

## HUMAN RIGHTS WATCH/AFRICA OVERVIEW

### HUMAN RIGHTS DEVELOPMENTS

#### African Solutions to African Problems

THE YEAR 1997 SAW A MAJOR POLITICAL REALIGNMENT OF THE AFRICAN CONTINENT, WITH THE SUDDEN COLLAPSE OF THE DICTATORSHIP OF MOBUTU SESE SEKO IN ZAIRE BEFORE THE TROOPS OF THE ALLIANCE OF DEMOCRATIC FORCES FOR THE LIBERATION OF CONGO-ZAIRE (ADFL), LED BY LAURENT KABILA. THE INSTALLATION OF KABILA AS HEAD OF STATE OF THE RENAMED DEMOCRATIC REPUBLIC OF CONGO (DRC) BROUGHT TO INTERNATIONAL ATTENTION A POLITICAL TREND UNDERWAY SINCE THE LATE 1980S. KABILA JOINED PRESIDENT MUSEVENI OF UGANDA AND THE RULERS OF RWANDA, ETHIOPIA AND ERITREA AS THE NEWEST REPRESENTATIVE OF A "NEW GENERATION" OF AFRICAN LEADERS. KABILA'S CONQUEST, WITH ITS DEPENDENCE ON ASSISTANCE FROM NEIGHBORING STATES, ALSO DEMONSTRATED THAT SOME AFRICAN RULERS WERE SHEDDING OLD RULES REGARDING THE INVIOABILITY OF TERRITORIAL INTEGRITY AND "NON-INTERFERENCE" IN THE INTERNAL AFFAIRS OF OTHER STATES.

WHILE IN MANY CASES THE NEW RULERS HAD REPLACED GOVERNMENTS DISTINGUISHED PRIMARILY BY THE EXTREME REPRESSION THEY HAD INFLICTED ON THEIR OWN POPULATIONS—IN RWANDA A GOVERNMENT GUILTY OF GENOCIDE—THE SLOGAN OF "AFRICAN SOLUTIONS TO AFRICAN PROBLEMS" SEEMED DESIGNED ALSO TO DISGUISE A REJECTION OF THE INTERDEPENDENCE OF HUMAN RIGHTS IN SOME DOMAINS, AND A REFUSAL TO PERMIT AUTONOMOUS MONITORING OF THOSE RIGHTS IN OTHERS.

#### Old Wine in New Bottles: The Emerging Political Systems in East and Central Africa

IN UGANDA, ETHIOPIA, ERITREA, RWANDA, THE PARTS OF SOUTHERN SUDAN CONTROLLED BY THE REBEL SUDAN PEOPLES' LIBERATION ARMY (SPLA), AND IN THE DRC, LEADERS CLAIMED THAT THE INTERESTS OF STABILITY REQUIRED AND JUSTIFIED THE RESTRICTION OF POLITICAL RIGHTS.

IN THIS VIEW, MOST AFRICAN STATES WERE NOT READY FOR MULTIPARTY DEMOCRACY AND WOULD BECOME SO ONLY AFTER THE DEVELOPMENT OF A THRIVING ECONOMY AND AN ESTABLISHED MIDDLE CLASS. THE POLITICAL SYSTEMS THE NEW LEADERS ADVOCATED WERE CHARACTERIZED BY RESTRICTIVE LEGAL STRUCTURES THAT UNDERCUT CORE DEMOCRATIC VALUES OF FREEDOM OF ASSOCIATION AND SPEECH. OPPOSITION PARTIES, CIVIL SOCIETY, AND THE MEDIA WERE PERMITTED TO EXIST, BUT ONLY TO THE EXTENT THAT THEY AGREED NOT TO CHALLENGE THE PARTY IN POWER. DESPITE CLAIMS TO THE CONTRARY, THE IDEOLOGY APPEARED TO BE A REINSTATEMENT OF ONE-PARTY RULE, WITH THE ONE DIFFERENCE THAT COUNTRIES SUCH AS DEMOCRATIC REPUBLIC OF CONGO, ETHIOPIA, RWANDA AND UGANDA, NOT ONLY TOLERATED BUT ACTIVELY ENCOURAGED PRIVATE ENTERPRISE.

IN UGANDA DURING 1997 MUSEVENI'S NATIONAL RESISTANCE MOVEMENT (NRM), IN POWER SINCE 1996, CONTINUED TO IMPLEMENT ITS "NO-PARTY" POLITICAL SYSTEM, AND PLACED INCREASINGLY SEVERE RESTRICTIONS ON THE ACTIVITIES OF POLITICAL PARTIES. THE 1995 CONSTITUTION HAD ALREADY RESTRICTED THE FUNCTIONING OF POLITICAL PARTIES BY PROHIBITING A WIDE RANGE OF POLITICAL ACTIVITIES. A BILL THAT WAS UNDER CONSIDERATION AS OF THIS WRITING, THE POLITICAL PARTY BILL OF 1997, WOULD FURTHER REGULATE THE ACTIVITIES OF POLITICAL PARTIES.

THE ETHIOPIAN GOVERNMENT DID NOT TOLERATE PARTY POLITICS, CRACKED DOWN ON CRITICAL REPORTING IN THE MEDIA, AND AGGRESSIVELY SOUGHT TO SUBDUCE LABOR AND PROFESSIONAL ASSOCIATIONS AND OTHER EMERGING CIVIL SOCIETY ORGANIZATIONS.

IN ERITREA, THE GOVERNING PEOPLE'S FRONT FOR DEMOCRACY AND JUSTICE (PFDJ) WAS THE SOLE PARTY OPERATING IN THE COUNTRY. ERITREAN OFFICIALS WERE ON RECORD DAMPENING EXPECTATIONS OF AN EARLY INTRODUCTION OF A MULTIPARTY SYSTEM. SEVERE RESTRICTIONS ON CIVIL SOCIETY AND CORE FREEDOMS INCLUDING FREEDOM OF EXPRESSION PERSISTED IN 1997.

IN RWANDA, INCREASINGLY TIGHT CONTROL BY THE MILITARY MADE CLEAR HOW FAR THE GOVERNMENT HAD MOVED FROM THE APPARENTLY CIVILIAN COALITION ESTABLISHED AFTER THE VICTORY OF THE RWANDAN PATRIOTIC ARMY (RPA). THE RPA CLEARLY DOMINATED THE NEW RWANDAN GOVERNMENT, PREVENTED PUBLIC ACTIVITIES BY OPPOSITION POLITICAL PARTIES, AND DISCOURAGED

THE DEVELOPMENT OF CIVIL SOCIETY.

IN THE DRC, ONCE INSTALLED IN KINSHASA, THE NEW GOVERNMENT DID NOT ENCOURAGE MUCH HOPE OF A DEPARTURE FROM THE PRACTICES OF ITS PREDECESSOR. IT DISBANDED PEACEFUL MARCHES AND IMPOSED STIFLING RESTRICTIONS ON THE BROADCAST MEDIA.

KENYA, BURUNDI, SUDAN AND POSSIBLY TANZANIA, WERE THE ONLY HOLDOUTS AGAINST THE GENERAL PATTERN OF THE EMERGING SYSTEM IN EAST AND CENTRAL AFRICA. YET THE GOVERNMENT OF DANIEL ARAP MOI IN KENYA, DESPITE A FORMAL COMMITMENT TO A MULTIPARTY SYSTEM, DISPLAYED ALMOST AS MUCH INTOLERANCE OF POLITICAL OPPOSITION AS THE "NEW" LEADERS IN NEIGHBORING COUNTRIES. THE KENYAN GOVERNMENT MET THE CLAMOR FOR GREATER POLITICAL FREEDOM WITH POLICE REPRESSION.

THE MILITARY GOVERNMENT OF BURUNDI CONTINUED TO CURB POLITICAL ACTIVITY IN 1997. ALTHOUGH THE NATIONAL ASSEMBLY AND POLITICAL PARTIES WERE TOLERATED AND RECOMMENCED THEIR ACTIVITIES IN LATE 1996, THEY FUNCTIONED UNDER SEVERE IMPEDIMENTS.

SUDAN'S NATIONAL ISLAMIC FRONT (NIF) USED THE POWER AND STRUCTURES OF THE STATE TO CONSOLIDATE ITS HEGEMONY. THE GOVERNMENT CONTINUED ITS ENFORCEMENT OF SEVERE RESTRICTIONS ON FUNDAMENTAL RIGHTS.

## **Forced Migration and Abuses of Civilians in Armed Conflict**

ONE OF THE MOST OVERT MANIFESTATIONS OF THE NEW DISTRIBUTION OF POWER IN CENTRAL AFRICA, AND OF THE WILLINGNESS OF AFRICAN LEADERS TO STEP IN TO "SOLVE" AFRICAN PROBLEMS, WAS THE FORCED RETURN OF RWANDAN REFUGEES FROM ZAIRE, TANZANIA, AND BURUNDI BEGINNING IN LATE 1996. THESE VAST POPULATION MOVEMENTS CREATED A HUMANITARIAN AND SECURITY CRISIS OF MAMMOTH PROPORTIONS ON THE CONTINENT, ALREADY HOST TO THE LARGEST NUMBER OF REFUGEES AND DISPLACED PERSONS IN THE WORLD.

DURING THE CAMPAIGN TO OVERTHROW THE MOBUTU GOVERNMENT, THE ADFL ATTACKED REFUGEE CAMPS ESTABLISHED IN EASTERN ZAIRE. SOME OF THOSE DRIVEN OUT OF THE CAMPS WERE PARTICIPANTS IN THE 1994 GENOCIDE IN RWANDA; OTHERS WERE INNOCENT, VICTIMS OF DEVELOPMENTS BEYOND THEIR CONTROL. THE ADFL FORCES, OFTEN LED BY RWANDANS, HUNTED DOWN THOSE IN FLIGHT, KILLING MANY THOUSANDS OF CIVILIANS AS WELL AS ARMED ELEMENTS AND PREVENTING HUMANITARIAN AGENCIES FROM DELIVERING THE FOOD, WATER AND MEDICINE NEEDED TO KEEP THE REMAINDER ALIVE. MOBUTU'S ZAIRIAN ARMED FORCES (FORCES ARMÉES ZAÏROISES, FAZ), RWANDAN INTERAHAMWE MILITIA, AND MERCENARIES ALSO COMMITTED GROSS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW. FOLLOWING THE INSTALLATION OF KABILA'S GOVERNMENT, ADFL FORCES CONTINUED TO USE EXCESSIVE FORCE AGAINST CIVILIANS, IN AN ATTEMPT TO PUT DOWN REBELLIONS IN THE EASTERN PART OF THE COUNTRY.

THE EVENTS IN ZAIRE HAD BEEN PRECEDED BY LESS BRUTAL BUT NO LESS SERIOUS VIOLATIONS OF INTERNATIONAL REFUGEE LAW IN OTHER COUNTRIES HOSTING RWANDAN REFUGEES. IN LATE 1996, THE TANZANIAN GOVERNMENT HAD GIVEN AN ULTIMATUM FOR APPROXIMATELY 600,000 RWANDANS TO LEAVE BY DECEMBER 31, 1996. THE TANZANIAN AUTHORITIES USED TEARGAS AND BATONS TO PUSH REFUGEES OVER THE BORDER. A SIMILAR FORCED REPATRIATION OF APPROXIMATELY 80,000 RWANDAN REFUGEES HAD TAKEN PLACE FROM BURUNDI IN OCTOBER AND NOVEMBER 1996.

IN RWANDA, MEANWHILE, GOVERNMENT SOLDIERS AND REBEL FORCES ENGAGED IN LARGE-SCALE MASSACRES OF CIVILIANS AND OTHER ABUSES. IN BURUNDI, BOTH GOVERNMENT FORCES AND VARIOUS GUERRILLA MOVEMENTS MASSACRED CIVILIANS IDENTIFIED BY THEIR ETHNICITY IN EFFORTS TO ESTABLISH CONTROL OVER DIFFERENT REGIONS. THE GOVERNMENT FORCED HUNDREDS OF THOUSANDS OF CIVILIANS INTO REGROUPMENT CAMPS WHERE THEY WERE ABUSED BY SOLDIERS AND OFTEN SUFFERED FROM LACK OF FOOD AND MEDICINE.

THE REFUGEE CRISIS FACING AFRICA WAS NOT LIMITED TO THE GREAT LAKES REGION. VIOLENCE IN THE COASTAL PROVINCES OF KENYA DISPLACED AN ESTIMATED 100,000. SOME FOUR MILLION DISPLACED PERSONS IN SUDAN, THE LARGEST SUCH POPULATION IN THE WORLD, CONTINUED TO SUFFER FROM THE GOVERNMENT'S EFFORTS TO HAMPER OR SERIOUSLY DELAY ASSISTANCE FROM THE LARGE U.N. RELIEF OPERATION. THREE MAJOR REBEL FORCES, THE LORD'S RESISTANCE ARMY (LRA), THE ALLIED DEMOCRATIC FORCES (ADF), THE WEST NILE BANK FRONT (WNBF), AND ITS OFF-SHOOT THE UGANDAN NATIONAL RESCUE

Front II (UNRF II) that challenged the Uganda People's Defense Forces (UPDF), the government army, were all responsible for serious abuses of human rights. The LRA, in particular, regularly abducted children. An estimated 240,000 civilians were displaced by the fighting between the LRA and government troops. The Uganda government encouraged civilians to leave their homesteads and move into "protected camps" in close proximity to military bases but where conditions were poor. In western Uganda, a similar humanitarian crisis was developing because of the fighting between the Allied Democratic Forces (ADF) and the UPDF.

In the Republic of Congo (Brazzaville), previously a relatively stable contrast to Zaire/Congo-Kinshasa, presidential elections scheduled for July were postponed as the country sank into a full-scale civil war between the forces of President Pascal Lissouba and those fighting on behalf of ex-President Denis Sassou-Nguesso. Sassou-Nguesso's fighters captured the capital, Brazzaville, on October 16, with Angolan government assistance. An estimated 3,000 civilians were killed by the fighting and thousands more fled the capital; approximately 33,000 of them crossing the Congo river to Kinshasa.

In Sierra Leone, a civilian government elected in 1996 was overthrown on May 25, 1997 by soldiers in alliance with the Rebel United Front (RUF), a brutal rebel force that had waged a six-year war against successive governments. Hundreds of civilians were killed in indiscriminate shelling and almost 40,000 refugees fled to neighboring Liberia or Guinea, leaving behind those who would face soaring food prices and starvation. Meanwhile, despite the end of the Liberian civil war, almost 500,000 Liberian refugees remained in neighboring countries. During 1997 there were also increased clashes between Senegalese government army troops and the Movement of the Democratic Forces of Casamance (MFDC), a rebel group advocating independence for the Casamance region of southern Senegal. Hundreds of civilians lost their lives in this conflict.

Once again, the dismal plight of Angola's people, precariously caught between war and peace, blighted the southern African region's hopes for progress. Some 300,000 Angolan refugees remained in neighboring countries, although several thousand returned to Angola independently. An estimated million or more people displaced people inside Angola were also unable or unwilling to return to their homes because of insecurity.

Weapons flows continued to both the Angolan government and the Union for the Total Independence of Angola (UNITA) despite the peace accord. In the Great Lakes region too, as in Sudan, proliferation of weapons encouraged human rights abuses.

## **Progress and Setbacks in Democratization**

Despite the dispiriting news from the countries that captured the headlines during 1997, many African countries continued to make progress, however hesitant, toward the establishment or consolidation of democratic governments. A score of countries were headed by leaders that had been chosen in elections judged by international observers to have been free and fair. Nevertheless it was evident that much improvement was still needed.

In West Africa, flawed—some would say rigged—elections, inadequate electoral preparations, boycotts, and widespread election-related violence were the hallmarks of presidential, parliamentary, and municipal elections in Cameroon, Gabon, and Togo during the year.

In Cameroon, in the run up to both presidential and parliamentary elections, repeated affirmations by President Paul Biya of commitment to "democracy building" were belied by his government's conduct. In the absence of an independent electoral commission to oversee the process, the government harassed opposition party members, intimidated voters, restricted movement in the opposition stronghold of John Fru Ndi's Social Democratic Front, banned opposition campaigning in one district, and engaged in questionable voter-registration and ballot-counting practices which disenfranchised many and provided multiple registration to others. At the same time, the government engaged in a campaign against the independent press, harassing and arresting journalists for

criticizing government officials, policies and practices, and shutting down newspapers at will, sometimes seizing editions at newsstands. Cameroon's three main parties boycotted the presidential polls.

