

HUMAN RIGHTS WATCH/AFRICA OVERVIEW

Human Rights Developments

Africa in the news headlines was a continent of collapsed states, internal armed conflicts, communal violence and flagging democracies. The grim news often obscured some of the hopeful developments in countries where peace was being restored or where, despite continuing problems, popular mobilization and political reform resulted in greater freedom than in the past to take part in civic life. Furthermore, a resilient group of human rights activists in virtually every country continued to challenge government abuses, often at great personal risk.

The independent media continued to operate notwithstanding numerous government efforts to restrict freedom of expression. In 1996, newspaper editors and journalists in countries such as Nigeria, Kenya, and Zambia continued to suffer arson attacks on their premises or criminal charges brought against them for articles critical of the government.

The efforts of local nongovernmental organizations to exercise their rights and to expand the space for civil society to function were not, however, sufficiently reinforced or reflected at the international level. With the possible exception of Burundi, the international community either watched Africa's major human rights crises silently or stopped short of investing the political and financial commitment necessary to promote a strong human rights policy. This was all the more disheartening given that civilians were the primary casualties of political oppression and upheaval, and Africa accounted for the world's largest refugee and internally displaced population.

Some of the most serious human rights violations occurred as fighting continued or resumed in countries such as Burundi, Liberia, Somalia, and Sudan. These countries reflected the character of war in today's world—internal conflicts exacerbated by ethnic or religious antagonisms—with civilians constituting the bulk of the casualties. Increasingly, the massive refugee populations which flooded into neighboring countries led to tensions with local populations and heightened insecurity within the region due to cross-border raids by combatants. The mobilization of exile armies among the refugee millions was further fueled by increased weapons flows to the area. No conflict epitomized this phenomenon more than the growing morass in the Great Lakes region which demonstrated the inextricable links between the struggles for political control in Rwanda, Burundi and Zaire, violence against civilians, and large numbers of refugees and displaced persons. By the year's end, the chaos in eastern Zaire became the latest humanitarian catastrophe in the region. Two years after the genocide which killed between 500,000 to one million Rwandans, mostly Tutsis, and the defeat of the Hutu government responsible for the massacres, close to 2 million Rwandan refugees remained exiled in Zaire and Tanzania, still controlled by the Hutu extremist authorities. The refugees' reluctance to return home was reinforced by the largely Tutsi-led Rwandan government's continued imprisonment of some 83,000 persons accused of genocide and the inordinate delay in the start of trials. Members of the former military and militia used the refugee camps as bases from which to launch a growing number of incursions this year, increasingly targeting survivors of or witnesses of the genocide and local officials. Rwandan military authorities responded with operations that killed hundreds of mostly Hutu civilians.

The crisis was worsened by Zaire's attempt, with the support of the regrouped Rwandan forces loyal to the former government, to expel Zairian citizens of Tutsi origin from the Masisi area in North Kivu to Rwanda. In a complex chain of violence, people of Hutu origin attacked Tutsi, and in other places attacked or were attacked by Zairians of different ethnic background, forcing these Zairian Tutsi to flee to Rwanda. By October, another group of Zairian Tutsis in South Kivu, known as Banyamulenge, who were threatened and attacked by Zairian military and civilians, took up arms and, with the apparent support of the Rwandan government, attacked the Zairian military and Rwandan and Burundian refugees and dispersed most of the refugee camps. The insecurity in the area forced international humanitarian agencies to withdraw from the area in October. Meanwhile, the conflict in Burundi also continued to spiral downward, as contenders in what became an open civil war attacked unarmed civilians on ethnic grounds as the Tutsi-led government and the armed Hutu opposition groups fought to consolidate their bases of support. That violence spawned further waves of refugees and internally displaced persons.

While the Great Lakes region received more attention, other major refugee situations elsewhere on the continent also blurred the distinction between refugee populations and encamped armed opposition groups, as well as the spill-over of the conflict in cross-border raids. The thirteen year-old conflict in Sudan between the Muslim Arabic-speaking north and marginalized Sudanese peoples, led by mostly non-Muslim black African southerners, continued to have an impact on bordering countries. Because Sudan is the largest country, geographically, in Africa and borders on ten countries, its regional armed conflicts have spawned refugee flows to several neighboring countries, often accompanied by Sudanese rebels. Similarly, refugees and preexisting rebel groups in neighboring countries have taken refuge in Sudan. In 1996, governments of Eritrea, Ethiopia and Uganda accused the Sudan government of supporting rebel movements in these three countries, and the Sudan government in turn accused all three of helping the rebel Sudan People's Liberation Movement/Army. Since independence charges that one government used another's rebels as proxies to destabilize another were made by governments of all stripes in the Horn of Africa. The alleged interference was along political lines more often than religious or ethnic lines—for instance, Sudan's Islamic government was alleged to assist non-Muslim groups, such as the nominally Christian Lord's Resistance Army in Uganda. Nevertheless, ethnic animosity was exacerbated since the rebel groups usually had an ethnic origin or appeal.

A booming arms trade continued to profit from and fuel the conflicts in Africa—often supported by governments who sought to advance their geostrategic interests by supplying weapons to certain factions. In the Great Lakes region, military shipments continued to flow to the defeated Rwandan government's forces in eastern Zaire with the complicity of Zairian authorities. In Angola, arms shipments persisted to both the government and the rebel National Union for the Total Independence of Angola (UNITA) forces in clear violation of an international arms embargo.

In countries undergoing the fragile transition from war to peace, the critical need for human rights concerns to be centrally integrated into the peace process was underscored by the setbacks caused to the peace. In Angola, serious violations of the cease-fire continued, and other violations including the restriction on freedom of movement, abduction of civilians and the intimidation of journalists created grave concerns as to whether the peace process would hold. In Liberia, the absence of any mechanism in the peace accord to hold combatants accountable for rights violations was one of the reasons which allowed the factions to renew fighting with

impunity in April and May.

In countries that were undergoing democratization, the news was good and bad. South Africa continued to hold out hope for Africa's ability to institute democratic governance. Significant reforms continued to be implemented to address past inequalities and to introduce a culture of respect for human rights. Following the approval of a draft final constitution by the constitutional assembly in May, the constitutional court endorsed the bill of rights but objected to some other provisions of the draft constitution. The constitutional assembly reconvened in September and adopted an amended draft on October 11 subject to further certification by the constitutional court on November 18. Malawi's democratic transition remained on course despite difficulties experienced in coalition-based governance. The breakdown of the coalition between the United Democratic Front (UDF) and the Alliance for Democracy (AFORD) created uncertainty regarding the ability of President Bakili Muluzi to govern for the duration of his five-year term. Nonetheless, Malawi continued to enjoy a vastly improved climate for civil and political rights. Against the background of setbacks for democratic transition in such countries as Niger, Chad, and Gambia, two countries stood out as beacons of hope for successful democratic change and consolidation: Mali and Benin. Years after the end of the repressive Derg in Ethiopia, political debate and institution building gradually increased under the coalition government, and while grave rights problems remained, there were efforts to develop a high-level human rights commission and ombudsman, and the independent press continued—despite government crackdowns—to be outspoken. In Eritrea, the draft of a permanent constitution providing for guarantees of fundamental human rights was finalized in July. The post-independence period continued, however, to be marked by minimal political progress. High-ranking officials insisted that multipartyism was not to be expected in the country for another decade at least. Conscientious objectors had their citizenship officially revoked, while nonviolent opposition groups could only function in exile.

A number of other governments, which professed to be democratizing following the introduction of multipartyism in the early 1990s, had not introduced the institutional reform essential to effective change and misused state institutions to partisan ends. The governments of Kenya, Zaire and Zambia, in the run-ups to their next multiparty elections, resorted to harassment of the political opposition, intimidation of the independent press, and blatant manipulation of the electoral process and the judiciary, in order to retain power. In Nigeria, a January 1996 military decree formalizing the country's second "transition program" to civilian rule under the new military leadership showed little promise, particularly since decrees suspending constitutional rights, allowing detention without charge or trial and criminalizing criticism of the government remained in force.

The manipulation of ethnicity to further political ends was an ever-present factor on a continent with hundreds of ethnic groups often randomly divided by national boundaries placed during the colonial period. In many conflicts, such as those in Liberia, Burundi, Zaire, ethnicity was used by leaders who manipulated and exploited these differences and have erroneously portrayed the ensuing tensions as inevitable and intractable tribal conflicts. This year, the Zairian government capitalized on the Rwandan refugee crisis to "cleanse" the country of certain groups of its citizens by denationalizing them on the basis of their ethnicity. The manipulation of ethnicity was also evident in multi-party states such as Kenya and Zambia, where state-sponsored attacks were directed against ethnic groups perceived to be opposition supporters.

The issue of accountability for past abuses remained a critical issue for the rule of law and

lasting reconciliation in countries moving towards restoring peace. In South Africa, the National Commission on Truth and Reconciliation was empowered to investigate and document human rights violations between 1960 and 1993, to recommend reparations for the victims, and to grant amnesty to perpetrators in return for full disclosure of the acts they had committed. It began its hearings in April. In Malawi on December 23, 1995, the high court found ex-President Banda and his leading henchmen not guilty on charges of murders of three Malawi cabinet ministers and a member of parliament in 1984. The trials of seventy-three top-ranking officials of the Derg charged with committing genocide and war crimes continued since their opening in mid-December 1994. Twenty-eight of the defendants were being tried in absentia: Col. Mengistu Haile Mariam, who headed the Derg, was in comfortable asylum in Zimbabwe. Hopes for prosecutions to commence inside Rwanda, where more than 80,000 people were held on suspicion of genocide in grossly overcrowded and inhumane conditions, were frustrated for the second year by a lack of political will to proceed with trials and an impotent judiciary. In September the passage of a genocide law which legislated procedures and penalties for the trial of genocide crimes removed one of the obstacles towards the resumption of the judicial system.

The Right to Monitor

A local human rights movement existed in virtually every African country. Although often nascent, and frequently under attack, this nongovernmental sector was critical to the creation of a broader rights constituency within Africa and a hope for lasting change. While many of these groups needed to further clarify their role and develop their capacity, local human rights organizations had become an important force on the continent, and inter-African links had also begun to develop. In countries such as Kenya, Liberia, Nigeria, South Africa, Zaire and Zambia, human rights organizations continued to be a growing force in curtailing government abuse and calling for accountability. These organizations, among other things, publicized government abuses; educated the public about their rights; provided legal and other assistance to victims of human rights abuses; and conducted advocacy work within their country and in regional and international fora for greater respect of rights by their governments.

An unfortunate testimony to the effectiveness of these groups were the steps that governments or warring factions often resorted to in order to silence these monitors. Human rights activists on the African continent took enormous risks in order to carry out their work. In 1996, human rights activists continued to face harassment, imprisonment, torture and even death in many countries. Repression also took the form of blocking or rescinding legal registration, banning the maintenance of a bank account or the receipt of foreign donations, and vilification in the official press. The Sudanese Human Rights Organization continued to function outside the country since it was banned after the 1989 coup. When fighting broke out in Monrovia, Liberia in April, many leading human rights activists were targeted by the warring factions and were forced to go into hiding or leave the country. Nigeria's thriving human rights community continued to persevere, despite the execution of nine Ogoni activists at the end of 1995. During 1996, a number of leading activists were detained, others were prevented from traveling abroad to attend meetings of the U.N. Commission on Human Rights or other meetings, and some had their passports confiscated.

The Role of the International Community

The political will for international involvement in supporting human rights and humanitarian

initiatives in Africa continued to diminish, prompted by recollections of failed U.N. peacekeeping operations and diminished geopolitical interests in post-Cold War Africa. This disengagement was coupled with growing calls for greater regional involvement in seeking solutions to Africa's problems. Even where the wider international community remained engaged, international efforts often failed to integrate vigorous observation of human rights practices into its approach. Policy initiatives by the U.N., the OAU, the E.U., and the major powers frequently overlooked or compromised human rights concerns in the hope of hastening an end to a political crisis.

Talk continued about the need to create early warning systems to identify and prevent potential crises on the African continent, recognizing that preventative action was more desirable than massive humanitarian aid following a crisis. Yet, the case of Burundi starkly illustrated the futility of early warning systems if not accompanied by the political will to take meaningful steps to avert a looming disaster. The creation of the mandate of a special rapporteur on human rights in Burundi and the recommendations of the U.N. International Commission on Burundi were not followed by concerted action to influence the human rights emergency they observed.

Other protracted conflicts in Africa received much less international attention generally, and little or no emphasis was placed on human rights. Since the departure of the international intervention force from Somalia, which never made human rights a priority, no international attention focused on the human rights concerns of Somalis, despite continuing violations and low-level conflict. In Sudan, the civil war underway since 1983 against the rebel Sudan People's Liberation Army (SPLA) continued with serious violations of human rights on both sides. However, while the U.N. Commission on Human Rights condemned Sudan's human rights record for the fourth consecutive year and renewed the mandate of the special rapporteur, the government was able to block the distribution of emergency relief to certain locations of strategic value to the SPLA and the deployment of human rights monitors on Sudan's borders was stalled. Even in Liberia, which had a regional peacekeeping force and a U.N. observer team, the peacekeepers did nothing to protect civilians or to stop the fighting when a fresh outbreak of fighting erupted in April.

For many international donors who had previously taken a strong human rights position against autocratic one party states, the introduction of a multiparty system became the benchmark to discontinue pressure for change in a number of transitional democracies. There was a lack of sustained attention to human rights concerns in countries in transition such as Ethiopia, Kenya, Zaire, and Zambia as leaders consolidated power in systems that were multiparty in name, while suppressing the freedoms of expression, association and other fundamental rights without which political participation is a dead letter.

Regional Organizations

The gradual disengagement by the wider international community was accompanied by calls for African organizations to play a greater role in conflict resolution. While there was still a willingness to countenance intervention for humanitarian reasons, the major powers were reluctant to commit their troops. There was a readiness on the part of some African governments to respond to this challenge, although Africa's regional institutions remained weak and attempts to date were disappointing. One such example was the West African peacekeeping force ECOMOG (the Economic Community of West African States Monitoring Group) deployed in Liberia since 1990. When fighting between the factions erupted in Monrovia in April 1996, the regional peacekeepers displayed an astonishing reluctance to intervene to stop the fighting or the

looting, or to protect civilians. Some ECOMOG soldiers even participated in the looting and took sides in the fighting.

Nonetheless, an encouraging development during this year was the emergence of new initiatives, however limited, by the Organization of African Unity (OAU) to respond to regional human rights crises. In December 1995, the African Commission on Human and Peoples' Rights, a substructure of the OAU, held its second extraordinary session (the first extraordinary session to consider a country situation), in response to the execution in Nigeria of nine minority rights activists, including internationally known author Ken Saro-Wiwa. The commission expressed its "serious concern on the situation of human rights in Nigeria" and resolved to send a fact-finding mission to Nigeria to dialogue with Nigerian authorities. The Nigerian military government, however, rejected the proposed dates in February for the mission to take place, and no new dates had been agreed by the end of the year. Disappointingly, the commission did not follow up on the initiative of the extraordinary session to make any detailed statement on Nigeria. Other fact-finding missions the African Commission agreed to send to Rwanda, Chad, Zaire and Sudan never materialized. At its nineteenth ordinary meeting in Ouagadougou, Burkina Faso, in March, the African Commission adopted a "Plan of Action Against Impunity in Africa," including commitments to strengthening national judicial systems and the establishment of an African court. At its sixty-fourth regular session in Yaounde, Cameroon in July, the OAU Council of Ministers endorsed the plan. The OAU also passed a summit resolution on Liberia on the possible establishment of a war crimes tribunal for Liberia.

Subregional groups on the continent, while still nascent, also showed some initiative this year in addressing issues with human rights implications. In particular, the political developments in South Africa had a positive impact on regional stability and on bids to strengthen the rule of law in the region. In August, the Southern African Development Community (SADC) launched its organ on politics, defense and security whose mandate included human rights issues.

Furthermore, the Southern African region began as a group to call on their neighbors to improve respect for the rule of law. Following an attempted coup by the king of Lesotho, SADC pushed for the restoration of civilian rule there. The same approach was adopted in Swaziland to pressure the king there to move towards a more constitutional form of government.

A subregional response by Eastern and Central African states to the crisis in Burundi and Zaire also represented possible movement towards a more institutionalized response to regional crises.

In June, at a subregional meeting in Arusha, Tanzania, East and Central African leaders resolved to create an African Intervention Force to be deployed in Burundi. The plan was never implemented in part because the authorities in Burundi revoked their prior agreement to the arrangement and later events overtook the plan following the military coup in July. After the coup, East and Central African leaders imposed economic sanctions on Burundi to foster a quick return to civilian rule and a peaceful settlement of its internal crisis, and the OAU endorsed the decision to impose sanctions. Following the outbreak of violence in eastern Zaire, regional leaders met in Nairobi, Kenya on November 5 to seek regional solutions to the crisis.

Within the Horn of Africa, the heads of member states of the Inter-Governmental Authority on Drought and Development—Sudan, Uganda, Kenya, Ethiopia, Eritrea and Djibouti—signed amendments to the charter of the organization in March, ten years after its foundation. The new charter brought about changes in the structure of the organization and expanded its mandate from the original concerns over food security and environmental conservation to broader issues, including conflict prevention and resolution in the subregion.

United Nations

Although U.N. involvement on the African continent remained extensive, its initiatives in Africa consistently downplayed the human rights role of its various mandates. Although U.N. reporting and monitoring of human rights abuses improved—through human rights field operations such as the one in Rwanda and the reports of special rapporteurs in Sudan, Burundi and Zaire—information or recommendations contained in reports submitted to headquarters were frequently not integrated into the wider U.N. policy. The shortsightedness of this approach was revealed in the U.N. peacekeeping operations in Liberia and Angola as the warring factions continued to undermine the peace process with impunity.

The potential for effective U.N. action was highlighted by its positive contributions. The special rapporteurs for Sudan, Burundi and Zaire acted as vigorous advocates for human rights concerns to be integrated into U.N. work and their reports ensured that timely information was available for policy makers. The U.N. Human Rights Field Operation in Rwanda, which showed more promise under new leadership in late 1995, improved its monitoring of human rights violations in Rwanda and its influence with the Rwandan government. Similarly, in Sudan, the United Nations Children's Fund (UNICEF), won praise for its work in Operation Lifeline Sudan (Southern sector) in conducting field investigations of attacks affecting civilians, and extracting a commitment by the warring factions to commit to ground rules which complied with humanitarian law.

However, these individual successes remained isolated. The rhetoric on human rights was often not followed with the necessary resources to translate the recommendations into reality. This was most apparent in the U.N.'s policy towards Burundi. Despite extensive warnings about the need to take action to prevent further violence in Burundi and vigorous advocacy efforts by the U.N. special rapporteur, the U.N. remained reluctant to take meaningful next steps. In February, the special rapporteur called for the creation of an international tribunal, yet no action was taken to this end. Lip service continued to be paid to the need for human rights monitors to be deployed in Burundi. In April only five monitors were sent, and further funding pledged for more monitors in July did not result in any further appointments.

Important international efforts which held promise over a year ago appeared to have run into problems. The performance of the U.N. International Commission on Burundi, established in 1995 to investigate the 1993 assassination of President Ndadaye and the massacres that had ensued, was disappointing. The Security Council's reluctance to make the findings of the International Commission's report public and the commission's failure to insist upon prosecutions and accountability for human rights violations diminished the commission's potential effectiveness. When the report was released in August, after government sources selectively leaked favorable parts of it, its reporting of the situation appeared unbalanced as did its conclusions: these called for the creation of an international tribunal to deal with the "acts of genocide" attributed to the Hutu, while not calling for any similar examination of the ethnic slaughter of Hutus committed by the Tutsi-dominated army.

Similarly, the International Criminal Tribunal for Rwanda, which was set up by the U.N. in 1994 to hold perpetrators of the genocide accountable, faced serious resource, staffing and logistical constraints. During the year, tribunal investigations continued to compile evidence to bring indictments against those accused of organizing the genocide. By November, the tribunal had indicted twenty-one persons in thirteen indictments, but only three were in the custody of the tribunal in Arusha, Tanzania. Zambia, Kenya, Belgium, Switzerland and the United States had

arrested indicted persons and agreed to hand them over to the tribunal. The Rwanda tribunal continued to receive comparatively less attention than its counterpart for the former Yugoslavia, and adequate funding only became available in mid-1996. In addition to the financial and logistical difficulties, Rwanda tribunal investigations were initially undermined by the appointment of unqualified personnel, limited training, and faulty methodology and investigative procedures. These problems were magnified with regard to the investigation of gender-based crimes such as rape. As trials opened in September in Arusha, Tanzania, it became clear that the Rwanda tribunal had paid inadequate attention to the need for effective witness and victim protection, which is important in light of reported reprisals against those who agreed to testify.

Commonwealth of Nations

The Commonwealth of Nations, to which many African countries belong, including Mozambique as well as former British colonies, suspended Nigeria for a period of two years at its November 1995 heads of government meeting in Auckland, New Zealand, which took place at the time of the execution of Saro-Wiwa and the eight others. This was the first time such action had been taken against a member state. At the same time, the Commonwealth adopted the Millbrook Action Program on the 1991 Harare Commonwealth Declaration, which included a commitment to democratic governance. A Commonwealth Ministerial Action Group (CMAG) was appointed to consider the cases of Nigeria, the Gambia and Sierra Leone, the three African countries which were in violation of the declaration (elections in Sierra Leone later removed it from the list). In April CMAG recommended a series of sanctions against Nigeria, pending the restoration of civilian rule, but the implementation of these sanctions was suspended pending further dialogue with the government. In September, the Nigerian government agreed to allow a CMAG fact-finding mission to visit the country, but refused to give guarantees that the members of the mission would be free to meet with whom they wanted.

European Union

The European Union is one of the most significant donors of humanitarian and development assistance to Africa. The European Development Fund has earmarked US\$16.25 billion to Africa for the period 1996 to 2000. Additionally, the E.U. granted \$218.71 million for development programs through NGOs and \$23.75 million in support of democracy and human rights.

However, the E.U. failed to make full use of its leverage and did not play a comparably strong role in defense of human rights on the continent, often because individual member states opposed to strong positions were able to block E.U. action. In the case of Nigeria, E.U. member states agreed to impose certain legally binding sanctions in the wake of the execution of Ken Saro-Wiwa and eight other Ogoni activists. These sanctions include visa denials, a prospective arms embargo and suspension of all development cooperation with the Nigerian government. The E.U., however, failed to establish sufficient implementation procedures for the arms embargo and major European trading partners appeared opposed to further measures against the abusive regime.

In the Great Lakes region, the E.U. has been the primary contributor of humanitarian assistance—\$674.87 million since 1994, adding the contributions of individual member states the amount is \$943.56 million. On the diplomatic front, the E.U. has appointed a special envoy to the region, and E.U. officials have on some occasions made strong statements emphasizing the

need for respect for human rights. The E.U. also provided funds for projects such as the UN Human Rights Operation in Rwanda and an independent radio in Burundi. In general, however, the E.U. only has a lackluster record on the promotion of human rights in the Great Lakes region. In April 1996, France broke with E.U. policy on Zaire and announced a resumption of its bilateral aid to the Mobutu government, which had been cut off by E.U. member states in 1991. The French decision, which came at the height of the expulsion of Tutsi from Zaire, was apparently not linked to any determination that human rights had improved in Zaire, although it indicated that human rights concerns were not high on the French policy agenda in Zaire.

United States

The administration sent a number of high-level delegations to Africa in 1996, including Secretary of State Warren Christopher, U.N. Ambassador Madeline Albright, the late Commerce Secretary Ron Brown, and National Security Advisor Anthony Lake, although Africa was not a high priority for U.S. policy. Even in those countries where the U.S. was more engaged, the administration was unable to forge a consensus and build a strong human rights policy. The main exception to this pattern involved the consistent U.S. attention to Burundi, which stemmed in part from the shame associated with the international failure to respond to the 1994 Rwandan genocide.

The prime example of the lack of a clear policy involved Nigeria, where the U.S. expressed outrage over the execution of Saro-Wiwa and the eight other Ogonis and the continued dismal human rights situation. Yet after taking some steps such as extending pre-existing bans on military links and extending a visa ban, no further concrete measures were adopted, despite the fact that no improvements occurred in Nigeria. In the Great Lakes region, although considerable U.S. diplomatic activity centered on the Burundi crisis, similar attention was not paid to other countries in the region. In Rwanda, the U.S. failed to use its substantial leverage with the government to press for human rights improvements, especially in the area of the judicial system and military attacks on armed civilians. Zaire, too, represented a case where the U.S. muted human rights criticism in the interests of gaining President Mobutu's cooperation in other regional issues. Even in countries that were engaged to some degree in a transition to democracy, like Kenya and Ethiopia, the U.S. refrained from vigorously protesting the narrowing political space in which civil society and dissenting voices could operate. And in Liberia, the closest that the U.S. ever had to a colony in Africa, the U.S. deferred for too long to the West Africans to attempt to resolve the devastating conflict.

In Burundi and Angola, the U.S. demonstrated that it was capable of formulating a more forceful policy. The U.S. invested political capital and played an important role, with varying degrees of success, in efforts at conflict resolution in both countries. In addition, the U.S. involvement in southern Africa provided an indication of the potential impact of sustained U.S. engagement. Increasingly, the U.S. sought to deal with crises in Africa by encouraging African solutions to African problems. To this end, in September the U.S. launched an initiative to create an African Crisis Response Force (ACRF). Although the idea had been raised before, the impetus for the force was the Burundi crisis, and the clear indications that no U.N. force would be mounted quickly to deal with an even worse humanitarian disaster. The U.S. proposal envisioned a force of 5,000 to 10,000 troops to be on standby in their respective countries to play a humanitarian, rather than a peacekeeping, role. The administration was actively seeking support among European and African countries. Unfortunately, no human rights component to such a force was

contemplated.

