sudan: Slaves, Street Children, and Child Soldiers*, detailing the human rights violations to which children and their families were subjected by all parties.

Human Rights Watch also responded to the main human rights developments in the country. When Khartoum authorities released political detainees in September, Human Rights Watch/Africa inquired about the fate of those detained or imprisoned on political grounds whose names failed to appear among those released. Human Rights Watch/Africa called on President Al Bashir to halt the use of the NIF security apparatus to suppress student demonstrations that occurred in September 1995 and to stop mobilizing NIF popular organizations to confront the demonstrators. Human Rights Watch urged the government to either charge the hundreds of student and other detainees with a crime in a regular criminal court, or free them immediately and to prosecute, with full due process, all those government and other agents responsible for injuries or deaths. In October, Human Rights Watch/Africa addressed letters to the SPLA concerning the attack on Ganyiel in Upper Nile in July 1995, and about the disappearance of Dr. Karlo Madut in Uganda in 1994, both being crimes in which the SPLA was implicated.

ZAIRE

Human Rights Developments

November 1995 marked thirty years of President Mobutu Sese Seko's reign in Zaire, and more than five years since he announced the country's so-called transition to democracy. Yet no meaningful transition is on the horizon, and Mobutu continues to control the military and therefore dominates the economy and the justice system. Zaire was plagued by massive corruption and widespread human rights abuses, all of which took place in an atmosphere of utter impunity. Mobutu's government also sought benefits from the Rwandan crisis which, while burdening Zaire with 1.2 million refugees, also gave Mobutu opportunities to bring about his international rehabilitation and to protect the former Rwandan government and military.

The elections scheduled for July 9, 1995 were put off for another two years, thus extending the announced transition to democracy to seven years. In June, the High Council of the Republic-Transitional Parliament (HCR-PT) voted to extend the transition, during which presidential and parliamentary elections are supposed to be held.

The main organized political actors in Zaire are the Political Forces of the Conclave (FPC), comprising the Popular Revolutionary Movement (MPR) and other Mobutu supporters, and the Union for Democracy and Social Progress (UDPS), headed by Etienne Tshisekedi, who also heads the coalition of parties known as the Radical Opposition. Although these two forces have been struggling for power

since 1990, in 1995 allies of Mobutu opposed to Prime Minister Leon Kengo wa Dondo combined with elements of the opposition to block Kengo and attempted to oust the president of the HCR-PT, Archbishop Laurent Monsengwo.

The opposition also sought the ouster of Prime Minister Kengo, whose election was deemed by many to be illegal. Tshisekedi was never lawfully removed as prime minister in 1993, and the subsequent election of Kengo took place under disputed circumstances. In 1994, a compromise was negotiated by Mgr. Monsengwo ensuring that the prime minister would be drawn from the opposition, although the deal created an unwieldy parliament dominated by Mobutu supporters.

The ongoing political crisis also accelerated the economic disaster. With four digit inflation, a fast disappearing transportation and communications infrastructure, and virtually no state provision of educational or health care facilities, Zairians faced a life of terror and misery. In a pastoral letter dated February 21, 1995, Zaire's Roman Catholic bishops denounced "the harmful character of the power that is progressively driving the country to its ruin and the state to its disintegration." The bishops also denounced the armed forces and security services, which terrorized the population.

The massive influx of Rwandan refugees in July 1994 caused rising tensions in Eastern Zaire. According to the United Nations High Commissioner for Refugees (UNHCR), an estimated 1.2 million Rwandans were in Zaire, more than half of whom were in the Goma area. The U.N. effort in Eastern Zaire did not benefit the local populations; rather, they suffered from the devastation of the environment and the increased insecurity in the region.

Throughout the Rwandan crisis, the government of Zaire has supported the former Rwandan authorities and facilitated the training and arming of its troops and militia in the refugee camps (see Rwanda section and the Arms Project section). Former Rwandan government officials, the former Rwandan Armed Forces (ex-FAR) and Hutu militias led by them continue to enjoy impunity from arrest and prosecution for their involvement in last year's genocide. The government of Zaire has permitted its territory and facilities to be used as a conduit for weapons supplies to the ex-FAR, and cargo companies based in Zaire have acted under contracts with Zairian officials to transport these weapons.