In neighboring Gabon, political tension escalated amidst disorganization and mismanagement during the run up to staggered parliamentary polls held in December 1996 and January and February 1997. Allegations of electoral fraud dominated the process. Similarly, in Togo, controversy related to electoral fraud and blatant political manipulation dominated the news headlines relating to elections.

Legislative elections in Burkina Faso, however, were comparatively free of allegations of mismanagement and fraud, even though the ruling CDP—headed by President Blaise Compaore—took over 90 percent of the seats. The government reexamined two bills which had already been approved, concerning the structure of the national electoral commission and the electoral code, due to demands from the political opposition and civil society.

In Mali too, though April elections for the National Assembly were marred by poor organization and widespread confusion at polling stations, several factors helped redeem Mali's tarnished democratic credentials. First, the elections were supervised by an independent electoral commission composed of ten government representatives, ten members of civil society, seven members of the opposition and seven from the ruling party. Second, the results were annulled by a Constitutional Court that found the irregularities to be technical, rather than manipulative, in nature. The government respected the Constitutional Court decision, and fresh elections were held (which were easily won by the ruling party). Additionally, Mali boasted a free press.

The demand for an independent electoral body was a focus of political controversy during the year in Senegal. Finally, President Diouf agreed to the creation of a National Electoral Observatory. While the Observatory would include opposition representatives, it would, however, have a purely supervisory mandate. Elections would continue to be organized by the Ministry of Interior.

For Liberia, 1997 was the year its brutal seven-year war ended, through an election on July 19 that swept former faction leader Charles Taylor and his party into power with 75 percent of the vote. International observers judged the poll to be free and fair. Following his victory, President Taylor stated that he would head a government that respected human rights. Liberian and international observers were encouraged but skeptical of this claim, given Taylor's reputation as a warlord.

Nigeria remained the most significant country not at war to fail to join the trend to democratization of the continent. Gen. Sani Abacha continued to implement a "transition program" supposedly to lead to free and fair elections, but blatant manipulation of the process deprived it of all credibility. The rule of law edged closer to collapse, as the government ignored court orders and arbitrarily detained opposition members, human rights activists and journalists.

## **Southern Africa: Hope for the Future**

Many of the most positive developments on the continent during 1997 came from Southern Africa, as the region benefited from South Africa's continuing transformation to a democratic state and its generally positive engagement with its neighbors. In South Africa itself, so much had changed that it was easy to forget how recently South Africa had ceased to be under the yoke of apartheid. Despite clouds on the horizon—notably the threat of violent crime and repressive response, but also the failure of the government to deliver on many of its pre-election promises—the progress was impressive. As regards its external policy, however, South Africa seemed to vacillate between real support for human rights principles—as in its leading position within the international movement to ban landmines—and short-sighted "realism" based only on building geopolitical alliances—as in its decision to resume arms supplies to Rwanda, despite good evidence of abuses committed against its own citizens by the Rwandan government.

The change of government in South Africa influenced developments in its closest neighbors, as political landscapes continued to adjust to new regional geopolitical realities. Throughout 1997, Swaziland remained in the throes of a constitutional crisis, as one of the world's last remaining absolute monarchies fiercely resisted

domestic and international pressure—including pressure from the South Africa government and labor movement—for a transition towards a constitutional monarchy. Lesotho, too, theoretically a constitutional monarchy with a multiparty system for some years, was gripped by a constitutional crisis for much of 1997. On the whole, the omens were good that neither country could resist the subregional trend to genuine democratization and accountable government much longer.

In Botswana, long one of the most politically and economically stable African countries, a tradition of democratic government strengthened during 1997, as the opposition to the ruling party became more lively and coherent. Following a referendum, the country amended its constitution to lower the voting age, to create an independent electoral commission that would have multiparty representation, and to limit future presidents to two terms of office. In Namibia, by contrast, rumors persisted of plans to amend the country's constitution to allow President Sam Nujoma to run for the presidency for a third term on the grounds that he was still a "young man."

In Malawi and Mozambique, both countries with terrible legacies to overcome, 1997 saw continuing progress in the consolidation of democracy. Despite three decades of repressive rule by former President Kamuzu Banda, hardly good training for consensus and coalition building, the government of President Bakili Muluzi in Malawi made steady progress, even without a parliamentary majority. And in Mozambique, human rights practices continued to improve, although political and legal institutions remained fragile and the economy one of the poorest in the world.

It was a turbulent year in politics in Zimbabwe. Although President Robert Mugabe and his Zimbabwe African National Union won elections easily, his government faced popular protest at a level not seen before. Impoverished veterans of the liberation war, outraged that apparently healthy cabinet ministers were drawing generous disability pensions, demonstrated in Harare. Other civil society groups maintained vigorous criticism of the government. Zimbabwe's Supreme Court demonstrated its independence by striking down legislation that gave the ruling party sole access to large sums of state money. In response to criticism from human rights groups, the government proposed new legislation to replace the draconian Law and Order (Maintenance) Act. However, the new bill would retain several of the restrictive aspects of the latter. Restrictions on fundamental rights remained in practice in place, and in many respects Zimbabwe remained a one-party state.

The performance of Zambia, once regarded as one of the brightest hopes for democratization in Africa, was the most disappointing in the region. Discredited and facing near bankruptcy, the Chiluba government made superficial improvements regarding its human rights record during 1997, with a view to addressing this obstacle to aid flows being resumed.

## Accountability

The events of the year once again demonstrated the importance of ensuring that those responsible for past abuses of human rights be made accountable, if a transition program is to be successful. In this context, the South African Truth and Reconciliation Commission continued to attract international attention as one of the most original and positive efforts in Africa and in the world to ensure accountability during a transition process.

In Liberia, however, international efforts to negotiate peace dispensed with accountability in an effort to find a political solution: the peace accord that ultimately led to the installation of the Taylor government granted a "general amnesty to all persons and parties involved in the Liberian civil conflict in the course of actual engagements."

Where trials of former rulers did take place, often after total victory in war—or even total victory in elections—they were often stalled by lack of court resources or lack of evidence. In Ethiopia, the trial of the seventy-two top-ranking officials of the former military government of the Derg were still pending by the last quarter of 1997. Malawi's Supreme Court in July dismissed an appeal by the government against the acquittal of former dictator Kamuzu Banda on murder charges, finding that the government's appeal was "a hopeless case."

In Rwanda, military and administrative officials responded to the massive return of Rwandans from abroad by

arresting many accused of genocide. They made these arrests often without legal authority. Against the negative backdrop of increasing violence by both the government and the insurgents, the beginning of trials for genocide offered one sign of hope, even though the first trials failed to meet international standards in several respects.

Under a new team of administrators and prosecutor, the International Criminal Tribunal on Rwanda (ICTR), began to show signs of recovery from previous professional and administrative maladies.

It seemed self-evident that a year following the endorsement by the Organization of African Unity (OAU) summit of a "plan of action to end impunity in Africa," African leaders should support, facilitate and encourage the investigations of the large-scale slaughter of civilians in Congo. However, representatives of African states, meeting in Kinshasa at the invitation of OAU Chairman and Zimbabwean President Robert Mugabe, expressed their support for Kabila in the face of accusations of mass killings. They denounced with "dismay the persistent unsubstantiated disinformation campaign against the Democratic Republic of Congo" and "condemned this campaign of vilification and the unjustified pressures being exerted on the Democratic Republic of the Congo." Rwanda, Uganda, and Angola were joined in their uncritical support for the new government by South African President Nelson Mandela, who referred to Kabila as "an outstanding figure, a dynamic leader" and appeared ready to accept Kabila's assurances that allegations of massacres were false.

In Zimbabwe, a report compiled by the Catholic Commission on Justice and Peace alleged that 3,000 innocent people had been murdered and many more made victims of gross atrocities when the government suppressed a 1980s rebellion in the Matabeleland region. Mugabe claimed that the reports about such abuses were only meant to cause trouble, and justified the actions of the army as having been committed during a time of war. In Namibia, the ruling South West African Peoples' Organization (SWAPO) still failed to provide a complete account of detainees who went missing during the period before independence.

## Regional and subregional organizations

A notable feature of 1997 was the apparent invigoration of regional bodies in Africa including the Southern Africa Development Community (SADC), which discussed a strengthening of its institutions; and the Economic Community of West African States (ECOWAS), which intervened in Sierra Leone just as its Cease-Fire Monitoring Group (ECOMOG) was winding down its operation in Liberia. An inter-African peacemaking-cum-peacekeeping force, the Mission de Suivi des Accords de Bangui (MISAB), with troops drawn from Mali, Senegal, Chad, and Gabon, was tasked to monitor the January 25 Bangui peace agreement in Central African Republic. Commanded by a Malian general and ex-president Amadou Toumani Touré of Mali, MISAB forcibly disarmed ex-mutineers and their civilian allies in support of President Ange-Félix Patassé. MISAB's mandate was extended to cover scheduled 1998 elections. Nevertheless, actions taken by these bodies responded to geopolitical considerations in which human rights considerations appeared largely absent.

SADC, the strongest subregional mechanism in Africa, benefited from the leadership of South Africa. In a September speech at the annual SADC summit, held in Blantyre, Malawi, President Nelson Mandela of South Africa implored his colleagues to think seriously about their commitment to democracy and human rights if the organization was to retain its credibility. Mandela strenuously argued that SADC's basic principles of respect for each member state's sovereignty and of non-interference in each other's national interest could not blunt its common concern for democracy and human rights. Mandela went on: "The right of citizens to participate unhindered in political activities in the country of their birthright is a non-negotiable basic principle to which we all subscribe. We, collectively, cannot remain silent when political or civil movements are harassed and suppressed through harsh state action." He then posed what he termed difficult questions that had nonetheless to be addressed by SADC. These included: "Can we continue to give comfort to member states whose actions go so diametrically against the values and principles we hold so dear and for which we struggled for so long and so hard?"

Yet despite the robust principled fervor in Mandela's speech, the same SADC summit went on to admit the

DEMOCRATIC REPUBLIC OF CONGO TO MEMBERSHIP DESPITE THE INTERNATIONAL OUTCRY OVER THE LARGE-SCALE MASSACRES OF CIVILIANS AND CONGO'S BLOCKAGE OF INTERNATIONAL EFFORTS TO INVESTIGATE THEM.

WITHIN ECOWAS, NIGERIA OVERSHADOWED ITS SMALLER AND LESS POWERFUL NEIGHBORS; YET THE ECOWAS STATES ALSO SHOWED THEMSELVES FOR PERHAPS THE FIRST TIME PREPARED TO RESIST NIGERIA'S ADVENTURISM. WHEN NIGERIA ASKED FOR RETROSPECTIVE ENDORSEMENT FOR ITS ARMED INTERVENTION IN SIERRA LEONE, ECOWAS STATES MANDATED IT ONLY TO MAINTAIN A BLOCKADE DESIGNED TO DRIVE OUT THE COUP LEADERS, AND NOT TO ENGAGE IN FURTHER OFFENSIVE MILITARY ACTION.

WHILE ECOWAS CONDEMNED THE MILITARY COUP IN SIERRA LEONE, WITH NIGERIA THE CHAIR OF THE BODY, THERE WAS NO POSSIBILITY OF SIMILAR CONDEMNATION OF THE MILITARY REGIME IN NIGERIA ITSELF, STILL LESS OF A CALL FOR SANCTIONS.

## **The Right to Monitor**

THE RAPID GROWTH OF INDIGENOUS HUMAN RIGHTS ORGANIZATIONS CONTINUED, ALTHOUGH THE DEMOCRATIC SPACE THAT WAS AVAILABLE FOR DOMESTIC AND INTERNATIONAL GROUPS TO MONITOR RESPECT FOR HUMAN RIGHTS IN AFRICA VARIED WIDELY. A FEW GOVERNMENTS, INCLUDING SOUTH AFRICA, BOTSWANA, MALAWI, MAURITIUS AND MALI, SHOWED A GENUINE COMMITMENT TO PLURALISM AND IN THESE COUNTRIES CIVIL SOCIETY FLOURISHED. IN OTHER COUNTRIES, SUCH AS MOZAMBIQUE, WHILE CIVIL SOCIETY WAS STILL COMPARATIVELY WEAK, PRIVATE MONITORING GROUPS EXPANDED THEIR SCOPE SIGNIFICANTLY. ELSEWHERE, FOR EXAMPLE IN KENYA OR ZAMBIA, SOPHISTICATED LOCAL MONITORING GROUPS RESISTED GOVERNMENT ATTEMPTS TO CLOSE DOWN THEIR ACTIVITIES. IN CERTAIN HISTORICALLY CLOSED SOCIETIES, SUCH AS MAURITANIA, HUMAN RIGHTS GROUPS MADE PROGRESS IN CARVING OUT SPACE FOR THEMSELVES EVEN THOUGH SERIOUS GOVERNMENT RESTRICTIONS ON SUCH ACTIVITY REMAINED IN PLACE. BUT IN SEVERAL COUNTRIES INCLUDING, BURUNDI, CAMEROON, DEMOCRATIC REPUBLIC OF CONGO, NIGERIA AND RWANDA, GOVERNMENTS REFUSED TO PERMIT AUTONOMOUS MONITORING.

## **National Human Rights Commissions**

ALMOST AS STRIKING AS THE GROWTH IN NONGOVERNMENTAL ORGANIZATIONS IN AFRICA HAS BEEN THE TREND TO ESTABLISH NATIONAL HUMAN RIGHTS COMMISSIONS, GOVERNMENT-FUNDED BUT NOMINALLY INDEPENDENT. COUNTRIES WHERE NATIONAL COMMISSIONS FUNCTIONED DURING 1997 INCLUDED UGANDA, KENYA, GHANA, CAMEROON, NIGERIA, MALAWI, ZAMBIA, AND SOUTH AFRICA. EMERGING FROM ELECTORAL SUCCESS IN JULY, PRESIDENT CHARLES TAYLOR JOINED THIS TREND BY ANNOUNCING PLANS FOR THE CREATION OF A COMMISSION ON HUMAN RIGHTS, THOUGH AS OF THIS WRITING, ITS TERMS OF REFERENCE WERE STILL BEING DRAFTED. IN RWANDA, AS WELL, THE NATIONAL ASSEMBLY WAS WORKING ON LEGISLATION TO ESTABLISH A HUMAN RIGHTS COMMISSION.

THE CHALLENGE THAT FACED THESE NATIONAL COMMISSIONS WAS WHETHER THEIR ACTIONS WOULD HELP TO IMPROVE GOVERNMENT RESPECT FOR HUMAN RIGHTS IN PRACTICE AND BRING RELIEF TO VICTIMS OF ABUSE. HUMAN RIGHTS COMMISSIONS WERE GENERALLY TIMID AND SHIED AWAY FROM THOROUGH INVESTIGATIONS. OFTEN MANDATES WERE TIGHTLY LIMITED AND JURISDICTIONS NARROW. COMMISSIONERS WERE OFTEN CLOSELY ASSOCIATED WITH THE APPOINTING AUTHORITIES.

QUESTIONS AFFECTING THEIR SIGNIFICANCE INCLUDED THE FOLLOWING: WOULD THE COMMISSIONS POSSESS REAL INVESTIGATORY POWER? COULD THE COMMISSIONS INSTITUTE REAL AND SERIOUS INVESTIGATIONS? WOULD THE COMMISSIONS GO BEYOND PERFUNCTORY INVESTIGATIONS AND PURSUE AGENDAS THAT ENCOMPASS ISSUES OF NATIONAL IMPORTANCE? DID THE COMMISSIONS HAVE THE REQUISITE BUDGET AND INFRASTRUCTURE? DID THE COMMISSIONS HAVE THE INDEPENDENCE REQUIRED TO INVESTIGATE THE GOVERNMENT'S ACTIONS AND MAKE PUBLIC THEIR FINDINGS? ULTIMATELY, THE REAL TEST OF THE NATIONAL HUMAN RIGHTS COMMISSIONS IN AFRICA WOULD BE IN THEIR ACTIONS.

SOUTH AFRICA'S HUMAN RIGHTS COMMISSION, SHOWED THE GREATEST SIGNS OF TAKING AN ACTIVE PART IN CRITICIZING THE GOVERNMENT AND ACTIVELY PRESSING HUMAN RIGHTS CONCERNS. IN OCTOBER IT ISSUED ITS FIRST SUBPOENA AGAINST A GOVERNMENT DEPARTMENT.

THE ACTIVITIES OF GHANA'S COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE ALSO GENERATED WIDE PUBLICITY AND DEMONSTRATED HOW SUCH BODIES, EVEN WHEN INITIALLY APPARENTLY CREATED BY A GOVERNMENT IN THE BELIEF THAT THEY WOULD TAKE NO ACTION, CAN NEVERTHELESS DEVELOP LIVES OF THEIR OWN.