The U.S. provided some US\$717 million in development assistance to sub-Saharan Africa during fiscal year 1996. In addition, it provided approximately \$923 million in humanitarian aid, including food aid and refugee and emergency assistance.

The Work of Human Rights Watch/Africa

Throughout 1996, Human Rights Watch/Africa continued its work of monitoring and documenting human rights abuses in about a dozen countries in Africa. An attempt was made to balance the work on humanitarian disasters—such as Burundi, Liberia and Sudan—without neglecting to address the human rights abuses taking place in countries in which a transition to democracy had been pledged, including Ethiopia, Kenya, Nigeria, Zaire and Zambia. We also monitored countries emerging from recent conflict such as Angola and Mozambique, and worked in Rwanda in the aftermath of genocide. The reform process underway in South Africa allowed us to contribute in a different way, often commenting on or contributing to proposed legislative reform. Acknowledging the growing refugee and internally displaced populations on the continent, the division created a new researcher position to monitor the human rights issues arising from forced displacement. In 1996, Human Rights Watch/Africa sent missions to Angola, Eritrea, Ethiopia, Kenya, Mozambique, Namibia, Nigeria, Rwanda, South Africa, Zambia, and Zimbabwe. The division also worked closely with Human Rights Watch's Arms Project, Children's Rights Project and Women's Rights Project.

Human Rights Watch/Africa provided regular briefings, reports and documentation to governments and U.N. representatives, as well as nongovernmental and humanitarian organizations. We continued to actively monitor and seek to influence the policies of governments, in particular, those of Africa, Europe and the U.S. government, as well as the international financial institutions. We expanded our advocacy into the impact of multinational corporations operating in Africa, particularly oil companies operating in Nigeria. Similarly, we met with representatives of African governments in order to raise issues of concern in their own countries and elsewhere on the human rights front. We increased attention to the African Commission on Human and Peoples' Rights, attending meetings as observers and raising concerns with the commissioners. Through our reports, articles and frequent media interviews, we sought to sensitize broader public opinion internationally about human rights conditions in Africa.

Significant resources were committed to monitoring and advocacy on the situation in the Great Lakes region. We remained a key source of information on Burundi, among other things, providing information and documentation to the U.N. special rapporteur on Burundi and to the U.N. Commission of Investigation into the assassination of President Ndadaye and subsequent massacres. In support of the special rapporteur, we advocated an arms embargo on all sides to the conflict in February and pressed for the establishment of an international tribunal for Burundi. We wrote several letters to the U.N. Security Council on Burundi calling for an arms embargo, expressing concern over the proposal of a standby force, and urging for the creation of an International Criminal Tribunal for Burundi.

In collaboration with the International Federation of Human Rights Leagues, Human Rights Watch/Africa continued to maintain a field office in Rwanda with a tripartite mission: documenting the genocide, monitoring the current situation in Rwanda and Burundi, and supporting local human rights monitors. The Rwanda-based project located, catalogued and

translated more than a thousand pages of documents from the period of the genocide from prefectural and communal offices. Along with interviews with hundreds of witnesses, the documentary record served as the basis for ongoing analysis and reporting on the mechanics of the genocide, to be published in a forthcoming report. In monitoring the current situation, we published numerous press releases and met with Rwandan and international authorities to protest the abuses investigated. We also provided information and expertise to the International Tribunal for Rwanda and national judiciaries in Europe and North America for prosecution of former Rwandan officials implicated in the genocide and in related civil court cases. In collaboration with the International Federation of Human Rights Leagues and in conjunction with the Women's Rights Project of Human Rights Watch, we conducted an in-depth investigation resulting in a book-length report entitled *Shattered Lives: Sexual Violence During the Rwandan Genocide and its Aftermath* in September. The report received extensive press coverage that prompted renewed attention to the lack of rape indictments before the International Criminal Tribunal for Rwanda and the need for assistance to Rwandan women.

In seeking to pressure the U.N. to incorporate a human rights component into its peacekeeping operations, and specifically into the plans for disarmament, demobilization, and repatriation, we continued to monitor peacekeeping operations in Liberia and Angola. In conjunction with Human Rights Watch's Arms Project, we published in February "Between War and Peace: Arms Trade and Human Rights Abuses since the Lusaka Protocol." The report attracted widespread press coverage and contributed to forcing the U.N. to admit that weapons flows continued unchecked to the country. In April we organized a conference in London on "Southern Africa 2000: New Regional Dynamics" in conjunction with a number of other organizations, the proceedings of which were published as a special edition of the human rights magazine, *African Topics*.

Human Rights Watch/Africa continued to monitor countries undergoing transition. In August and September, Human Rights Watch/Africa visited Kenya and Zambia respectively to examine the human rights record of these governments in the run-up to multi-party elections. We also met with U.S. and European policymakers to raise human rights concerns during the year. We continued to monitor the human rights position in South Africa, commenting on legislation relating to the new police complaints mechanism and on the proposed review of the Prevention of Family Violence Act. Throughout the year, we protested rights violations to the Nigerian military authorities and pressed the U.K. and U.S. governments as well as the E.U. institutions to take effective action to promote human rights in Nigeria. We assisted the U.N. special rapporteurs on the independence of judges and lawyers and on extrajudicial, summary or arbitrary executions in their preparation for a mission to Nigeria. In September, we published a report "Permanent Transition: Current Violations of Human Rights in Nigeria." Human Rights Watch called upon the U.N. to appoint a special rapporteur on Nigeria and to agree to a strong resolution condemning human rights developments in Nigeria.

Human Rights Watch/Africa closely monitored the human rights situation in the countries of the Horn of Africa and frequently consulted and exchanged views with local and international groups on the situation of human rights in the region. In June and July, we visited Ethiopia to investigate the progress of the trials of prisoners held for human rights crimes under the former government, as well as reports of continuing abuses in regions affected by insurgencies and harsh government restrictions of the freedoms of association and expression. We engaged in a constructive dialogue with the government on the urgent need for accountability for current as

well as past abuses. We also called for the charging or release of the remaining 1,700 officials of the previous government who passed their fifth year in prison without charges or trial. In a visit to Eritrea in July, we familiarized ourselves with the constitutional developments and government restrictions on civil society. A 343-page report on Sudan was published in May entitled *Behind the Red Line: Political Repression in Sudan*, noting that political parties remained banned and freedom of the press, association, assembly and other basic civil rights were not permitted. We frequently commented on the issue of slavery in Sudan, urging the government to prosecute those responsible and to assist families to locate missing relatives. We also denounced the secret military trial of thirty-one persons, including some civilians, for an alleged February coup attempt. We criticized the UNHCR for not taking adequate steps to prevent boys in camps it supports from being conscripted by opposition groups. We also urged the U.N. Commission on Human Rights to establish three U.N. human rights monitors on the borders of Sudan.

Human Rights Watch/Africa closely monitored the situation of refugees and internally displaced populations in the Great Lakes region and in Kenya. In July, we published a report entitled "Zaire—Forced to Flee: Violence Against the Tutsis" on violations against Zairians of pre-colonial Rwandan origin attacked and driven from North Kivu, Zaire. We traveled to Kenya in August in order to monitor the situation of the internally displaced population and to assess the success of a joint U.N. Development Program/Kenyan government resettlement program which ended in September 1995. We also traveled to the Somali refugee camps in north-eastern Kenya on a follow-up mission to document protection measures that had been put into place to prevent and assist rape victims. In a discussion paper which was distributed at the October UNHCR Executive Committee meeting, Human Rights Watch examined the implications of the UNHCR Guidelines on the Protection of Women, making recommendations based on the Kenya mission, for better integration of the guidelines into the agency's protection activities worldwide.

In cooperation with the Arms Project of Human Rights Watch, we continued to work on the legacy of landmines in Africa, visiting Mozambique, South Africa, Zambia and Zimbabwe on this issue. Our lobbying contributed to the Angola government's announcement in May that it was committed to work towards a ban on the stock-piling, transfer and use of anti-personnel mines.

ANGOLA

Human Rights Developments

Angola remained in a transition phase between war and peace in which respect for human rights did not improve from the low standards of 1995. Both the Movement for the Popular Liberation of Angola (MPLA)-led government and the armed opposition group, the Union for the Total Independence of Angola (UNITA), were responsible for abuses, including restrictions on freedom of movement, abduction of civilians and the intimidation of journalists.

Serious violations of the cease-fire continued to decline in 1996, although in December 1995 the government's capture of a string of UNITA-held hamlets in the north-west brought deadlock and delayed the whole peace process. By October 1996 the majority of reported cease-fire violations by the government and UNITA were limited 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. However, there were also continued violations of the Lusaka cease-fire protocols by the government's Angolan Armed Forces (FAA) taking up forward positions.

On March 1, President Jose Eduardo dos Santos and UNITA leader Jonas Savimbi met in Libreville, Gabon, and agreed to complete confinement to quarters of troops by June, to form a joint senior military command, and to integrate UNITA forces into the national armed forces by June. They also agreed to the formation of a "government of national reconciliation" by July, and an indefinite extension of the legislative and executive term to allow the government of national unity to play a constructive role. At that meeting, one of the two vice presidencies was offered by the government to UNITA, which Savimbi formally rejected in August, claiming his party had decided that he should do so.

In May, the National Assembly formally approved an amnesty law for all human rights abuses committed between May 31, 1991 and May 8, 1996: the sixth Amnesty Law passed by Angola's parliament since 1981. U.N. Special Representative Alioune Blondin Beye immediately afterwards announced that this amnesty law would provide a new impetus for the peace process. The quartering and reintegration of soldiers under the Lusaka Protocol has been slow. UNITA almost completed its confinement to quarters quota of 62,500 in early October, when most of UNITA's fifteen camps for its disbanded units closed. However, over 12,000 UNITA fighters left the demobilization camps after having registered, and U.N. figures show that 7,600 of those quartered were under the age of eighteen and many of them were civilians that had been forced into the camps by UNITA. U.N. and aid officials stated that as many as half of those quartered were not real soldiers, suggesting that UNITA was filling its demobilization quota, without reducing its troop strength to the extent claimed. UNITA also retained its elite units outside the quartering process and its top generals in their fighting units ready for a resumption of hostilities. In June, the first fourteen UNITA officers arrived at a designated base outside Luanda. It was not until September 9 that five generals from UNITA's army arrived in Luanda to join the Angolan Armed Forces following strong pressure from the U.S. and the U.N. Under the Lusaka Protocol, UNITA generals were made responsible for deciding with other officers of the armed forces how to incorporate 26,500 UNITA soldiers and officers into the army, with the rest being demobilized. A further five generals arrived in Luanda in October, but the reintegration process was many months behind schedule.

UNITA also failed to confine to quarters its self-proclaimed police force, despite strong demands that it do so. UNITA appeared to have replaced uniformed soldiers in some areas with persons

which it claimed were its police, even though the establishment of such a force was contrary to the Lusaka Protocol. Road blocks previously operated by UNITA soldiers were under the control of UNITA "police." Estimates of the strength of this force varied from 5,000 to 15,000. The Lusaka Protocol provided for the incorporation of UNITA members into the National Police so that it would function as a nonpartisan institution. These included arrangements for the participation of 5,500 UNITA members, including 180 officers. This was not implemented. As the year ended, it was increasingly evident that the government's paramilitary Rapid Intervention Police (or "Ninjas") were also being discreetly redeployed rather than confined to barracks. UNITA did not hand over all weapons in its possession, in particular its heavy weapons and sophisticated ground-to-air missiles. UNITA surrendered heavy weaponry at N'tuco in the north and Muxinde in the north-east but maintained a reserve arsenal. The U.N. claims that the ammunition and 30 to 40 percent of the weapons handed to it were in poor condition or unserviceable. By October UNITA had handed over to the U.N. 28,762 personal arms and 3,969 crew-served weapons systems.

Although arms shipments significantly declined in the past year, new heavy weaponry including multiple rocket launcher systems from Brazil and Hind helicopter gunships from Russia reached the government in the first half of 1996. These purchases were made after the Lusaka Protocol and ignored Security Council Resolution 976 of February 1995 which called on both sides to cease any acquisition of arms and war material.

UNITA continued its crossborder, sanction-busting operations, bringing in new weapons and supplies both overland and on secret flights from Zaire and Congo to airstrips in the two diamond-rich Lunda provinces. In January, an Antonov 32 transport plane which crashed in Kinshasa, Zaire, killing 350 people, was found to be carrying petroleum products into UNITA areas, also contrary to U.N. sanctions imposed in 1993. An aircraft involved in a further crash in Kinshasa in June was believed to have been carrying military equipment from Bulgaria for UNITA.

UNITA appeared determined to maintain its grip on its remaining diamond assets. Sporadic but fierce fighting continued in the diamond areas. UNITA earned around US\$500 million a year from control of diamond production. UNITA did not reply to a government offer to allow it to retain control of the mines in return for selling the diamonds to the state-owned Endiama company. Although the Lusaka Protocol demanded the "repatriation of all mercenaries," the South African firm Executive Outcomes (EO) maintained some 400 to 500 men in Angola, mostly under contract to the Angolan Armed Forces. This became a contentious issue, and under pressure from the U.S. and others, the Angolan government finally told EO to withdraw in January. A number of its soldiers were redeployed into companies linked to EO, such as Branch Mining, Shibata Security and Stuart Mills Associates.

Repatriation of prisoners of war has been slow. The International Committee of the Red Cross (ICRC) supervised the release of 523 prisoners of war. Of these, 361 had been held by the government and 162 by UNITA.

Arbitrary detention and assault on suspects by the government's police force remained widespread, and there continued to be many accounts of police requiring payment in return for release. Following a spate of strikes by government workers, the government embarked on aggressive policing with its Rapid Intervention Police in June. A German priest, Father Konrad Liebsher, was arrested on June 26 for distributing leaflets containing "dissenting" information and released on July 3 after being sentenced to a one month sentence suspended for two years for

encouraging discontent. In August, the government launched "Operation Cancer Two," rounding up over 2,000 West Africans and Lebanese and ordering their summary expulsion.

Some 40,000 people remained trapped against their will by UNITA in its former headquarters of Jamba in the south, where conditions were very bad. Although UNITA claimed it had invited the international community to help evacuate them, in effect UNITA refused to allow civilians to move out of UNITA zones. The Namibian authorities exacerbated the situation by keeping its border near Jamba closed, fearful that an open border would permit a mass exodus of Jamba residents onto Namibian soil.

Press freedom remained illusory, although President dos Santos told Human Rights Watch/Africa in December 1995 that in Angola "there is more freedom of the press than anywhere." In 1996 journalists continued to be targeted and intimidated. In March, Pires Ferreira, the sports editor at the government-run *Jornal de Angola* was fired after filing stories in a different newsletter about government abuse of power in his own paper. In June, the news program, "Opinioao" on government television was terminated by the government for being too "controversial" after a feature on freedom of expression. Journalists in the provinces were also intimidated. Joao Borges the correspondent for ANGOP, the Angolan news agency in Bie province, was fired after the governor of Bie province, Paulino dos Santos, blamed him for publishing an anonymous letter in a weekly newsletter about the governor's abuses of power. Rafael Marques, a journalist from *Jornal de Angola*, was banned from his newspaper when he returned from study leave abroad in October because he had previously organized a strike and had published in Europe a series of articles about the lack of a free press in Angola.

The government continued to refuse a permit for a U.N. radio station to operate in Angola although this was mandated by Security Council Resolution 976 of February 1995. The government claimed that constitutionally only the state could run a short wave radio station. After months of delay, Voice of America radio opened a temporary office in Luanda in March to work with Angolan journalists for a year with a view to providing them some degree of protection. UNITA continued to tolerate little press freedom and its radio station, Voice of the Resistance of the Black Cockerel (Vorgan), continued to disseminate hostile anti-government propaganda in contravention of the Lusaka Protocols.

On September 23, Angola's foreign minister confirmed to the U.N. General Assembly that Angola supported all efforts aimed at the complete elimination of the production, use and trading of anti-personnel mines in both international and domestic conflicts. The U.N. estimated that Angola had up to fifteen million mines and over 70,000 mine amputees. The National Institute for the Removal of Mines and Explosive Devices (Inaroe) estimated in May that 800,000 had been cleared since the November 1994 Lusaka Protocol. In 1996 some mines continued to be planted along roads in acts of economic banditry and sabotage.

In July a mass grave was discovered by mine-clearing teams near Soyo. Many skulls, including those of children, were found with bullet holes in them, with remnants of the region's typical women's clothing found around many of the bones. Soyo was occupied by UNITA in 1993-94. Both UNITA and the government denied responsibility and the National Assembly called for an inquiry.

The Right to Monitor

The absence of effective publicity or lobbying on human rights issues by any sector of civil society remained noticeable. The Luanda-based Angolan Association of Human Rights (AADH)

remained the sole functioning human rights group. It held a seminar on human rights for the police and prison services in Luanda in June and attended various domestic and international meetings on human rights. The National Assembly also maintained a cross-party human rights commission and UNITA reported its human rights concerns through its Lisbon-based Association of Surviving Angolans (ACAS).

The Role of the International Community

United Nations

During 1996 the United Nations Angola Verification Mission (UNAVEM III) was the biggest and most expensive U.N. peacekeeping operation in the world, costing around US\$1 million a day. There remained strong pressure, particularly from the U.S., not to allow the operation to drag on indefinitely. Largely for this reason, UNAVEM-III's mandate was renewed by the Security Council repeatedly but for only short periods: on February 8 (three months), May 8 (two months), July 11 (three months) and October 11 (two months).

With the peace process badly delayed, it became a U.N. priority to reduce UNAVEM's 7,264 strong military component. It had been originally planned that UNAVEM III would complete its mission in February 1997. However, due to slippage in the Lusaka Protocol's timetable, the mandate was likely to be extended beyond February 1997 in a cut-down form; reduction of UNAVEM's presence was to commence in December.

In late November 1995 UNAVEM held its first human rights seminar in Luanda, focusing on the role of the Lusaka Protocol in the protection of human rights and on UNAVEM's plan of action in this area up to February 1997. In early 1996 the Human Rights Unit of UNAVEM expanded its coverage with a presence each provincial capital, and a series of human rights regional seminars on human rights were held in government and UNITA controlled zones under its auspices. In April, the Human Rights Unit produced a report on the human rights situation in Angola, but it was not made widely available. The unit continued to employ skilled personnel but their efforts were frustrated by a lack of political will in UNAVEM to see human rights as an important aspect of its mandate. UNAVEM's human rights unit appeared to exist mainly to fulfill reporting requirements by the U.N. Security Council.

European Union

European Union countries played a less dramatic but still significant role. The E.U. allocated \$210 million in aid in June and provided ECU 300,000 for six human rights specialists working for UNAVEM's Human Rights Unit, through a project of the Netherlands-based European Parliamentarians for (Southern) Africa (AWEPA).

United States

The U.S. remained one of the most influential forces in the Angolan peace process and Angola was a key country of interest for the Clinton administration. The first official trip by an Angolan head of state to the White House took place on December 8, 1995. The warm public embrace of President dos Santos by the Clinton administration dramatized the complete reversal of U.S. Cold War policies in Angola, particularly since President Clinton had met very few African heads of state.

In 1996 the U.S. provided \$190 million in emergency funding for post-war reconstruction in addition to being one of the main financial contributors to UNAVEM. In 1995 the U.S. provided

more than \$8 million to nongovernmental organizations carrying out mine clearance and mine awareness programs but the extension of this support was complicated by new congressional restrictions limiting funding to operations with direct U.S. military participation. U.S. military cooperation in Angola was not to begin until the unification of the two armies was completed. It was proposed that a U.S. firm, Military Professional Resources Inc. (MPRI) would then be responsible for assistance to the new unified army.

The central focus of U.S. policy in Angola remained the implementation of the Lusaka Protocol. An extraordinarily high number of senior U.S. officials visited Angola in 1996: U.S. Secretary of State Warren Christopher; U.S. Ambassador to the U.N. Madeline Albright (January); USAID Administrator Brian Atwood (February); Deputy Commander of the European Command General James Jamerson (March); Assistant Secretary of State for African Affairs, George Moose (January and July); and Paul Hare, President Clinton's Special Representative (January and April).

Other countries played a less dramatic but still significant role. The E.U. allocated US\$210 million in aid to Angola in June and provided US\$3740.93 for six human rights specialists working for UNAVEM's Human Rights Unit, through a project of the Netherlands-based European Parliamentarians for (Southern) Africa (AWEPA).

BURUNDI

Human Rights Developments

Contenders in the undeclared civil war in Burundi killed thousands of unarmed civilians, many of them children, women or the elderly. The battle between the minority Tutsi and the majority Hutu grew in extent during 1996 until it touched most of the fifteen provinces of Burundi. The Hutu armed opposition groups pushed forward aggressively in March and April and again in September, when they bombarded the capital, Bujumbura. Struggling to maintain control in the face of attacks from three Hutu opposition movements, the Tutsi-dominated army killed thousands of noncombatants in the course of its operations. Occasionally it took responsibility for the deaths—although it usually under reported the number killed—but sought to justify the killings by saying that the civilians were actually rebels or had been helping the armed opposition groups. In an apparent change of policy in late October, the army officially acknowledged that soldiers had murdered some fifty civilians at a military camp in Bururi province on October 13. Declaring that the civilians had been wrongfully killed, the army said the “indisciplined” soldiers would be punished.

By late in the year, the Front for the Defense of Democracy (FDD), a largely Hutu movement, took control of areas of northwestern Burundi. At first it concentrated mostly on military objectives, but it increasingly attacked civilians, particularly displaced Tutsi or Hutu who refused to assist them. The other two armed opposition groups, PALIPEHUTU and FROLINA, also killed noncombatants. Among the worst of the army attacks were those at Buhoro in Gitega province on April 26, where some 230 civilians were killed; at Kivyuka in Bubanza on May 3, where some 375 were slaughtered; at Mutambu where 111 were killed on June 12; and at Nyeshenza, commune Mugina, where some 500 were killed on June 27. Among the raids by Hutu rebels which took the most lives were those on Butezi, in Ruyigi province, on May 28, in

which forty-nine people were slaughtered, and on Teza, in Muramvya province, on July 3 where some eighty persons were killed. In one of the most terrible attacks on a Tutsi displaced persons camp, some 340 persons were massacred at Bugendana on July 20. The military blamed that attack on Hutu rebels as well, but other sources report that locally resident Hutu carried out the massacre in retaliation for the part played by the displaced persons in a previous attack on their community by the Burundi army. According to physicians working in Burundi, these attacks generally killed five persons for every one left wounded. Both hospitals and schools were attacked. The U.N. special rapporteur on Burundi concluded in a February 27 report that neither the rebel forces nor the Burundian army observed the principles of international humanitarian law.

Leaders of regular army or armed opposition units sometimes disclaimed responsibility for slaughter of civilians, saying such attacks were unauthorized excesses carried out by undisciplined subordinates. Civilian and military authorities claimed to have investigated some military abuses but in most cases produced unconvincing reports justifying the actions of the soldiers and minimizing the number of civilian casualties. No soldiers were brought to trial for having killed civilians in the course of these operations.

Military units often permitted, encouraged or sometimes participated in attacks executed by supposedly civilian militia units. Many militia were composed of young people, particularly secondary school students. On May 17, for example, Tutsi secondary school students from Kiganda, directed by six soldiers, killed fifty-one people from a near-by community—targeted because they were Hutu. In late July, Tutsi students reportedly killed thirty of their Hutu classmates at an agricultural school in Gitega.

In what may portend a legitimization of violence by civilians, the government in April proposed the creation of a “self-defense force.” Such a force helped carry out the genocide in neighboring Rwanda two years ago. In July, young Tutsi recruits were being trained, although the goals of the program had not been defined and safeguards against its misuse had not been implemented. According to the Burundian human rights league, Iteka, the program was being used as an excuse by some radicals to commit abuses against their opponents.

Dozens of persons “disappeared” either after having been seized during military operations or after having been detained for questioning by military or police.

On July 25, Major Pierre Buyoya, a past president of Burundi, was put in power by a military coup. He announced the suspension of the national parliament and banned political parties, declaring that he anticipated a three year period of control before restoring democratic institutions. In the days after the coup, the army killed hundreds of civilians in Muramvya and elsewhere, thus undermining Buyoya’s claim to have taken power to end the violence.

Subsequent to the coup and the banning of political parties, twenty-five members of the National Assembly in exile in Tanzania and Kenya called for a united front with the National Council for the Defense of Democracy (CNDD), the parent organization of the FDD guerrilla forces. They were all members of the largely Hutu FRODEBU party. Shortly after, sixteen other FRODEBU deputies living in Zaire also announced their support for the CNDD. Their shift from attempting to work within the government to allying with armed opposition forces attacking it showed the erosion of a middle ground. Moderates without guns appeared increasingly forced to align themselves with armed groups.

Throughout the year, extremists used assassination to eliminate Hutu political leaders, such as the governor of Cibitoke province and his adviser, the director of internal documentation, and the

provincial director of agricultural services in Gitega. In addition, two Tutsi officers known to be moderate, Lt. Col. François Fyiritano and Lt. Col. Dieudonné Nzeyimana, were slain by unknown assailants. In early September, Archbishop of Burundi Mgr. Joachim Ruhuna, a Tutsi known also for his moderate views and opposition to violence, was assassinated in early September along with a nun who was traveling in his automobile. On May 3, three Hutu teachers were apparently arrested by soldiers at Gikungu in Bujumbura and taken to the Gasenyi displaced persons' camp where militia killed them.