In February, the UNHCR deployed Zairian troops to keep order in the refugee camps, known as the Zairian Camp Security Contingent (ZCSC). The UNHCR will spend some US\$13 million to pay, clothe, and equip the Zairian troops. The decision to deploy the Zairian troops, despite their well-established reputation for brutalizing their own population, came after other U.N. member states refused to send their troops to Zaire. The ZCSC has a mandate to provide security in the camps, to restrain anyone intimidating the refugees from going home, and to escort repatriation convoys to the Rwandan border.

One cause of the growing problems in North Kivu involves ethnic tensions in that region that have exploded into violence before; in 1993, some 6,000 people were killed and some 250,000 displaced in clashes that pitted the Nande and Hunde (considered to be indigenous to the region) against the Banyarwanda (Rwandan and Burundian immigrants, some of whom have been in North Kivu for generations). While the 1993 conflict focused on issues of nationality and land, the influx of Rwandan refugees has made the situation much more volatile, as has the influx of arms into the region. In 1995, these tensions were close to the surface, forcing many of the Tutsis who had lived in Zaire for many years to leave for Rwanda. In late May and June, the area of Walikale and Masisi in North Kivu

witnessed new violence. According to some estimates, some forty people were killed in fighting involving youth bands of Hunde and Hutu. The Zairian military exacerbated the tensions, and pillaged on both sides.

The situation of the refugees in eastern Zaire exploded in August, when the government of Zaire began forcibly repatriating the refugees, apparently in response to the lifting of the U.N. arms embargo against Rwanda. Zairian troops engaged in a range of human rights abuses against the refugees, including beatings, burning of tents, looting, and the expulsion of refugees being treated at hospitals and health centers to Rwanda.

After four days, the government finally suspended the repatriations, but only after expelling more than 15,000 refugees and forcing some 173,000 other into the hills. The government of Zaire warned that all the refugees must leave Zaire by the end of 1995. At this writing, the fate of the refugees in Zaire is very uncertain.

In Shaba province, there have been an increasing number of incidents between the military and the civilian population since 1994. Many of these incidents involve soldiers, including troops of the Special Presidential Division (DSP), who have not been paid for many months and are consequently abusing the civilians. In 1995, the Shaba branch of the Zairian security service, the National Intelligence and Protection Service (SNIP), was responsible for a range of human rights abuses, including detention and torture of political activists, threats against human rights activists, and the expulsion of a foreign human rights researcher (a U.S. citizen).

On July 29, a demonstration was organized by PALU, the Lumumbist Unified Party, in Kinshasa to protest the Mobutu government. Security forces broke up the demonstration, killing at least nine protesters. Antoine Gizenga, the PALU leader, was arrested and charged with organizing an unauthorized demonstration and with possessing an M-16 rifle, which authorities claimed they found when they searched his home. He was released on bail on August 3. Mobutu promised to arrest and prosecute those responsible, although at this writing there is no sign of any progress.

A considerable array of human rights, pro-democracy, development, and church groups have emerged in Zaire in recent years. These groups are responsible for much of the education, health care, training and human rights sensitization that is taking place in Zaire. The Kengo government threatened the operations of NGOs in January 1995, when the Council of Ministers resuscitated a decree from 1965 requiring NGOs to be authorized by the government. Since many of these groups have tried in vain to gain legal status, this attempt to undermine their work was seen as a new effort to harass and threaten them.

The Right to Monitor

The human rights community in Zaire continued to be a vibrant force during 1995. The principal human rights groups in Kinshasa include the Zairian Association for the Defense of Human Rights (AZADHO), the Zairian Human Rights League (LIZADHO), and the Voice of the Voiceless for Human Rights (VSV). Human rights groups have also emerged in various regions, including: in South Kivu—Heirs of Justice and the Justice and Peace Commission of South Kivu; in North Kivu—Grace, the Justice and Peace Commission of North Kivu, and Muungano; in Upper Zaire—Justice and Liberation, Friends of Nelson Mandela, Lotus, and Haki Za Binadamu; in Shaba—the Center for Human Rights and Humanitarian Law and the Justice and Peace Commission.

As in the past, human rights activists have suffered threats, arrest, and harassment from the security services.