BUT LESS INDEPENDENT COMMISSIONS IN ZAMBIA, KENYA AND NIGERIA BODED ILL FOR THEIR POSSIBILITIES OF ROBUST

DEFENSE OF HUMAN RIGHTS IN THE FUTURE.

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

HUMAN RIGHTS CRISES IN AFRICA LOOMED LARGE ON THE INTERNATIONAL LANDSCAPE DURING 1997. THOUGH EVEN IN THE MOST DIFFICULT SITUATIONS THE MEANS TO ACT, WERE AVAILABLE, THE CONVICTION NEEDED TO TAKE FIRM ACTION TO PROTECT HUMAN RIGHTS WAS OFTEN LACKING. RESPONSES TO AFRICA'S PROBLEMS CONTINUED TO BE FIRE BRIGADE AND BANDAGING OPERATIONS THAT AT MOST, ONLY ACHIEVED SHORT TERM AND OFTEN COSMETIC IMPROVEMENTS. MANY RESPONSES CAUSED, OR HAD POTENTIAL FOR CAUSING, MORE HARM THAN GOOD.

PERHAPS OF MOST CONCERN WAS THE FORGIVING ATTITUDE TO VIOLATIONS COMMITTED BY THE NEW BRAND OF LEADERSHIP THAT CHAMPIONED THE MANTRA "AFRICAN SOLUTIONS TO AFRICAN PROBLEMS." THESE LEADERS WERE FOR THE MOST PART YOUNG, DYNAMIC, EDUCATED, ARTICULATE, AND EXTREMELY MEDIA SAVVY. THE CURIOUS BLEND OF IDEALISM AND RUTHLESSNESS, PRINCIPLE AND PRAGMATISM FASCINATED WESTERN POLICY MAKERS AND THE MEDIA. THE EROSION OF HUMAN RIGHTS STANDARDS WAS ADROITLY EXPLAINED AWAY BY THE LEADERSHIP AS BEING THE NECESSARY COST OF GETTING THESE COUNTRIES ON TRACK AFTER MANY YEARS OF POLITICAL MISMANAGEMENT. FURTHER, IN SELECT CASES, THEIR GEOSTRATEGIC ALLIANCES, ESPECIALLY WITH WASHINGTON, RENDERED THEM SIGNIFICANTLY IMMUNE TO INTERNATIONAL PRESSURE. THE ABILITY OF SOME OF THESE GOVERNMENTS TO SHOW ECONOMIC SUCCESS MADE THEM PARTICULARLY ATTRACTIVE AND ACCEPTABLE TO THE MAJOR WESTERN DONORS.

THE INTERNATIONAL COMMUNITY WAS QUICK TO OVERLOOK OR EXCUSE REPRESSIVE TENDENCIES BY THESE "SOLDIER PRINCES" ON THE GROUNDS THAT, COMPARED TO THE PAST, THEY HAD BROUGHT IMPROVEMENTS SUCH AS GREATER POLITICAL STABILITY, ECONOMIC PROSPERITY, AND DEMOCRATIZATION. THIS COMPARATIVE APPROACH TO HUMAN RIGHTS SET A DISTURBING PATTERN WHICH ALLOWED FOR SOME AFRICAN STATES TO BE HELD TO A DIFFERENT, AND LESSER, SET OF HUMAN RIGHTS STANDARDS.

THE INTERNATIONAL ROLE WITH REGARD TO OVER A MILLION RWANDANS THAT FLED TO THE DRC IN 1994 TYPIFIED THE INTERNATIONAL FAILURE OF LEADERSHIP. THE INTERNATIONAL COMMUNITY PREFERRED TO PAY THE HIGH COST OF UPKEEP FOR THE CAMPS, U.S.\$ 1 MILLION A DAY AT ONE POINT, TO THE COSTS—FINANCIAL, MILITARY AND POLITICAL—OF SEPARATING GENUINE REFUGEES FROM THE MILITARY AND OTHERS WHO HAD NO RIGHT TO THIS STATUS.

WHEN THE ADFL ATTACKED THE CAMPS, THE INTERNATIONAL COMMUNITY ONCE MORE ADDRESSED SIMPLY THE HUMANITARIAN ISSUES OF FACILITATING REPATRIATION AND DELIVERY OF AID. HAVING DECIDED AGAINST ARMED INTERVENTION, THE INTERNATIONAL COMMUNITY WAS REDUCED TO REPEATEDLY DEPLORING THE ADFL ATTACKS AGAINST REFUGEES AND OBSTRUCTION OF HUMANITARIAN ASSISTANCE. IN THE FACE OF REPORTS OF LARGE-SCALE ATROCITIES, THEY ENGAGED IN PUBLIC PROTESTATIONS AND PRIVATE DIPLOMACY, ALL WHICH SEEMED EQUALLY INEFFECTIVE. EVEN AFTER THE UNITED NATIONS SPECIAL RAPPORTEUR ON ZAIRE, ROBERTO GARREÓN, PRESENTED EVIDENCE THAT MASSACRES HAD OCCURRED IN HIS APRIL 2, 1997 REPORT TO THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS, THE U.N. MADE NO INTERVENTION THAT MIGHT HAVE AVERTED SUBSEQUENT SLAUGHTER. ALL ALONG IT SEEMED THAT THE INTERNATIONAL COMMUNITY ACTED AS IF FOCUS AND FIRMNESS IN DEMANDING JUSTICE WAS AN OBSTACLE TO STABILITY AND PROSPERITY FOR THE REGION, RATHER THAN ITS PRECONDITION.

MOREOVER, BY SITTING MUTE ON THE SIDELINES, THE INTERNATIONAL COMMUNITY BECAME AN UNWILLING ACCESSORY TO A RADICAL EROSION OF ONE OF THE GREAT HUMANITARIAN POSTULATES WHICH HAD COME TO BE A MAJOR PLANK IN INTERNATIONAL RELATIONS SINCE WORLD WAR II: THE RIGHT TO NON-REFOULEMENT, THAT NOBODY SHOULD BE COERCED TO RETURN TO A HOMELAND WHERE HE OR SHE HAD REASON TO FEAR ABUSE. BY REMAINING SILENT AND BY PARTICIPATING IN THE FORCED RETURN OF RWANDAN REFUGEES FROM WHAT WAS THEN ZAIRE AND TANZANIA, THE INTERNATIONAL COMMUNITY HAD SHAMEFULLY ABANDONED ITS RESPONSIBILITY TO PROTECT REFUGEES.

## **United Nations**

THE TURBULENT EVENTS IN THE GREAT LAKES REGION FORCED THE U.N.'S STRUCTURES TO FOCUS ON CONFLICT RESOLUTION AND MANAGEMENT. IN SEPTEMBER 1997, THE U.N. SECURITY COUNCIL HELD A MINISTERIAL MEETING TO CONSIDER THE NEED FOR CONCERTED INTERNATIONAL EFFORTS TO PROMOTE PEACE AND SECURITY IN AFRICA. THE COUNCIL ASKED THE SECRETARY-GENERAL



to produce a report by February 1998 containing concrete recommendations regarding the sources of conflict in Africa, ways to prevent and address these conflicts, and how to lay the foundation for durable peace and economic growth.

For his part, U.N. Secretary-General Kofi Annan stated that he believed Africa was entering a "new wave of progress," based on peace, democracy, human rights, and sustainable development—the "pillars of good governance." He noted a "new consensus that the primary responsibility for the solution of Africa's problems rests with Africans themselves."

The U.N. High Commissioner for Refugees (UNHCR) appeared unable, and in some cases unwilling, to fully address the complexities of the refugee crises that unfolded in the Great Lakes region. The waning support by African governments and the international community for protection of refugee rights, the unchecked militarization within and attacks on refugee camps, threats to UNHCR staff, and increased weapons flows further obstructed the ability of UNHCR to provide safety and assistance to refugees.

UNHCR initially remained silent in the face of the forced repatriation of Rwandan refugees in late 1996, but became more vocal toward the end of 1997 as criticism mounted against the agency for its retreat from protection.

Only after the bulk of Rwandan refugees remaining in Zaire/Congo had been slaughtered or subjected to extreme hardship did UNHCR begin to protest more strongly. For instance, in September, UNHCR strongly protested the forced repatriation of some 900 Rwandan and Burundian refugees (some 550 of whom were women and children) from Kisangani in the DRC who fled to Rwanda by the Kabila government.

The silence of UNHCR this year was made worse by the realization that the Rwandan refugee crisis might have been mitigated had greater efforts been taken by UNHCR, with the assistance of the international community, to exclude human rights violators and military elements from the refugee population at the outset. Following the clearing of the camps in the DRC, UNHCR initiated this kind of exclusion in the Central African Republic, Gabon and Malawi. For the Rwandan refugees, it was a case of too little, too late, but these were nonetheless commendable initiatives that should be strengthened for the future.

U.N. assistance and protection for the internally displaced remained disjointed and unfocused. Due to the lack of a U.N. agency with an exclusive mandate to deal with the internally displaced, U.N. programs continued to be run on an ad hoc basis with varying degrees of success. Recognizing this limitation, the U.N. administrative reforms unveiled by the Secretary-General in July, specifically stated that the U.N. needed to improve its programs for the internally displaced. The United Nations Development Program (UNDP) played a larger role in reintegration programs for the internally displaced, although its programs continued to dodge the protection and human rights needs of the displaced. Although efforts to address this fundamental omission were underway at UNDP, they remained at the initial stages of policy formulation.

In Rwanda, the U.N. human rights field office restricted its representatives to the capital and other secure regions after five of its employees were killed in an ambush. Only in mid-year did it resume vigorous reporting on military massacres of civilians and the killing of detainees by the authorities. By skillful negotiation, Rwanda succeeded in replacing a U.N. special rapporteur with a far less powerful special envoy. Moreover, immediately after the U.N. human rights field office published reports on military massacres of civilians and other abuses, the Rwandan government intensified its campaign to end the operation of the field office. Burundi excluded altogether the special rapporteur named to monitor its compliance with human rights standards.

Despite a major lobbying effort by the Nigerian government, however, the 1997 session of the U.N. Commission on Human Rights resolved to appoint a special rapporteur on Nigeria. In a notable departure from the African solidarity that characterized much voting at the U.N., South Africa and Uganda voted for the resolution, while the other African countries on the commission abstained.

The U.N. was weak on rights issues in Angola. Although it maintained a Human Rights Unit there, with monitors deployed in most provinces, it achieved little, except holding a series of high profile workshops on rights and submitting reports for U.N. Special Representative Maitre Alioune Blondin Beye's submissions to the Security

COUNCIL. BEYE'S INSISTENCE THAT ROBUSTLY EXPOSING RIGHTS ABUSES WOULD UNDERMINE THE PEACE PROCESS CONTRIBUTED TO MAKING THE U.N.'S HUMAN RIGHTS EFFORTS IMPOTENT.

## **The Commonwealth**

THE COMMONWEALTH UNDERTOOK SOME INITIATIVES IN THE HUMAN RIGHTS FIELD, WITH MOST ACTIVITY RELATED TO HUMAN RIGHTS FOCUSED ON AFRICA. A COMMONWEALTH MINISTERIAL ACTION GROUP (CMAG), HELD A NUMBER OF MEETINGS DURING THE YEAR TO REVIEW DEVELOPMENTS IN THE GAMBIA, NIGERIA, AND SIERRA LEONE, THE COUNTRIES MOST BLATANTLY IN VIOLATION OF THE HARARE COMMONWEALTH DECLARATION OF 1991, WHICH COMMITS MEMBER STATES TO RESPECT HUMAN RIGHTS AND DEMOCRACY. AT THE END OF OCTOBER, THE COMMONWEALTH HEADS OF GOVERNMENT MEETING (CHOGM) DECIDED TO MAINTAIN NIGERIA'S SUSPENSION FROM THE ORGANIZATION. NIGERIA WAS WARNED THAT IT FACED EXPULSION IF IT FAILED TO BRING IN A DEMOCRATIC SYSTEM BY OCTOBER 1998. ADDITIONALLY, THE SAME MEETING DECIDED THAT PENDING THE RESTORATION OF THE ELECTED GOVERNMENT, THE ARMED FORCES REVOLUTIONARY COUNCIL REGIME IN SIERRA LEONE WOULD REMAIN SUSPENDED FROM THE COMMONWEALTH.

## **Aid and Human Rights: The European Union and World Bank**

THE APPROACH OF THE EUROPEAN COMMISSION AND THE WORLD BANK, BOTH MAJOR DONORS TO AFRICA, WAS NARROW AND FOCUSED ON ECONOMIC CONSIDERATIONS AT THE EXPENSE OF HUMAN RIGHTS. UNDER ARTICLE 5 OF THE LOMÉ CONVENTION, GOVERNING ACCESS BY AFRICAN CARIBBEAN AND PACIFIC (ACP) COUNTRIES TO EUROPEAN UNION (E.U.) MARKETS, RESPECT FOR HUMAN RIGHTS AND DEMOCRATIC PRINCIPLES WAS AN "ESSENTIAL ELEMENT" FOR THOSE STATES TO RECEIVE DEVELOPMENT AID FROM THE EUROPEAN UNION THROUGH THE EUROPEAN COMMISSION.

UNDER THE LEADERSHIP OF JAMES WOLFENSOHN, THE WORLD BANK SOUGHT DURING 1997 TO IMPROVE ITS RECORD IN FIGHTING AFRICAN POVERTY AND TO ASSURE ITS STATUS AS THE FLAGSHIP OF THE INTERNATIONAL DEVELOPMENT AGENCIES. BUT QUESTIONS STILL ABOUNDED WHETHER THE WORLD BANK WAS NOT WITTINGLY OR UNWITTINGLY PROPPING UP UNDEMOCRATIC REGIMES IN AFRICA. MR WOLFENSOHN CLAIMED THAT UNDER HIS LEADERSHIP THE BANK HAD BEGUN TO REACH OUT TO HUMAN RIGHTS GROUPS. THE BANK'S 1997 WORLD DEVELOPMENT REPORT, LAID SPECIAL EMPHASIS ON THE NEED FOR UPGRADING THE EFFECTIVENESS OF THE STATE AS A PREREQUISITE FOR ECONOMIC DEVELOPMENT AND IMPROVED SOCIAL WELFARE. BUT APART FROM HIGHLIGHTING THE NEED FOR INVESTMENT-FRIENDLY LEGAL SYSTEMS, THE BANK IN ITS REPORT APPEARED TO HAVE DELIBERATELY FACTORED DEMOCRACY AND HUMAN RIGHTS OUT OF ITS FORMULA FOR RESOLVING AFRICA'S CRISIS OF GOVERNANCE.

THE NARROW, ECONOMICS-BASED APPROACH WAS DEMONSTRATED IN THE DECISION OF THE EUROPEAN COMMISSION AND WORLD BANK TO CONCENTRATE MOST OF THEIR ECONOMIC ASSISTANCE EFFORTS ON THREE COUNTRIES IN AFRICA: MOZAMBIQUE, ETHIOPIA, AND THE IVORY COAST. ALL THREE COUNTRIES WERE CERTAINLY IN NEED OF SUCH ASSISTANCE, BUT AN EQUIVALENT FOCUS WAS NOT PLACED ON SUPPORT FOR INITIATIVES TO IMPROVE RESPECT FOR HUMAN RIGHTS EITHER IN THOSE COUNTRIES OR ELSEWHERE.

MOREOVER, AT THE JULY 11-12 CONSULTATIVE GROUP MEETING ON ZAMBIA, THE BANK HAD STRENUOUSLY BUT ULTIMATELY UNSUCCESSFULLY SOUGHT, IN THE FACE OF OBJECTIONS OF BILATERAL DONORS, TO DOWNPLAY THE ISSUE OF GOOD GOVERNANCE.

## **France**

IN WHAT PROMISED TO BE A SIGNIFICANT SHIFT, FRANCE'S NEW SOCIALIST GOVERNMENT ANNOUNCED PLANS TO REVISE ITS POLICY TOWARD AFRICA, APPARENTLY BASED ON A LESS INTERVENTIONIST APPROACH TO THE POLITICS OF FRANCE'S FORMER COLONIES IN AFRICA. THE ONGOING RECONSIDERATION OF FRENCH POLICY COULD LEAD PARIS EVENTUALLY TO REVISE ITS DEFENSE AND MILITARY ASSISTANCE AGREEMENTS WITH A NUMBER OF THESE FORMER AFRICAN COLONIES. NEVERTHELESS, ENDURING NEO-COLONIAL PACTS BETWEEN FRANCE AND HER EX-COLONIES CONTINUED IN 1997 TO IMPLY STRONG POLITICAL, ECONOMIC AND POTENTIALLY MILITARY SUPPORT, DESPITE THEIR RECORDS OF HUMAN RIGHTS ABUSES. YET FRENCH POLICY TOWARD AFRICA WAS INCREASINGLY DETERMINED BY ECONOMIC INTERESTS, INCLUDING THE INTERESTS OF LARGE FRENCH OIL COMPANIES SUCH AS ELF-AQUITAINE.