In a positive measure, perhaps in response to international concern over media incitement to genocide, the government licensed the new, private Radio Umwizero [Radio Hope] financed by the European Union, to broadcast information promoting human rights and reconciliation. Studio Ijambo, funded by the U.S., prepared radio programs along the same lines. The following month, the government banned seven publications, three identified with Tutsi, four with Hutu, for having promoted ethnic hatred. Six of the seven had apparently been guilty of doing so. A series of attacks and threats on vehicles, offices and residences of international relief agencies in late 1995 caused them to briefly suspend assistance throughout Burundi. In late April 1996, assailants threw grenades at buildings of the International Red Cross (ICRC) in Gitega, forcing the organization to withdraw personnel from this central city. In June, three expatriate ICRC workers, traveling in a clearly marked convoy, were ambushed and killed in northwestern Burundi, leading to the withdrawal of the ICRC from the country. No one had been arrested or tried for these attacks but the assailants were believed to be soldiers. A December 1995 broadcast by the Burundi State Radio was part of a propaganda offensive that charged the relief organizations with excessive help to the Hutu or even with actually providing arms and funds to Hutu rebels. By mid-year, many organizations had withdrawn all their personnel to the capital city, thus restricting services to the needy and reducing opportunities for outsiders to observe human rights developments in the provinces.

Some 350,000 Burundian refugees live abroad, mostly in Tanzania and Zaire, with about 400,000 more displaced within the country. During the past two years, regions where Hutu and Tutsi formerly lived together were subject to ethnic clashes and massive population movements, with Tutsi now largely concentrated in towns or at military camps and Hutu dispersed in the countryside. In addition, at the start of the year, some 90,000 Rwandan Hutu refugees clustered in camps along the northern frontier of Burundi. They had fled their homes in 1994 when the Rwandan Patriotic Army defeated the government responsible for the genocide. In February, the Burundi army made efforts to drive Rwandan refugees away, but stopped in the face of severe international criticism. They resumed again in July with threats and attacks on refugee camps, driving some 15,000 Rwandans back across the border. Again, international protests forced a halt to this refolement. But, in August, Burundian authorities, in cooperation with the Rwandan government, closed the remaining camps and forced most of the remaining refugees to return home, leaving some 200 Rwandan refugees in Burundi. In several cases, Burundian soldiers killed refugees, such as at Magara camp in mid-August, where they beat three refugees to death and wounded another three.

A small-scale guerrilla movement, led by PALIPEHUTU, existed in Burundi before 1993, but the present large-scale conflict resulted from efforts of a part of the Tutsi elite to recapture power lost in the June 1993 election when their UPRONA party was defeated by FRODEBU, a party that represented mostly Hutu. A group of military officers, posing as the protectors of the Tutsi, murdered the democratically elected president, Melchior Ndadaye and then stood by—or

collaborated—as increasingly radical Tutsi groups used violence in the streets to reassert Tutsi predominance in government in the months that followed. In the weeks just after Ndadaye's assassination, between 30,000 and 50,000 Burundians were killed: Hutu massacred Tutsi, often under the direction of local government officials or political leaders, and the army slaughtered thousands of Hutu, supposedly on the pretext of restoring order. A few lower-ranking officers were arrested on charges of having assassinated the president, and some 2,600 others, most of them civilians, were detained for having participated in the 1993 killings. Some 150 of the detainees were soldiers. Criminal courts, blocked by judicial vacancies that the National Assembly failed to fill, held no trials for more than two years. During that time, nearly 3,000 other persons were arrested, many on charges of politically-linked crimes, resulting in a total of some 5,500 persons awaiting trial. The great majority of persons accused were Hutu, while the judiciary was virtually exclusively Tutsi. Judges coped with a number of problems due to limited resources, but the greatest obstacle to fair trials was intimidation of the judges by radical Tutsi. In addition, almost all lawyers were Tutsi and few agreed to take Hutu clients, especially for cases of political importance. After judges were finally named, the courts reopened for sessions in February and June. Of some 150 cases heard, the courts handed down eighty-nine convictions with the death penalty and thirty-six with the penalty of life imprisonment. None of the convicted had access to legal counsel.

The Right to Monitor

Local human rights organizations were permitted to continue operations, including publishing criticisms of all parties to the conflict and monitoring the progress of court cases. Several activists have had their lives threatened by soldiers or Tutsi extremists, which may have influenced the organizations to moderate their criticism of the army. Several activists chose exile, including Tharcisse Nsavyimana, a leader of the most credible human rights group, ITEKA. Five monitors from the office of U.N. High Commissioner of Human Rights had been investigating the human rights situation in Burundi since April 1996. On at least one occasion, when they sought to travel to the site of the Kivuka massacre, the army prohibited the mission, giving the insecurity of the region as a reason.

The Role of the International Community

Highly conscious of the consequences of their failure to act during the genocide in Rwanda, the U.N., the Organization of Africa Unity (OAU), the European Union (E.U.), a group of Burundi's neighbors, and individual donor nations all devoted great attention to resolving the conflict in Burundi and to averting—or at the least preparing for—further disaster. Symbolic of the intense focus on Burundi was the plethora of special envoys charged with facilitating a solution to the crisis in Burundi or in the larger region, including former Tanzanian president Julius Nyerere, former U.S. president Jimmy Carter, E.U. special envoy Aldo Ajello, and U.S. special envoy Howard Wolpe.

United Nations

Despite protestations of the need to be prepared for further violence in Burundi, only three of fifty member states approached in early 1996—Ethiopia, Uganda and Tanzania—indicated willingness to contribute troops to a multinational force for humanitarian intervention. In January and again in March, the Security Council encouraged contingency planning and recognized the

need to combat media that promoted ethnic hatred. In January, it expressed a willingness to consider a ban on arms for Burundi and travel restrictions and other measures against leaders who incited violence, proposals repeated in an August 31 resolution that set a sixty-day deadline, after which the council would move to implement these measures if no progress had been made. After having established one commission to examine the assassination of President Ndadaye and subsequent massacres and having refused to make public its report, the Security Council sent a second commission to Burundi to repeat the investigation. Inadequately funded and hampered by lack of access to materials and witnesses, the commission produced a truncated report in July. A witness accused of having participated personally in the murder, who had been in custody at the central prison since late 1993, was shot by guards in a so-called "attempted escape" just before the commission was to begin its work. The council initially tried to keep the second report secret as well, but when politicians in Bujumbura selectively leaked those parts that implicated their rivals, the council decided to publish the document at the end of August. The report relied heavily on evidence already published by a nongovernmental organization investigatory commission sponsored by Human Rights Watch, among others, in 1994, but reached very different conclusions. The U.N. report was, however, more severe towards Hutu political leaders than towards Tutsi military authorities: it labeled Hutu killings of Tutsi "acts of genocide" and proposed that they should be tried before an international tribunal but called military slaughter of Hutu "indiscriminate repression of civilians," which it said fell within the internal jurisdiction of Burundi. It maintained that there was no hope of fair and effective investigation or prosecution of these crimes in Burundi given the current situation, and so concluded that it was "unrealistic" to seek an end to impunity before trying to resolve the overall crisis.

In March, the U.N. Human Rights Commission examined the situation in Burundi and its special rapporteur Paulo Sergio Pinheiro, who conducted two missions to Burundi in 1996, served as an effective and vigorous advocate for international action. In February, he called for an international tribunal to try cases resulting from the killings in Burundi. The five monitors sent by the office of the U.N. high commissioner for human rights published one detailed report in July, reflecting a conscientious effort to document abuses by all parties. Although unable to travel frequently outside the capital, they played an important role in gathering data and in confirming information from other sources, particularly concerning killings by the Burundi army. In July, the high commissioner requested funds to expand the number of monitors to twenty-five to staff in order to staff two provincial sites as well as a central office.

European Union

By the appointment of envoy Aldo Ajello as well as by a series of statements, the E.U. made clear its support for an end to the violence and human rights abuse. European Commissioner for Humanitarian Affairs Emma Bonino visited Burundi together with USAID Administrator J. Brian Atwood in April to express concern over growing insecurity and to emphasize that the two funders, who give about 80 percent of the assistance received by the region, would refuse development aid unless progress were made toward peace and stability. This message was repeated at a donors meeting on Burundi in Geneva in June. Following the coup in July, the E.U. suspended its development aid to Burundi but continued its humanitarian aid program to the country. In September, the European Parliament passed a resolution urging the E.U. not to recognize the authority of the Bujumbura regime. The Parliament also supported the sanctions imposed on Burundi by neighboring African countries and urged them to extend the ban to

weapons and ammunition.

Slow to honor its pledge to support U.N. human rights monitors, the E.U. did produce the funds necessary to field five of these observers in April, nearly a year after its original pledge of assistance. In addition, it provided US\$1.87 million to fund the OAU monitors.

OAU and Regional Collaboration

The OAU had maintained a sixty person observer mission in Burundi since 1995. Nearly ended in March for lack of money, it finally received funding from the E.U. Some of the observers monitored the conduct of the Burundian army, but their effectiveness was limited by a regulation that a Burundian military escort accompany them wherever they go. Following the July coup, the OAU withdrew the military part of the observer team but left others who served in civilian, technical assistance capacities.

In late June, the Burundian president and prime minister, representing the two sides of the conflict, agreed to accept a force of Ugandan, Tanzanian and Ethiopian troops to help restore order. The agreement was reached at a meeting in Arusha of the OAU President and representatives from Tanzania, Uganda, Ethiopia, Zaire, and Rwanda as well as Burundi. Although subsequent objections from Tutsi radicals and the July coup prevented its implementation, the agreement marked a significant step towards local actors taking the initiative to resolve conflicts in themselves internal but with consequences for the whole region.

On July 31, the presidents of Kenya, Rwanda, Tanzania and Uganda and the prime ministers of Ethiopia and Zaire, meeting with other African, U.S. and E.U. authorities, decided to impose a total economic blockade on Burundi to force an end to prohibitions of political party activity and meetings of the National Assembly and to oblige President Buyoya to undertake negotiations with the rebels. The blockade, first relaxed to permit deliveries of essential supplies to infants and the sick, later to permit supplies for displaced persons, did serious damage to the already weak economy. In mid-September, Buyoya lifted the ban on political parties and the National Assembly and a week later agreed to negotiations with the rebels, a concession opposed by other Tutsi leaders.

United States

From the time of a visit to Burundi by Ambassador Madeleine Albright early in the year, the U.S. insisted that it "will not support a government installed by force or intimidation and reiterates that it will work actively to isolate any such regime." Confronted with the July coup, the U.S. restated this policy but was nonetheless reluctant to condemn Major Buyoya too harshly on the grounds that he was considered far more moderate than the other likely candidate for the post, Major Bagaza. In the last two years, USAID had provided a US\$145,000 grant to a foundation established by Buyoya. The U.S. nonetheless suspended \$1.7 million in development aid to Burundi, as well as \$60,000 in self-help development funds, \$10,000 in human rights and democracy funds and \$50,000 for IMET military training. It continued to provide the \$3.6 million in humanitarian aid scheduled for 1996.

President Sylvestre Ntibunganya, deposed by Buyoya's coup, sought refuge in the U.S. ambassador's residence. The U.S. continued to recognize him as president and held that he should be allowed either to participate in national reconciliation efforts or to leave the country. At this writing, he remained in the residence.

The U.S. supported efforts at mediation by former presidents Nyerere and Carter and sent a

number of high-ranking delegations to Bujumbura. It pressed for contingency planning at the U.N. for possible military intervention and for coordinating humanitarian aid in case of future catastrophe. It offered to provide airlift and other logistical assistance to support an international response to such a crisis.

Lawyers from the U.S. State Department found that much of the killing in Burundi constituted “acts of genocide,” but the U.S. had not yet shown any determination to suppress or punish such acts.

In September, the U.S. launched the initiative for an African Crisis Response Force described above. Although it was intended to assist in disasters anywhere on the continent, the chief and immediate impulse for its creation was the Burundi crisis.

ETHIOPIA

Human Rights Developments

The ruling Ethiopian People’s Revolutionary Democratic Front (EPRDF) marked in mid-1996 the fifth anniversary of the defeat of the former government, the Derg, and of its taking power after almost a decade of a devastating civil war. A transitional period culminated in the May 1995 parliamentary elections and the proclamation of the Federal Democratic Republic of Ethiopia the following August. The EPRDF, a coalition of ethnically-based movements that fought the Derg dominated by the Tigray People’s Liberation Front (TPLF), gained control of the legislative and executive bodies of the state while its military wing assumed the responsibilities of national defense and policing. This dominant role of the EPRDF, which was established in the transitional period, continued in the elected parliament and the new federal government.

A fundamental tenet of the public platform of the ruling party during the transitional government and subsequently was that the liberalization of the economy and the introduction of political pluralism would help bring about economic prosperity and political stability in the war-torn and poverty-ridden country. While the economy showed positive responses to the government’s internationally-backed restructuring programs, genuine political pluralism and participation remained to be achieved and the EPRDF’s commitment to this was increasingly called into question. The EPRDF had in effect sponsored sixteen parties, which it called People’s Democratic Organizations, each based on the dominant ethnic groups in the various regions. This strategy ensured a monopoly of power by the EPRDF and its allied or satellite parties in both regional and federal assemblies following a series of elections from 1992 to 1995 that major opposition groups boycotted.

It also underscored the predominant role that ethnicity came to occupy in contemporary Ethiopian politics and society. The new constitution of the federal republic promoted ethnic federalism and gave the nations of Ethiopia the right of self-determination including secession, although the new government acted to suppress low-level insurgencies in a number of regions that were waged in the name of self-determination. The federal system fueled strong opposition to the EPRDF in urban elite circles, such as the All Amhara People’s Organization (AAPO), which argued for a restoration of the traditional form of centralized power. The EPRDF claimed for its part that only the constitutional guarantees of equality through ethnic federalism could allay the anxieties of minority groups that had suffered from decades of repression and exploitation under the centralized power structures of imperial and later on military-ruled Ethiopia. However, the commitment to regional autonomy, which translated into formal moves

towards the devolution of powers to the regions, was contradicted by the center's control of the political process at the regional level through the network of regional parties allied to the EPRDF.

The new government demobilized thousands of EPRDF fighters, mostly from the TPLF, and said it had achieved the proportional recruitment of soldiers from other groups as a step toward the creation of a representative and apolitical army. Security in rural areas, where more than 85 percent of the population lived on subsistence agriculture and pastoral activities, remained in the hands of local militia who acted in tandem with military detachments but ostensibly under local political control. These, according to government officials, did not come under the direct chain of command of the army, which however assisted in their training and arming. Testimonies of victims of abuse by rural security personnel persistently pointed to the role of security committees, consisting of local officials, political cadres of the EPRDF and its affiliates and army officers, in control of these "peasant militias." The committee system made the militia an integral part of the national political structure and placed them under the control of the central government through the ruling party apparatus. They provided the interface between local authorities, the militia, the army, and the ruling party, in practice subordinating local security structures to the federal authorities.

The federal government maintained its formal commitment to the respect of the rule of law and international human rights standards. However, as the trial of the Derg officials for crimes against humanity stalled, political killings, torture and arbitrary detention were reported in the context of civil strife, and the government continued to show intolerance toward the manifestations of an increasingly dynamic, independent-minded civil society.

The trial of seventy-three top-ranking officials of the Derg, charged with committing genocide and war crimes, progressed at a slow pace, with twenty six of the defendants, including Colonel Mengistu, tried in absentia. Meanwhile, authorities continued to hold an estimated 1,700 prisoners without charges for the fifth consecutive year for their alleged crimes under the Derg, a situation which the prime minister admitted was "no longer justifiable." Those not charged were not allowed access to their dossiers and there was no public information on the documentation recovered from the Derg period which provided the basis for prosecutions.

The army waged counterinsurgency operations against the Oromo Liberation Front (OLF) and the Islamic Front for the Liberation of Oromia and countered sporadic attacks by Al-Ithad Al-Islami (Islamic Unity) and the Ogaden National Liberation Front in Somali Region and by the Afar Revolutionary Democratic Unity Front in Afar Region.

Local militiamen carried out hundreds of arrests without warrant of people suspected of collaborating with insurgent groups, often in sweeps through rural communities in which virtually all residents were treated as suspects. Many of these security detainees were held for weeks or months in temporary rural camps before being released or turned over to regional authorities. Only after transfer to regional civil or military authorities were such detentions normally acknowledged, although prolonged detention without charge or trial was also widely reported in ad hoc detention centers in administrative buildings, commandeered schools, or police stations under the authority of regional governments. Although in recent years large numbers of suspected members of violent opposition groups were detained in army camps, most such camps were believed to have been closed, although dozens of security detainees were reported held in the army camp at Hegere Mariam as recently as mid-1996. Of the 20,000 detainees officially described as demobilized OLF fighters who were held at the army's camps at

Hurso, Dedessa, Agarfa, and Zeway between 1992 and 1995, all but ninety-three were reportedly released. The ninety-three were transferred to civilian prisons, pending trial.

Despite the federal constitution's guarantees of due process, and its barring of the torture or ill-treatment of prisoners—in Articles 18, 19, 20 and 21—Human Rights Watch/Africa documented a number of cases of torture and other cruel, inhuman or degrading treatment of security detainees.

Most involved individuals who had been detained by local militia and political cadre. These individuals described having been tortured in brutal field interrogations at the time of their detentions, or punished in repeated beatings in temporary rural detention camps by local authorities, where they also described being deprived of sleep and of food. We interviewed such former detainees who showed injuries consistent with their accounts of having been flogged, burnt with cigarettes, and having been cut with knives and bayonets by their captors. In what appeared to be a routine form of restraint, former detainees described having had their elbows tied behind their backs with plastic cords or wire, leading in some cases observed both to scarring and to more severe and permanent disabilities. Most were released without having been subject to any formal detention procedure; treatment improved for the small minority who were transferred to a regional government detention facility or were seen by a judge or prosecutor. The physical torture of rural prisoners according to these testimonies was systematic and prolonged and seemed a form of punishment as well as a means of pressing prisoners to provide information or to confess to collaboration with armed groups. Testimonies also revealed the wide use of threats against and the actual detention of family members, particularly mothers, wives, and daughters, to force fugitive suspects to turn themselves in for interrogation. In one case, the daughter of a suspected OLF activist was detained repeatedly with a view to forcing the father's surrender: she was reportedly raped by the head of the local administration in her community following her short-term detention in early 1996. Her father, himself a torture victim, had fled the town.

Human Rights Watch/Africa interviewed former detainees from Oromia State's Western Shewa, Borana, and Western Harerge zones who described torture or ill-treatment in rural detention camps and in some detention facilities under regional government or military control. Some former detainees who had been held during 1994 in Hegere Mariam military camp number three—on federal, rather than regional authority—also described systematic ill-treatment, including being beaten and forced to do harsh physical exercise.

Appeals by relatives to higher regional police or prosecution authorities, according to testimonies, sometimes led to the release of prisoners detained without charge, but there seemed to be no effective channel for complaints and appeals for judicial review readily available to the majority of detainees, particularly in the regions remotest from the capital, Addis Ababa. Many allegations of abuse came from people in the capital who told Human Rights Watch/Africa they had fled local officials in the countryside where the rule of law was largely absent.

Although some of the individuals interviewed by Human Rights Watch—and by local human rights monitors, notably the Ethiopian Human Rights Council (EHRCO)—made complaints to the courts and to executive authorities about their treatment, no official inquiries were known to have been made into reports of torture and ill-treatment in the past year. In a limited concession to mounting criticism, however, the government announced a series of dismissals and other disciplinary measures against officials implicated in unspecified human rights abuses.

Reports of abuses at the national level related to the federal government's crackdown on the press, civic associations and trade unions in violations of rights that the federal constitution

provide for. The constitution guarantees the rights of peaceful assembly and association and provides for the right to engage in unrestricted peaceful political activity. Sixty-three political parties were registered with the government as of August: fifty-six were regional while the rest were national parties. The government authorized a number of opposition parties and pressure groups to stage demonstrations in the center of the Addis Ababa and its representatives received and responded to letters of protests from marchers. However, in other instances the government used laws requiring permits and harassment tactics to restrict the rights of association and peaceful assembly. Opposition groups such as AAPO were the object of closures of their regional offices, harassment, detention, and suspicious killings of activists, and lack of meaningful access to the state-controlled broadcasting media. While the government allowed some civic groups to operate without interference, its regulatory agencies restricted the freedom of other associations. Some nongovernmental organizations (NGOs) with a mandate to promote human rights education and monitoring and civic education faced obstacles in their attempts to register with the Ministry of Justice and police action—including arrests without warrant—that harassed and intimidated their personnel.

On February 29, security officials closed down the Addis Ababa offices of the Oromo Relief Association (ORA), a leading indigenous relief and rehabilitation NGO. In the preceding months, the Oromia state government had ordered the search and closure of ORA's offices and operations in the region one after the other, accusing it in the media of providing resources and political capital to the insurgent OLF and of blocking other NGOs from access to the region. ORA was, however, never given the opportunity to defend itself before a court of law. Officials detained senior workers from at least three of ORA's regional offices for up to eight months in harsh conditions without charges or trial. The coordinator in Dire Dawa, Ahmed Mohamed, was arrested in mid-February and his whereabouts remained unknown to his family until his release in late September.

The Constitution of Ethiopia guarantees in Article 29 the freedoms of thought, opinion, and expression as essential to the functioning of a democratic order. The government continued, however, to use the vague formulation of the 1992 press proclamation to reign in critical reporting and allowed opposition groups only limited access to the state-owned radio and television. By the end of the year six journalists of the private press were in prison.

The constitution and the 1993 labor proclamation provide for the right of workers to form and join unions and to bargain collectively. This notwithstanding, the government lashed back at the Ethiopian Teachers Association (ETA) and the Confederation of Ethiopian Trade Unions (CETU), the two largest and best established labor organizations in the country, for raising concerns about the impact on their members of new national educational and economic policies, respectively. As the confrontation escalated, the government arrested many activists of ETA and CETU, closed most of ETA's regional offices without a court order, and froze the bank accounts of both unions. Local officials harassed elected ETA officers in a number of regional branches and forced them to flee, leaving behind their families and their jobs as teachers. One survived an attempt at his life when he briefly returned to his home province on family business. Pro-government activists established parallel unions, apparently to validate government challenges to the legitimacy of the refractory ones.

The Right To Monitor

The government continued for the fourth year to deny the registration as an NGO of the

Ethiopian Human Rights Council (EHRCO), the only monitoring organization in the country, charging that it was politically motivated. EHRCO managed to function without government recognition, while its bank account remained blocked since April 1995 and security officials closely monitored visitors to its office.

During a three-week mission to Ethiopia in mid-1996 two Human Rights Watch/Africa researchers were able to discuss the human rights situation in the country in private meetings with groups from different sectors of civil society, interview former prisoners and relatives of victims of human rights abuse, and meet with the minister of justice and other senior officials. The government also authorized other international human rights organizations to send research missions to the country, including Reporters Without Borders, the Committee to Protect Journalists, and the Lawyers Committee for Human Rights. It continued, however, to deny the country researcher of Amnesty International (AI) an entry visa to the country although another AI representative was permitted to observe sessions of the Derg trials in June.

The Role of the International Community *The United Nations*

In response to complaints about the administrative decision to cancel the registration of the Confederation of Ethiopian Trade Unions (CETU) and to close down its office, the Committee on Freedom Of Association of the International Labour Organisation (ILO) called upon the Ethiopian government in December 1995 to respect its obligations under the 1948 Convention on Freedom of Association and Protection of the Right to Organize and the 1949 Convention on the Right to Organize and Collective Bargaining, both of which Ethiopia had ratified. In a related development, the governing body of the ILO, responding to similar complaints, unanimously adopted a resolution supporting the reinstatement by Ethiopia of CETU. An agreement signed in 1993 between Ethiopia, Sudan and the U.N. High Commissioner for Refugees allowed the voluntary repatriation and reintegration of thousands of Ethiopian refugees to continue, in spite of worsening relations between the two countries.

European Union

During a January visit to Ethiopia, the German president linked aid and respect for human rights, saying that a donor country could at any time withdraw its help from a country whose policy undermined democracy. Coming days after the signature of a US\$33 million dollar German aid agreement for the purchase of fertilizers, the statement did not contradict the continued good relations Ethiopian government enjoyed with bilateral and multilateral donors. In the same month, the Netherlands and Britain joined the World Bank in contributing towards the write-off of US\$250 million of Ethiopia's estimated \$270 million commercial bank debt. In July it was announced that Ethiopia would receive thirty-nine million dollars in development from Germany. In a resolution on human rights in Ethiopia passed in July, the European Parliament condemned the arrest in May 30 of Taye Woldesemayat, the chairman of the Ethiopian Teachers' Association. It urged the Ethiopian authorities to release him and two other prominent political prisoners and to guarantee freedom of expression and action to ETA. In its response, the Ethiopian government stated that it dealt with the three cases in full conformity with the law and dismissed the resolution as indicative of "lack of seriousness and purpose."

Organization of African Unity

Ethiopia held the rotating presidency of the Organization of African Unity (OAU) for most of 1996. Following the July coup in Burundi, it joined Burundi's neighbors and the OAU in imposing economic sanctions on that country to foster a quick return to civilian rule and a peaceful settlement of its internal crisis. Ethiopia seized a former Rwandan official and a leading genocide suspect at Addis Ababa airport, and handed him over to the Rwandan judiciary in late July. Meanwhile, persistent tensions characterized its relations with neighboring Sudan and Somalia, both of which it accused of sheltering violent opposition groups.

United States

United States officials expressed confidence in the steps that the government undertook to democratize and liberalize the country and called on opposition groups to participate in the political process. Ethiopia occupied a pivotal position in the U.S. policy initiatives aimed at consolidating regional stability. It emerged as a close partner in the U.S.-led efforts to counter the Islamist government of Sudan's influence in the region. A measure of this close partnership was the high level of official exchanges between the two countries. U.S. Secretary of State Warren Christopher stopped in Addis Ababa for official talks during his first tour in sub-Saharan Africa in October. In April, the director of the U.S. Central Intelligence Agency visited Addis Ababa and discussed with officials regional security concerns. This followed a visit in February by the deputy assistant secretary of defense for international security affairs, who pledged U.S. assistance to Ethiopia's army and a commitment to contributing to the consolidation of peace in the Horn of Africa. Levels of bilateral economic assistance reflected the prominence of Ethiopia as it ranked, with \$109 million, as the third biggest recipient of U.S. aid to the continent in Fiscal Year 1996.