The Role of the International Community

Since early 1992 the U.S., France, and Belgium have periodically collaborated to support the transition process begun by the National Conference. These three countries—known as the troika—have repeatedly called on the opposition and the Mobutu government to proceed with the transition. The E.U. suspended all but humanitarian aid to Zaire in 1992; the U.S. suspended aid in 1991. However, the troika never froze Mobutu's assets or pursued his financial sources abroad, despite promises to do so.

In April, the troika pressured Zaire to end its political impasse and move forward with democratization. According to a statement by State Department spokesman Nicholas Burns, the three governments were "deeply disturbed" by the political situation in Zaire and had approached the Zairian leaders to "advance the transition, to cease tactics of obstruction, and to work together in good faith to bring democracy to Zaire." The troika was attempting to pressure the Zairian government to announce when elections would take place.

Due to visa restrictions imposed by the troika, Mobutu's travel has been limited in recent years. The visa restrictions were applied almost universally until 1995, when Mobutu made a number of visits to Portugal and France (he attended last year's francophone summit in Biarritz, France, and has been able to use his transit visa to visit his luxury villa in the south of France). Official policy on visa restrictions has not changed, however.

The United Nations

In March, the U.N. Commission on Human Rights passed a resolution on the human rights situation in Zaire. While "recognizing that some progress has been achieved" by the Zairian government with respect to human rights, the resolution went on to express serious concern about arbitrary arrests and detention, summary executions, torture and inhuman treatment in detention centers, serious shortcomings in the justice system, and the impunity of human rights violators. The resolution also extended the mandate of the special rapporteur on human rights in Zaire for one year, and "invited" the high commissioner for human rights to consider establishing an office of the Human Rights Center in Kinshasa, a recommendation made in the special rapporteur's report.

In July, U.N. Secretary-General Boutros Boutros-Ghali met with Mobutu at his palace in Gbadolite, and invited Mobutu to New York for the 50th anniversary of the U.N. in October. There is no indication that Boutros-Ghali raised human rights concerns in his meeting with Mobutu.

U.S. Policy

While the Clinton administration has generally distanced itself from Mobutu, some U.S. officials, in keeping with the United States' decades of close covert and overt association with him, still see Mobutu as an indispensable actor in Central Africa. This attitude was fueled by the U.S.'s general disdain for the Radical Opposition, and its support for Kengo's initiatives. Accordingly, U.S. policy revolved around support for Kengo's government and a growing willingness to re-engage Mobutu diplomatically.

In June, the State Department announced that the U.S. would be sending a new ambassador to Zaire, as a sign of support for Prime Minister Kengo's efforts. The ambassador designate is Daniel Simpson, a career diplomat with experience in Africa. The last ambassador was Melissa Wells, who was not replaced in May 1993 to protest President Mobutu's continued rule. State Department spokesman Nicholas Burns added that "We continue to view President Mobutu as the chief obstacle to democracy in Zaire." The Clinton Administration hopes that the presence of a new U.S. ambassador will help promote reform.

Mobutu and his family have been banned from receiving U.S. visas since 1993, an indication of U.S. disapproval of Mobutu's rule. U.S. officials have maintained that they will not deal directly with Mobutu or grant him a U.S. visa unless he demonstrates progress toward democratization, including announcing an election timetable and allowing international observers to monitor the process. In July, Mobutu supporters in the U.S. launched an effort to obtain a visa for him for his trip to the U.N. General Assembly in October. Responding to congressional concern about the possibility that Mobutu would get a visa, Assistant Secretary of State Wendy Sherman wrote in June: "The visa sanction has been, and remains, one of most effective measures to influence Mobutu and his entourage, and we have seen no change on the part of the Zairian president which would warrant a reversal of this policy."

The Work of Human Rights Watch/Africa

Human Rights Watch/Africa continued to focus attention on the widespread human rights abuses by the Zairian government. To this end, Human Rights Watch/Africa briefed government officials and journalists about human rights in Zaire, and met with visiting Zairian human rights activists. After the publication in May of *Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide* by the Human Rights Watch Arms Project, Human Rights Watch/Africa was engaged in advocacy in the U.S. and Europe to press for an end to assistance to the former Rwandan government and military in Zaire as well as the investigation and prosecution of all those in Zaire who directed the genocide in Rwanda. In August, when the Zairian military forcibly expelled thousands of Rwandan refugees, Human Rights Watch/Africa issued a press release denouncing the expulsions as a violation of international law.