THESE CHANGES IMPLIED A DESIRE TO DISTANCE FRANCE FROM THE RECORD OF BACKING HUMAN RIGHTS ABUSERS LIKE THE LATE MOBUTU OF ZAIRE, AND HABYARIMANA OF RWANDA. APART FROM THE CONSIDERATIONS OF COST, THE RETREAT WAS DUE TO A

GENERATIONAL CHANGE, WITH THE YOUNGER FRENCH LEADERS INTENT ON "NORMALIZING" RELATIONS WITH AFRICA. AFRICA MEANT LESS AND LESS TO THE FRENCH ELECTORATE, EVEN IF THE POLITICIANS HAD WISHED TO PRESERVE THE NEO-COLONIAL RELATIONSHIPS. THE NEW GOVERNMENT SEEMED INCLINED TO GO FURTHER AND FASTER TO REDUCE THE PERMANENT FRENCH MILITARY PRESENCE IN THE REGION, A FORCE OF 80,000, FROM SEVEN TO FIVE BASES: IN SENEGAL, GABON, CHAD, IVORY COAST, AND DJIBOUTI. BASES IN CAMEROON AND THE CENTRAL AFRICAN REPUBLIC WOULD CLOSE. THE FRENCH GOVERNMENT ALSO DOWNGRADED ITS "COOPERATION" DEPARTMENT (TO THE LEVEL OF A JUNIOR MINISTRY), AS WELL AS THE POST OF MINISTER FOR "FRANCOPHONIE"—OR FRENCH CULTURAL PROMOTION.

DURING THE 1990S, ANGOLA, KENYA, NIGERIA, SOUTH AFRICA, AND UGANDA, NONE OF WHICH WERE FRANCOPHONE COUNTRIES, EMERGED AS MAJOR DESTINATIONS OF FRENCH EXPORTS. THE CIVIL WAR IN CONGO-BRAZZAVILLE SUGGESTED A NEW, MORE OBLIQUE, BUT NO LESS SELF-INTERESTED INVOLVEMENT ESPECIALLY IN POTENTIALLY LUCRATIVE MARKETS. IN HIS FIGHT TO WREST POWER FROM EX-PRESIDENT LISSOUBA, SASSOU NGUESSO WAS REPORTEDLY SUPPORTED BY FRANCE IN A BID TO DEFEND THE INTERESTS OF FRENCH OIL GIANT ELF-AQUITAINE IN CONGO-BRAZZAVILLE. THE OVERALL IMPACT OF FRANCE'S POLICY REVIEW COULD BE SIGNIFICANT ON THE POORER AND LESS LUCRATIVE FRANCOPHONE COUNTRIES, AS AID AND INVESTMENT FLOWS DECLINED.

A WITHDRAWAL OF AID AND OTHER COMMITMENTS MIGHT SPELL INCREASING INSTABILITY IN FRENCH "CLIENTS" IN THE SHORT-TERM. IN THE ABSENCE OF AUTOMATIC POLITICAL, DIPLOMATIC AND MILITARY PROTECTION, FORMER CLIENTS WOULD AT THE SAME TIME BECOME LESS IMMUNE TO DOMESTIC AND INTERNATIONAL PRESSURE TO DEMOCRATIZE AND RESPECT THE RULE OF LAW AND HUMAN RIGHTS.

## United States

IN FINANCIAL YEAR 1997, U.S. AID TO AFRICA WAS SOMEWHAT REDUCED FROM THE PREVIOUS YEAR, AT JUST UNDER U.S. \$700 MILLION. THE FOCUS OF U.S. ASSISTANCE BEGAN TO CHANGE, WITH THE BULK OF U.S. ASSISTANCE BEING CHANNLED TO COUNTRIES DEEMED TO BE DEMOCRATIZING AND ACHIEVING A BETTER ECONOMIC PERFORMANCE.

TWO MAJOR U.S. INITIATIVES FOR AFRICA WERE UNDER DEVELOPMENT DURING 1997. JUST BEFORE THE JUNE G7 DENVER SUMMIT, THE U.S. ANNOUNCED PLANS TO PROMOTE A SERIES OF TRADE MEASURES WITH AFRICA INTENDED TO ENCOURAGE FREE-MARKET REFORMS OF THE CONTINENT'S MOST PROMISING ECONOMIES. THE NEW TRADE INITIATIVE, WHICH WAS PROMPTED BY A DRAFT LEGISLATION, AFRICAN GROWTH AND OPPORTUNITY ACT, WOULD SUPPORT SUSTAINABLE ECONOMIC DEVELOPMENT BY INCREASING TRADE BETWEEN THE U.S. AND AFRICA, REWARDING ECONOMIC REFORM AND PROMOTING GOOD GOVERNANCE. WHILE THE DRAFT LEGISLATION INCLUDED SPECIFIC HUMAN RIGHTS LANGUAGE ABOUT WHICH COUNTRIES WOULD BE ELIGIBLE FOR THE PROGRAM, THE ADMINISTRATION HAD NOT SET FORTH ANY SPECIFIC HUMAN RIGHTS CRITERIA, FOCUSING INSTEAD ON ISSUES OF GOVERNANCE.

MEANWHILE, BETWEEN JULY AND SEPTEMBER, U.S. SPECIAL FORCES TRAINED A BATTALION OF TROOPS IN EACH OF UGANDA, MALAWI, AND SENEGAL TO FORM PART OF THE AFRICAN CRISIS RESPONSE INITIATIVE (ACRI), AN ALL-AFRICAN MILITARY PEACEKEEPING FORCE SUGGESTED BY THE U.S.

THE PRIMARY PURPOSE OF THE ACRI WAS SAID TO BE TO HAVE AFRICAN UNITS READY FOR QUICK DEPLOYMENT TO CRISIS ZONES, COMPATIBLY EQUIPPED AND CAPABLE OF WORKING TOGETHER. IT WAS HOPED SUCH A FORCE WOULD STABILIZE CONFLICT ZONES SO HUMANITARIAN AID COULD BE PROVIDED TO CIVILIANS. SUCH DEPLOYMENTS MIGHT REQUIRE THE USE OF FORCE. AMONG THE ISSUES THAT REMAINED TO BE RESOLVED WERE: HOW THE FORCE WOULD BE EQUIPPED, WHAT THE COMMAND AND CONTROL STRUCTURE WOULD BE, HOW DECISIONS ON DEPLOYMENT SHOULD BE MADE, AND HOW THE FORCE WOULD BE LINKED TO REGIONAL ORGANIZATIONS SUCH AS THE OAU AND SADC. IN OCTOBER 1997, DEPARTMENT OF STATE SPECIAL COORDINATOR FOR THE ACRI MARSHALL MACCALLIE STATED THAT ACRI TRAINING INCLUDED "BASIC SOLDIER SKILLS, PEACEKEEPING PROCEDURES, LOGISTICS MANAGEMENT, HUMAN RIGHTS OBSERVANCE, AND TECHNIQUES OF WORKING WITH REFUGEES, HUMANITARIAN ORGANIZATIONS, AND CIVILIAN AUTHORITIES."

IN WHAT APPEARED TO BE A COMPETING INITIATIVE, IN MID-OCTOBER, FRENCH FOREIGN MINISTER HUBERT VERDINE VISITED ADDIS ABABA, ETHIOPIA, HOME OF THE OAU, WHERE HE HELD MEETINGS WITH OAU SECRETARY-GENERAL SALIM AHMED SALIM, AND PLEDGED U.S. \$30 MILLION IN 1998 TO HELP TRAIN AND EQUIP AN AFRICAN PEACEKEEPING FORCE.

IN ITS BILATERAL RELATIONS WITH INDIVIDUAL AFRICAN STATES, THE U.S. GOVERNMENT ADOPTED A SELECTIVE APPROACH,

critical of the human rights practices of some states while remaining silent on major restrictions on core freedoms in others. For example, during 1997 the U.S. adopted a notably firm and public stand on human rights in Kenya. Ambassador Arlene Render took a strong stand on the Chiluba government in Zambia, calling for change and the implementation of democratic values.

In Nigeria, outgoing U.S. ambassador Walter Carrington was perhaps the most outspoken of the diplomatic representatives resident in Lagos. This earned him both a farewell party given by human rights organizations, and the attention of the security forces in breaking up that party. The U.S. administration indicated that it was undertaking a review of Nigeria policy, but failed to adopt a strong line—even when British elections produced a government much more prepared to cooperate in international efforts to isolate the military government.

The United States adopted a different approach in its dealings with such countries as Uganda and Ethiopia. It turned a blind eye on restrictions on political rights while building special relationships with Uganda and Ethiopia with reference to the geostrategic issues of the Great Lakes area and the Horn. The U.S. continued to be supportive and upbeat about Museveni's economic reforms and rewarded Uganda generously for its cooperation with the IMF and the World Bank.

Throughout most of the year, the U.S. continued firm support for the government of Rwanda, despite the evident abuses by its military both at home and in the DRC. Embarrassed by publicity about U.S. military assistance to Rwanda, initially described as soft and humane and later revealed to include combat training, the U.S. in fact bore far greater responsibility for continuing political support for Kigali—support which helped shield its government from criticism. However, after initial weakness in the face of Kabila's objections to U.N. investigatory commission, the U.S. eventually said that it was insisting that it be permitted to carry out its mission in the DRC.

## **The Work of Human Rights Watch**

Throughout 1997, Human Rights Watch pressed African governments and the international community to meet their responsibilities regarding the promotion and protection of human rights in Africa. Against a background of a mixture of grim news and hopeful developments, the work of Human Rights Watch incorporated a key strategic consideration: a balance between tragedy and crisis on the one hand, and recognition and encouragement of positive developments and stemming the negative on the other. While our brief continued to cover all of Africa south of the Sahara, we made a core group of countries priorities for more intensive research and advocacy: Angola, Burundi, DRC, Eritrea, Ethiopia, Liberia, Mozambique, Nigeria, Rwanda, South Africa, Sudan, Zaire, Zambia, and Zimbabwe. We monitored major human rights abuses, including the treatment of refugee and internally displaced populations from Burundi, DRC, Kenya, Liberia, and Rwanda; the impact of landmines in southern Africa; abuses perpetrated by foreign soldiers in internal conflicts in the DRC; the progress of transitions to democracy in the DRC, Liberia and Nigeria; as well as ongoing human rights violations in a wide range of countries.

Human Rights Watch fielded investigative missions to Burundi, the DRC, Ethiopia, Liberia, Nigeria, South Africa, Sudan, and Zambia and maintained an office in Rwanda for part of the year to closely monitor the crisis in the Great Lakes region. Human Rights Watch also collaborated with the Human Rights Watch Arms, Children's Rights and Women's Rights Projects in their missions to Ethiopia, Eritrea, Kenya, Uganda, and southern Africa. In conjunction with the Arms Project, Human Rights Watch produced a comprehensive report on the impact of landmines in southern Africa as part of a largely successful campaign to ban antipersonnel landmines around the world. In August collaborative work with the Women's Rights Project brought about a follow-up report on domestic violence in South Africa. Joint work with the Children's Rights Project led to two investigative missions to Kenya and Uganda that generated two major reports and related advocacy activities on street children in Kenya and the abduction of children in northern Uganda.

Concerned that the international community was retreating from protection of refugees and internally displaced persons, Human Rights Watch devoted substantial resources to the monitoring of the situations of

REFUGEES AND INTERNALLY DISPLACED PERSONS, PARTICULARLY IN BURUNDI, THE DRC, KENYA, LIBERIA, AND RWANDA. WE PUBLISHED A REPORT THAT CHRONICLED THE VIOLENCE PERPETRATED AGAINST CIVILIANS IN EASTERN ZAIRE, A SIGNIFICANT PERCENTAGE OF WHOM WERE REFUGEES FROM RWANDA. IN JUNE, WE PUBLISHED A SEMINAL REPORT ON THE FAILURE OF THE UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP) TO ADEQUATELY PROTECT INTERNALLY DISPLACED PERSONS, USING UNDP'S PROGRAM IN KENYA AS A CASE STUDY, AND OFFERED RECOMMENDATIONS FOR IMPROVEMENT. WHILE THE UNITED NATIONS STRUGGLED TO GET ITS OWN INVESTIGATION IN THE DRC UNDERWAY, WE UNCOVERED EVIDENCE CONFIRMING REPORTS OF LARGE-SCALE MASSACRES. IN A MAJOR REPORT RELEASED IN OCTOBER, WE DOCUMENTED CIVILIAN KILLINGS PERPETRATED BY ALL SIDES DURING ZAIRE'S CIVIL WAR THROUGH TESTIMONIES AND PHOTOGRAPHS, OFFERING OUR EVIDENCE TO THE UNITED NATIONS INVESTIGATIVE TEAM. THOUSANDS OF THOSE SLAUGHTERED WERE RWANDAN REFUGEES PREVIOUSLY RESIDENT IN CAMPS IN EASTERN DRC. A REPORT WAS ALSO COMPLETED ON THE SITUATION OF LIBERIAN REFUGEES.

IN REGULAR BRIEFINGS, REPORTS AND OTHER DOCUMENTATION PROVIDED TO AFRICAN STATES AND DONORS, BOTH BILATERAL AND MULTILATERAL, WE STRONGLY ADVOCATED THE DENIAL OF ECONOMIC ASSISTANCE TO ABUSIVE GOVERNMENTS AS A TOOL FOR PROMOTING REFORM. IN A REPORT RELEASED IN JULY, WE STRONGLY URGED THE WORLD BANK CONSULTATIVE GROUP MEETING ON ZAMBIA TO KEEP INTERNATIONAL AID TO ZAMBIA CONDITIONED ON RESPECT FOR HUMAN RIGHTS. WE INCREASED ATTENTION TO THE EUROPEAN UNION (E.U.), COMMONWEALTH AND THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS (ACHPR) AND LOCAL NGOs IN SUB-SAHARAN AFRICA. THROUGH REPORTS, LETTERS AND MEETINGS WE SOUGHT TO INFLUENCE THE POLICIES OF THE E.U. (INCLUDING ITS MEMBER STATES) AND THE COMMONWEALTH HEADS OF GOVERNMENT MEETING (CHOGM), ESPECIALLY ON NIGERIA. AT THE OCTOBER CHOGM BIENNIAL SUMMIT WE RELEASED A MAJOR UPDATING REPORT ON THE DEEPLY FLAWED TRANSITION PROGRAM IN NIGERIA. WE ESTABLISHED A GREATER PRESENCE AT THE ACHPR THROUGH REGULAR ATTENDANCE AT ITS MEETINGS AND WRITTEN SUBMISSIONS TO THE COMMISSIONERS THAT DETAILED OUR CONCERNS ON KEY HUMAN RIGHTS ISSUES IN AFRICA. HUMAN RIGHTS WATCH REMAINED INVOLVED IN SEVERAL NETWORKING EFFORTS BY HUMAN RIGHTS NGOs INCLUDING THE NETWORK ASSOCIATED WITH THE ACHPR. WE MADE THE BUILDING OF A MORE INTERACTIVE AND CONTINUOUS RELATIONSHIP WITH AFRICAN HUMAN RIGHTS ACTIVISTS A PRIORITY IN OUR RESEARCH AND ADVOCACY PROGRAMS.

HUMAN RIGHTS WATCH SOUGHT TO ENCOURAGE THE INTERNATIONAL COMMUNITY, AS WELL AS NATIONAL JUDICIARIES, TO HOLD HUMAN RIGHTS ABUSERS ACCOUNTABLE. IN RWANDA, STAFF OF A PROJECT OF HUMAN RIGHTS WATCH AND THE INTERNATIONAL FEDERATION OF HUMAN RIGHTS LEAGUES (FIDH) ASSISTED IN ORGANIZING AND TRAINING A TEAM OF RWANDAN OBSERVERS TO MONITOR NATIONAL TRIALS OF PERSONS ACCUSED OF GENOCIDE. THE OBSERVERS BEGAN PUBLISHING REPORTS ON THE CONDUCT OF THE TRIALS. A GROUP OF HUMAN RIGHTS ORGANIZATIONS PREPARED AN AMICUS CURAIE BRIEF FOR THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (ICTR) TO URGE THAT CHARGES OF RAPE BE INCLUDED IN SOME OF THE INDICTMENTS OF PERSONS ACCUSED OF GENOCIDE. THE BRIEF, BASED LARGELY ON RESEARCH BY HUMAN RIGHTS WATCH AND FIDH, RESULTED IN THE AMENDMENT OF THE INDICTMENT IN THE FIRST CASE TRIED BY THE ICTR. A HUMAN RIGHTS WATCH RESEARCHER SERVED AS EXPERT WITNESS IN TRIALS AT THE ICTR AND ALSO GAVE TESTIMONY TWICE BEFORE A BELGIAN SENATE COMMISSION INVESTIGATING THE ROLE OF BELGIUM IN THE RWANDAN GENOCIDE.