Local human rights advocates told Human Rights Watch/Africa that U.S. embassy officials sought to investigate some of the incidents they reported. While this was reflected in a thorough and critical chapter on the human rights situation in Ethiopia in the State Department's annual *Country Reports on Human Rights Practices for 1995*, officials of the Clinton administration made no public criticism of the current government's rights record. A welcome departure from this attitude occurred during the secretary of state's visit to Ethiopia in October when he declined an invitation by Ethiopian officials to address a joint press conference in protest, as his aides announced, against the harassment and imprisonment of independent journalists and their exclusion from official press conferences. The secretary of state told reporters later that "Ethiopia has made progress in human rights during the past five years, but the United States wants to see more. One of the areas of our concern is the freedom of the press and the treatment of journalists."

KENYA

Human Rights Developments

As the country's attention began to focus on the run-up to the next election, likely to be called in 1997, the government of President Daniel arap Moi became more blunt in its efforts to consolidate power through the denial of free speech, association and assembly. The Kenyan constitution required new parliamentary and presidential elections to be held before early 1998, when the government's mandate expires, but at the time of writing, the government had not

announced a date. The government's measures to restrict the activities of the political opposition and to undermine national voter registration posed grave doubts as to whether a free and fair multiparty election was possible in Kenya.

The National Electoral Commission remained a presidentially-appointed body despite calls by nongovernmental organizations and the political opposition for some input into the selection of members. This year, the commission announced the creation of twenty-two new election constituencies, some of which redrew boundaries in the politically controversial Rift Valley Province and were based on ethnicity. Many Kenyans believed that the redistricting was designed to allow the ruling Kenya National African Union (KANU) to win more parliamentary seats in the next election. Although in May KANU and opposition parliamentarians agreed to a parliamentary review of the electoral laws, no further action was taken.

Beginning in December 1995, a system for the reissue of national identity cards was instituted throughout the nation. The issue of new national identity cards quickly became another means through which the government could disenfranchise select groups. Without a national identity card, a citizen could not obtain a voter registration card. As of June 30, 1996, only 4.6 million identity cards had been issued to a projected eligible population of 13.5 million. The registration process was extremely slow, with reports of delays of up to six months, requests for bribes by issuing officers, and selective registration of KANU supporters in some areas. In the Rift Valley Province, some people from ethnic groups which were generally considered to support the opposition were reportedly told to go to their "ancestral area" to register for their identity cards. Following national pressure, the Electoral Commission announced that voter cards would also be issued on the basis of the old expired national identity cards in order to ensure that eligible voters would be able to cast their ballots. However, in July President Moi overruled the Electoral Commission, announcing that voter registration cards would be issued solely on the basis of new identity cards and that the old identity cards would not be recognized. Kenyan nongovernmental organizations estimated that some 6.2 million people could be disenfranchised as a result.

The government continued to ignore registration applications from over a dozen political parties, including Safina, a party formed by top members of Kenya's opposition in 1995 and heavily attacked by President Moi at the time. The block on registration prevented new parties from being formed, while exacerbating political struggles between factions in the opposition parties since no one could leave and form a new party. The existing political opposition parties—the Forum for the Restoration of Democracy-Kenya (FORD-K), FORD-Asili, and the Democratic Party—remained divided largely on ethnic lines, and divisions within the parties deepened.

Numerous opposition supporters complained of disruption of their meetings by police or local authorities, as well as the denial of permits to hold meetings without cause or right of appeal. Under Kenyan law, a license had to be obtained in advance from the local district commissioner and opposition members of parliament could not hold a meeting in their constituencies without permission from the government. In March, an assistant minister in the Office of the President announced that local government officials could cancel political rallies at any time, even if a license had been granted. Following the announcement, several peaceful rallies were closed down on the grounds that President Moi was being insulted. In June, opposition politicians were prevented by police and members of KANU's youth wing from entering Molo town where they planned to campaign. The "youth wingers" also stabbed *East African Standard* photographer Rapheal Munge in the hand and beat reporter Samuel Mburu. In July, opposition politicians

from Safina were arrested while giving out trophies at a volleyball game and detained briefly. Meanwhile, KANU members continued to blatantly use government assets in their campaigns. At one KANU rally in Machakos town, food relief provided by international relief organizations for refugee populations was reportedly distributed to potential voters.

The government continued to curb free speech. Journalists came under attack for writing articles critical of the government. The government refused to relinquish its monopoly on the broadcast media, severely restricting the ability of the political opposition to disseminate information while using the media to promote KANU. Sedition charges were brought in July against *Finance* magazine editor Njehu Gatabaki for an article critical of the government. On August 27, the premises of Fotoform Printers, which published some of the more outspoken publications, was firebombed. In the past, police raided Fotoform, shut down the printers, impounded their equipment, and charged its owner with sedition.

The government unsuccessfully attempted to legislate restrictions against free speech in early 1996. Following an outcry, the government shelved proposed legislation which would have given the Minister of Information and Broadcasting extensive powers over licensing, registration and regulation of all broadcast and print media operations, and which would have allowed journalists to be jailed or barred from practicing for flouting a government-mandated code of conduct.

The government continued to use the judiciary to silence critics and to punish political opponents. No progress was made during 1996 by the legal reform task forces formed by the attorney general in 1993 to amend or repeal repressive legislation. The trial of prominent opposition figure Koigi wa Wamwere, a former member of parliament and founder of a human rights organization, his brother Charles Kuria Wamwere, and G.G. Njuguna Ngengi on charges of armed robbery continued on appeal. The lower court proceeding, which resulted in a sentence of four years and six strokes of the cane in October 1995, was criticized by local and international human rights groups and bar organizations for not conforming to international standards. They remained in custody, having been denied bail.

Thousands of Kenyans, predominantly from the Kikuyu, Luo and Luhya ethnic groups, remained destitute and displaced, driven off their land by state sponsored "ethnic" violence in the early 1990s. The attacks had pitted Kalenjin and Masai, the ethnic groups of the president and his ruling elite, against those ethnic groups associated with the political opposition, particularly in the Rift Valley Province. The government used the violence prior to the 1992 multiparty election to reward and empower the Kalenjin and Masai communities by allowing its members to occupy or buy land illegally in the Rift Valley Province. The redistribution of land in the fertile Rift Valley Province to government supporters strengthened the government's political and economic base. Although the large-scale violence which characterized the ethnic persecution at the outset has diminished, periodic incidents continued. Moreover, the government did not take adequate steps to investigate reports of incitement of the violence and direct participation by government personnel, to hold the perpetrators of political killing and illegal appropriation of land responsible, to compensate the displaced, or to provide security and protection to the displaced. Many of the displaced were unable to return because of continuing acts of violence or intimidation, illegal occupation of the land by Kalenjin or Masais or fraudulent transfers of land titles.

A joint Kenyan government and United Nations Development Program (UNDP) project to resettle the estimated 300,000 displaced was ended after two years by UNDP in September 1995,

despite the fact that thousands had not returned to their land. Throughout the duration of the UNDP program, the government consistently undermined and obstructed genuine resettlement efforts, partly through forced relocation away from the displaced's home areas. While by the end of 1996 people had returned to some areas in Nyanza and Western Provinces, in other areas in Western and Rift Valley Provinces tensions remained high and fears of renewed violence prevented return. Although UNDP claimed to have resettled some 180,000 by September 1995, local organizations working with the displaced assert that this figure was inflated. Kenya continued to host thousands of refugees predominantly from Somalia, Sudan, Ethiopia and Rwanda. Government policy towards refugees, however, remained hostile and Kenyan police periodically conducted sweeps through Nairobi arresting non-Kenyans, including documented aliens and refugees. Some were held without charge for short periods in order to extort money. The Kenyan government took two positive steps in its foreign policy towards the Great Lakes region: In September, the Kenyan government arrested Obed Ruzindana, a Rwandan national charged with genocide and crimes against humanity by the U.N. International Criminal Tribunal for Rwanda—the first arrest in Kenya in connection with the 1994 massacres in Rwanda. The arrest was all the more significant since a number of prominent genocide perpetrators had sought asylum in Kenya and President Daniel arap Moi had previously stated that he would not cooperate with the International Tribunal. In July, Kenya joined other East and Central African countries in imposing sanctions against Burundi following a military coup in that country and in November hosted a regional meeting in response to the crisis in eastern Zaire.

The Right to Monitor

A wide array of local human rights organizations were engaged in monitoring human rights in Kenya, among others the Catholic Justice and Peace Commission, Centre for Governance and Development, Concerned Citizens for Constitutional Change, International Commission of Jurists (Kenya), the International Federation of Women Lawyers (FIDA-Kenya), the Kenya Anti-Rape Organization, the Kenya Human Rights Commission (KHRC), the Legal Advice Center (LAC), Public Law Institute, and Release Political Prisoners (RPP). The National Council of Churches of Kenya and the Catholic Church continued to assist the displaced population and to monitor ethnic persecution.

Throughout the year, the government criticized the nongovernmental community in public speeches. A number of peaceful meetings were broken up by police during the year, including a civic education seminar convened by the League of Women voters which was organized by the wife of an opposition leader. Members of RPP were particularly harassed this year. In March, RPP members who attempted to water trees at Nairobi's Uhuru park to mark the fourth anniversary of a violent confrontation to protest against political imprisonment were dispersed. On July 19, twenty-one RPP members were arrested after trying to hold a three-day cultural celebration they had organized in memory of their secretary general, Karimi Nduthu, who was murdered in March. Under Kenyan law, cultural meetings did not require a license. On July 22, they were charged with holding an illegal meeting and possessing seditious documents which related to the death of Karimi Nduthu—namely the program for the cultural celebration. They were initially denied bail and were held for almost two weeks before being released. The charges were pending, as of November. In May, the government announced the creation of a nine-

member standing Human Rights Committee to investigate violations of human rights. The government gazette mandated the committee to investigate violations of fundamental rights, alleged injustice, abuse of power, and unfair treatment of any person by public officers in the exercise of official duties. This was the second government announcement creating a human rights body. In 1995, shortly before donors met to discuss Kenya, the government announced the creation of a similar committee which never materialized. In April, the government responded for the first time to a human rights report from the Kenya Human Rights Commission (KHRC), publishing a reply accusing the KHRC of publishing an “unprofessional and mediocre” report. In June, the government restored the registration of the Centre for Law and Research International (CLARION). CLARION had been banned in 1995 following a report it published on government corruption. Another independent organization, Mwangaza Trust, closed at the same time, remained banned.

The Role of the International Community

The international community continued to mute its criticism of the government’s human rights record. Since 1991, when aid to Kenya was suspended on economic and human rights grounds, donors had failed to sustain pressure for the respect of human rights and made clear to the Kenyan government that aid would be restored as long as significant steps towards economic reform were maintained. After January 1994, donors increasingly moved to renew their assistance, sending a signal that economic reforms needed not be matched by political reforms. The government, in turn, complied with demands for economic reform, but continued to restrict freedom of speech, association and assembly.

In March, bilateral donors pledged US\$730 million to Kenya. Some of this aid had been previously pledged in 1995, but not disbursed primarily because of unhappiness over widespread corruption and the lack of economic reforms. Donors continued to pay lip service to human rights concerns, although withholding or renewal of aid remained dependent predominantly on questions of economic reform.

This trend was also reflected by the multilateral lending institutions. In April, the International Monetary Fund (IMF) agreed to release a \$316 million loan to Kenya which had been blocked since late 1994. The IMF had expressed dissatisfaction with the government’s handling of corruption and economic reform following a visit in September 1995; the release of the funding followed government steps to address donor complaints about the need for economic reform. In January, a campaign against corruption resulted in the suspension of dozens of senior civil servants and the firing of the head of the Kenya Port Authority and the minister of transport. By approving the loan, the fund signaled an end to the human rights conditions placed by the international lending institutions on the Kenyan government. The resumption of IMF aid in 1996 was expected to lead not only to the release of remaining frozen funds, but to pave the way for the resumption of aid to Kenya in the next year from bilateral donors, the World Bank and multilateral donors such as the European Union. Many bilateral donors had withheld much of the \$800 million they pledged in 1994 pending the clean bill of health from the IMF.

United States

Having played a critical role in supporting human rights and the movement towards multiparty

democracy during the tenure of Ambassador Smith Hempstone until 1993, U.S. influence in the democratization process diminished significantly under his successor Ambassador Aurelia Brazeal. The U.S. became less outspoken on human rights and appeared unwilling to take the lead to press for multilateral donor action. In 1996, U.S. aid to Kenya totaled \$27.19 million, 90 percent of which was directed to nongovernmental sources. In September 1996, a new U.S. Ambassador to Kenya, Prudence Bushnell, was named. In October, Ambassador Bushnell called on the government to relinquish its monopoly of the broadcast media.

LIBERIA

Human Rights Developments

Despite hopes that the 1995 peace accord might finally end Liberia's bloody civil war, the warring factions again plunged the country into a frenzy of looting, lawlessness and killing throughout April and May. The fighting centered on the capital, Monrovia, creating a devastating humanitarian situation and destroying the city's economy. By mid-October, a new peace agreement was in place—the fourteenth since the war began—and hopes were again raised that the peace process might take hold. Yet despite a new cease-fire and a new timetable for disarmament and elections, fighting between the factions continued sporadically, the humanitarian situation in many places outside of Monrovia was very grave, and progress toward implementation of the peace agreement remained precarious.

The renewed crisis was set in motion in February, when the Council of State, the ruling body created in the prior peace agreement and representing all the warring factions, suspended Roosevelt Johnson as minister for rural development after he was ousted as leader of the United Liberation Movement for Democracy in Liberia, Johnson faction (ULIMO-J). The real crisis was triggered when Charles Taylor's NPFL (National Patriotic Front of Liberia) and Alhadji Kromah's ULIMO-K (United Liberation Movement for Democracy in Liberia, Kromah faction) attempted to arrest Johnson on murder charges. The fighting pitted the factions comprised largely of members of the Krahn ethnic group—ULIMO-J, the Armed Forces of Liberia (AFL) and the Liberian Peace Council (LPC)—against the NPFL and ULIMO-K.

The fighting in Monrovia was the worst in three years. The international airport was badly damaged, buildings and homes throughout the city were burned, and some 80,000 civilians were displaced. No reliable death toll was compiled, but it was believed that hundreds of people were killed in the fighting. Virtually all the leading figures in civil society—human rights activists, journalists, lawyers, former politicians, church leaders—immediately went into hiding, and many were pursued by one of the warring factions. Taylor's NPFL burned down the offices of the *New Democrat* and the *Inquirer* newspapers, and reportedly looted the independent shortwave and FM radio transmitters. The AFL and ULIMO-J stormed the prison and freed AFL general Charles Julu and other prisoners who had been involved in an attempted coup in 1994. The looting was clearly sanctioned by the faction leaders, especially Taylor and Kromah.

Fighters from all the factions systematically looted Monrovia's businesses and stores, in addition to the offices and warehouses of the United Nations and all the international aid agencies. The United Nations humanitarian assistance office in Monrovia stated that 489 vehicles valued at

US\$8.2 million were stolen from the U.N. and various nongovernmental organizations (NGOs). The U.N. also stated that “the majority of those vehicles are now in the hands of factional leaders and fighters who, despite concrete evidence and repeated appeals by the international community, refused to return them so that we can assist Liberians as needed.”

Much of the actual fighting took place at the Barclay Training Center, where the Krahn-based factions were under siege by the NPFL/ULIMO-K forces. At the beginning of the crisis, the Krahn factions held civilians, including foreigners, and ECOMOG soldiers hostage at the training center in a clear violation of international law prohibiting the use of civilians and captured soldiers as human shields. The hostages were eventually released unharmed.

When the crisis erupted, the West African peacekeeping force, ECOMOG (the Economic Community of West African States Monitoring Group), displayed an astonishing reluctance to intervene to stop the fighting or the looting, or to protect civilians. Some ECOMOG soldiers actually participated in the looting, and there were reports of ECOMOG soldiers assisting the NPFL and ULIMO-K in the fighting at the training center. Citing the lack of resources and the refusal of the warring factions to abide by the terms of the 1995 Abuja peace accord, ECOMOG claimed that it could not protect civilians or attempt to end the fighting. It was not until late May that the factions' leaders ordered their forces to withdraw from the center of Monrovia and surrendered their positions to ECOMOG. By late July, ECOMOG was again in control of the city. The poor conduct of ECOMOG forces during the crisis contributed to the decision to assign a new, Nigerian field commander and rotate out many of the troops.

As has been the case throughout the Liberian war, civilians were the main victims. In the April crisis, thousands of civilians were displaced, lost their homes and belongings, and suffered from hunger and disease. In the Graystone compound alone, across from the U.S. Embassy, some 15,000 to 20,000 civilians sought refuge. An additional 20,000 civilians sought refuge on the ECOMOG base. Civilians also fled to relief warehouses, hospitals, orphanages, and other sites around the city.

Armed factions have proliferated in the Liberian conflict, and all the factions were responsible for systematic human rights abuses against civilians. Before the fighting erupted in April, civilians suffered abuses, including rape, robberies, and beatings perpetrated by ULIMO-K in Grand Cape Mount County. ULIMO-J fighters were responsible for robbing, beating, raping, torturing, and killing civilians in lower Bomi County. In the southeast, LPC fighters also abused civilians through practices such as robbery, beatings, killings, and forced labor. In January and February, the Council of State took action against Liberia's feisty independent press, harassing and detaining journalists who criticized the NPFL and other warring factions.

The burden felt by regional states from hosting some 750,000 Liberian refugees became increasingly apparent in April and May when thousands of Liberians attempted to flee the country by boat, including one vessel called Bulk Challenge which carried some 2,000 Liberians.

The governments of Sierra Leone, Ivory Coast, Nigeria and Ghana refused to allow the boats to dock, leaving them stranded on the high seas, in an effort to evade their responsibilities under international law. Eventually, the government of Ghana accepted the refugees from the Bulk Challenge.

At the ECOWAS (Economic Community of West African States) Heads of State meeting in Abuja in August, a new chair of Liberia's transitional government was named—Ruth Perry, a

former opposition senator under the government of Samuel Doe and a former member of the Transitional Legislative Assembly. The faction leaders remained on the Council of State, as per the 1995 peace accord. A new timetable for disarmament, demobilization and elections was established: ECOMOG was to deploy to a series of safe havens throughout the country beginning on November 7; disarmament, demobilization, and repatriation was to proceed from November 22 through January 21; and elections were scheduled for May 30, 1997. The member states also committed themselves to observe the arms embargo against Liberia and to take steps to stop the flow of arms.

The most significant new feature of this peace plan was that the ECOWAS countries committed themselves to implement sanctions against any of the Liberian factions if they did not comply with the peace plan. These measures included visa restrictions on recalcitrant faction leaders; freezing business activities and assets; exclusion from participation in the elections; expulsion of family members of faction leaders and their associates from member states; and invoking the Organization of African Unity (OAU) 1996 summit Resolution, the possible establishment of a war crimes tribunal for Liberia.

The Right to Monitor

A number of human rights organizations functioned relatively freely in Monrovia in early 1996, including the Catholic Church's 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, access outside Monrovia was difficult for most groups, and virtually all human rights activity ground to a halt when the fighting erupted in April. Many leading human rights activists were targeted by the factions and either took refuge on the ECOMOG base or were evacuated by the U.S. Embassy. Samuel Kofi Woods, for example, the director of the Peace and Justice Commission, was evacuated after it was clear that the NPFL was searching for him. Woods returned to Liberia shortly thereafter, and has resumed his work with the commission.

The Role of the International Community 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. UNOMIL had a mandate to report on violations of the cease-fire and violations of humanitarian law. In late 1995 UNOMIL was also entrusted with the mandate "to investigate and report to the Secretary-General on violations of human rights...." and some human rights information was subsequently included in the secretary-general's progress reports on the UNOMIL mission. UNOMIL should also have monitored the ECOMOG mission, since the two were supposed to deploy together and the conduct of ECOMOG contingents required scrutiny. On February 1, UNOMIL's mandate in Liberia was extended until May 31; it was again extended until August 31; and then again through November 30.

Throughout the year, fighting impeded UNOMIL's deployment outside Monrovia. The UNOMIL team withdrew from Tubmanburg on December 30, 1995, due to fighting between ECOMOG and ULIMO-J. The team went back on January 31, but withdrew on March 2, after

ECOMOG had withdrawn without notifying UNOMIL. UNOMIL withdrew from Kakata on March 8 because of fighting between the NPFL and ULIMO-J. Soon after fighting broke out in Monrovia in April, the ninety-three UNOMIL observers fled to the U.S. Embassy. UNOMIL's human rights reporting was largely limited because the three human rights officers' posts envisioned were not filled. In his October report to the Security Council, the secretary-general indicated his intention to reactivate these posts and stated that the monitors, among other functions, will also coordinate with local human rights groups. In early October, following the September 28 massacre of civilians in the village of Sinje, in which at least twenty-one people lost their lives, the special representative of the secretary-general sent a large team that included representatives of local human rights groups to investigate the event. Preliminary results of the investigation were included in the October report to the Security Council. Earlier in the year, the U.N. also sent James Jonah, chair of the national electoral commission in Sierra Leone and former U.N. under secretary-general as a special envoy to Liberia. His report on the situation was never published.

Although the U.N. first imposed an arms embargo on Liberia in 1992, and renewed it in 1995, the embargo was never enforced. In fact, the sanctions committee has never met formally to discuss violations. According to the U.N., this was due to the fact that no embargo violations were reported. Nevertheless, arms apparently continued to enter Liberia in violation of the embargo.

United States

The U.S. remained the largest contributor to humanitarian assistance in Liberia, providing \$65 million in 1996 and approximately \$447 million since the start of the war in 1990. In addition, the U.S. provided approximately \$70 million for conflict resolution and peacekeeping in Liberia, largely assistance to ECOMOG.

In 1996, the U.S. earmarked \$10 million for logistical support for ECOMOG, and an additional \$30 million was promised in equipment, training and other support, provided that ECOMOG demonstrated "a renewed capacity to play a neutral and effective role," according to State Department spokesperson Glyn Davies. In addition, \$62 million was pledged for demobilization, reintegration and resettlement, and food aid.

Administration officials described U.S. policy as focusing on the following areas: increased support for ECOMOG, enhanced diplomatic efforts to maintain the cease-fire and restore the peace process, and increased pressure on the faction leaders to cooperate with that process. They also contended that the Abuja Accord, which provides for an interim government, disarmament, demobilization and elections, was the best framework for a permanent solution. However, despite strong rhetoric in April and May, by year's end the Clinton Administration had stemmed its early criticism of the faction leaders in order to focus on the need to hold elections in May 1997, in accordance with the new timetable. It remained crucial for the U.S. to maintain a strong human rights policy in the period leading up to the elections so that conditions required to make them meaningful would be met well in advance. These included meaningful disarmament and demobilization, an end to human rights abuses against civilians, safeguards against voter intimidation by the warring factions, and steps to ensure that all parties have equal access to the media and can campaign freely.

In April, the U.S. positioned a naval task force off Liberia with 1,500 marines to assist in the evacuation of foreign nationals and others under threat and to provide security for the U.S. Embassy. In his notification to Congress on April 12, President Clinton said that while the U.S. forces were equipped for combat, "the evacuation is being undertaken for the purpose of protecting American citizens and is not intended to alter or preserve the existing political status quo in Liberia." The U.S. military airlifted out more than 2,300 foreign nationals between April 10 and May 27.

Diplomatic efforts included sending a team led by Deputy Assistant Secretary for African Affairs, William Twaddell, on April 22, to assist in negotiations and discuss additional assistance to ECOMOG. While in Monrovia, Deputy Assistant Secretary Twaddell stated: "I reminded members of the Council of State and others that should anyone seize power by force, my government would move to isolate and ostracize that leader and the illegitimate regime that might ensue." This policy was stated even more strongly by Assistant Secretary of State for African Affairs George Moose when he visited Monrovia on April 30 and specifically mentioned Charles Taylor: "We need to make it perfectly clear to the faction leaders, to Mr. Taylor, that the course they are pursuing is a course that will put them beyond the pale, it will lead to the total ostracism, rejection, the total condemnation of their efforts and their actions by the international community." Unfortunately, these strong statements were not accompanied by a clear U.S. policy, but instead the U.S. continued to defer largely to the West African initiatives.

On May 3, the Department of State announced new visa restrictions on faction leaders and others obstructing the peace process and transition to democracy. According to State Department spokesman Nicholas Burns, "This action results from the refusal of faction leaders to heed the pleas of the Liberian people or to respond to calls from the international community to stop the wanton fighting, looting and killing in Monrovia and to return to the peace process."

MOZAMBIQUE

Human Rights Developments

Human rights practices gradually improved in many parts of the country, two years after Mozambique's first ever multi-party election. However, significant human rights concerns remain, including restrictions on freedom of movement and expression by the former armed opposition group Mozambique National Resistance (RENAMO), heavy-handed policing including torture, and appalling prison conditions.

Accountability for human rights abuses during the 1977-1992 civil war continued to be discussed in the media but both ruling Front for the Liberation of Mozambique (FRELIMO) and RENAMO officials continued to advocate impunity, arguing that any trials or exposure of the past would undermine national reconciliation. However, local communities across the country conducted traditional healing ceremonies at which public confessions were made about human rights abuses by guilty individuals. In March Lutero Simango, leader of opposition National Convention Party (PCN) announced that he would bring the case of the summary execution of his father Uria Simango by the government in the early 1980s before the courts.

RENAMO continued to rule some areas it controlled at the end of the war four years ago, and to exclude government officials. In Maringue, RENAMO's war-time capital in Sofala province,

RENAMO expelled five government officials, including the deputy administrator in May. A parliamentary delegation tried the same month to investigate this incident but was intimidated and a meeting in Maringue was abandoned after intense heckling by RENAMO youths. The opposition Democratic Party (PADEMO) had also complained in January that it was unable to work freely in Maringue district because of serious obstructions by RENAMO sympathizers. The frequency of this type of incident continued to decline elsewhere in Mozambique in 1996 although there were accounts of RENAMO representatives forcing people not to send their children to school because they were government-run. RENAMO also refused to allow freedom of movement in parts of Niassa province and in various locations around the country insisted that those traveling in its administrated areas should carry RENAMO travel permits.