RECOGNIZING THE PIVOTAL ROLE OF SOUTH AFRICA'S TRUTH AND RECONCILIATION COMMISSION (TRC) IN THE QUEST FOR THE INSTITUTIONALIZATION OF ACCOUNTABILITY IN THE REGION, HUMAN RIGHTS WATCH ALSO DEEPENED ITS MONITORING OF THE TRC. WE EXPANDED THE PRE-EXISTING CONSTRUCTIVE DIALOGUE WITH THE TRC AND REMAINED A KEY SOURCE OF COMPARATIVE EXPERTISE AND INFORMATION RELEVANT TO MATTERS IN WHICH THE TRC WAS ACTIVELY ENGAGED.

*FOR A LISTING OF RELEVANT REPORTS AND MISSIONS, SEE PAGE 459 AT THE END OF THIS REPORT. PARTIAL LISTINGS ALSO FOLLOW EACH COUNTRY CHAPTER.*

## ANGOLA

### Human Rights Developments

ANGOLA REMAINED IN AN OPEN-ENDED TRANSITION FROM A SINGLE-PARTY STATE IN A STATE OF WAR TO MULTIPARTY

democracy. The government, dominated by the Movement for the Popular Liberation of Angola (MPLA), and the armed opposition Union for the Total Independence of Angola (UNITA) restricted freedom of movement, arbitrarily abducted or detained civilians and intimidated journalists. Both sides violated cease-fire agreements: indiscriminate attacks on civilians were a persistent feature of military operations.

Serious violations of the cease-fire by both UNITA and the government increased in 1997. In the early part of the year, the majority of reported cease-fire violations were attacks by soldiers 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. Other cease-fire violations were committed by the government's military moving up to frontlines. In March flash points were the northern provinces of Lunda Norte, Lunda Sul, Uíge and Zaire. There were also some clashes in Huila and Benguela provinces. The Angolan Armed Forces (FAA) had been increasing troop concentrations on the periphery of the UNITA heartland since February and in May increased incursions into disputed territory in Huila and in the Lundas. By September the military situation was characterized by persistent tensions affecting almost the entire country, but particularly the provinces of Lunda Norte, Lunda Sul and Malange. The main fighting was in June. In a fortnight's fighting, the army captured an estimated 10 to 15 percent of UNITA's diamond-producing areas in an operation that expanded government control over a corridor from Dundo to Luena. Most of the fighting was confined to the Lunda provinces but attacks were also made on UNITA positions in Bié, and later in Soyo (Zaire province) and Huila. The fighting diminished in mid-June but did not cease until the end of the month. From July the Angolan presidency called for a suspension of military activity inside Angola, meanwhile lobbying hard internationally for U.N. sanctions against UNITA and providing military equipment and 1,000 troops in support of military leader Denis Sassou-Nguesso's successful efforts in overthrowing democratically elected President Pascal Lissouba in Congo (Brazzaville) in October. Lissouba had aligned himself with UNITA.

Between June and September there were many new reports of troop mobilization, the movement of military equipment, and forced conscription. The U.N. verified several attacks by UNITA on government positions, including in Lunda Norte province as well as attacks by government forces on villages in Huila province. The most serious attacks were by UNITA in Lunda Norte at Posto de Fronteira Nordeste on July 2, where UNITA forces razed to the ground a village of approximately 150 inhabitants. At Posto Fronteira Mvaquesse on July 24, UNITA forces attacked a northern village burning houses and killing several civilians. UNITA also reenlisted demobilized UNITA troops for deployment at strategic locations controlled by UNITA, such as Dambi near Uíge and Vinte Cinco near Huambo.

The quartering and reintegration process was slow and interrupted by the renewed fighting. Although the operation only started in earnest in February 1996, by the time the ceremony was held to swear in the new joint army on July 10, UNITA had quartered 70,660 troops in its fifteen camps for demobilized fighters. Of these, 22,686 reportedly deserted after having been registered at the camps. UNITA provided the army with 10,999 of the troops quartered, including senior officers, far short of the 26,300 UNITA personnel expected to be incorporated into the national armed forces. By August a total of 21,175 UNITA soldiers had been officially demobilized and had left the quartering areas. Under the Lusaka protocols UNITA was also obliged to quarter 62,500 soldiers for demobilization.

A high proportion of those quartered were also found not to have been regular UNITA troops however, and U.N. figures show that 7,600 were under the age of eighteen.

In July, after repeated delays, UNITA provided the U.N. with details of the security guard maintained by UNITA chief Jonas Savimbi and UNITA's so-called "mining police," citing the total strength of these forces as 2,963. In September, following U.N. pressure, UNITA submitted a new figure which acknowledged troops of 6,052. However, the minister of defense asserted that UNITA had still some 35,000 armed personnel under its control.

The government had confined to barracks 5,450 rapid reaction police in thirteen locations. However, between June and August the government deployed 424 rapid reaction police in Lunda Sul and Lunda Norte provinces without informing the U.N. and declared its intention to terminate its agreement to confine the rapid reaction police to barracks nationwide. U.N. and observer pressure on the government stopped the government from redeploying its rapid reaction police, but paramilitary training of other police units—such as how to use machine-guns was

observed by the U.N. indicating that the government might be attempting to prepare civilian police for tasks not compatible with their normal job description.

The new Government of Unity and National Reconciliation (GURN) was inaugurated on April 11 and included the MPLA, UNITA and the Democratic Party of Angola (PDA). The leader of UNITA, Jonas Savimbi was not present at the ceremony, although confidence-building by U.N. negotiators had made the incorporation of senior UNITA figures into the Luanda-based government possible. The government was to have taken office in January, but this deadline was not met. Critical issues were the quality and quantity of housing for UNITA officials and the size of their personal security force. A second deadline was set for the end of February; this deadline failed with the status of Jonas Savimbi as the central issue. The MPLA had offered Savimbi the post of one of two vice-presidents in February 1996, but Savimbi had turned this down. This issue remained a key negotiating point, with UNITA looking for the post to have direct military authority. The U.N. in December 1996 sought to separate the issue of Savimbi's status from the formation of a government of national unity.

The U.N. Security Council gained additional time to pressure UNITA when the deadline shifted to March. The U.N. team was anxious to make the GURN effective prior to its scheduled departure in August. UNITA joined the GURN in April, in the face of continuing pressure and the changing situation in Zaïre.

The handover of territory under UNITA control to the government of Angola was also slow. In May UNITA cited "technical reasons" for a delayed handover of fifteen municipalities in Benguela province. Following U.N. and *troika* (Russia, Portugal and U.S.) pressure on UNITA, the U.N. announced that the expansion of state administration in the area would recommence on May 26. After pressure from the U.N. following the killing of a Brazilian peacekeeper near the town of Vila Nova by suspected UNITA supporters, UNITA handed over Vila Nova to a high-level government delegation on May 28. A few days later in the Quibala district of Cuanza Sul, UNITA supporters protesting at the handing over of the territory assaulted and injured Isaias Samakuva, head of the UNITA delegation to the Joint Commission and N'zau Puna, a UNITA defector who is now a vice-minister of the interior. By late October 108 localities out of 337 had been handed over by UNITA to government control.

The civil war in neighboring Zaïre was a significant factor in the power struggle in Angola. UNITA had been supporting President Mobutu Sese Seko, who in turn provided supply lines for arms and a marketing route for diamonds. In February and March the Angolan government sent two battalions of Katangese Angolans (originally from Shaba province in Zaïre) to help Laurent Kabila, the leader of the rebel forces in (then) Zaïre. In June Kinshasa fell to the rebel forces and Zaïre became the Democratic Republic of Congo (DRC). The immediate impact on Angola was that UNITA lost its supply lines through Congo and the ability to hide troops over the border became severely limited.

Up to 15,000 Hutu refugees also entered northern Angola from DRC in April and May. Many of these refugees entered UNITA zones and access to them by humanitarian agencies was obstructed. There were reports that UNITA used some of these refugees as porters and also conscripted young men into its military. In June the Angolan army claimed its troops had arrested twenty-four armed Rwandans.

UNITA continued to resist compliance with the agreement to hand over all of its weapons, in particular its heavy weapons and sophisticated ground-to-air missiles. The U.N. claimed that 30 to 40 percent of those weapons handed to it were in poor condition or unserviceable and that the ammunition was in poor condition and averaged just eleven rounds per rifle. By late-1997 UNITA had provided to the U.N. some 33,867 personal arms and 5,120 crew-served weapons systems but there were many reports of ongoing caching of weapons across the country and the opening of caches for the distribution of arms when hostilities broke out.

Weapon flows continued to the government despite the peace accord. Although arms shipments significantly declined in 1996 and in the first half of 1997, they increased in the second part of the year. In late 1996 the government sent fighter aircraft to Israel for reconditioning and in early 1997 the government purchased new helicopter-gunships from Russia. New shipments of weapons in August and September were delivered in Luanda port, unloaded from Polish and Danish registered ships. The government also put in an order with Russia for some

twenty SU-24S fighter-bomber aircraft and there were reports of a U.S. \$230 million arms deal with France. A U.S. firm also attempted to sell six reconditioned C-130 Hercules aircraft for around \$72 million. From an official budget of \$2.6 billion, the government claimed it would spend over \$302 million on arms. The true figure for planned expenditure was unknown. The hiding of significant arms payments from the budget, including paying off older loans, defied the transparency required by the International Monetary Fund to secure an agreement leading to much needed debt rescheduling under the Paris Club.

UNITA continued for much of 1997 its U.N. sanction-busting operations, bringing in new weapons and supplies over land and on secret flights from Congo-Kinshasa and Congo-Brazzaville to airstrips in the diamond-rich Lunda provinces. UNITA appeared to have obtained much of its weaponry from private sources, rather than foreign governments, although there was some evidence that DRC provided arms in early 1997 prior to the fall of the Mobutu government. UNITA also exported weapons and provided support for Mobutu until May, when it focused all its efforts on using DRC to bring in supplies before the fall of Kinshasa to Kabila's forces. From August UNITA's supplies came mainly on private aircraft from Pointe Noire and Maya Maya international airport in Congo-Brazzaville although some flights originated from South Africa, Zambia and possibly Mozambique. Three senior officials at Zambia's Ndola Airport were suspended in September following investigations that found they permitted unauthorized landings for the aviation division of Metex international, a South African company. It appears that Metex conducted commercial activities, including the airlifting of fuel from Ndola airport to UNITA in Angola, in violation of a 1993 U.N. embargo on UNITA. Pilots told Human Rights Watch that runways and airstrips in UNITA areas were recently lengthened and improved, such as at Andulo (Bié) and Luzamba (Lunda Norte). Bulgarian weapons featured prominently in these transfers. The U.N. reported that between July 1 and 30 it had recorded over 120 flights landing at UNITA-controlled airstrips scattered throughout the central and eastern parts of the country. The U.N. was not permitted to inspect what was being delivered.

Both parties, but particularly UNITA, imposed restrictions on U.N. verification activities. The government also failed at times to provide information on movements of troops and military equipment and on occasions U.N. military observers were stopped from conducting inspections. Armed UNITA personnel detained a U.N. investigation team and their helicopter for over twenty-four hours at Calibvitchi on July 11 and 12 and a U.N. team's attempt to verify allegations that UNITA was storing weapons in eight containers at Chingongo on July 12 was also stopped. A World Food Program helicopter was also arbitrarily seized by armed UNITA soldiers in June in Moxico province.

Some 40,000 people remained trapped against their will by UNITA in its former headquarters, Jamba, in the south, where conditions were very bad. Although UNITA claimed it had invited the international community to evacuate them, in effect UNITA refused to allow civilians to move out of UNITA zones. There was increasing evidence during the year that UNITA was also using Jamba for military training and that illegal flights carrying weapons and other supplies were landing there. 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.

Planting of new mines in UNITA-controlled areas was also reported. One such incident was along the Saurimo-Cacolo road on July 4, resulting in three people killed and the injury of many others when a civilian vehicle struck an anti-tank mine. Demining experts that visited the scene concluded the mine was newly placed. Other incidents were confirmed by the U.N. in Malange, Lunda Norte and Lunda Sul. The government was also responsible for laying new mines in Cabinda.

The availability of weapons contributed to a significant rise in armed crime and banditry. Banditry in Benguela and Lunda Sul provinces was particularly bad. The government was expected under the Lusaka Protocols to disarm the civilians it armed in 1992, when up to a million AK-47s were issued in Luanda alone. The numbers handed over to police by mid-year were disappointing: 102 crew-served weapons, 2,642 firearms of various types and 21,100 rounds of ammunition. In August the government announced its suspension of disarmament of the civilian population pending the completion of the normalization of state administration. It insisted that the civilian population in both government and UNITA-controlled areas be disarmed simultaneously.



THE CIRCULATION OF PEOPLE AND GOODS CONTINUED TO BE RESTRICTED BY THE MAINTENANCE OF ILLEGAL CHECKPOINTS AND THE ESCALATION OF ACTS OF BANDITRY IN VARIOUS AREAS OF THE COUNTRY. BY SEPTEMBER, WITH DETERIORATING CONFIDENCE IN THE PEACE PROCESS, OLD CHECKPOINTS HAD BEEN REACTIVATED AND NEW ONES WERE SET UP IN BOTH GOVERNMENT AND UNITA AREAS.

AS A RESULT OF DELAYS IN IMPLEMENTING THE PEACE PROCESS, SOME 300,000 REFUGEES IN NEIGHBORING COUNTRIES WERE NOT REPATRIATED, ALTHOUGH SEVERAL THOUSAND RETURNED TO ANGOLA INDEPENDENTLY. AN ESTIMATED MILLION OR MORE DISPLACED PEOPLE INSIDE ANGOLA WERE ALSO UNABLE OR UNWILLING TO RETURN TO THEIR HOMES BECAUSE OF INSECURITY.

IN LUANDA POLITICALLY AND ECONOMICALLY MOTIVATED VIOLENCE BY STATE SECURITY FORCES AND COMMON CRIMINAL VIOLENCE WERE OFTEN INDISTINGUISHABLE. A LARGE NUMBER OF VIOLENT CRIMES, INCLUDING ROBBERY, VEHICLE HIJACKINGS, ASSAULT, KIDNAPING, RAPE AND MURDER WERE COMMITTED BY MEMBERS OF THE MILITARY AND POLICE BOTH IN AND OUT OF UNIFORM. THE GOVERNMENT'S RAPID INTERVENTION POLICE "NINJAS" WERE ALSO REPORTED IN 1997 TO HAVE SUMMARILY EXECUTED PEOPLE CAUGHT IN THE ACT OF COMMITTING CRIMES. THERE HAVE ALSO BEEN GUN BATTLES BETWEEN POLICE AND MILITARY OR WITH BANDIT GROUPS IN THE SUBURBS RESULTING IN SIGNIFICANT NUMBERS OF CIVILIAN CASUALTIES.

THERE ARE ALSO A GROWING NUMBER OF SMALL ARMED SEPARATIST GROUPS OPERATING IN NORTHERN ANGOLA. FRONT FOR THE LIBERATION OF THE CABINDA ENCLAVE (FLEC) SEPARATIST GROUPS HAVE FOR SEVERAL DECADES OPERATED IN THE OIL-RICH CABINDA ENCLAVE. THE GOVERNMENT RESTARTED NEGOTIATIONS IN 1995 WITH THE ARMED FACTIONS BUT IN 1997 THESE NEGOTIATIONS BROKE DOWN AND THERE WAS AN INCREASE OF MILITARY ACTIVITY INCLUDING INCIDENTS OF NEW LANDMINE WARFARE AND INDISCRIMINATE SHELLING OF VILLAGES. DOM PAULINO MADECA, THE CATHOLIC BISHOP OF CABINDA, IN MARCH ACCUSED GOVERNMENT TROOPS OF MASSACRING CIVILIANS IN THE MAYOMBE FOREST. KIDNAPING FOR RANSOM ALSO OCCURRED IN CABINDA. IN FEBRUARY A MALAYSIAN NATIONAL DIED AFTER BEING KIDNAPED BY THE FLEC-ARMED FORCES OF CABINDA (FAC) FACTION.

THE STATE PRESS REMAINED TIGHTLY CONTROLLED AND THE FEW INDEPENDENT MEDIA OUTLETS CHOSE CAREFULLY WHAT THEY PUBLISHED. SEVERAL JOURNALISTS WERE KILLED IN SUSPICIOUS CIRCUMSTANCES. ANTÓNIO CASIMIRO, CABINDA CORRESPONDENT OF *TELEVISÃO POPULAR DE ANGOLA* WAS MURDERED AT HIS HOME ON OCTOBER 30, 1996. DOM PAULINO MADECA, THE BISHOP OF CABINDA, SAID THE KILLERS WERE POLICE OFFICERS LED BY A CIVILIAN; THE AUTHORITIES BLAMED CABINDAN SEPARATISTS. TWO INQUIRIES WERE OPENED INTO THE KILLING, BUT THEIR FINDINGS HAVE NOT BEEN PUBLISHED. DURING THE SWEARING IN OF THE GURN IN APRIL, PRESIDENT JOSÉ EDUARDO DOS SANTOS CALLED FOR "GREATER TRANSPARENCY AND FREEDOM" IN THE MEDIA. IN PRACTICE THIS HAS NOT HAPPENED. THE GOVERNMENT CONTINUED TO REFUSE TO ALLOW THE U.N. TO OPEN A SHORT-WAVE RADIO STATION, DESPITE MANY SECURITY COUNCIL RESOLUTIONS REQUESTING IT TO DO SO. THE GOVERNOR OF HUÍLA PROVINCE, KUNDY PAIHAMA ALSO PREVENTED THE SALE OF THE PRIVATE NEWSPAPERS *AGORA*, *FOLHA 9*, AND *COMERCIO ACTUALIDADE* BECAUSE THEY PUBLISHED STORIES CRITICAL OF THE GOVERNMENT. THE INDEPENDENT LOCAL RADIO STATION IN LUBANGO, *RÁDIO 2000*, WAS ALSO PREVENTED BY THE AUTHORITIES IN APRIL FROM RETRANSMITTING VOICE OF AMERICA PROGRAMS.

THE TRANSFORMATION OF UNITA'S RADIO VORGAN INTO A NONPARTISAN PRIVATE STATION (CALLED *RÁDIO DESPERTAR*) MADE LITTLE PROGRESS DESPITE BEING A REQUIREMENT OF THE LUSAKA PROTOCOLS AND A NOTIFICATION IN WRITING BY UNITA TO THE GOVERNMENT IN SEPTEMBER THAT WOULD FULFILL ITS OBLIGATIONS. DESPITE REPEATED PROMISES BY UNITA OFFICIALS, THE RADIO STATION CONTINUED TO BROADCAST PROPAGANDA HOSTILE TO THE GOVERNMENT AND INFLAMMATORY PUBLIC ANNOUNCEMENTS AGAINST THE PEACE ACCORDS. SOME OF THE BROADCASTS TARGETED U.N. AND OTHER INTERNATIONAL STAFF WORKING IN ANGOLA FOR THEIR ALLEGED PARTISANSHIP IN FAVOR OF THE GOVERNMENT.

IN 1993 THE COUNCIL OF MINISTERS DECIDED TO TRANSFER CONTROL OF THE JUDICIAL SYSTEM AND PRISONS SYSTEM FROM THE INTERIOR MINISTRY TO THE JUSTICE MINISTRY. HOWEVER, THIS TRANSFER HAS NOT YET HAPPENED. THE COURT SYSTEM IS COMPRISED OF A SUPREME COURT WITH MUNICIPAL COURTS UNDER IT. THE PRESIDENT APPOINTS SUPREME COURT JUDGES FOR SET TERMS, WITH NO REQUIREMENT THAT THEY BE CONFIRMED BY THE NATIONAL ASSEMBLY. BY JULY 1997 TWELVE OF THE SIXTEEN SEATS OF THE SUPREME COURT REMAINED VACANT.

THE CONSTITUTION ALSO GUARANTEES FREEDOM OF ASSOCIATION AND ASSEMBLY, BUT IN PRACTICE THE GOVERNMENT CONTROLS BOTH TIGHTLY. UNION LEADER MIGUEL FILHO OF SINPROF, THE TEACHER'S UNION, WAS IN EARLY 1997 HELD AT GUNPOINT BY ARMED MEN AND ROBBED OF ALL PAPERS AND POSSESSIONS IN WHAT UNION OFFICIALS CLAIMED WAS AN OFFICIAL MOVE TO

SUPPRESS A SERIES OF STRIKES AND DEMONSTRATIONS HE WAS ORGANIZING.

## **The Right to Monitor**

LOCAL HUMAN RIGHTS MONITORING WAS NOT ENCOURAGED BY THE GOVERNMENT. SOME CHURCHES ENGAGED IN CIVIC EDUCATION AND CONFLICT RESOLUTION WORK WERE INVOLVED IN DISCREET HUMAN RIGHTS EDUCATION, DESPITE GOVERNMENT HOSTILITY, EQUATING HUMAN RIGHTS ACTIVITY AS INVOLVEMENT IN "POLITICS." A NUMBER OF CHURCH GROUPS APPEALED TO THE GOVERNMENT AND TO UNITA TO SPEED UP THE IMPLEMENTATION OF THE LUSAKA ACCORDS AND CALLED ON CHURCH LEADERS TO BE NONPARTISAN.

THE ANGOLAN NONGOVERNMENTAL ORGANIZATION (NGO) ACTION FOR RURAL DEVELOPMENT AND THE ENVIRONMENT (ADRA) LINKED UP WITH THE ASSOCIATION OF EUROPEAN PARLIAMENTARIANS FOR ACTION ON [SOUTHERN] AFRICA (AWPEA) TO ORGANIZE WORKSHOPS ON CIVIC EDUCATION AND INCREASE KNOWLEDGE OF THE PROVISIONS OF THE LUSAKA PROTOCOLS. WITH THE SUPPORT OF AMNESTY INTERNATIONAL, THE ANGOLAN HUMAN RIGHTS ASSOCIATION, ALSO DISTRIBUTED INFORMATION ABOUT HUMAN RIGHTS. DEVELOPMENT WORKSHOP, AN INDEPENDENT ANGOLAN NGO, ALSO WORKED WITH FISHERMAN AND MARKET WOMEN IN LUANDA TO IMPROVE THEIR KNOWLEDGE OF BASIC POLITICAL RIGHTS. ON NOVEMBER 28, 1996 THE ANGOLAN CAMPAIGN TO BAN LANDMINES (CABM) WAS LAUNCHED. IT WAS INCREASINGLY ACTIVE IN CAMPAIGNING AGAINST LANDMINES AND COLLECTED 60,000 SIGNATURES IN A PETITION CALLING FOR A TOTAL BAN. THE CABM ALSO ORGANIZED EXHIBITIONS IN KUITO, MALANGE AND LUBANGO AND WAS ACTIVE IN LOBBYING NATIONAL ASSEMBLY MEMBERS. THE ANGOLAN GOVERNMENT SUPPORTED THE OTTAWA PROCESS FOR A TOTAL BAN OF ANTIPERSONNEL LANDMINES.

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

### **United Nations**

IN A CLIMATE OF INTERNATIONAL FRUSTRATION OVER PEACEKEEPING, THERE WAS STRONG PRESSURE, PARTICULARLY FROM THE U.S., NOT TO ALLOW THE OPERATION OF THE 7,000 STRONG UNITED NATIONS ANGOLA VERIFICATION MISSION (UNAVEM III) TO DRAG ON INDEFINITELY. LARGELY FOR THIS REASON, UNAVEM III'S MANDATE WAS RENEWED FOR ONLY SHORT PERIODS IN 1997.

IT HAD BEEN ORIGINALLY PLANNED THAT UNAVEM III WOULD COMPLETE ITS MISSION IN FEBRUARY 1997. HOWEVER, DUE TO SLIPPAGE IN THE LUSAKA PROTOCOLS' TIMETABLE, THE PLAN CHANGED TO A PHASED WITHDRAWAL. FOUR OF THE SIX INFANTRY BATTALIONS, TOGETHER WITH ADDITIONAL SUPPORT UNITS AND SOME MILITARY HEADQUARTERS PERSONNEL WERE REPATRIATED BY JUNE. THE REMAINDER WERE TO HAVE LEFT BY AUGUST BUT THIS WAS POSTPONED BECAUSE OF THE DETERIORATING SECURITY SITUATION. THE END OF JUNE SAW THE EXPIRY OF THE MANDATE OF UNAVEM III. IT WAS REPLACED BY THE UNITED NATIONS OBSERVER MISSION TO ANGOLA (MONUA). MONUA WAS COMPRISED OF 1,500 "RAPID REACTION TROOPS" DEPLOYED IN SIX COMPANIES TO ASSIST 345 CIVILIAN POLICE (CIVPOL) AND JUST EIGHTY-FIVE MILITARY OBSERVERS. THE SECURITY COUNCIL RULED IN OCTOBER THAT THE DRAWDOWN OF MONUA'S MILITARY UNITS WAS TO BE COMPLETED BY THE END OF NOVEMBER AND THAT MONUA'S MANDATE WAS EXTENDED TO JANUARY 30, 1998.

IN AUGUST THE SECURITY COUNCIL THREATENED A FURTHER PACKAGE OF SANCTIONS AGAINST UNITA UNLESS IT FULFILLED OUTSTANDING OBLIGATIONS UNDER THE LUSAKA PROTOCOLS BY THE END OF SEPTEMBER. THE SANCTIONS INCLUDED FREEZING UNITA BANK ACCOUNTS, BLOCKING FOREIGN TRAVEL OF ITS OFFICIALS AND CLOSING OF ITS OFFICES ABROAD. BUT ON SEPTEMBER 29, THE SECURITY COUNCIL AGREED UNANIMOUSLY TO POSTPONE FOR A MONTH IMPLEMENTATION OF THE SANCTIONS UNTIL OCTOBER 30.

BECAUSE UNITA FAILED TO MAKE FURTHER PROGRESS ON ITS LUSAKA PROTOCOLS OBLIGATIONS DURING OCTOBER, THE SECURITY COUNCIL ADOPTED UNANIMOUSLY RESOLUTION 1135 ON OCTOBER 29, WHICH IMPOSED THE NEW SANCTIONS PACKAGE ON UNITA FROM 00.01 EST ON OCTOBER 30.

THE HUMAN RIGHTS UNIT OF UNAVEM HELD A SMALL NUMBER OF REGIONAL SEMINARS ON HUMAN RIGHTS EDUCATION IN GOVERNMENT AND UNITA-CONTROLLED ZONES. IT DID NOT, HOWEVER, CONDUCT MUCH INVESTIGATIVE WORK INTO ONGOING HUMAN RIGHTS ABUSES, AND PUBLISHED JUST ONE REPORT IN MID-DECEMBER. THE UNIT FAILED TO WIN THE CONFIDENCE OF LOCAL GROUPS. SIX CASES OF HUMAN RIGHTS VIOLATIONS WERE SUBMITTED IN JULY BY MONUA TO THE AD HOC GROUP ON HUMAN RIGHTS AT THE JOINT COMMISSION. BETWEEN JUNE AND AUGUST POLICE OBSERVERS INVESTIGATED TWENTY CASES OF ALLEGED HUMAN

rights abuses and MONUA staff visited prisons in the Luanda area. The staff of the Human Rights Unit declined in July with the departure of six human rights monitors funded by the European Union (E.U.).

## European Union

On January 13, the European Commission granted a humanitarian aid package of ECU 14 million to Angola which would be administered by the European Community Humanitarian Aid Office (ECHO). The humanitarian aid projects would actually be conducted by the International Committee of the Red Cross (ICRC), United Nations agencies, and various NGOs. ECHO's two priorities in Angola were medical aid and feeding programs.

On February 3, the European Union stated that it was very pleased with the progress toward the Lusaka Protocols in Angola, particularly with the induction of UNITA officers into the Angolan Army. However, the E.U. was concerned with the delays in establishing a Government of Unity and National Reconciliation. The E.U. also praised the governments of Portugal, the United States of America, and the Russian Federation for their efforts in the peace process in Angola.

On August 13, the European Union criticized UNITA's failure to comply with the demilitarization demands highlighted in Security Council Resolution 1119, and requested UNITA compliance with the terms of the Lusaka Protocols as well as information on the status and whereabouts of its military forces.

## United States

The U.S. remained one of the most influential forces in the Angolan peace process and dominated the export market and investment sector. In 1996 the U.S. bought more than half of Angola's exports (mostly oil), worth some U.S.\$5 billion. The U.S. also led investments, with private capital expected to exceed \$4.3 billion in 1997. Chevron alone will account for up to roughly \$3 billion of investments up to the millennium.

In 1997 the U.S. provided \$150 million in emergency funding for post-war reconstruction, in addition to being one of the main contributors to the U.N. force there. In August two Republican members of the Senate Foreign Relations Committee, Chairman Jesse Helms of North Carolina and John Ashcroft of Missouri, strongly objected to the proposed sale of six U.S. manufactured C-130 aircraft to Angola. A U.S. firm, Military Professional Resources Inc. (MPRI), assisted in the training of the new unified army.

A central focus of U.S. policy in Angola remained the implementation of the Lusaka Protocols and the avoidance of a return to conflict. Early in the year a series of demarches were presented to the Angolan government over its involvement in the DRC crisis and again in October over intersection in Congo-Brazzaville. UNITA also received a number of demarches about its foot-dragging and noncompliance with the conditions of the Lusaka Protocols.

U.S. embassy officials in Angola maintained irregular contact with nongovernmental organizations working on human rights issues, which was reflected in the Angola section of the *Country Reports on Human Rights Practices* in 1996. The report presented an accurate description of human rights conditions in the country. Human Rights Watch was unaware, however, of any public statements from the embassy condemning human rights violations when they occurred during 1997.

## Human Rights Developments

THE OPPOSING SIDES IN THE FOUR-YEAR-OLD CIVIL WAR IN BURUNDI RAPED, TORTURED, AND KILLED THOUSANDS OF CIVILIANS AND LOOTED AND DESTROYED CIVILIAN PROPERTY IN 1997. THE TUTSI-DOMINATED ARMED FORCES USED EXTENSIVE VIOLENCE AGAINST THE MAJORITY HUTU POPULATION IN ORDER TO CRUSH SUPPORT FOR HUTU REBEL GROUPS. SHORTLY AFTER BUYOYA RETURNED TO POWER IN A JULY 1996 COUP, THE MILITARY GOVERNMENT BEGAN A PROGRAM OF FORCED RESETTLEMENT OF HUNDREDS OF THOUSANDS OF HUTU CIVILIANS IN AREAS OF REBEL ACTIVITY. IN THE POLICY KNOWN AS REGROUPMENT, OFFICIALS ORDERED CIVILIANS TO ASSEMBLE AT DESIGNATED SITES, GENERALLY AROUND MILITARY POSTS.

AFTER GATHERING THOSE WHO COMPLIED WITH THE ORDERS IN CAMPS, THE MILITARY CONDUCTED "CLEANUP" OPERATIONS, GOING SYSTEMATICALLY THROUGH THE COUNTRYSIDE, LOOTING AND BURNING HOMES, AND HUNTING DOWN ANYONE WHO RESISTED BEING REGROUPED. THE ARMED FORCES KILLED THOUSANDS OF UNARMED CIVILIANS, MANY OF THEM WOMEN, CHILDREN, AND ELDERLY, FOR REFUSING TO BE REGROUPED AND DROVE SURVIVORS INTO THE CAMPS. THE CAMPS THEMSELVES REPRESENTED A CLEAR VIOLATION OF THE RIGHT TO FREEDOM OF MOVEMENT AND, DESPITE GOVERNMENT CLAIMS THAT THE CAMPS WERE CREATED "TO PROTECT THE CIVILIAN POPULATION," AMOUNTED TO CONCENTRATION CAMPS.

INSIDE THE CAMPS, THE HUTU POPULATION CONTINUED TO FACE PERSECUTION. THE MILITARY SUMMARILY EXECUTED HUNDREDS OF PEOPLE THEY SUSPECTED OF SUPPORTING REBEL GROUPS AND ARRESTED, TORTURED, AND KILLED MANY OTHERS WHO VIOLATED CAMP RULES, SUCH AS CURFEWS. THE CAMPS WERE SERIOUSLY OVERCROWDED, WITHOUT WATER AND OTHER FACILITIES AND THE CREATION OF THE CAMPS SERIOUSLY DISRUPTED AGRICULTURAL PRODUCTION, LEADING TO CHRONIC MALNUTRITION AND ILLNESS. WITHIN THE CAMPS, RAPE BY SOLDIERS AND FORCED LABOR FOR CAMP RESIDENTS WAS COMMON. ALTHOUGH THE PROVINCE OF KAYANZA BEGAN DISMANTLING ITS REGROUPMENT CAMPS IN LATE AUGUST, CAMPS REMAINED IN BUBANZA, BUJUMBURA-RURAL, GIBITOKI, KARUZI, AND MURAMVYA, AND NEW CAMPS WERE CREATED IN THE SOUTHERN PROVINCES OF BURURI AND MAKAMBA.