Police behavior remained a serious concern and continued to be the source of the majority of complaints Human Rights Watch/Africa received from Mozambique in 1996. Arbitrary detention, torture, disappearances and bribery were common allegations. For example, Luis Franque TChembene died on June 9 from injuries sustained after being tortured for eleven hours on suspicion of stealing a car by police from Maputo's 7th precinct. The police's thirteenth precinct in Maputo's Triunfo Ward also had a particularly bad reputation for torture in 1996. A paramilitary police unit used to protect highway No.1, Buffalo Battalion, continued to be associated with human rights abuses too. The unit was accused of being responsible for the disappearance of Abdul Mota on May 21 after being arrested on suspicion of being a car thief. Soldiers of the Third Brigade of the Mozambique Defence Force (FADM) stationed in Chimoio in March also detained and tortured six civilians they suspected of trying to steal scrap from their barracks. The six were only freed by the soldiers when each of them paid the soldiers \$13. The justice minister in June admitted to a parliamentary hearing that there were illegal detentions and seizure of goods from innocent citizens by the police, a growing problem, especially for foreign tourists and truck drivers who faced harassment by police demanding bribes to escape trumped-up charges of minor infractions. The Attorney General Sinai Nhatitima also admitted in November 1995 that police used "illegal means of investigation in order to extract the truth", a phrase commonly understood to mean torture: 555 police were expelled for excesses in 1995, around 5 per cent of the police force.

Prison conditions and detention with-out trial remained a source of grave concern. The Interior Minister Manuel Antonio provoked a public out-cry in January when after being asked about deaths of inmates in interior ministry jails, he claimed that they were in police custody "because they committed mis-deeds and they have to bear the responsibility." This revealed a gross misunderstanding of the law. People held in interior ministry jails are under preventive detention and should be held under the presumption of innocence.

In September Nampula's main jail housed 317 prisoners although it was built for ninety; only thirty-four of these inmates were serving sentences. Nampula is not unique. In 1996 at least five prisoners died in Quelimane's main prison which had 406 inmates although it was built to house ninety; most of them awaited trial. Chimoio's provincial prison, "cabeca do velho," the scene of appalling conditions and deaths in 1995, attracted public attention again in April when inmates complained that little had improved and that two prison guards were demanding money in return for not beating them up.

A parliamentary delegation found in May that prisoners had not seen the sun in a year, and were

forbidden from receiving visitors in Beira's main police station. "BO" prison in Maputo was also reported to refuse inmates daily deliveries of food from their families and prisoners were permitted to receive tinned food once a fortnight unless they paid bribes to prison officials. The Ministry of the Interior became worried about such negative publicity and in June sent instructions to all districts not to allow unauthorized visits to police or prison installations. Justice Minister Jose Abudo acknowledged in June that there were poor prison conditions and called for an end to the system whereby some prisons were run by the justice ministry and others by the interior ministry. Conditions in interior ministry jails are inferior to those run by the justice ministry.

Mozambicans continued to lack of confidence in the legal system and the police. Citizens had a constitutional right of access to the courts but there was a shortage of judges and lawyers and the poor remained unable to afford the fees for defence lawyers. The deputy attorney general Agostinho Abdul became embroiled in a scandal when in June the newspaper *Domingo* claimed that in 1993 he released three arms traffickers in exchange for \$1,500. Drug-trafficking in Mozambique and the failure of the judicial system to bring anyone involved to justice also became an area of international concern. Local human rights groups campaigned for judges to receive a pay rise because judges earn between \$50-150 a month, making them financially prone to corruption.

Throughout 1996 there were incidents of banditry. A shadowy group called the Chimwenje, allegedly made up of Zimbabwean dissidents and ex-RENAMO fighters was blamed in March for the abduction of fourteen people in Manica province. It was also blamed by both the Mozambican and Zimbabwean governments for numerous armed robberies and theft in the border region but its real origins remained uncertain. There were also occasional riots and violent demonstrations by ex-combatants whose demobilization subsidy ended in March and also incidents where landmines had been used by highwaymen or criminal gangs to ambush vehicles or close roads.

The Right to Monitor

The Mozambique Human Rights League (LDH) campaigned for better prison conditions and police conduct. In early 1996 the LDH signed with the Interior Ministry a memorandum to train police officers in human rights practices but the Ministry later postponed implementation of this project. In July the Criminal Investigation Police Studies Office held a training seminar for its officers in human rights, technical and legal developments but without the formal help of LDH. The Association for Defence of Human Rights (ADDH) did not conduct any high profile work in 1996 but the Order of Lawyers of Mozambique (OLM) lobbied for a reorganization of the legal profession and a redefinition of the national standards for accreditation as an attorney. In January UNESCO sponsored conference "Culture of Peace and Human Rights" which attracted publicity and was well attended.

The Role of the International Community

The World Bank's Consultative Group on Mozambique (Paris Club) pledged more than \$881 million in loans to the government in April. Although donors raised concerns about the growth of corruption and drug-trafficking in Mozambique they remained generally supportive of the post-

election government. In June Spain and the Netherlands announced a \$9.4 million grant to train or retrain the 9000 strong police force.

United States

Bilateral U.S.-Mozambican relations remained cool although President Clinton signaled a warming in July when he received the credentials of the new Mozambican ambassador to the U.S. and described Mozambique as a “genuine success story [which] has made remarkable progress politically and economically in the transition from war to an enduring peace.” The revived Clinton administration interest in Mozambique was also demonstrated by a drop-by meeting in Washington of Secretary of State Warren Christopher on Mozambican Prime Minister Pascoal Mocumbi on September 20.

The tutorial style of U.S. ambassador to Mozambique Dennis Jett, who ended his posting in July, had contributed to the cool relationship. USAID continued to shift its strategy and resources away from emergency relief toward a longer-term development program. Total U.S. aid to Mozambique in 1996 was estimated at \$64.67 million making it one of the main international donors.

U.S. administration visits were kept at deputy assistant level. U.S. Deputy Assistant Secretary of State for African Affairs Bill Twaddell visited Mozambique in April and October and a deputy assistant from the treasury also visited during the year. During July and August a six week program of “Joint Combined Exchange Training” between the Mozambican and U.S. armed forces was conducted. Eleven members from the Third Airborne Group of U.S. Special Forces conducted the training alongside an unspecified number of Mozambican commandos.

A U.S. embassy policy of boosting RENAMO's image, and they hoped therefore confidence in the democratic process, continued with the State Department's *Country Reports on Human Rights Practices for 1995* deliberately down-playing Renamo abuses. Human Rights Watch was informed that Ambassador Jett personally edited out references from the original draft.

NIGERIA

Human Rights Developments

Nigeria's human rights record failed to improve during 1996, despite international pressure on the military government of Gen. Sani Abacha following the execution of Ken Saro-Wiwa and eight other Ogoni rights activists on November 10, 1995. Political detentions, restrictions on freedom of expression and association, torture and summary executions, interference in the judicial process, appalling prison conditions, and other human rights violations continued, without noticeable efforts to check such abuses.

In January, military decrees formalized the “transition program” announced by head of state Gen. Sani Abacha on October 1, 1995, and local government elections were held in March 1996 on a “zero party” basis. However, the elections were so compromised by executive interference that they could not be counted as a step forward. Guidelines for the registration of political parties published in June appeared designed to prevent any party from successfully fulfilling the stated criteria. Meanwhile, the presumed winner of the annulled 1993 elections, Chief Moshood K.O. Abiola, passed his second year in detention. On June 4, Kudirat Abiola, Chief Abiola's senior

wife and most prominent campaigner on his behalf was assassinated in Lagos by unidentified gunmen presumed by most people to be acting on behalf of the government. Those convicted in 1995 of involvement in an alleged coup plot, including journalists and pro-democracy campaigners who had commented on the allegations, also remained incarcerated.

The decrees promulgated by successive military governments suspending constitutional guarantees of human rights, allowing detention without trial, and criminalizing criticism of the government or its policies, remained in force during 1996. The Transition to Civil Rule (Political Programme) Decree 1 of 1996 made it an offense to “misrepresent, accuse or distort” the transition program. Although the government lifted a controversial 1994 decree that suspended the operation of *habeas corpus* in case of detentions under the notorious Decree 2 of 1984, the courts remained barred from inquiring into the legality of detentions under Decree 2 or examining government actions under numerous other decrees. Other supposed reforms, including the appointment of a national human rights commission, the institution of a review panel to consider detentions on security grounds, and the restoration of a right to appeal in certain cases held before special tribunals appeared to be purely cosmetic and had no effect in practice. Harassment of opposition activists remained severe, despite the nominal lifting of all restrictions on political activity by a fresh program for the restoration of civilian rule. Threats of violence were made against numerous activists, while other activists in Nigeria and in exile in Europe and the United States suffered attacks on their property, including arson, vandalism, and robbery. Many opposition and human rights activists were detained, for long or short periods, among them Frank Ovie Kokori, secretary-general of NUPENG (the National Union of Petroleum and Natural Gas Workers), held since August 1994 and still in detention in October 1996. Some long-standing detainees were released during the year, including Chima Ubani, secretary-general of Democratic Alternative and a staff member of the Civil Liberties Organisation (CLO), Abdul Oroh, executive director of the CLO, and Tunji Abayomi of Human Rights Africa, all held for one year or more. Family members of opponents of the military regime were also targeted: in several cases children were believed to have been arrested in the hope that their parents would attempt to get them released, and thus expose themselves to arrest. Travel documents were confiscated from a number of human rights and opposition activists. Meetings and rallies were routinely disrupted by the security services.

Other pro-democracy activists and journalists remained in prison, following their convictions in 1995 before a special tribunal of involvement in an alleged—but widely suspected to be invented—coup plot. The arrests followed their publication of information relating to the alleged plot and the trial of the military personnel accused of involvement. They included Beko Ransome-Kuti, chair of the Campaign for Democracy, and journalists Christine Anyanwu, Kunle Ajibade, George Mbah and Ben Charles-Obi. Among the military and former military officers convicted in the trial were former head of state Olusegun Obasanjo and his deputy Musa Shehu Yar'Adua.

Although one of the strongest in Africa, the independent press remained under threat of government interference and harassment. In addition to frequent detentions and other persecution of journalists, newspaper offices suffered a number of arson attempts. In February, Alex Ibru, publisher of the independent newspaper *The Guardian*, survived an assassination attempt. Journalists with the foreign media were also targeted: in January, London *Financial Times* correspondent Paul Adams was detained for a week; in February, BBC World Service

correspondent Hilary Anderson was detained overnight; and in July, a reporter for the Middle East News Agency was detained for a week. The broadcast media remained under virtual government monopoly, although an opposition radio station, "Radio Kudirat Nigeria," began broadcasting on short wave from outside the country on June 12, the anniversary of the 1993 elections.

Union activities continued to be restricted, in particular in the oil sector and on university campuses. In May, the federal Ministry of Education announced that the activities at the national level of unions at Nigerian universities, including the Academic Staff Union of Universities (ASUU), were banned, although chapters on individual campuses could continue to function. In August, ASUU and two other university unions were banned outright, and their assets confiscated. A number of ASUU members were detained at different times and meetings disrupted.

Nigerian citizens not involved in politics also continued to face a consistent pattern of human rights violations. Summary executions and torture by the security forces remained routine, while notoriously bad prison conditions failed to improve. Traders occupying markets constructed (with the permission of the local authorities) under or near highway flyovers in Lagos were removed by the security forces, with excessive force and without due process.

In Ogoniland, home of the Movement for the Survival of the Ogoni People (MOSOP), of which Ken Saro-Wiwa was leader before his execution in November 1995, repression continued during 1996. On January 4, three people were killed by security forces firing on crowds of Ogonis celebrating "Ogoni Day." At least fifty Ogonis were detained following the celebrations. Others were detained around the visit of a fact-finding team appointed by the U.N. secretary-general in April and in other raids during the year. Meetings of MOSOP were disrupted, and activists—including Ledum Mitee, the deputy president of MOSOP, who was acquitted of murder charges in the trial before a special tribunal leading to the execution of Saro-Wiwa and eight others—were harassed. Nineteen Ogonis remained in prison facing charges of murder before a special tribunal in connection with the same facts as those for which the Ogoni Nine were executed. The authorities showed no signs of actually bringing them to trial. The U.N. High Commissioner for Refugees reported in March that around 1,000 Ogonis had crossed the border to Benin; by September 600 Ogonis had been registered as refugees in Benin, and 400 still awaited interviews.

The Right to Monitor

Nigeria's numerous and sophisticated human rights groups continued their activities of monitoring, advocacy and education throughout the year, despite routine harassment by the authorities. Seminars on human rights sponsored by the CLO, the Committee for the Defence of Human Rights, the Constitutional Rights Project (CRP), the Third World Forum, the Southern Minorities Movement and other groups were disrupted or prevented during the year by members of the state security services. Human rights activists were detained on numerous occasions; others were prevented from traveling abroad to attend the meetings of the U.N. Commission on Human Rights or other important meetings. Olisa Agbakoba, former president of the CLO, Ayo Obe, current president of the CLO, and Tunde Olugboji, project officer with the CRP, all had their passports confiscated during the year as they tried to leave Lagos to attend U.N. meetings.

In November, Human Rights Watch honored Anyakwee Nsirimovu, the executive director of the Institute of Human Rights and Humanitarian Law at their annual human rights monitors ceremony for his work in eastern Nigeria.

The Role of the International Community

The November 10, 1995 executions of the Ogoni Nine caused a huge outcry from the international community. Sanctions put in place at the time of the annulment of the 1993 elections and the military coup which followed were strengthened and Nigeria was isolated to an unprecedented degree. Nevertheless, international attention on Nigeria lessened during 1996, as Nigeria's major trading partners returned to protecting their short-term economic interests at the expense of human rights issues. The military government's strategy of continuing to promise a "transition" to civilian rule appeared to be successful in fending off serious action against it.

United Nations

The United Nations General Assembly adopted a resolution on Nigeria on December 22, 1995, in which it condemned the executions of Ken Saro-Wiwa and the others, welcomed the steps taken by the Commonwealth, and expressed "the hope that these actions and other possible actions by other States" would encourage Nigeria to restore democratic rule, thus (unusually) encouraging member states to impose their own sanctions even without Security Council action.

The U.N. Commission on Human Rights adopted a resolution on April 22, in which it requested two thematic special rapporteurs (on the independence of judges and lawyers and on extrajudicial, summary or arbitrary executions) to submit a report on Nigeria at the next session of the Commission in 1997 and an interim report to the U.N. General Assembly meeting in late 1996. In October, the Nigerian government agreed to allow the two special rapporteurs to visit Nigeria at the end of November. However, a paragraph calling for the appointment of a special rapporteur on Nigeria, proposed by the member states of the European Union and supported by the U.S., was not adopted, largely because of the failure of African countries to support the measure. In March and April, a fact-finding mission sent by the U.N. secretary-general visited Nigeria and reported on the trial of Ken Saro-Wiwa and the other Ogonis, as well as on progress toward the restoration of civilian rule. The report condemned the violations of due process during the trial, and recommended that compensation be paid to the families of those executed. The team also recommended a series of "confidence building measures" including the release of political detainees.

The U.N. Human Rights Committee, monitoring compliance with the International Covenant on Civil and Political Rights (ICCPR), found severe violations of the ICCPR by Nigeria in April and July, on considering Nigeria's first report submitted to the committee in accordance with the terms of the covenant. The Working Group on Arbitrary Detention considered and denounced a number of cases of detention without trial in Nigeria. Different organs of the International Labour Organization conference also adopted resolutions condemning Nigeria's violations of the right to freedom of association. No action has been taken against Nigeria at Security Council level.

European Union

All European Union member states recalled their ambassadors for consultation following the executions. By Common Positions of the Council of the European Union dated November 20, 1995 and December 4, 1995, European Union member states agreed to impose visa restrictions on members (including civilians) of the Nigerian Provisional Ruling Council and the Federal Executive Council and their families (in addition to members of the Nigerian military and security forces and their families, on whom restrictions were imposed in 1993); to expel all military personnel attached to the diplomatic missions of Nigeria in member states and to withdraw all military personnel attached to diplomatic missions of E.U. members in Nigeria; to deny visas to official delegations in the field of sports and to national teams; to introduce a prospective embargo on arms, munitions and military equipment (allowing existing contracts to be fulfilled); and to suspend development cooperation except to projects through nongovernmental organizations and local civilian authorities. These sanctions were extended in June, without discussion, and were to be reconsidered and extended or modified in November. Nigeria's major European trading partners, including Britain, were opposed to further measures.

The Commonwealth

The Commonwealth Heads of Government Meeting (CHOGM) that was taking place in Auckland, New Zealand at the time of the executions immediately demonstrated its outrage by suspending Nigeria from the Commonwealth, the first time that this step had been taken. Nigeria was given two years to comply with the terms of the Commonwealth's Harare Declaration, which committed Commonwealth members to democratic governance, failing which it would face expulsion. At the same meeting CHOGM adopted the Millbrook Commonwealth Action Programme on the Harare Commonwealth Declaration, which included a commitment to take measures in response to violations of the Harare principles. A Commonwealth Ministerial Action Group (CMAG) was appointed to deal with persistent violations, which committed itself to examining, in the first instance, Nigeria, Sierra Leone and the Gambia, the three Commonwealth countries without democratically elected governments at that time.

On April 23, following its second meeting, CMAG recommended various measures for implementation by Commonwealth members with regard to Nigeria, including visa restrictions on and denial of educational facilities to members of the Nigerian regime and their families, withdrawal of military attachés and cessation of military training, an embargo on the export of arms, a visa-based ban on sporting contacts, and the downgrading of diplomatic and cultural links. At a further meeting on June 24-25, however, the imposition of the sanctions agreed upon in April, which had been delayed to give Nigeria time to engage in dialogue with CMAG about its human rights record, was further postponed, although existing measures consequent on Nigeria's suspension from the Commonwealth remained in place. In September, CMAG met again and announced that a fact-finding mission—which had previously been blocked by the Nigerian government—would travel to Nigeria as soon as possible. No further sanctions would be imposed in the meantime. No guarantees were obtained that the fact-finding mission would be able to visit political detainees.

Organization of African Unity

African countries were in general reluctant to condemn Nigeria's human rights record in strong

terms. In December 1995, OAU Secretary-General Salim Ahmed Salim spoke against the response of the international community to the hangings of the Ogoni Nine, stating that, although the OAU would like to see a democratic Nigeria, with greater respect for human rights, "we do not subscribe to the campaign to isolate Nigeria. ... We would not want anything to be done which would have the effect of destabilizing Nigeria."

West African states, including Ghana, Niger, Senegal and the Gambia, indicated their support for Nigeria against "threats to its sovereignty" from the condemnation surrounding the November 10, 1995 executions. Southern African states, meeting at a summit of the Southern African Development Community (SADC) in December 1995, also failed to take measures against Nigeria. The proposal for the appointment of a U.N. special rapporteur on Nigeria, included in the draft resolution submitted by E.U. member states to the 1996 meeting of the U.N.

Commission on Human Rights, was not supported by most of the African delegates and had to be deleted before the resolution could be adopted.

At the CHOGM meeting in New Zealand in November 1995, South Africa led the call for strong action against Nigeria. South Africa became less outspoken in 1996, failing, for example, to support the proposal at the 1996 U.N. Commission on Human Rights meeting for the appointment of a special rapporteur on Nigeria. In July, President Mandela, speaking ahead of the OAU summit in Yaounde, Cameroon, acknowledged that "Africa is not speaking with one voice," and indicated that he had "received representations from countries in West Africa as well as from [U.N. Secretary-General] Boutros Boutros-Ghali," who had reminded him that "Nigeria is responsible for law and order in Sierra Leone and Liberia," as it contributes the largest contingent of troops to the West African peacekeeping force ECOMOG (the Economic Community of West African States Monitoring Group) in Liberia.

On December 18 and 19, 1995, at the insistence of Nigerian and international nongovernmental organizations, the African Commission on Human and Peoples' Rights (an organ of the OAU) held its second ever extraordinary session at Kampala, Uganda, in order to consider the human rights situation in Nigeria. The commission had been amongst those bodies pleading for clemency in the case of Ken Saro-Wiwa and his codefendants after the death sentences were passed. The commission also resolved to send a fact-finding mission to Nigeria. Dates for the mission originally agreed with the Nigerian government for February fell through and by October no alternative dates had been set.

United States

The United States also responded to the executions by recalling its ambassador, Walter Carrington, for consultation. In addition, it extended pre-existing restrictions on military links (which included the termination in July 1993 of all military assistance and training) by banning the sale and repair of military goods. It extended a pre-existing ban on the issue of visas to senior military officers and senior government officials and their families to cover "all military officers and civilians who actively formulate, implement or benefit from policies that impede Nigeria's transition to democracy"; and introduced a requirement that Nigerian government officials visiting the U.N. or international financial institutions in the U.S. remain within twenty-five miles of those organizations. It also stated it would begin consultations immediately on appropriate U.N. measures. The U.S. government also cut the USAID budget, while

reprogramming all USAID assistance exclusively through the nongovernmental sector. In 1996, however, the U.S. like other countries was stronger on rhetoric than action. While the U.S. issued strong statements condemning military rule and human rights violations, no further concrete measures were adopted. In June, Assistant Secretary John Shattuck visited Nigeria and noted "a steady deterioration in the human rights situation in Nigeria since 1993." Like the E.U., the United States publicly stated that all possible measures against Nigeria, without exclusion, were still under consideration; but no steps were announced by the administration to put these statements into effect.

RWANDA

Human Rights Developments

From the start of the year, the Rwandan government fought a growing threat from soldiers (ex-Armed Forces of Rwanda) and militia of the former government, who had been leading incursions from refugee camps in Zaire. The infiltrators, part of the force that carried out a genocide that killed at least half a million Tutsi and slaughtered thousands of Hutu moderates in 1994, remained committed to returning to Rwanda by force and to completing the extermination of the Tutsi. At first the infiltrators used bombs and mines to target electricity pylons, vehicles and buildings but during the course of the year, they moved to attacking civilians, primarily survivors of or witnesses to the genocide and local government officials. As they grew in confidence, the attackers penetrated further into the country, from the western regions closest to Lake Kivu and Zaire to areas quite to the capital. By October, the infiltrators had killed at least 278 people.

The current government's Rwandan Patriotic Army (RPA) responded to the incursions by increasing patrols and search and cordon operations, during which some 600 people were killed through the month of October, many of them civilians. Military authorities sought to cover up these killings by unconvincing claims that civilian victims were infiltrators or their accomplices or were accidentally slain in exchanges of gunfire. In many cases, including one investigated by Human Rights Watch in the commune of Ramba, unarmed civilians were shot at close range or when they were in flight. The Ramba massacre, like those at Kanama in September 1995 and at Satinsyi in April 1996 where the slaughter of civilians also followed killings of RPA soldiers, was consistent with a reported government policy of severely punishing the people of any community where soldiers are attacked. A substantial number of the victims in infiltrators' raids and reprisals by government forces have been children, women or elderly people.

In the search and cordon operation in several communes in Ruhengeri prefecture in August 6 to 8, soldiers assembled some 10,000 men on a hilltop and held them there for two days without food or water. Some who failed to respond to the summons and sought to hide or escape were shot when caught. After interrogation, some 300 men were further detained, reportedly in Mukamira military camp. The military penal code was amended in January to permit civilians accused of aiding the enemy to be detained in military facilities and tried under military regulations.

Following an attack which killed three civilians and wounded a fourth in December 1995, RPA soldiers accused of the crime were tried by a military court before a community gathering. On

December 28, 1995, the court found all four guilty and condemned a sergeant, the highest ranking of the four, to death. The sentence was being appealed at the time of this writing. According to military authorities, more than 1,300 RPA soldiers were detained and awaiting trial on a variety of charges, some of which were reportedly related to killings of civilians and other human rights abuses. Apparently none had been brought to trial on charges related to killings done during military operations. Following considerable international protest over the number of persons killed in the July and August operations, Col. Charles Ngoga, commander of the Gisenyi-Ruhengeri sector where the killings had taken place, was relieved of his command, but reportedly was re-assigned in the eastern sector.

Some seventy-five local officials had been killed through the month of October. Some were slain by infiltrators, particularly in areas on the western frontier, but others were apparently killed by RPA soldiers, including the burgomaster, the deputy prosecutor, and a school director in Rushashi commune and the burgomaster of Nyabikenke commune, all murdered in July. Although authorities had investigated some of these cases, no one was brought to trial for these murders. Two burgomasters who criticized military operation in their communes of Karago and Nyamutera were suspended from office in early September and put under house arrest. The burgomaster of Nyamutera was later imprisoned.

In January, the president and vice-president called on citizens to join soldiers on patrol to combat the incursions. In June, the president renewed this call, as did delegations of high government officials. There were several reports of beatings by civilian patrols, acting either alone or in the company of RPA soldiers. Civilian participation in local security operations was a practice before and during the genocide, one that was clearly abused at that time and that could lead to further abuses.

The judicial and police systems, nearly totally paralyzed since the genocide, received important numbers of new personnel during the year. In September, 280 judges and magistrates, trained in a brief, intensive course in legal procedure, were sworn in. At almost the same time, however, the minister of justice was obliged to resign and was charged with corruption. A number of other officials were removed on charges of corruption, mismanagement, or on belated accusations of involvement in the genocide, including the president of the court of first instance in Kigali, the assistant prosecutor in Kigali, the prosecutor of Butare and the prosecutor of Kibuye. The latter three were all subsequently arrested. Judicial officials, many of whom expressed concern for their personal safety, experienced frequent problems with administrative officials or military officers who interfered with the execution of their duties. In some areas, unauthorized persons, including soldiers and local officials, made arrests, sometimes without subsequently informing judicial authorities, often during military search and cordon operations. In March, 750 policemen were graduated from a British-run training program.