THE ARMED FORCES FREQUENTLY RETALIATED AGAINST HUTU REBEL ACTIVITY BY ATTACKING HUTU CIVILIANS. AMONG THE WORST ARMY ATTACKS ON CIVILIANS WAS A DECEMBER 12, 1996 ATTACK IN KAYANZA IN WHICH 114 PEOPLE WERE KILLED; REPEATED ATTACKS IN GIHETA COMMUNE OF GITEGA IN LATE 1996 AND EARLY 1997 IN WHICH HUNDREDS OF CIVILIANS WERE KILLED; AND A MAY 14 ATTACK ON MUGENDO PARISH NEAR MAGARA, BUJUMBURA-RURAL IN WHICH SOLDIERS KILLED FORTY-TWO PEOPLE DURING A RELIGIOUS SERVICE. ATTACKS ON REFUGEES RETURNING FROM THE DEMOCRATIC REPUBLIC OF CONGO (DRC) AND TANZANIA IN EARLY 1997 KILLED SEVERAL HUNDRED. THE MILITARY ALSO CARRIED OUT NUMEROUS ATTACKS TARGETING SPECIFIC INDIVIDUALS WHO WERE SUMMARILY EXECUTED OR "DISAPPEARED." AREAS MOST AFFECTED BY SUCH ATTACKS INCLUDED ISARE, KANYOSHA, KABEZI, AND MUHUTA COMMUNES OF BUJUMBURA-RURAL; RUTEGAMA, BUKEYE, AND BUGARAMA IN MURAMVYA; AND BURAMBI, BUYENGERO, AND RUMONGE IN BURURI. MOST OF THOSE KILLED OR TAKEN AND PRESUMED DEAD WERE BUSINESS PEOPLE, TEACHERS, CATECHISTS, OR OTHER COMMUNITY LEADERS, WHOM THE ARMED FORCES FEARED COULD ORGANIZE RESISTANCE AMONG THE POPULATION, OR YOUNG MEN, WHOM THE ARMED FORCES FEARED MIGHT SOMEDAY JOIN THE REBEL GROUPS. IN SOME CASES, SOLDIERS RAPED WOMEN BEFORE KILLING THEM.

HUTU REBEL GROUPS ALSO TARGETED CIVILIANS. THE LARGEST OF THE GROUPS, THE FORCES FOR THE DEFENSE OF DEMOCRACY (FDD), FACED A MAJOR SETBACK WITH THE CLOSURE OF THEIR BASES IN DRC IN LATE 1996, AND WAS FURTHER WEAKENED BY THE REGROUPMENT POLICY WHICH CUT THEM OFF FROM POPULAR SUPPORT. THE FDD LAUNCHED A MAJOR OFFENSIVE IN SOUTHERN BURUNDI IN MARCH. THE FDD WAS ABLE TO OCCUPY THE AREA AROUND MAGARA IN BUJUMBURA-RURAL AND AROUND NYANZA-LAC IN MAKAMBA AND TO EXPAND THE TERRITORY UNDER ITS CONTROL IN BURUNDI.

THE MOST WIDESPREAD HUMAN RIGHTS ABUSE BY THE FDD AND OTHER REBEL GROUPS WAS LOOTING FROM THE CIVILIAN POPULATION, BUT THE REBELS ALSO KILLED A NUMBER OF UNARMED CIVILIANS, BOTH HUTU AND TUTSI, IN INDISCRIMINATE ATTACKS. THE FDD KILLED MORE THAN ONE HUNDRED PEOPLE IN AN APRIL 17 ATTACK AT KAYOGORO IN MAKAMBA, AND ON APRIL 30 FDD COMBATANTS KILLED FORTY PEOPLE AT A CATHOLIC SCHOOL AT BUTA, BURURI, IN AN ATTACK THAT GAINED INTERNATIONAL CONDEMNATION BECAUSE NEARLY ALL OF THOSE KILLED WERE CHILDREN. THE FDD AMBUSHED A NUMBER OF CIVILIAN VEHICLES ON THE MAIN LAKE TANGANYIKA ROAD AND SEVERAL OTHER ROADS IN THE COUNTRY. IN JULY AND AUGUST, FIGHTING IN BUBANZA AND GIBITOKI BETWEEN THE FDD AND A RIVAL REBEL GROUP, THE PARTY FOR THE LIBERATION OF THE HUTU PEOPLE (PALIPEHUTU), LEFT SEVERAL HUNDRED HUTU DEAD AND DROVE THOUSANDS TO FLEE THE AREA.

THE WARRING PARTIES BEGAN A MASSIVE ARMS BUILDUP, AND RESORTED INCREASINGLY TO THE USE OF LANDMINES. AN

INCREASING NUMBER OF INJURIES AND DEATHS IN MINE EXPLOSIONS WERE REPORTED DURING THE YEAR.

THE ARMED FORCES NEARLY DOUBLED IN SIZE, FROM 25,000 TO 40,000, IN LESS THAN TWO YEARS. THE MILITARY CONSCRIPTED SECONDARY SCHOOL AND UNIVERSITY STUDENTS (INCLUDING WOMEN), MEMBERS OF YOUTH GANGS, AND CHILDREN REPORTEDLY AS YOUNG AS TEN. VIRTUALLY ALL RECRUITS HAVE BEEN TUTSI, FURTHER EXACERBATING THE LACK OF ETHNIC BALANCE IN THE ARMED FORCES. TO FACILITATE THE EXPANSION, TRAINING WAS REDUCED FROM ONE YEAR TO THREE MONTHS.

FOLLOWING THE FDD ADVANCE IN THE SOUTH, THE ARMED FORCES DISTRIBUTED ARMS TO TUTSI CIVILIANS AND BEGAN MILITARY TRAINING FOR TUTSI MEN IN BUJUMBURA AND ELSEWHERE, SUBSTANTIALLY EXPANDING A CIVILIAN DEFENSE PROGRAM BEGUN IN 1996. CIVILIAN MILITIA HAVE BEEN INVOLVED IN A NUMBER OF VIOLENT ATTACKS IN BURUNDI IN RECENT YEARS, AND THE EXPANSION OF CIVILIAN MILITIA APPEARED TO GIVE GOVERNMENT SANCTION TO SUCH ACTIVITIES. NEVERTHELESS, THE TUTSI MILITIA WERE INVOLVED IN FEWER VIOLENT INCIDENTS IN 1997 THAN IN THE RECENT PAST.

THE BUYOYA REGIME ENGAGED IN PRELIMINARY TALKS WITH FDD REPRESENTATIVES IN ROME, A DEVELOPMENT THAT WAS ANNOUNCED PUBLICLY IN MAY. ALTHOUGH SOME TUTSI FACTIONS OBJECTED TO HOLDING DISCUSSIONS WITH A GROUP THEY ACCUSED OF GENOCIDE, BUYOYA EXPRESSED A COMMITMENT TO FINDING A PEACEFUL SETTLEMENT TO THE CONFLICT. NEGOTIATIONS TO BE MODERATED BY FORMER TANZANIAN PRESIDENT NYERERE WERE SCHEDULED FOR AUGUST 25, BUT THE GOVERNMENT AND THE LARGELY TUTSI UPRONA PARTY WITHDREW AT THE LAST MOMENT. BUYOYA SUBSEQUENTLY STATED THAT HE WOULD PARTICIPATE IN FUTURE TALKS.

POLITICAL ACTIVITY CONTINUED TO BE RESTRICTED IN 1997. THE NATIONAL ASSEMBLY AND POLITICAL PARTIES OPERATED UNDER CRITICAL CONSTRAINTS. HUTU POLITICIANS FACED CONTINUED HARASSMENT. IN FEBRUARY, AGENTS OF THE CENTER FOR NATIONAL DOCUMENTATION ARRESTED AND TORTURED FRODEBU EXECUTIVE SECRETARY DOMITIEN NDAYIZEYE. IN A MARCH RAID, AGENTS CONFISCATED FRODEBU COMPUTERS AND DOCUMENTS, AND ARRESTED AND TORTURED AUGUSTIN NZOJIBWANI, FRODEBU SECRETARY GENERAL, IN AN ATTEMPT TO EXTRACT THE PASSWORD TO THE COMPUTERS. ON AUGUST 2, PAUL SIRABAHENDA BECAME THE TWENTY-THIRD FRODEBU MEMBER OF PARLIAMENT TO BE ASSASSINATED SINCE 1993.

CONFLICT INCREASED AMONG TUTSI POLITICAL FACTIONS. FORMER PRESIDENT BAGAZA REMAINED UNDER HOUSE ARREST FOR MUCH OF THE YEAR, AND OTHER TUTSI POLITICIANS WHO HAD PUBLICLY CHALLENGED BUYOYA, SUCH AS LEADERS OF THE YOUTH GROUP SOJEDEM AND CHARLES MUKASI, AN UPRONA LEADER, WERE BROUGHT IN FOR QUESTIONING OR PLACED UNDER HOUSE ARREST AT VARIOUS TIMES DURING THE YEAR. FOLLOWING THE REVELATION THAT THE GOVERNMENT WAS SECRETLY ENGAGING THE FDD IN TALKS, BAGAZA'S PARTY, THE PARTY FOR NATIONAL RECOVERY (PARENA), AS WELL AS A DISGRUNTLED FACTION WITHIN BUYOYA'S PARTY, UPRONA, ORGANIZED DEMONSTRATIONS IN THE STREETS OF BUJUMBURA. A SERIES OF MINE BLASTS IN BUJUMBURA IN MAY AND JUNE WERE ALSO ATTRIBUTED TO THESE FACTIONS. A RIFT BETWEEN BUYOYA AND OTHER UPRONA LEADERS GRADUALLY EXPANDED DURING THE YEAR.

THE JUDICIAL SYSTEM CONTINUED TO BE A MAJOR CONCERN. THE NUMBER OF PEOPLE DETAINED IN NATIONAL PRISONS INCREASED FROM 6,100 IN DECEMBER 1996 TO MORE THAN 9,000 IN AUGUST 1997, THE MAJORITY HELD WITHOUT CHARGE. PROSECUTIONS FOR PARTICIPATION IN THE 1993 ETHNIC MASSACRES BEGAN, LARGELY OF HUTUS ACCUSED OF PARTICIPATING IN ATTACKS ON TUTSI. ON JULY 31, SIX PEOPLE WERE EXECUTED FOR PARTICIPATING IN THE 1993 MASSACRES AFTER A BRIEF SHOW TRIAL WITHOUT LEGAL REPRESENTATION. FOURTEEN MORE PEOPLE WERE CONDEMNED TO DEATH IN AUGUST. BOTH TRIALS WERE TRAVESTIES OF DUE PROCESS INTENDED SOLELY TO MAKE A POLITICAL POINT. AT THE SAME TIME, A CASE AGAINST MILITARY OFFICERS ACCUSED OF INVOLVEMENT IN THE ASSASSINATION OF PRESIDENT NDAYE IN OCTOBER 1993 MADE LITTLE PROGRESS. TO DATE, THE NUMEROUS ASSASSINATIONS OF HUTU POLITICIANS REMAIN UNINVESTIGATED.

A NUMBER OF PROVINCES ADOPTED A RECONSTRUCTION PROGRAM IN 1997, USING COMMUNITY COUNCILS TO ARRANGE REPAYMENT FOR THE DESTROYED PROPERTY OF VICTIMS OF ETHNIC VIOLENCE. WHILE MANY PEOPLE, INCLUDING HUTU POLITICIANS, SUPPORTED THE PRINCIPLE OF COMPENSATION FOR DAMAGES, IN PRACTICE THE PROGRAM WAS USED BY TUTSI TO PROFIT FROM HUTU AND TO PURSUE PERSONAL GRUDGES WITH LITTLE CONSIDERATION FOR JUSTICE. THOSE WHO WERE ACCUSED OF HAVING PILLAGED AND WERE UNABLE TO PAY THE DAMAGES ASSIGNED FACED IMPRISONMENT. IN KARUZI, WHERE THE HUTU RESIDENTS OF REGROUPMENT CAMPS ARE BEING REQUIRED TO PAY TUTSI EVEN THOUGH THEIR OWN HOMES HAD ALSO BEEN DESTROYED AND ALL OF THEIR PROPERTY STOLEN OR DESTROYED.

## **The Right to Monitor**

Local human rights groups remained constrained in their operations. The drop in militia violence reduced one of the main dangers to human rights work. However, it appears that the decline in harassment of human rights groups reflects their reduced activity. Many people were surprised when the most credible group, IIEKA, signed on to a letter calling for an end to the sanctions against Burundi.

The Burundian Association for the Defense of the Rights of Prisoners began a program of monitoring the treatment of the growing prison population. The group had difficulty receiving authorization to enter prisons and speak with prisoners, but the appointment of a more moderate justice minister in May may resolve this issue.

The United Nations Human Rights Center in Bujumbura expanded from five to twelve monitors in 1997, but they found their operations severely constrained. The government, given an opportunity prior to publication to respond to the center's monthly reports, regularly delayed its response and sought to prevent the publication of the reports. The liaison committee provided for by the authorization agreement with the government was only formed in January, and most of the government representatives on the committee did not participate. In January, a campaign against the center began in the media and elsewhere, and vandalization of center cars and other harassment soon followed. Security concerns also limited the ability of the center to conduct research in parts of the country with extensive human rights problems.

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

### **United Nations**

U.N. agencies worked to alleviate serious problems of health and nutrition brought about by regroupment, a military policy in violation of the rules of war, while seeking to avoid lending support to the government. Meeting humanitarian needs without seeming to condone the policy at the roots of the problem proved challenging, and some agencies such as UNICEF and Food and Agriculture Organization of the United Nations (FAO) suggested that the humanitarian concerns should override political concerns. Nevertheless, in a discussion of the situation in Burundi on May 30, the Security Council expressed "deep concern" about the regroupment policy and called upon the government "to allow the people to return to their homes without any hindrance."

The United Nations also assumed a role in supporting negotiations, though the primary role in this has been taken by the neighboring states through the Organization of African Unity (OAU). A number of high level delegations visited Burundi in 1997 to monitor the human rights and humanitarian situations. In February and November, the special human rights rapporteur for Burundi, Paulo Sergio Pinheiro, issued strongly worded reports condemning abuses in Burundi. In July, the U.N. rejected the request by the government of Burundi that Pinheiro be replaced. Pinheiro later deplored the July 31 execution of six persons which he had sought to prevent because the persons were condemned to death without the benefit of legal counsel.

In a July 15 statement, the U.N. secretary-general firmly turned down a request by the Burundi government for the formation of an international tribunal on ethnic violence in Burundi, believing that the government of Burundi was not interested in a truly independent tribunal but would instead seek to politicize its operations.

### **United States**

The United States vocally opposed the creation of the regroupment camps. The U.S., a major funder of the World Food Programme (WFP) and other programs in Burundi, refused to allow American money to be used in building infrastructure in the camps, for fear this would encourage the camps to become permanent. The U.S. supported efforts to encourage negotiations between the warring parties in Burundi. Several high level delegations visited the region to lend support to the talks.

## European Union

AS THE WAR IN THE FORMER ZAIRE SET OFF A NEW REFUGEE CRISIS IN LATE 1996, THE EUROPEAN PARLIAMENT RESPONDED WITH A REPORT PREPARED BY BRITISH MEMBER RICHARD HOWITT, WHICH SOUGHT TO CREATE A SWIFT EUROPEAN UNION (E.U.) REACTION BY SIMPLIFYING THE CUMBERSOME BUREAUCRATIC STRUCTURE FOR APPROVING REFUGEE AID. THE PARLIAMENT APPROVED THE REPORT ON NOVEMBER 12.