Tutsi recruits appeared to be far more numerous than Hutu among new judicial and police staff, as was the case with local officials installed last year as well. Many of these Tutsi were people who returned to Rwanda only after the RPA victory in July 1994. Foreign funders and trainers apparently hesitated to raise the ethnic identity of candidates with authorities, who had made commitments to eliminate the distinctions that formed the basis for the genocide. The large number of Tutsi in official positions as well as in secondary schools and the university caused considerable resentment among the Hutu population.

On September 1, the government officially promulgated a law establishing procedures for punishing genocide and crimes against humanity. It divides perpetrators into four categories: in the first are planners, organizers, instigators, and leaders of the genocide as well as those who killed with particular zeal or malice and those who committed acts of sexual torture; in the second are those who killed or committed assaults resulting in death; in the third are those who committed assaults that resulted in serious injury; and in the fourth are those who committed offences against property. The accused are to be assigned to categories by prosecutors, whose decision cannot be appealed. Those in category one, if convicted, face death by firing squad. Guilty in other categories will face prison terms and may receive reduced sentences in return for full confessions.

With the adoption of the new law, the appointment of judicial personnel, and the addition of considerable funds from outside donors, the government was well placed to begin trials of those accused of genocide. In October, some 83,000 persons were being held, most of them pending charges of genocide, in a variety of prisons, communal lockups and military places of detention. In virtually all of these locations, inmates were confined in overcrowded, inhumane conditions. In mid-May, ninety-four detainees were confined in a single twenty-meter square room in Kivumu commune. Seventeen of them died of suffocation during one night; six others died under similar conditions in another Kivumu lockup at about the same time. The next week, forty-six detainees died when grenades were thrown into a detention center in Bugarama commune. Local authorities said infiltrators had thrown grenades at the building, but inspection of the site revealed that the grenades had exploded from inside the building outward and showed as well that some of the detainees had been shot. Persons held in central prisons rarely reported mistreatment, while those in communal lock-ups often complained of being beaten. Several died each month as a result of mistreatment in the communal lockups.

The growing insecurity resulted in large part from the continued presence of large numbers of refugees, approximately 1.7 million, mostly in Zaire and Tanzania. Refugees in Tanzania caused considerable disruption to the local ecology, depleting local supplies of firewood and water, but those in Zaire caused more extensive problems by also attacking locally resident peoples. After making an initial effort to drive out Rwandan refugees in the early part of the year, Burundi finally drove out all but some two hundred in July and August. The majority of the 76,000 Hutu refugees forcibly returned from Burundi encountered relatively few problems in Rwanda and were able to return to their homes and land. Several hundred were arrested, however, and one was reported beaten to death by a crowd. In early October, Rwanda took its turn in driving refugees back across the border when it warned some 4,000 people who had fled violence in Burundi that they had one week to go home. Zaire, which had been trying for some time to send the refugees home, agreed with Rwanda in late July that the camps would be closed. But in October, both Zaire and Tanzania still sheltered a virtually undiminished refugee population and expressed again their determination to send the refugees home.

The violence against Zairians ethnically related to Tutsi and Tutsi of Rwandan origin, first in North Kivu and then in South Kivu, Zaire and the subsequent flight of thousands of them into Rwanda worsened relations between Rwanda and Zaire. Relations between the two countries were already poor because Zaire had tolerated, if not encouraged, the regrouping of the army of the former Rwandan government. In late September and October, the two armies exchanged

heavy arms fire across the border of southwestern Rwanda. Zaire accused Rwanda of sending troops into South Kivu to fight civilian and military assailants of the Banyamulenge, Zaire's long-resident Tutsi population.

The Right to Monitor

Although the government continued to profess its support for human rights and its openness to being monitored, it showed growing impatience at criticism. An April press release from the Ministry of Information stated that human rights organizations sometimes “unwittingly serv[e] as propaganda channels for genocidal leaders” because they collect “slanted” information from informants who were involved in the genocide and “jump at any opportunity to project a negative public image of the government.” A subsequent radio broadcast by a high government official accused some Rwandan human rights groups as “covering up” for people guilty of genocide. Local activists have frequently been threatened, usually by unidentified harassers.

In the early part of the year, UNHCR protection officers were denied access or access without official escort to several communes in Butare and Kigali prefectures. Officers conducting an inquiry in Mugesera commune were detained briefly at a military base. Human Rights Watch researchers investigating the Ramba massacre together with Rwandan colleagues were also briefly detained by a military patrol.

After accounts of the Ramba massacre were published by Human Rights Watch and the International Federation of Human Rights Leagues and by the U.N. Human Rights Field Office, Rwandan authorities, including the minister of information and an adviser to the vice-president, criticized their reports as “biased.”

The Role of the International Community

The international community continued to contribute far more funds to provide for the basic needs of Rwandans in exile in neighboring countries than to those within the country. Since July 1994, donor nations had spent approximately US\$2.5 billion on the refugee camps, while devoting about \$572 million to programs in Rwanda itself. At a roundtable conference in Geneva in June, however, donors pledged some \$617 million towards a three-year development program in Rwanda that would require \$800 million for its complete implementation. Sustaining the refugee camps became a financial burden that donor nations were no longer willing to shoulder. For many months, the refugees had been supported at a cost of approximately a million dollars a day. In June, an appeal for \$288 million to fund refugee support for 1996 had raised only \$95 million. At Geneva, the United States suggested a new initiative to close the current camps by relocating some further from the frontier and encouraging the rest to return to Rwanda. It pushed harder for this plan in October, when Secretary of State Warren Christopher emphasized the need to close the camps at the Arusha meeting of a number of African heads of state. In September, the UNHCR announced that the twenty persons indicted by the International Tribunal could no longer be considered refugees and it was exploring ways to draw up a longer list of persons who could be excluded on the basis of participation in the genocide.

United Nations

In March, UNAMIR, the peacekeeping force that had been in place before the genocide, reduced

and paralyzed at the start of the killing, and then strengthened again at its end, completed its assignment. Although infiltrations and government reactions to them increased after that time, the gradual increase in violence actually dated back to late 1995, before the end of the U.N. military presence.

In September, the Security Council ended an embargo on arms transfers to the current government which had been imposed on the previous government of Rwanda during the genocide, but failed to link the decision to demands for progress in halting serious violations, such as the killings of civilians by government soldiers. The council retained the embargo against forces of the former government based in Zaire.

While the genocide was still in progress, the U.N. Human Rights Commission named a special rapporteur for Rwanda and also created a field office of monitors to assist him. In January, the special rapporteur, René Degni-Ségui, published a report dealing with events through the end of 1995 and drawing particular attention to crimes against women and children during the genocide. In February, the Field Office experienced serious financial problems because donor nations had failed to pay their pledges and had to temporarily reduce the number of its investigators.

Throughout the year, its staff documented the growing violence of RPA soldiers against civilians and sought discreetly to have authorities correct these abuses. In July and again in August, the Field Office marked its concern by making its data about military killings of civilians publicly available. The International Criminal Tribunal for Rwanda (ICTR), established by the U.N. Security Council subsequent to a finding by its Commission of Experts that genocide had been committed in Rwanda, at first received little more than rhetorical support from the international community. In March, the tribunal had available only twenty-eight investigators and a skeletal legal staff. But in the next few months, various donor nations were persuaded of the need for adequate funding and a budget of \$36 million was provided for its operation. By October, the tribunal had indicted twenty-persons, including several of major importance in the genocide. Zambia, Kenya, Belgium, Switzerland and the United States had arrested indicted persons and agreed to hand them over to the tribunal. The Cameroon government, which had arrested several of the most important of the accused, including Col. Théoneste Bagasora, who took charge of military and militia activities from the start of the genocide, delayed delivering them over to the tribunal. Even after all judicial formalities had been completed, President Paul Biya still refused to sign the documents necessary for their transfer to custody of the tribunal.

Because of early financial and staffing difficulties, the tribunal had failed to deal adequately with such issues as witness protection and the prompt provision of necessary materials to defense lawyers. But by October it appeared that these problems had been resolved and the first trial was scheduled to begin at the end of October.

European Union

In April, E.U. special envoy to Rwanda, Achim Kratz, summed up E.U. policy by saying "We have no other solution but to support this government. It may not have a democratic basis but it ended the genocide." The Africa-Caribbean-Pacific European Union Joint Assembly, the parliamentary body of the E.U. and its associated partners in Africa, Caribbean and Pacific countries, reaffirmed this position in late September when it passed a resolution calling for aid to Rwanda to boost reconstruction and the return of refugees, for prompt implementation of the new

Rwandan law on the genocide, and for international assistance in preventing the reorganization and arming of those responsible for the genocide. There was no mention of human rights violations by the current government.

United States

The U.S., like the E.U., had apparently decided to back the current government of Rwanda strongly. A speech given by Richard McCall of the U.S. Agency for International Development gave virtually unqualified support to the government and raised few concerns about its human rights record. While acknowledging that the government needed to address the problems of justice “more effectively,” he went on to say that the issue was very complex in ways that the international community might never be able to appreciate.

In July the United States sent nine U.S. soldiers to Rwanda to provide training to RPA soldiers in small-scale operations. Although Ambassador Robert Gribbin acknowledged serious concerns about the killing of civilians by the RPA, he indicated that he believed such concerns were best addressed privately with the appropriate authorities.

In August, Vice-President Paul Kagame, the minister of defense and leading military authority, visited the U.S. and met with such high level administration officials as National Security Advisor Anthony Lake and Defense Secretary Perry. According to the State Department, they discussed refugee repatriation, rebuilding the justice system, prison conditions and regional peace efforts.

The U.S. was a key supporter of the ICTR, both politically and financially. In addition to \$1,683,000 in assessed U.N. contributions for 1994-1995, the U.S. has made voluntary contributions of cash, personnel and equipment at a cost estimated at \$3,900,000. The U.S. insisted on the importance of prosecuting those accused of genocide. As of this writing, it had contributed \$5,650,000 to the tribunal, \$650,000 of which was earmarked for prosecution of mass rape and sexual crimes.

The U.S. cooperated in the arrest of one person, Elsephe Ntakirutimana, indicted by the ICTR. There was no provision in U.S. criminal law for prosecution of genocide, but Human Rights Watch brought a civil suit under the Alien Torts Act in the name of Rwandans residents in the U.S. who had suffered from the genocide. This suit, against Jean-Bosco Barayagwiza, resulted in a \$105 million judgment against Barayagwiza, handed down in U.S. District Court on April 9. In the decision, Judge John S. Martin wrote that “the plaintiffs have overwhelmingly established that the defendant has engaged in conduct so inhuman that it is difficult to conceive of any civil remedy which can begin to compensate the plaintiffs for their loss or adequately express society’s outrage at the defendant’s actions.”

SOUTH AFRICA

Human Rights Developments

South Africa’s African National Congress (ANC)-led government continued its reforming drive during 1996, but also faced significant checks in its stated ambition to reduce some of the inequalities in South African society and introduce a culture of respect for human rights and the rule of law. While further legislation aimed at ending longstanding abuses was adopted and a

draft constitution containing a strong bill of rights completed, the government faced and in some cases conceded to demands—in the context of rising public concern about violent crime—for repressive law-and-order measures. Following the completion in May of the draft constitution that was submitted to the constitutional court for certification, the National Party left the government of national unity (GNU) to become the largest opposition party. The Inkatha Freedom Party (IFP), which had not participated in the constitutional discussions, remained in the GNU. In 1996, South Africa ratified the African Charter on Human and Peoples' Rights. A draft final constitution was adopted by the constitutional assembly in May to replace the interim constitution that came into force on April 27, 1994. Under the certification process provided by the interim constitution, the final constitution was subject to certification by the constitutional court to comply with a set of "constitutional principles." Although the court found that it "complies with the overwhelming majority of the requirements of the [constitutional principles]," it referred certain sections back to the constitutional assembly for amendment, including those relating to the powers of provincial and local government. The bill of rights, including protections for some economic and social rights, was certified, except for the right to collective bargaining for employers. The constitutional assembly reconvened in September to draft amendments to take into account the objections of the court. A revised draft was adopted on October 11, which was in turn to be submitted to the court for certification on November 18. Local government elections went ahead in the Cape Town metropolitan area and in KwaZulu-Natal province in May and June, respectively, where they had been postponed from 1995 as a result of confusion over electoral arrangements and continuing political violence. In both cases, the vote took place without serious irregularities in the conduct of the poll and all parties accepted the results. The final results in KwaZulu-Natal showed that the ANC held urban areas, with the IFP continuing to prevail in the rural areas of the former KwaZulu "homeland." Political violence nevertheless continued to simmer in KwaZulu-Natal. Reduced levels of violence in the province were at least in part due to more effective policing. Nevertheless, the nongovernmental monitoring organization, the Human Rights Committee of South Africa, recorded 374 deaths in political violence in KwaZulu-Natal to the end of September. On the southern coast of KwaZulu-Natal, for example, a special investigation team arrested over one hundred people during 1996 and charged them in connection with offenses related to political violence. Among over thirty other suspects, three policemen from the Port Shepstone police station were charged with murder in connection with a Christmas Day 1995 massacre of nineteen people in Shobashobane. Initially suspended, they were allowed to return to duty in August, although the case against them remained pending. In Cape Town, gang violence led to the emergence of a vigilante response in the form of a group calling itself People Against Gangsterism and Drugs, which was responsible for the killing of a well-known gang leader in August.

A notorious massacre of the past was examined in the trial of former defense minister Magnus Malan and nineteen others. The defendants were accused of involvement in the 1987 massacre of fourteen family members of an ANC leader in KwaZulu-Natal, either directly, or through the design or management of a scheme in which individuals were trained by the South African Defence Force to carry out political assassinations or promote political violence. Three of the accused were discharged in May after the prosecution closed its case, including the former head

of the South African Defence Force Department of Military Intelligence, Gen. Tienie Groenewald, on the grounds that the state had failed to submit sufficient evidence against them. In mid-October, the remainder of the defendants were acquitted, amid accusations that the prosecution had not been as well conducted as it might have been by the KwaZulu-Natal attorney-general.

In September, Eugene de Kock, commander under the previous government of the notorious, once secret Vlakplaas unit of the security police, was found guilty in August of six murders and eighty-three other crimes. In his plea in mitigation before sentencing, de Kock implicated senior members of the former government in “dirty tricks” activities against anti-apartheid activists and in the promotion of political violence by covert supply of weapons and other means. Among those named were previous presidents P.W. Botha, current National Party leader F.W. de Klerk, and a number of generals in the army and senior police officers. De Kock also said that South Africa had been behind the 1986 murder of Swedish premier Olaf Palme.

The National Commission on Truth and Reconciliation, sworn into office in December 1995, held hearings around the country during the year, at which past victims of rights abuses told their stories. The legislation establishing the truth commission empowered it to compile as full a record as possible of gross human rights violations during the period March 21, 1960 to December 6, 1993; to recommend the award of reparations to the victims, and to grant amnesty to perpetrators in return for full disclosure of the acts they had committed. Comparatively few perpetrators came forward during the year, and most of those who did apply for amnesty were already in prison, convicted of offenses which they claimed to be political. Political parties were also given an opportunity to present their views of the conflicts of the past. The National Party apologized for the suffering caused by apartheid, but once again failed to acknowledge that its policies of “separate development” in themselves were wrong. In a much fuller submission, the ANC accepted responsibility for the abuses carried out in its own camps in Zambia and Tanzania, while giving a detailed analysis of the context of its own armed struggle.

On August 9, national women’s day, the truth commission held hearings dedicated solely to violations against women. Contemporary violations of women’s rights also received attention during the year. A twenty-eight member parliamentary committee was established to monitor the commitments made by the government under the Convention for the Elimination of Discrimination Against Women, ratified in 1995, and at the 1995 U.N. conference on women in Beijing. A women’s office was also established in the office of the president. Legislation establishing an independent “gender commission” was passed in June, although the body was not yet functional by November. The South African Law Commission announced that it was undertaking a review of the 1993 Prevention of Family Violence Act, under which over 20,000 interdicts (restraining orders) had been granted to victims of domestic violence by the end of 1995, addressing some of the weaknesses of the act criticized by lawyers and women’s rights campaigners. In May, the government launched a national program of action for children, taking account of the 1995 ratification of the Convention on the Rights of the Child.

Police reform continued during the year. In August, an executive director was appointed for the Independent Complaints Directorate provided for in the 1995 police act to investigate complaints against the police, although the directorate was not yet functioning at the time of writing. Human rights organizations also expressed concerns that the directorate would have insufficient powers

to be effective, and that anti-corruption units established in the police service at national level would not come under its control. Despite some efforts to take action against abusive officers, victim statements and court-authorized raids on police stations revealed that torture equipment, such as rubber hoods and electric shock materials, was still in use against criminal suspects or witnesses in many areas. Police corruption remained widespread, as did collusion with organized crime.

A national anti-crime strategy was announced in May, which included measures to improve investigation of crime, reduce corruption in the police, take action against gangs, promote victim support schemes, prohibit the carrying of firearms at certain gatherings, make bail conditions tougher and improve throughput of cases in the courts. However, in the face of public demands for stronger action against violent crime, more repressive measures were also announced, including the construction of new "super-maximum security prisons." In September, the ANC announced that it would review its opposition to the death penalty. Legislation was passed allowing children accused of serious crimes to be held in prison or police detention cells, reversing earlier legislation which limited detention of children to a maximum of twenty-four hours. However, a government report published in September confirmed allegations of abuse of children held in "places of safety," which hold children considered at risk in their home environment as well as youths that await trial.

Little progress was made towards prison reform during the year. The Correctional Services Transformation Forum, formed in 1995 to guide the process of reform in the prisons with participants from a variety of interested groups, was disbanded after failing to make significant progress. In April the prison service was officially demilitarized on the order of the minister of correctional services, but the measure was criticized both by prison officers and by human rights groups for being badly implemented. Prison disturbances took place at a number of prisons during the year: in two of the worst incidents, four prisoners were killed in a January riot in Barberton prison, and three in a September riot at Upington. In response to calls by human rights groups for the appointment of a prisons inspectorate, it was announced that an "inspecting judge" for the prison system would be appointed.

Although both the U.N. and the Organization of African Unity (OAU) conventions on refugees were ratified by South Africa in 1995, policy towards refugees and undocumented aliens remained problematic. More than 150,000 aliens were deported in 1995, and deportation continued at the same rate in 1996, usually without regard to a deportee's right to a hearing. Immigrants were often the target for police harassment, and routinely blamed by politicians and others, without good evidence, for the reported rise in crime. In June, a limited amnesty for nationals of countries within the Southern African Development Community (SADC) who were illegally resident in South Africa was announced in June, and in July SADC countries met with representatives of the U.N. High Commissioner for Refugees (UNHCR) and agreed to cooperate in formulating refugee policies.

South Africa's foreign policy exhibited a lack of strong leadership during 1996. Contradictory statements were issued on relations with Libya, Cuba and Iran, in particular, as South Africa responded to U.S. and other criticism for its attitude to those countries. President Nelson Mandela led the international outcry at the execution of nine Ogoni rights activists in November 1995 that resulted in the suspension of Nigeria from the Commonwealth and other measures (see

Nigeria section). South Africa changed its stance during 1996, however, in the face of the reluctance of other African countries to take a strong position, and did not back the appointment of a special rapporteur on Nigeria proposed at the 1996 session of the U.N. Commission on Human Rights. South Africa followed the OAU in imposing sanctions on the government that took power in Burundi after a military coup in July. The second report of the Cameron Commission, investigating South Africa's arms trade, was published in March, and recommended wholesale reforms of the procedures for licensing arms sales: a decision to supply arms to the current government of Rwanda was taken in accordance with these new procedures. South Africa made contributions toward the peacekeeping efforts of the OAU and of the U.N. in Angola.

The Right to Monitor

There were no restrictions on the right to monitor human rights violations in South Africa during 1996. Nongovernmental human rights organizations, however, faced a budget crisis as foreign funding, directed to the nongovernmental sector before 1994, continued to be redirected to government projects. A number of independent statutory bodies mandated to monitor government activity began to function, including the Human Rights Commission, charged with promoting respect for human rights and investigating violations, and the Public Protector, charged to investigate misconduct in public administration. While there were criticisms of the first work of these bodies, they promised to perform a useful function in the future.

The Role of the International Community

The contribution of other countries to human rights in South Africa during 1996 consisted largely of financial assistance to the ANC government's "reconstruction and development program" and to nongovernmental human rights organizations. A number of specifically human rights-related projects were announced during the year, including the creation of a European Union Foundation for Human Rights in South Africa, funded by the European Union (E.U.), South Africa's largest bilateral donor. The foundation was created to implement the E.U.'s human rights program in South Africa, disbursing R.86 million (US\$19 million) for 1996 to 1999. The E.U. also granted R.10.7 million (\$2.4 million) to the truth commission. U.S. AID pledged R.14 million (\$3.1 million) to a consortium of nongovernmental bodies involved in public interest law and human rights under the umbrella of the National Institute for Public Interest Law and Research and pledged to spend a similar amount over the next financial year. In addition, U.S. AID gave \$9.5 million to the Ministry of Justice to train lawyers, judges and magistrates; carry out law reform; conduct human rights education; and increase access to the judicial system. U.S. Peace Corps volunteers were scheduled to arrive in South Africa for the first time in January 1997. Canada promised to provide at least R.20 million (\$4.4 million) over four years to help upgrade South Africa's judicial system. Britain provided assistance toward redeveloping police training programs, and toward the restructuring of the defense force.

SUDAN

Human Rights Developments

The National Islamic Front (NIF) dominated Sudan's government, which had declared Sudan an Islamic republic. The civil war, underway since 1983 against the rebel Sudan People's Liberation Movement/Army (SPLM/A) and others and continued to be the context of massive human rights violations, including indiscriminate attacks on civilians and refusal of relief access to the needy, arbitrary detentions, mistreatment, and torture.

While giving lip-service to tolerance, during 1996 the NIF, an Islamist political party, continued its policy of using state power to coerce Islamization and force its interpretation of Islam upon Muslims, in violation of freedom of religion. Its politicization of religion and ethnicity made settlement of the war increasingly difficult. Although Islam was the state religion, only 60 percent of the population was Muslim. The Muslim population lived largely in the north, and most southerners remained Christians or practiced traditional African religions. The SPLM/A, initially a southern-based movement, continued to seek a united secular Sudan. Poor relations between Christian churches and the government, as well as the civil war, were deeply related to the north-south questions and the government's Islamization project. The government continued to characterize attacks on its poor human rights record as attacks on Islam.

In March, elections were held for president and legislative assembly but were boycotted by the opposition, as political parties remained banned and there were substantial restrictions on free speech, assembly and association. The governing NIF reinforced its political control through these elections, although as a political party it, too, was technically banned. The NIF's attempts to speak for all Sudanese Muslims were rebuffed by leaders of traditional Sudanese Sunni Muslim sects, two of which formed the backbone of the two largest political parties in Sudan, the Democratic Unionist Party and the Umma Party—both banned since the 1989 army/NIF coup. Slightly greater press freedom permitted to local newspapers prior to the elections ended shortly after March. After repeated suspensions, the government finally closed *Al Rai Al Akhar*, the last independent paper then still open in July. At two state publishing houses, the government dismissed women journalists who demanded equal pay and laid off an additional 150 women and fifty men. Arrests of journalists continued in 1996.

Other forms of expression also remained tightly circumscribed. After former vice-president and well-known southern politician Abel Alier publicly called for resolution of the war in late 1995, he and others close to him were detained briefly and harassed in other ways. Several signatories of a June 1996 petition to the government calling for a multiparty system were arrested, others harassed.

As usual, the universities were sites of struggle between pro- and antigovernment students, in which government forces played a partisan role. At the private, independent Ahliya University in Omdurman, the triumph of antigovernment students in student elections in mid-1996 led to more violent clashes between student groups. Although pro-NIF student supporters and NIF militias attacked and destroyed university buildings during these clashes, none were detained and instead the government used this as a pretext to close Ahliya University permanently.

For the most part, however, efforts to secure the release of detained antigovernment activists did not meet with success. The government continued to hold security detainees for up to and sometimes beyond six months without charges or recourse to the courts. Unacknowledged places of detention, "ghost houses," continued to serve as informal security detention facilities where mistreatment and sometimes torture occurred. Victims of the most severe torture continued to be

largely from Sudan's marginalized peoples, particularly those in or from the war-affected areas, such as the south, the central Nuba Mountains, and the Beja region in eastern Sudan. According to the government, coup plotters abounded. Several alleged "plotters" were detained by security in January and released on bail in May, under close surveillance, possibly to be tried in a civilian court. Another thirty-one detainees (including ten civilians) were put on trial by a military tribunal in Khartoum in August for an alleged February coup attempt. The trial, in October still proceeding in the military intelligence area of army headquarters, was closed to the public. Human Rights Watch's request to observe it and for the public and the press to have access was ignored. In late September, one defendant, a civilian journalist, took off his shirt to show what he said were torture scars; other defendants claimed to have been tortured. The defendants were charged with crimes that carry the death penalty. Another group captured in August in and around Port Sudan is expected to be tried before a military tribunal also. Many of the almost two million displaced southerners and Nubas in the Khartoum area since the mid-1980s "illegally" built shanties and churches. These structures continued to be destroyed in disregard of international due process standards pursuant to an "urban renewal" plan. This plan would reverse population trends resulting from the ongoing civil war and the droughts of the 1980s, as Khartoum's population doubled to four million and the ethnic balance of the capital shifted away from its Arab base. Those displaced who arrived in Khartoum after 1990 had no right of tenure anywhere in Khartoum, not even in the dreary "official" displaced persons' camps. By late 1995 about 4.25 million war-affected inside Sudan—north and south—required some form of relief assistance. Another 556,000 were refugees in neighboring countries. The war that had driven the displaced and refugees from their homes continued. The government's war abuses included targeted air attacks on civilian populations. On August 23, two helicopter gunships flew low and deliberately fired rockets and machineguns on civilians on market day in Kotobi, Western Equatoria, where 6,000 displaced persons were sheltering. Five civilians were killed and forty-five injured, and two churches were destroyed. Indiscriminate government attacks on concentrations of civilians included three bombing raids on the town center and market place in Maridi in Western Equatoria during July, in which three civilians were killed and twenty-three were reported wounded. Civilians had no respite from human rights abuses in the central Nuba Mountains either. For example, on March 23 and 24, 1996, two villages in the Moro district were looted and destroyed by a joint army and Popular Defense Forces (PDF) militia raid, leaving 1,000 families destitute. Slavery was an ongoing abuse. Government troops and government PDF militias had captured and enslaved women and children in army-sponsored raids on southern and Nuba villages for the past ten years. They were allowed, as a form of war booty, to take these civilians captive for use in domestic slavery or to sell. For example, on March 16, in southern Kordofan, a PDF attack on Mabior Deil, a village established by the government for the displaced in 1995, killed an estimated thirty-one and kidnapped at least thirteen women and children into slavery. The PDF reportedly enslaved twelve in another attack on Majok Kuom in Bahr El Ghazal on April 25, and seventy-one were reportedly enslaved by the PDF in attacks in the Abyei area of Kordofan in April. Cmdr. Kerubino Kuanyin Bol, heading a government militia, brought the greatest destruction to southern Sudan in late 1995 and early 1996. Kerubino, a former SPLA founder whom the SPLA

held prisoner in secret camps for over five years, escaped and in 1993 returned to his native northern Bahr El Ghazal. Since then, in alliance with the Sudan government, his troops routinely attacked, looted and burned civilian villages, killing civilians, wiping out their cattle and grain, and sparking a need for emergency relief. The government frequently denied access to this region to nongovernmental organizations (NGOs) and to Operation Lifeline Sudan (Southern Sector), the U.N. umbrella agency charged with crossborder emergency relief to the internally displaced. It appeared that the government was trying to push civilians to migrate to government garrison towns, another example of the government's scorched earth or "draining the sea" counterinsurgency strategy, as in the Nuba Mountains.

In 1996, the most significant political development in the civil war since the 1991 SPLA split occurred when the leader of the 1991 split, Cmdr. Riek Machar, took his Nuer-based Southern Sudan Independence Movement/Army (SSIM/A) into an alliance with the government. Along with Kerubino, a Dinka, Machar signed a "Political Charter" with the government in April. Most of the Sudan's known oil reserves lay within SSIM/A territory.

The Political Charter was the culmination of a government strategy which did not break the war's stalemate but imposed a high cost on the south. With this Charter, the Sudan government continued to actively prolong and deepen ethnic divisions between and among the two largest peoples in southern Sudan, the Dinka (mostly aligned with the SPLA) and the Nuer (mostly with the SSIA), with approximately 12 and 5 percent, respectively, of the entire population of Sudan. The government's strategy extended to arming and financing several other smaller, often ethnically-based splinters of the SPLA.

Unlike prior years, however, when the SSIA/SPLA conflict could be characterized as internal SPLA faction fighting, the government of Sudan was in 1996 directly responsible for the conduct of the Machar and Kerubino forces fighting against the SPLA. This stepped-up government orchestrated fighting among southerners led to more civilians killed, displaced and left destitute in 1996 than at any time since the height of SPLA faction fighting in 1993. The Dinka-Nuer fighting even spread to the Kakuma refugee camp in Kenya where six refugees were killed and over one hundred wounded in two days of clashes in mid-1996.

Compounding the ethnic divisions was the refusal of SPLA Commander-in-Chief John Garang to investigate and punish attacks on civilians by his troops, particularly attacks made across ethnic lines. In the largest recent attack, on July 30, 1995, Dinka SPLA forces attacked villages in the Nuer area of Ganyiel, killing more than 210 persons. Although eyewitnesses saw SPLA commanders and soldiers there, Dr. Garang said this action was not "ordered" by the SPLA, and told Human Rights Watch that investigating allegations of abuses by SPLA troops was "not a priority" for the SPLA.

An SPLA offensive starting in October 1995 recaptured several southern villages from the government, and was followed in early 1996 by stepped-up SPLA forced recruitment, including of young boys, from Western Equatoria, and from refugee camps in Ethiopia and Kenya. On August 17, an SPLA commander detained six Catholic missionaries who had been critical of SPLA forced recruitment and other abusive practices in the Western Equatoria area of Mapourdit, but released them on August 28 after international protests.

New rebel actors in the war appeared in the east. The northern-based Sudan Alliance Forces (SAF) and the eastern-based Beja Congress, members of the opposition umbrella National

Democratic Alliance (NDA) headquartered in Eritrea, began attacks on government forces inside eastern Sudan. Landmines appeared in the area, some left reportedly by opposition forces.

The Right to Monitor

No independent domestic human rights monitors were able to operate above ground in government-controlled Sudan. Following the 1989 coup, the government banned the independent Sudan Bar Association and the Sudan Human Rights Organization (SHRO). The original SHRO functioned out of Cairo, London and other cities as an organization in exile. Government supporters inside Sudan established an official organization also called SHRO, unconditionally supporting the government.

Dr. Ushari Mahmud, a linguist and human rights antislavery campaigner, was jailed by the incumbent government for twenty-two months (1989-91) in an attempt to force him to renounce his 1987 slavery study and, as of November, remained banned from travel.

The Role of the International Community

Sudan continued to be isolated internationally, and its human rights record often criticized. Relations with most of the ten countries bordering Sudan were tense, and the governments of Egypt, Eritrea, Ethiopia and Uganda alleged Sudan was contributing to destabilization there by backing rebel groups opposed to those governments.

In January, the U.N. General Assembly renewed its condemnation of Sudan's human rights record for the fourth consecutive year, and condemned its practices of institutionalized slavery. The U.N. Commission on Human Rights in April condemned human rights violations in Sudan in a resolution noting with "deep concern reports of grave human rights violations in the Sudan," as described in reports submitted by the special rapporteurs on the situation of human rights in Sudan; on extrajudicial, summary or arbitrary executions; on the question of religious intolerance; and by the chairmen of the Working Groups on Arbitrary Detention and on Enforced or Involuntary Disappearances. The Sudan government, responding to pressure, lifted its two year ban on visits by U.N. Special Rapporteur on Human Rights in Sudan Dr. Gaspar Biro. His visit to Khartoum in August was marred by a government newspaper's incorrect quotation in which he is held to have denied slavery existed in Sudan. The special rapporteur replied that the Sudanese media had "grossly misrepresented" his views, and that he continued to receive reports of slavery.

The U.N. Commission on Human Rights in April resolved to establish three U.N. human rights monitors for Sudan, to be based in Uganda, Kenya and Eritrea; the government refused to accept U.N. monitors on its soil. As of November, however, the U.N. failed to establish the missions of the monitors. Also in mid-1996, the government invited the U.N. special rapporteurs on free expression and religious tolerance to visit.

European Union

The Africa-Caribbean-Pacific European Union Joint Assembly of the European Union condemned the human rights record of the government of Sudan for the fourth consecutive year in a resolution on March 22, and "also condemned the regime for its practices of institutionalized slavery." It called on the international community to outlaw the sale of armaments to the

government. It further criticized the government and all factions of the SPLA for killings, massacres, torture, and other abuses of human rights. A similar resolution followed in late September.

United States

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 1995*. Although a 1993 U.S. State Department decision placing Sudan on the list of countries supporting "international terrorism" made Sudan ineligible for all U.S. assistance except humanitarian aid, the U.S. Congress in 1996 exempted SPLA-controlled areas of Sudan from the ban on U.S. development aid.

The U.S. took the lead at the U.N. Security Council early in 1996 on a resolution to impose sanctions on Sudan for its failure to extradite to Ethiopia three men accused of participation in the assassination attempt on Egyptian President Hosni Mubarak when he arrived in Addis Abba, Ethiopia, for the Organization of African Unity (OAU) summit meeting in September 1995. In early 1996, the U.S. Embassy in Khartoum withdrew its American personnel, citing security reasons. These diplomats, relocated to Nairobi, returned to Sudan for visits but their relocation hindered any active human rights role that the embassy might have played inside Sudan. The U.S. expelled from the Sudanese diplomatic mission at the U.S. a Sudanese diplomat with the portfolio of "human rights," accusing him of involvement in a conspiracy to bomb targets in the U.S.

Fatih Erwa, whose naming as ambassador of Sudan to Washington was rejected by the U.S. in 1995, was named Sudan's Ambassador to the U.N. in 1996. The 1995 rejection by the U.S. was presumed to have been motivated by Erwa's involvement in Juba in 1992 in hundreds of summary executions and "disappearances," including those of four employees of the U.S. Agency for International Development.

United Nations

Mild Security Council sanctions relating to the Addis Abba incident, including a downgrading of diplomatic relations and refusal of visas to government personnel by U.N. member states, were imposed on Sudan in May 1996. These were extended in August 1996 to a ban on Sudan Airways if the government continued to refuse to extradite the suspects, whom it claimed were not in Sudanese territory. But human rights was not on the Security Council agenda.

The United Nations Children's Fund (UNICEF), the lead agency in Operation Lifeline Sudan (OLS)(Southern Sector), won praise in an external review of OLS, specifically for its work in the south on advancing the implementation of the Convention on the Rights of the Child (CRC) and observance of humanitarian law. In the south, OLS (Southern Sector) engaged actively in human rights dissemination. It signed joint commitments on humanitarian principles, CRC, and international humanitarian law, called the "ground rules," with each of the SPLM/A, SSIM/A, and the SPLM/A-United, in early 1996. The OLS conducted field investigations of attacks affecting civilians, and asked the attackers to account for violations of the conventions. UNICEF family reunification of unaccompanied boys in SPLA custody in the south was started in mid-1996, a significant first for the SPLA.

A rare press release by the U.N. secretary-general in February sharply criticized the government for dropping several bombs near a marked International Committee of the Red Cross plane and U.N. personnel at two approved relief locations in southern Sudan.

The chronic and grave problem of government denial of relief access for reasons unrelated to need continued. The OLS faced stiff government resistance to access to fifteen southern relief locations with assessed need (of 140 locations requested). In addition, the government had since September 1995 refused to let the OLS operate its largest and most efficient plane, a C-130, sharply reducing OLS capacity to assist the needy even in areas where access was permitted. Because of a lack of infrastructure, fighting and land mines, most access to southern Sudan continued to be by air.

The C-130 issue was raised repeatedly with the government at high levels, without success, and was made public in July with a statement by the U.N. secretary-general followed by a World Food Programme press conference denouncing the impeded access which threatened 700,000 southerners with hunger. Almost the next day, the government reversed its position and permitted OLS use of the C-130.

High-level U.N. pressure by Under-Secretary General for Humanitarian Affairs Yasushi Akashi convinced the government to permit OLS access to Pochalla, retaken by the SPLA in March 1996, where July floods seriously affected 15,000 to 25,000 persons. This permission only held for one month, however, not long enough to meet Pochalla's needs.

The most persistent gap in U.N. attention to human rights problems in Sudan remained the Nuba Mountains, where the Khartoum government for years blocked all human rights and emergency relief access except for agencies aligned with the government. In this blackout, it attacked civilian villages and forcibly displaced civilians to government-run "peace villages" where they were subjected to human rights abuses and pauperization. Despite repeated pleas, the U.N. has dodged this access issue.

This OLS failure came in for criticism in the external review of OLS, which stated that the U.N. approach of quiet diplomacy in the north "has achieved little beyond providing an impetus for the [government of Sudan] to expand its mechanisms of control and regulation. . . . the scope and coverage of OLS is determined on the basis of [government] approval, rather than actual need." This criticism was directed not only against the OLS inactivity in the Nuba Mountains but also with regard to internally displaced persons in the north, particularly in the Greater Khartoum area.

The United Nations High Commissioner for Refugees (UNHCR) reportedly did little to prevent the SPLA from recruiting some one hundred Sudanese boys from refugee camps in Kenya (June) and Ethiopia (March). The UNHCR also faced the challenge of resettling 260 former unaccompanied boys whom the SPLA sent to Cuba for schooling in the late 1980s.

Slavery complaints have been pending against Sudan for several years at the International Labour Organisation, the Working Group on Contemporary Forms of Slavery, and the U.N. Committee on the Rights of the Child. A government-promised slavery investigation due in August had not been produced as of November.

ZAIRE

HUMAN RIGHTS DEVELOPMENTS

THE HUMAN RIGHTS SITUATION IN ZAIRE CONTINUED TO DETERIORATE IN 1996 AS ANXIETY OVER THE COUNTRY'S FUTURE INCREASED. CONTINUED STATE-SPONSORED ABUSE—including HARASSMENT OF OPPOSITION POLITICIANS AND HUMAN RIGHTS ACTIVISTS, WIDESPREAD ARBITRARY ARREST, TORTURE, RAPE, KILLINGS AND LOOTING BY MILITARY AND POLICE, AND GOVERNMENT SUPPORT FOR ETHNIC MILITIAS—RAISED DOUBTS ABOUT THE COMMITMENT OF NATIONAL POLITICAL LEADERS TO A PROMISED 1997 TRANSITION TO DEMOCRACY. BY ORGANIZING "CONTROLLED CHAOS," AS SOME OBSERVERS HAVE LABELED POLICIES ENCOURAGING OPPOSITION GROUPS TO SPLINTER AND FOSTERING REGIONAL AND ETHNIC DIVISIONS—including THE INTER-ETHNIC BATTLES AND MASSACRES THAT TOOK PLACE IN NORTH AND SOUTH KIVU IN 1996—PRESIDENT MOBUTU SESE SEKO SOUGHT TO GUARANTEE THAT HE AND HIS ALLIES WOULD REMAIN IN OFFICE INDEFINITELY, EVEN AS ZAIRE INCHED TOWARD NATIONAL DISINTEGRATION AND THE POPULATION FOUND THE STRUGGLE FOR DAILY SURVIVAL INCREASINGLY DIFFICULT. PRESIDENT MOBUTU, NOW IN HIS THIRTY-FIRST YEAR IN OFFICE, REGAINED A DEGREE OF INTERNATIONAL SUPPORT IN 1996 BY EXPLOITING THE ONGOING PRESENCE OF RWANDAN REFUGEES IN EASTERN ZAIRE AND PROMISING TO SUPPORT UPCOMING MULTIPARTY ELECTIONS. WITHIN ZAIRE, PRESIDENT MOBUTU REMAINED THE DOMINANT POLITICAL POWER, EVEN AS HEALTH PROBLEMS LIMITED HIS PERSONAL INVOLVEMENT IN THE DAY-TO-DAY OPERATIONS OF GOVERNMENT. DESPITE DIFFERENCES ON SOME ISSUES, PRIME MINISTER KENGO WA DONDO GENERALLY SUPPORTED AND ASSISTED PRESIDENT MOBUTU.

ZAIRE'S NATIONAL LEGISLATIVE BODY, THE HIGH COUNCIL OF THE REPUBLIC—TRANSITIONAL PARLIAMENT (HCR-PT), MEANWHILE SUFFERED FROM DEEP DIVISIONS THAT LIMITED ITS ABILITY TO CHECK THE PRESIDENT'S POWER. AFTER BEING FORCED OUT OF HIS POSITION AS PRESIDENT OF THE HCR-PT IN JUNE 1995, ARCHBISHOP LAURENT MOSSENGWO OFFICIALLY RESIGNED IN JANUARY. THE LEGISLATIVE BODY WAS UNABLE TO AGREE ON A SUCCESSOR, THUS TWO VICE-PRESIDENTS, ONE A MOBUTU LOYALIST AND THE OTHER A CRITIC OF THE PRESIDENT, SHARED LEADERSHIP.

THE POLITICAL PARTIES OPPOSED TO PRESIDENT MOBUTU EXPERIENCED DIVISIONS THAT RAISED DOUBTS ABOUT THEIR ABILITY TO PRESENT A UNIFIED OPPOSITION FRONT IN UPCOMING ELECTIONS. SEVERAL OPPOSITION PARTIES ENTERED A NEWLY REFORMULATED CABINET IN FEBRUARY, WHICH PROMPTED ETIENNE TSHISEKEDI, THE LEADER OF THE MAJOR OPPOSITION ALLIANCE, THE SACRED UNION OF RADICAL OPPOSITION, TO EXPEL THEM FROM THE GROUP. IN REACTION TO A SECOND SET OF PURGES HE INITIATED IN APRIL AND MAY, TSHISEKEDI WAS HIMSELF OUSTED FROM BOTH THE SACRED UNION AND HIS POLITICAL PARTY, THE UNION FOR DEMOCRACY AND SOCIAL PROGRESS (UDPS) AND REPLACED BY HIS SECOND IN COMMAND, FREDERIC KIBASSA-MALIBA. THE GROUPS OFFICIALLY WITHDREW THEIR CLAIM THAT TSHISEKEDI WAS THE RIGHTFUL PRIME MINISTER OF ZAIRE, A POSITION THEY HAD SUPPORTED SINCE HIS REMOVAL FROM OFFICE IN 1993.

MEANWHILE, DESPITE PROMISES FROM BOTH PRESIDENT MOBUTU AND PRIME MINISTER KENGO TO HOLD PRESIDENTIAL, PARLIAMENTARY, AND MUNICIPAL ELECTIONS IN THE COMING YEAR, THE GOVERNMENT UNDERTOOK ONLY LIMITED PREPARATIONS FOR A TRANSITION TO DEMOCRACY. A FORTY-FOUR-MEMBER NATIONAL ELECTION COMMISSION (CNE) WAS ESTABLISHED IN JANUARY TO PREPARE FOR ELECTIONS. IN APRIL THE CNE ANNOUNCED THAT ELECTIONS WOULD BE HELD IN MAY 1997, BUT THE PRESIDENT OF THE COMMISSION, BAYONA BA MEYA, IMMEDIATELY EXPRESSED DOUBTS ABOUT WHETHER THIS TIMETABLE WAS REALISTIC.

IN SEPTEMBER, LESS THAN A WEEK AFTER THE FIRST 116 OF AN EXPECTED 9,400 ELECTION DELEGATES WERE INSTALLED, GEORGES NZONGOLA, ONE OF TWO VICE-PRESIDENTS OF THE CNE AND A PROMINENT DEMOCRACY ACTIVIST, RESIGNED FROM THE COMMISSION IN PROTEST OVER THE GOVERNMENT'S LACK OF SERIOUS COMMITMENT TO HOLDING ELECTIONS. NZONGOLA COMPLAINED, AMONG OTHER THINGS, THAT LESS THAN 5 PERCENT OF THE CNE'S BUDGET HAD BEEN RELEASED BY THE GOVERNMENT. FURTHER HAMPERING ELECTION PREPARATIONS, THE REFERENDUM ON A NEW NATIONAL CONSTITUTION ORIGINALLY SCHEDULED FOR DECEMBER 1996 WAS POSTPONED TO FEBRUARY 1997, WHILE THE HCR-PT WAS UNABLE TO PASS A LAW TO GOVERN THE ELECTIONS, DESPITE GOING INTO EXTRAORDINARY SESSION IN JULY FOR THAT PURPOSE.

THE CONDUCT OF PRESIDENT MOBUTU AND HIS SUPPORTERS RAISED CONCERNS ABOUT THEIR COMMITMENT TO FREE AND FAIR

ELECTIONS. PRESIDENT MOBUTU DECLARED HIS CANDIDACY EVEN BEFORE THE CNE ANNOUNCED A DATE FOR PRESIDENTIAL ELECTIONS, AND ARMY AND POLICE HARASSMENT OF GOVERNMENT CRITICS DURING THE COURSE OF THE YEAR SEEMED INTENDED TO PREVENT CHALLENGERS FROM MOUNTING AN EFFECTIVE OPPOSITION. IN MARCH, SOLDIERS BROKE UP AN OPPOSITION MEETING AND ARRESTED SEVERAL LEADERS, INCLUDING TSHISEKEDI, WHO WAS BRIEFLY DETAINED. REVEREND STEVE HAMAJEJA, PRESIDENT OF THE CHRISTIAN LIBERAL PARTY, HIS EIGHT YEAR-OLD SON, AND ANOTHER CHILD OF SEVEN YEARS, WERE DETAINED AND TORTURED IN MARCH, ACCORDING TO A LETTER HAMAJEJA SMUGGLED OUT OF DETENTION. ON SEPTEMBER 7, AKERELE NYOMBI, PRESIDENT OF THE CONGRESS LOKOLE PARTY, WAS ARRESTED: SHE WAS BRIEFLY DETAINED AT A MILITARY CAMP IN KINSHASA. BOTH HAMAJEJA AND NYOMBI HAD PREVIOUSLY EXPRESSED AN INTENTION TO RUN FOR PRESIDENT.

ANXIETY OVER ZAIRE'S POLITICAL FUTURE WAS HEIGHTENED IN LATE 1996 BY UNCERTAINTY ABOUT PRESIDENT MOBUTU'S HEALTH. MOBUTU'S SEPTEMBER 7 ANNOUNCEMENT ON ZAIRIAN NATIONAL TELEVISION THAT HE WAS IN SWITZERLAND RECOVERING FROM PROSTATE SURGERY FUELED FEARS THAT THE PRESIDENT'S ILL HEALTH COULD BE USED AS AN EXCUSE TO POSTPONE THE PROMISED 1997 ELECTIONS. FOLLOWING SPECULATION IN ZAIRIAN NEWSPAPERS ABOUT A POTENTIAL ARMY COUP, THE MILITARY HIGH COMMAND IN SEPTEMBER PUBLICLY DECLARED ITS LOYALTY TO THE INSTITUTIONS WORKING FOR DEMOCRATIC TRANSITION, BUT THIS DID LITTLE TO DISPEL PUBLIC APPREHENSIONS.

ZAIRE'S PERSISTENT POLITICAL CRISIS INTENSIFIED THE COUNTRY'S GRAVE ECONOMIC TROUBLES. THE GOVERNMENT MADE NO EFFORT TO ADDRESS ENDEMIC HIGH UNEMPLOYMENT, MASSIVE INFLATION, AND A DETERIORATING INFRASTRUCTURE. WITH LITTLE SUPERVISION AND ALMOST NO FINANCIAL SUPPORT FROM THE CENTRAL GOVERNMENT, ADMINISTRATIVE, JUDICIAL, AND MILITARY OFFICIALS AT THE LOCAL AND REGIONAL LEVELS PARTICIPATED WIDELY IN GRAFT AND CORRUPTION, EXACERBATING AN ALREADY SERIOUS CRIME PROBLEM AND INCREASING THE LEVEL OF INSECURITY AMONG AVERAGE ZAIRIANS.

THE MOST SERIOUS AND EXTENSIVE HUMAN RIGHTS VIOLATIONS IN 1996 OCCURRED IN EASTERN ZAIRE, WHERE THE CONTINUING PRESENCE OF NEARLY 1.1 MILLION RWANDAN REFUGEES SPARKED INTER-ETHNIC CONFLICTS AND PROVOKED TENSIONS BETWEEN ZAIRE AND ITS NEIGHBORS. ZAIRIAN AUTHORITIES EXPRESSED CONCERN THAT THE PRESENCE OF THE REFUGEES, WHO WERE CONCENTRATED IN CAMPS AROUND GOMA, BUKAVU, AND UVIRA, WOULD COMPLICATE THE UPCOMING ELECTIONS. THEY REPEATEDLY PROPOSED PLANS TO ENCOURAGE REPATRIATION, BUT THE REFUGEES, MANY OF WHOM WERE INVOLVED IN THE 1994 GENOCIDE AND FEARED RETRIBUTION IF THEY RETURN, RESISTED, AND NONE OF THE REPATRIATION PLANS WERE FULLY IMPLEMENTED. AS A RESULT, THE NUMBER OF REFUGEES WHO RETURNED TO RWANDA FROM ZAIRE IN 1996 WAS MINUSCULE. THE FORMER RWANDAN ARMY AND THE INTERAHAMWE MILITIA GROUPS RESPONSIBLE FOR THE 1994 GENOCIDE IN RWANDA CONTINUED TO OPERATE FREELY WITHIN THE CAMPS, USING INTIMIDATION AND VIOLENCE TO DISCOURAGE REFUGEES FROM RETURNING TO RWANDA. INSECURITY IN THE CAMPS FORCED INTERNATIONAL NONGOVERNMENTAL ORGANIZATIONS AND UNITED NATIONS AGENCIES TO SUSPEND OPERATIONS VARIOUS TIMES DURING THE YEAR. IN JULY, SEVERAL EXPATRIATE WORKERS WERE DETAINED, INTERROGATED, AND BEATEN BY THE ZAIRIAN CAMP SECURITY CONTINGENT (ZCSC), ZAIRIAN TROOPS DEPLOYED BY THE UNHCR TO KEEP ORDER. IN SEPTEMBER, REFUGEES BOYCOTTED A UNHCR CENSUS INTENDED TO DETERMINE THE SIZE OF THE REFUGEE POPULATION.

THE PRESENCE OF THE CAMPS CONTRIBUTED TO TENSIONS IN THE GREAT LAKES REGION AND A SERIOUS DETERIORATION OF RELATIONS BETWEEN THE GOVERNMENTS OF RWANDA AND ZAIRE. RWANDAN AUTHORITIES CLAIMED THAT GUERRILLA ATTACKS ON GOVERNMENT OFFICIALS AND SURVIVORS OF THE 1994 GENOCIDE WERE BEING ORGANIZED OUT OF THE CAMPS IN ZAIRE (SEE RWANDA CHAPTER). ZAIRIAN GOVERNMENT OFFICIALS HAD, IN FACT, PROVIDED SHELTER TO THE FORMER RWANDAN ARMY AND RWANDAN HUTU MILITIAS AND HELPED THEM TO REARM. AT THE SAME TIME, ZAIRE HAD PERSISTENTLY REFUSED TO COOPERATE WITH THE INTERNATIONAL TRIBUNAL ON RWANDA IN SEEKING OUT, DETAINING OR COOPERATING WITH THE EXTRADITING OF PERSONS INDICTED FOR GENOCIDE. IN SEPTEMBER, FIGHTING BETWEEN RWANDAN AND ZAIRIAN MILITARY AROUND BUKAVU LEFT AN UNDETERMINED NUMBER DEAD AND DROVE HUNDREDS FROM THEIR HOMES.

PROBLEMS IN THE CAMPS ALSO HELPED TO REIGNITE ETHNIC CONFLICTS THAT FIRST ERUPTED IN THE REGION IN 1993. WORRIES THAT THE ZAIRIAN GOVERNMENT WOULD FORCIBLY CLOSE THE CAMPS IN ADVANCE OF THE 1997 ELECTIONS FUELED

calls among some exile leaders for the creation of an ethnic Hutu homeland in Eastern Zaire. Hutu refugees from Rwanda organized local Zairian Hutu populations in Masisi and Rutshuru zones into civilian militia groups modeled after the Rwandan Hutu militia groups known as the Interahamwe.

After several violent incidents in Masisi in late 1995 involving Hunde and Nyanga militia, known as Bangerima or Mai-mai, the Hutu militia launched a series of attacks, apparently seeking to drive other ethnic groups out of Masisi and Rutshuru. The Bangerima and Mai-mai counterattacked, and the conflict steadily expanded in the first months of 1996, killing hundreds and displacing more than 200,000. Zairian Tutsi, who were present throughout the region, were a primary target of both sides in the conflict. Through pillage, rape, and murder, the militia sought to drive Tutsi not simply out of their homes but out of the region. Between February and July, more than 19,000 Zairian Tutsi fled into Rwanda and Uganda.

Government officials were heavily implicated in the conflict. Regional and national officials, including the governor of North Kivu, helped to incite the violence with incendiary statements, while local officials both participated in attacks and profited from pillage. Soldiers and police supported both Hutu militia and the Bangerima/Mai-mai, depending on local circumstances and possibilities for profiting from the situation. Political leaders in South Kivu also exploited anti-Rwandan and anti-Tutsi sentiments by inciting hostility and violence against the Banyamulenge, an ethnic group whose ancestors migrated from Rwanda and Burundi to Uvira, Mwenga, and Fizi zones in the early 1900s, substantially before colonial occupation. Formerly well integrated into Zaire, the Banyamulenge in recent years were increasingly lumped together with other Tutsi. In 1993, the National Conference, the gathering of representatives of political parties, nongovernmental organizations (NGOs), churches and other groups that launched Zaire's transition to democracy, denied representation to the Banyamulenge, claiming that they, along with the Tutsi of North Kivu, were not Zairian but Rwandan, and they subsequently faced growing harassment and discrimination.

In late July 1996, two organizations serving the Banyamulenge were banned and several prominent individuals were arrested, including three Protestant pastors and two local chiefs. Subsequent attacks against the Banyamulenge community, estimated to number 400,000, by local ethnic militia drove thousands to flee, many crossing into Burundi and Rwanda. Violence intensified in September and, at the time of this writing, appeared to be spreading. In retaliation, armed Zairian Tutsis launched attacks against the Zairian security forces and the Rwandan refugee camps in October, forcing international aid agencies to pull out, leaving hundreds of thousands of refugees on their own. Zaire accused Burundi and Rwanda of supporting the incursions and of invading Zaire.

Right to Monitor

Despite harassment from the police, military, and government officials, human rights organizations in Zaire remained impressively active and outspoken. The Zairian Association for the Defense of Human Rights (AZADHO) regularly denounced corruption by government officials and abuse by the police and judiciary, releasing a major report in December 1995 on violence against women in Zaire and another in June condemning corruption in the judicial system. Other active groups included the Committee for Democracy and Human Rights (CDDH), the Voice of the Voiceless for Human Rights (VSV), the Heirs of Justice, and Grace. Serious harassment of human rights activists occurred in North and South Kivu. In July, Didi Mwati Bulambo and three other workers for the Collective of Action for the Development of Human Rights (CADDHOM) in South Kivu were arrested following the publication of an article in CADDHOM's newsletter, *Mwanga*, alleging corruption in the prosecutor's office of Kamitunga. The four were beaten and held in terrible conditions for two months before being provisionally released on September 16.

In August, the commissioner for Uvira zone in South Kivu banned MILIMA, a development and human rights NGO

active among the Banyamulenge, and issued an arrest warrant for Muller Ruhimbika, president of the group. Ruhimbika earned government wrath for drawing international attention to the persecution of the Banyamulenge, providing information to the Carter Center and the U.N. Human Rights Commission's special rapporteur for Zaire.

Harassment of human rights activists and organizations was common in other parts of the country as well. For example, in March and April Ikutu Amba, chair of AZADHO in Idiofa zone in Bandundu, was interrogated several times and beaten by police, eventually forcing him to flee into hiding in Kinshasa. The interrogations followed Ikutu's denunciation of a local chief whom AZADHO accuses of ordering several thousand arbitrary arrests and illegal fines. During the final interrogation, the police confiscated keys to AZADHO's Idiofa office.

The Role of the International Community

The international community focused almost exclusively on two issues in Zaire during 1996: the Rwandan refugees in eastern Zaire, and the transition process. The camps continued to present a serious dilemma for the international community, since significant repatriation did not take place during 1996 and the political forces that had controlled the camps since their establishment in 1994 remained firmly entrenched. However, the massive international assistance to the Rwandan refugees in Zaire did not benefit the local Zairian population, who suffered from the impact of the refugees in terms of increased arms flows into the region, growing insecurity, and environmental devastation. In addition, the Zairian authorities played a key role in re-arming the former Rwandan army, providing shelter and protection to them and other Hutu militias in eastern Zaire, and permitting these forces to carry out military training and raids into Rwanda. Although this close association between the Zairian security forces and the Hutu refugees in Zaire was well known, the international community did not respond adequately to end this collaboration.

Overall, efforts to gain President Mobutu's cooperation with international efforts regarding the refugee camps and the Great Lakes crisis took precedence over the human rights situation in Zaire. Mobutu benefited considerably from this situation, which he used to effectively end his international isolation. The clearest sign of his new stature internationally came in April, when France reinstated its assistance program to the Zairian government. All but humanitarian assistance had been cut off in October 1991.

United Nations

The main U.N. involvement in Zaire revolved around its role in overseeing the Rwandan refugee camps in eastern Zaire. In February 1995, the U.N. High Commissioner for Refugees funded Zairian troops that were deployed to keep order in the refugee camps, known as the Zairian Camp Security Contingent (ZCSC). Despite the well-established reputation of the Zairian military for abusing its own citizens, for the first several months the conduct of the force was regarded as acceptable. In 1996, however, the conduct of the ZCSC troops deteriorated, and they were responsible for abuses against refugees as well as against expatriate aid workers in the Goma area. UNHCR complained to Zairian authorities and some troop rotation reportedly followed, although there is no indication that any troops were investigated or prosecuted for their actions. U.N. Special Rapporteur Roberto Garreton was a forceful advocate for human rights in Zaire. He published a strong report in January, and another one in October. After long delays and efforts to undermine the project, the government of Zaire agreed in September to permit the establishment of a small office by the U.N. High Commissioner for Human Rights in Kinshasa, tasked to provide information to the special rapporteur and to High Commissioner as well as to provide advice and support to local NGOs.

The secretary-general sent two assessment missions regarding the feasibility of elections and the U.N. role.

ALTHOUGH THE U.N. BEGAN PROVIDING TECHNICAL ASSISTANCE, IT CONDITIONED ITS PARTICIPATION UPON MEASURES INCLUDING PASSAGE OF THE NEW CONSTITUTION, DISBURSEMENT OF FUNDS TO THE ELECTORAL COMMISSION BY THE GOVERNMENT, AND A CLEAR DEMONSTRATION FROM THE GOVERNMENT THAT IT IS SERIOUS ABOUT HOLDING ELECTIONS. AT THAT POINT, THE U.N. WOULD BE PREPARED TO MAKE A LARGER COMMITMENT.

TENSIONS BETWEEN ZAIRE AND THE U.N. INCREASED IN SEPTEMBER, WHEN ZAIRE ACCUSED THE UNHCR OF ASSISTING ARMED RWANDANS TO CROSS THE BORDER INTO ZAIRE TO FIGHT WITH BANYAMULENGE TUTSI AGAINST ZAIRIAN TROOPS. SECRETARY GENERAL BOUTROS-GHALI SENT A SPECIAL EMISSARY TO KINSHASA TO DEFUSE THOSE TENSIONS.

EUROPEAN UNION

LIKE OTHER DONORS, EUROPEAN UNION POLICY TOWARD ZAIRE CONCENTRATED ON THE REFUGEE CAMPS AND THE ELECTIONS, BUT THE E.U. ALSO CONTRIBUTED TOWARD REHABILITATION PROGRAMS FOR ZAIRE IN AREAS SUCH AS SANITATION, INFRASTRUCTURE, AND REFORESTATION. SINCE THE SUSPENSION OF E.U. AID TO THE ZAIRIAN GOVERNMENT IN JANUARY 1992, THE EUROPEAN COMMISSION HAS ALLOCATED US\$309.91 MILLION FOR ZAIRE. IN 1995, THE E.U. ALLOCATED US\$176.46 MILLION FOR ZAIRE; IN 1996, THE E.U. PROVIDED AN ADDITIONAL US\$6 MILLION FOR REHABILITATION OF INFRASTRUCTURE AND US\$2.5 MILLION FOR THE DISPLACED FROM KASAI AND SHABA.

THE E.U. WAS ALSO PREPARED TO CONTRIBUTE TO THE ESTIMATED US\$250 MILLION NEEDED TO CONDUCT THE ZAIRIAN ELECTIONS, BUT DID NOT PLACE PUBLIC CONDITIONS RELATING TO HUMAN RIGHTS ON E.U. ASSISTANCE. IN MARCH, THE TROIKA OF THE E.U.—THE THEN CURRENT PRESIDENCY (ITALY), THE PRECEDING PRESIDENCY (SPAIN), AND THE NEXT PRESIDENCY (IRELAND)—VISITED ZAIRE TO DISCUSS THE TRANSITION TO DEMOCRACY AND CONCERNS ABOUT DELAYS IN ITS IMPLEMENTATION. THE DELEGATION MET WITH A RANGE OF ZAIRIAN OFFICIALS, INCLUDING PRESIDENT MOBUTU.

THE EUROPEAN COUNCIL OF FOREIGN MINISTERS, MEETING IN FLORENCE IN JUNE, MENTIONED THE SITUATION IN ZAIRE IN ITS FINAL COMMUNIQUE, THOUGH IT ONLY FOCUSED ON THE E.U. SUPPORT FOR THE TRANSITION PROCESS AND THE E.U.'S INTEREST IN ASSISTING ZAIRE TO PREPARE FOR THE ELECTIONS. AT A MEETING ON OCTOBER 1 AND 2, THE E.U. COUNCIL OF FOREIGN MINISTERS AGREED ON "THE URGENCY OF CONTINUING TO PREPARE ELECTIONS IN ZAIRE IRRESPECTIVE OF THE POLITICAL UNCERTAINTIES THERE" AND EXPRESSED ITS HOPE "THAT THE UN SECRETARY-GENERAL WOULD SEND HIS PERSONAL REPRESENTATIVE TO KINSHASA AS SOON AS POSSIBLE."

UNITED STATES

THE CRISIS IN THE GREAT LAKES REGION DREW THE U.S. INTO CLOSER INVOLVEMENT WITH ZAIRIAN LEADERS, ESPECIALLY PRESIDENT MOBUTU. IN AN EFFORT TO GAIN HIS ASSISTANCE ON ISSUES RANGING FROM THE RWANDAN REFUGEES IN EASTERN ZAIRE TO THE REGIONAL ARMS FLOWS TO THE CRISIS IN BURUNDI, THE CLINTON ADMINISTRATION MUTED ITS CRITICISM OF THE GOVERNMENT'S HUMAN RIGHTS RECORD, WHILE PROMOTING THE TRANSITION TO DEMOCRACY.

IN MARCH, PRIME MINISTER KENGO VISITED WASHINGTON AND MET WITH U.S. OFFICIALS. STATE DEPARTMENT SPOKESPERSON NICHOLAS BURNS SAID THE U.S. NOTED THE SLOW AND "DISAPPOINTING PROGRESS" TOWARDS A TRANSITION TO DEMOCRACY, AND STRESSED THAT ZAIRE HAD TO CREATE AN ENVIRONMENT WHERE "DEMOCRATIC VALUES AND PRACTICES CAN FLOURISH."

IN MAY, ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS GEORGE MOOSE AND OTHER U.S. OFFICIALS MET WITH PRESIDENT MOBUTU AND PRIME MINISTER KENGO TO DISCUSS THE SITUATION IN BURUNDI. THIS WAS THE HIGHEST LEVEL MEETING BETWEEN A U.S. OFFICIAL AND PRESIDENT MOBUTU DURING THE CLINTON ADMINISTRATION. ACCORDING TO THE STATE DEPARTMENT, THE DELEGATION ALSO URGED ZAIRIAN LEADERS TO HALT THE ARMS FLOWS THROUGH ZAIRE, TO STOP ALLOWING THEIR TERRITORY TO BE USED AS A BASE FOR INSURGENT FORCES IN THE REGION, TO DETAIN RWANDAN WAR CRIMES SUSPECTS, AND TO SEPARATE INTIMIDATORS FROM THE REFUGEE CAMPS.

WHILE A STATE DEPARTMENT STATEMENT WAS ISSUED ON MAY 21 CONDEMNING THE ETHNIC VIOLENCE IN NORTH KIVU, INDICATING THAT "ZAIRIAN MILITARY HAVE IN SOME CASES EITHER FAILED TO INTERVENE OR ACTIVELY ASSISTED IN THE

violence," the U.S. was reluctant to be too critical. In a July 1 response to a letter of concern about the violence by Senators Nancy Kassebaum and Russell Feingold, the chair and ranking member of the Senate Africa Subcommittee, the State Department went so far as to praise the actions of the Zairian government.

ZAMBIA

Human Rights Developments

The run-up to the multiparty elections scheduled for November 18 saw a deterioration in respect for human rights. This was disappointing; Zambia had been heralded as a model for democracy after the peaceful transfer of power in November 1991, when the Movement for Multiparty Democracy (MMD) and its leader Frederick Chiluba gained a landslide victory over President Kenneth Kaunda and his United National Independence Party (UNIP).

The electoral registration process for the 1996 general elections was itself controversial. Fewer than 2.3 million people had been registered, less than for the last two elections in Zambia, in part because of voter apathy and lack of trust in the registration process. Registration was also marked with irregularities. There was evidence that duplicate National Registration Cards were issued to some voters and that duplicate names appeared on the rolls, while the names of others were arbitrarily omitted. There were also incidents where registration officers asked a fee for registration and turned away known UNIP supporters.

The ruling MMD deliberately blurred the distinction between party and state. In Lusaka's Soweto Market the MMD conducted a voter registration exercise, its militants pressuring people to put down their market store numbers and to confirm affiliation to the MMD in return for registration. Human Rights Watch/Africa also obtained documentation showing an MMD scheme to expand the police with its own supporters before the elections. The government also reportedly distributed relief maize and fertilizers as a campaign tool in the Chikankata by-election. Government officials had also threatened to deny state services to constituencies that did not vote for the ruling MMD. At the Mkaika by-election in March, Deputy Minister for Education Newton Ng'uni said that while there were 660 desks to be delivered before the end of April, "if you vote for a UNIP candidate I will not deliver the desks."

The conduct of the MMD at the Moomba and Mkaika by-elections in April was also marked by other types of intimidation and violence. People were beaten up by party cadres. Camps of these party cadres were placed strategically close to polling stations. Houses belonging to UNIP supporters in Mkaika were burned down and physical violence was attributed to MMD supporters.

The main opposition party, UNIP, also engaged in electoral abuses. In the Moomba and Mkaika by-elections, UNIP cadres assaulted MMD supporters and villagers they suspected of supporting the MMD. UNIP leader Kenneth Kaunda neither condemned the violence nor appealed to his supporters to refrain from violence during the by-elections. Such inter-political clashes in the by-elections restricted freedom of movement among the villagers in these constituencies. Nor could politicians from both sides freely campaign, hold meetings or move around.

The government forced a radical amendment to the 1991 constitution through the MMD-dominated parliament in May, rejecting demands that major constitutional reforms first be agreed by a Constituent Assembly and subjected to a referendum, as proposed by the Mwanakatwe Constitutional Review Commission in 1995. Particularly controversial was a

provision in the Constitutional Amendment act (1996) that imposed new requirements on persons seeking to hold the office of president. These included that the person be a Zambian citizen born to parents who are Zambian by birth or descent and that the person not be a tribal chief. These requirements appeared to be precisely tailored to disqualify specific opposition leaders from running for president, including former president Kenneth Kaunda. Some of the new restrictions appeared to violate the International Covenant on Civil and Political Rights, to which Zambia is a party. Articles 25 and 2 of the covenant guarantee to citizens the right "to be elected at genuine periodic elections" without "unreasonable" restrictions and without "distinctions" such as birth, national origin, or political opinion. The disqualification of all but second or third generation Zambians from office appeared unreasonable, especially in light of the transparent political motivation to exclude UNIP leaders from the race.

The constitutional amendment was vigorously challenged by opposition political parties, civic associations, human rights and women's groups, in part because it would damage the opposition's chances effectively to participate in the upcoming election. The article in effect banned UNIP leader Kaunda--who is partially of Malawian heritage-- and UNIP's vice presidential candidate--a tribal chief--from running. On October 23 the UNIP announced that it would not field candidates in the elections. On October 23 the UNIP announced that it would not field candidates in the elections scheduled for November 18 unless the contentious clauses of the constitution and amendment were removed or unless the elections were held under the provisions of the 1991 constitution before the 1996 amendment. Seven other opposition parties joined the boycott on October 24.

In June and July, a shadowy group called the "Black Mamba" was blamed by the government for a spate of bomb blasts and threats in Lusaka and on the Copperbelt, in Ndola and Kitwe. Most of the bombings caused minor damage but on June 6, in an attempt to defuse a bomb planted at Lusaka International Airport, one bomb disposal expert was killed and another seriously injured. The arrest in early June of UNIP vice president Senior Chief Inyambo Yeta and seven other members of UNIP in connection with the spate of bombings increased uncertainty and fear. All were committed to the Lusaka High Court for trial and were charged with treason and murder in July. Two were released in early September. On September 27 the state closed its case after calling forty-three witnesses. The trial provided little evidence to suggest that these UNIP members were involved in any violent conspiracy against the state. It appeared that they were detained solely because of their political affiliation. On November 1, the remaining six were acquitted of treason and murder charges, there being no evidence to prove that they were linked to the "Black Mamba." According to the judge, more than one "terrorist group" existed. The responsibility for the acts attributed to "Black Mamba" remained unclear, though the defense lawyers in the "Treason Trial" attempted to prove that the "Black Mamba" bombings were the work of the government. But in judgment on November 1, Justice Peter Chitengi said there was no evidence to that effect either.

The independent press was also a target for government intimidation throughout the year. *The Post* newspaper was under particular attack. In February police arrested three of its editors and banned edition 401 before its distribution because it reported that the government was secretly planning to hold a referendum on the constitution without giving much advance warning to the public. That day's on-line edition was also banned, making it the first act of censorship on the

Internet in Africa. The three journalists faced a minimum of twenty-five years in jail on charges under the Official Secrets Act, for receiving “classified information.”

On February 22, the Zambian parliament made an unprecedented decision to try and sentence *The Post's* editor, Fred M'membe, Bright Mwape, the managing editor and columnist Lucy Sichone to imprisonment for an indefinite period. The sentence was recommended by the Standing Orders Committee following the publication of articles which claimed that certain parliamentarians lowered the dignity of the House. M'membe and Mwape, prisoners of conscience for the expression of their views, were, however, released in March after the Lusaka High Court ruled that they had been “wrongly sentenced” in absentia.

The judiciary came under attack from government supporters especially after the Supreme Court in January struck down provisions in the Public Order Act, finding that the requiring of permits for meetings was a contravention of the Zambian peoples' constitutional rights. After a Parliamentary Code of Conduct tribunal found the then Legal Minister Remmy Mushota guilty in July of “subverting laid down procedures,” for which he was dismissed from office, Mushota himself became the most outspoken critic of the judiciary. The campaign against it was never condemned by the office of the president, which, despite Mushota's disgrace, appointed him in August to the Citizenship Board of Zambia. This gesture of support appeared to have encouraged other government officials and the pro-government press to criticize the judiciary and “opposition” lawyers, such as those who defended UNIP's “Treason Trialists,” and the Law Association of Zambia (LAZ).

One particular focus for these attacks was the championing of exclusivist ethnic politics, with the judiciary characterized as mainly deriving from Zambia's Eastern province or Malawi. George Kunda, the chairperson of LAZ was, for example, put under investigation by immigration officials about his nationality status.

The Munyama Human Rights Commission which had a mandate to investigate and establish reports of human rights abuses between 1972 and 1993, effectively the Kaunda government's human rights record, had its report published by the government in October, over a year after its submission. The government's White Paper on human rights, released at the same time, declared that a permanent human rights commission would be established which would submit annual reports to the president and parliament. It would also have the power to freely investigate complaints of violations, visit jails and detention centers, and to recommend to the president and parliament effective measures to promote human rights and provide compensation. But there was no clear directive in the report about accountability for past human rights abuses.

The Munyama Commission also investigated prison conditions. It found that conditions of prisons were appalling, with food insufficient or unfit for human consumption, widespread illness, denial of medical treatment, and prisoners being denied basic necessities such as soap and clothing. Five prisoners were reported to have died of starvation in Kamfinsa State prison, Kitwe in July. A High Court judge toured Lusaka Central Prison in September and was told that cells built for twenty inmates housed seventy. Prison Service public relations officer Augustine Phiri admitted in August that the average death rate of prisoners held by the service was 6.66 per month, attributing this to overcrowding.

The Right to Monitor

Zambia in 1996 experienced a growth in the number of organizations and individuals active in monitoring human rights. In early 1996 a coalition of many of these groups, the Committee for a Clean Campaign, was launched to monitor the run-up to the 1996 multiparty elections. The government's response was to increase its harassment of these local groups. Individuals from the Law Association of Zambia (LAZ), the Zambia Independent Monitoring Team (ZIMT), the Catholic Commission for Peace and Justice (CCPJ) and the Forum for Democratic Process (FODEP) were called "foreigners" by government ministers, trying in this way to undermine their public credibility.

Several Zambian groups engaged in human rights had reported that their phones are tapped. During a "Treason Trial" hearing Police Chief-Inspector Muleshi admitted in August that he had bugged *The Post's* telephone in violation of the Telecommunications Act of 1994. These human rights groups also reported threats from individuals whom they suspected were linked to government. The government also avoided meeting these groups at a senior level. By contrast, international human rights monitoring groups had experienced no government impediment, although government senior officials were reluctant to discuss human rights issues with them. The Commonwealth Human Rights Initiative sent a three person team to Zambia in late 1996. Its report, released on September 23, urged dialogue and compromise between all sides and called for donor unity in pressing the Zambian government to improve its record on good governance.

The Role of the International Community

The support of international aid of up to US\$1 billion a year was vital to the progress of the economic reform program of President Chiluba. As Zambia's largest revenue earner, aid had accounted for some 70 percent of gross domestic product. In 1992, Zambia received about \$1.2 billion in nonemergency aid, three times the average in Africa. But in 1996 the aid pledged was only \$800 million, down a third from the 1992 figure. At the heart of the decline in donor commitments were issues of good governance, accountability and democratic practice.

The World Bank's Consultative Group for Zambia (the "Paris Club") met in Bournemouth in December 1995. The donors indicated that the level of assistance in 1996 would be determined by the Zambian government maintaining the momentum of its economic reform program and "tangible" progress on governance issues. A strongly worded demarche was handed over to the government.

As 1996 progressed and the government showed itself little inclined to act upon its commitments to good governance, Western donors began to cut back bilateral aid, particularly balance of payment support. Norway led the way in May, suspending its balance of payments support. In the following months the European Union (E.U.) countries followed. Britain, Denmark and Sweden all suspended balance of payments support for violations of good governance norms. Unusually, for the Japanese government, its Lusaka mission also issued a press release in August emphasizing the need for good governance.

European Union

The E.U. did not lead the initiative to push for improved human rights and good governance issues. The member states were at first divided over tactics. But by September there was a converging of views, with the exception of the Republic of Ireland whose diplomatic mission in

Lusaka appeared less enthusiastic about publicly voicing human rights concerns there. In May 1996 the E.U. finally issued a demarche to the Zambian government over its Constitutional Amendment Act, drawing special attention to the exclusion from running in the forthcoming presidential elections of UNIP leader Kaunda. This was followed in September by demarches to both the government and opposition urging them to enter into "intensive dialogue." In November, the E.U. said it would closely monitor Zambia's preparation for elections and emphasized the need for the highest electoral standards. The E.U. expressed the hope that "even at this late stage, it will be possible to hold elections which are free and fair and acceptable to all parties."

United States

The United States (U.S.) played an important role throughout the year in pressuring the Zambian government to improve its human rights record. USAID announced in July that it was cutting aid to Zambia by more than 10 percent (worth \$2.5 million) because of the recent constitutional amendments, especially the exclusion of Kaunda from standing for president. Planned U.S. government assistance for the 1996 fiscal year was \$19,024,000 but USAID's assistance program in Zambia remained under continuous review and cuts in the 1997 financial year program were possible.

During her nomination hearing in June the U.S. ambassador-designate to Zambia, Arlene Render, strongly criticized the Zambian government's performance on good governance issues. Her concern was also shared by Senator Nancy Kassebaum, the chair of the Senate Africa Subcommittee, who, with Senator Edward Kennedy, wrote to President Chiluba in June raising "serious questions about Zambia's commitment to democracy."