THE EUROPEAN PARLIAMENT ON DECEMBER 12 STRONGLY CONDEMNED CONTINUED FIGHTING IN THE AFRICAN GREAT LAKES REGION, BUT DIVISIONS WITHIN THE E.U. PREVENTED THE DEPLOYMENT OF A MULTI-NATIONAL PEACEKEEPING FORCE. IN A MARCH MEETING, DELEGATIONS FROM THE EUROPEAN PARLIAMENT AND THE AFRICAN, CARIBBEAN, AND PACIFIC COUNTRIES APPROVED A COMPROMISE RESOLUTION ON THE CRISIS IN THE GREAT LAKES REGION CONDEMNING THE PRESENCE OF TROOPS AND FOREIGN MERCENARIES IN ZAIRE AND INVITING ALL GOVERNMENTS INVOLVED IN THE CONFLICT TO WITHDRAW THEIR TROOPS AND ABSTAIN FROM FURTHER INTERFERENCE.

THE EUROPEAN COMMISSION ON MARCH 26 SET ASIDE 100 MILLION ECU OVER FOUR YEARS TO HELP RELIEVE THE DEBTS OF POOR AFRICAN, CARIBBEAN, AND PACIFIC COUNTRIES. THE MONEY WAS EARMARKED FOR ELEVEN COUNTRIES, INCLUDING BURUNDI, TO ENSURE THAT DEVELOPMENT PROGRAMS WOULD NOT BE HINDERED BY EXCESSIVE DEBT BURDENS.

ON MAY 7, THE EUROPEAN UNION CONDEMNED THE CONTINUED VIOLENCE IN BURUNDI AND IN PARTICULAR THE MASSACRES AND ATROCITIES COMMITTED AGAINST THE CIVILIAN POPULATION. THE EUROPEAN UNION CONDEMNED THE EXECUTION IN JULY OF SIX PRISONERS AFTER UNFAIR TRIALS ON CHARGES OF GENOCIDE.

A MAY 20 DECLARATION WELCOMED PRESIDENT BUYOYA'S ANNOUNCEMENT OF NEGOTIATIONS TAKING PLACE IN ROME WITH THE NATIONAL COUNCIL FOR THE DEFENSE OF DEMOCRACY (CNDD) AND CALLED ON THE GOVERNMENT TO DISBAND THE REGROUPMENT CAMPS AT THE EARLIEST OPPORTUNITY. IN AUGUST, THE EUROPEAN UNION EXPRESSED ITS FULL SUPPORT FOR THE OPENING OF MULTIPARTY NEGOTIATIONS AT ARUSHA IN TANZANIA. IT URGED THE PARTIES IN BURUNDI TO REFRAIN FROM SETTING PRECONDITIONS WHICH MIGHT CREATE OBSTACLES TO NEGOTIATION AND URGED THEM TO "SUPPORT THE PEACE PROCESS WHICH SHOULD BE CONDUCTED IN A CLIMATE OF TRUST AND CALM."

## OAU and Regional Collaboration

THE REGIONAL HEADS OF STATE HAVE TAKEN A LEADING ROLE IN SUPPORTING A PEACEFUL SETTLEMENT TO THE CIVIL WAR AND A RETURN TO CIVILIAN RULE. THE SANCTIONS IMPOSED AGAINST BURUNDI IMMEDIATELY AFTER THE JULY 1996 COUP WERE MODIFIED IN APRIL 1997 TO ALLOW THE IMPORT OF HUMANITARIAN GOODS, BUT AT A MEETING IN AUGUST, REGIONAL LEADERS REITERATED THEIR COMMITMENT TO MAINTAINING SANCTIONS. PRESIDENTS MOI OF KENYA AND KABILA OF THE DRC, WHO HAD ANNOUNCED IN JULY THEIR INTENTIONS TO IGNORE THE SANCTIONS, APPEAR TO HAVE BEEN CONVINCED AT THE AUGUST MEETING TO RESPECT THE SANCTIONS.

FORMER TANZANIAN PRESIDENT NYERERE CONTINUED TO PLAY A LEADING ROLE IN ORGANIZING TALKS BETWEEN THE GOVERNMENT AND REBEL GROUPS, DESPITE SOME COMPLAINTS FROM THE GOVERNMENT THAT HE WAS BIASED IN FAVOR OF THE REBEL MOVEMENTS.

THE TRANSFER OF POWER IN THE FORMER ZAIRE SUBSTANTIALLY IMPROVED BURUNDI'S RELATIONS WITH THAT COUNTRY. BUYOYA DEVELOPED CORDIAL RELATIONS WITH KABILA, WITH THE TWO LEADERS EXCHANGING A NUMBER OF DIPLOMATIC VISITS. MEANWHILE, RELATIONS WITH TANZANIA DETERIORATED. THE BUYOYA REGIME ACCUSED THE TANZANIAN GOVERNMENT OF WAGING A CAMPAIGN AGAINST BURUNDI BY ALLOWING THE FDD TO ESTABLISH BASES IN THE COUNTRY AND BY PUSHING FOR A MAINTENANCE OF SANCTIONS. IN SEPTEMBER, TANZANIA ACCUSED BURUNDI OF MINING THEIR MUTUAL BORDER AND OF MAKING INCURSIONS INTO TANZANIAN TERRITORY.

## Relevant Human Rights Watch reports:

*Stoking the Fires: Military Assistance and Arms Trafficking in Burundi, 12/97*

*The War Against the Civilian Population in Burundi, 12/97*

## THE DEMOCRATIC REPUBLIC OF CONGO (Formerly Zaire)

### Human Rights Developments

THE REBEL ALLIANCE OF DEMOCRATIC FORCES FOR THE LIBERATION OF CONGO (ADFL) OUSTED PRESIDENT MOBUTU OF THE THEN ZAIRE AND SEIZED POWER IN MID-MAY AFTER A SEVEN-MONTH CAMPAIGN. THE MOBUTU GOVERNMENT'S MOVES TO STRIP THE ETHNIC TUTSI BANYAMULENGE OF THEIR CITIZENSHIP AND DRIVE THEM FROM THE COUNTRY SPARKED THE REBELLION, WHICH WAS LATER JOINED BY OTHER GROUPS. EVEN BEFORE THE WAR ERUPTED, HOWEVER, THE COUNTRY WAS ON THE VERGE OF DISINTEGRATION. THE FAILED TRANSITION TO DEMOCRACY AND MOBUTU'S RULE THROUGH KLEPTOCRACY HAD LEFT THE COUNTRY WITH A COLLAPSED ECONOMY, AN UNRULY MILITARY, A PRESIDENT WHOSE TERM IN OFFICE HAD LONG SINCE EXPIRED, AND AN UNELECTED PARLIAMENT.

AN INTRICATE REGIONAL CRISIS ADDED TO THE POTENCY OF CONGO'S INTERNAL POLITICAL AND ETHNIC CONFLICT. AN ESTIMATED ONE MILLION REFUGEES FROM NEIGHBORING RWANDA HAD SETTLED IN EASTERN CONGO, AND AMONG THEM WERE THOUSANDS OF ARMED EXILES FROM THE FORMER RWANDAN ARMED FORCES (EX-FAR) AND ITS MILITIA THE INTERAHAMWE. THE REFUGEES WERE MAINLY HUTU WHO HAD FLED TO CONGO FEARING RETRIBUTION FOR THE 1994 GENOCIDE DURING WHICH MORE THAN 500,000 MINORITY TUTSIS AND MODERATE HUTUS WERE KILLED. THE KILLING FRENZY ONLY STOPPED AFTER REBELS OF THE TUTSI-DOMINATED RWANDA PATRIOTIC ARMY (RPA) TOPPLED THE RWANDAN GOVERNMENT WHICH HAD ORCHESTRATED THE GENOCIDE. MOBUTU'S GOVERNMENT HELPED THE REMNANTS OF THE EX-FAR TO REARM, AND PERSISTENTLY REFUSED TO COOPERATE WITH THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA IN APPREHENDING AND EXTRADITING PERSONS INDICTED FOR GENOCIDE.

RWANDA'S GOVERNMENT SEIZED ON THE BANYAMULENGE UPRISING AS AN OPPORTUNITY TO DISBAND THE REFUGEE BORDER CAMPS AND DESTROY THE EX-FAR AND INTERAHAMWE. RPA TROOPS TOOK PART IN THE REBEL OFFENSIVE, AND THE ADFL ALSO RECEIVED MILITARY AND DIPLOMATIC SUPPORT FROM THE GOVERNMENTS OF UGANDA, AND ANGOLA, AMONG OTHER REGIONAL POWERS.

WHILE THE FIGHTING FORCED AN ESTIMATED 600,000 REFUGEES BACK INTO RWANDA, HUNDREDS OF THOUSANDS OF OTHERS FLED FURTHER WEST INTO CONGO, AMONG THEM TENS OF THOUSANDS OF ARMED ELEMENTS. THE UNITED NATION'S HIGH COMMISSIONER FOR REFUGEES (UNHCR) ESTIMATED THAT 213,000 REFUGEES REMAINED UNACCOUNTED FOR AS OF THE LAST QUARTER OF 1997. HUMAN RIGHTS WATCH INVESTIGATIONS AND OTHERS HAVE GATHERED EVIDENCE INDICATING THAT FLEEING REFUGEES WERE PURSUED RELENTLESSLY, FALLING VICTIM TO HUMAN RIGHTS ABUSES COMMITTED BY ALL PARTIES TO THE CONFLICT. THE DESERTING AND DEMORALIZED SOLDIERS OF THE FORMER ZAIRIAN ARMY (FAZ) LOOTED SUPPLIES AND RAPED SCORES OF CIVILIANS IN THEIR FLIGHT, INCLUDING CONGOLESE AS WELL AS REFUGEES, AND DESTROYED SCHOOLS, CHURCHES, AND CLINICS. LIKEWISE, ARMED ELEMENTS FROM THE EX-FAR AND ITS MILITIA USED FORCE AND RANDOM KILLINGS TO PREVENT OTHER REFUGEES FROM REPATRIATING TO RWANDA AND TENDED TO USE UNARMED REFUGEES AS HUMAN SHIELDS IN THEIR FLIGHT, LEADING TO MANY DEATHS OF CIVILIANS IN CROSS FIRE. THE ADFL TROOPS, AND THEIR RWANDAN RPA BACKERS, IN TURN, ENGAGED IN EXTENSIVE AND SYSTEMATIC MASSACRES OF REFUGEES, MANY OF WHOM WERE HUNTED DOWN ON THE RUN AND AT TEMPORARY ENCAMPMENTS.

THE KILLERS OFTEN FORCED THE LOCAL POPULATION TO CLEAN UP MASSACRE SITES. AN EXACERBATION OF LOCAL ETHNIC TENSIONS AND VIOLENCE CAUSED CIVIL WAR TO RETURN TO NORTH AND SOUTH KIVU IN 1997, AS REMNANTS OF THE EX-FAR ALLIED THEMSELVES WITH LOCAL REBEL GROUPS, ATTACKING GOVERNMENT FORCES AND LOCAL TUTSI POPULATIONS.

ON MAY 17, 1997, THE DAY KINSHASA FELL TO ITS TROOPS, THE ADFL ISSUED A DECLARATION BY WHICH IT SUSPENDED THE TRANSITIONAL CONSTITUTION, DISBANDED THE TRANSITIONAL PARLIAMENT AND GOVERNMENT, AND APPOINTED ITS OWN CHAIRMAN, LAURENT DÉSIRÉ KABILA, AS PRESIDENT OF THE REPUBLIC. A CONSTITUTIONAL DECREE PROCLAIMED BY THE NEW PRESIDENT ON MAY 29 EMPOWERED HIM TO LEGISLATE BY DECREES, HEAD THE GOVERNMENT, AND APPOINT AND DISMISS MINISTERS AND JUDGES. DESPITE THIS LATTER PROVISION, THE DECREE ACKNOWLEDGED THE INDEPENDENCE OF THE JUDICIARY. CONGO'S CONTINUED OBLIGATIONS UNDER HUMAN RIGHTS AND HUMANITARIAN TREATIES TO WHICH IT WAS PARTY WERE EXPRESSLY ACKNOWLEDGED. UPON TAKING OFFICE, PRESIDENT KABILA PROMISED A TRANSITIONAL AGENDA THAT WOULD LEAD TO LEGISLATIVE AND PRESIDENTIAL ELECTIONS IN TWO YEARS. THE FIRST STEP IN THAT PROCESS WAS TAKEN WHEN IN MID-OCTOBER HE ISSUED A DECREE



establishing a commission to draft the new constitution.

As a political movement, the ADFL undertakes in its statutes to be open to the affiliation of other political parties, organizations of civil society, as well as individuals, who would adhere to its "ideological base." This is defined in the statutes as the ADFL's belief that all power emanates from the people and is founded on inalienable human rights. In practice, political parties were asked to dissolve themselves into the alliance in order to be part of the government, and members of existing opposition parties were appointed to government positions in their individual capacities.

The government had yet to integrate ADFL soldiers from different regions, ethnic backgrounds, or from neighboring countries under a unified command structure, and frequent frictions and confrontations continued to occur between military units of different backgrounds. The problem of deteriorating discipline, particularly after the failure of the government in securing the timely payment of salaries to the military, contributed in turn to growing insecurity as soldiers attempted to extort money from civilians, or indulged in armed banditry.

Incidents in which indiscriminate gunfire took a high toll abounded all over Congo, including the killing, on the night of July 6 to 7, 1997, of fifteen persons in Kinshasa by a patrol of unruly ADFL soldiers. A confrontation on the night of August 21-22 in the Ceta military camp, between soldiers distinguished by the Kinshasa press as "Tutsi" and "Congolese," left at least three soldiers dead. On August 30, soldiers fired in the air to control a large crowd of teenagers in the municipal swimming pool of N'Sele, Kinshasa. In the resulting panic, at least twenty-four young men and women died.

As it took over, the ADFL arrested and confiscated the property of prominent dignitaries of the Mobutu era, in many cases without due process of law. There were about fifty detainees of this category in Kinshasa by August 1997. Six of whom were interviewed by Human Rights Watch in an August meeting in a Kinshasa detention center.

In Lubumbashi, there were eighty-nine detainees, about twenty of whom were prominent politicians, in the cells attached to the headquarters of the new political police, the National Intelligence Agency (ANR), when a local rights group visited it on July 31, 1997. Many were detained for months following denunciations arising from civil and criminal disputes without appearing before a court. Conditions were harsh: prisoners slept on the cemented floors, looked poorly nourished, and sanitation was lacking. Political prisoners who spoke to Human Rights Watch, including a former governor, a former mayor of Lubumbashi, and the former chairman of Mobutu's party, said they were not informed of the reasons for their detention, and alleged that prisoners held in connection to their suspected roles in civil and criminal cases were routinely beaten.

The ADFL banned political activities throughout the country. In Kinshasa, government troops periodically attacked the headquarters of political parties with popular followings, dispersed their peaceful marches with gunfire, and abducted, detained, and tortured their militants. Soon after Kabila's inauguration, government troops dispersed demonstrations by supporters of the Union for Democracy and Social Progress (UDPS) protesting the exclusion of the UDPS, and its leader Etienne Tshisekedi, from the transitional government. Shortly after Tshisekedi's participation as principal speaker in a political rally at Kinshasa University, troops descended on his residence late on June 26, and arrested him and his wife and held them overnight. Authorities also arrested and badly tortured a student, Richard Mpiana Kalenga, who they suspected was an organizer of the rally.

On July 25, a group of soldiers opened fire on demonstrators returning from a peaceful march that the Unified Lumumbist Party (PALU) organized to press for more political participation. One PALU militant was killed, and many were injured. In the afternoon of the same day, soldiers raided the headquarters of PALU, which is also the residence of Antoine Gizenga, a veteran politician and PALU president. They beat party militants with iron bars, belts, and gun butts before taking them into custody. They locked the elderly Gizenga and his wife in a bathroom, and then went on a rampage, looting the family's personal possessions and ransacking the property of the party.

The bustling private press of Kinshasa maintained a critical tone vis-à-vis the new government that reflected an independence it had successfully fought for under Mobutu. While initially tolerating this, authorities cracked

DOWN ON COVERAGE OF "SENSITIVE" INFORMATION SUCH AS SECURITY ISSUES OR CORRUPTION IN GOVERNMENT RANKS. POLYDOR MUBUNGA, EDITOR OF THE *LE PHARE*, WAS PLACED UNDER HOUSE ARREST IN MID-SEPTEMBER AFTER PUBLISHING AN ARTICLE CLAIMING THAT KABILA WAS RECRUITING HIS OWN PRESIDENTIAL GUARD. ALI KALONGA, DIRECTOR OF THE OFFICIAL CONGOLESE PRESS AGENCY, WAS DETAINED FOR WEEKS IN AUGUST 1998 AFTER HE AUTHORIZED A STORY ABOUT THE SUSPENSION AND HOUSE ARREST OF THE FINANCE MINISTER FOLLOWING ALLEGATIONS OF CORRUPTION. THE GOVERNMENT ALSO TOOK MEASURES WHICH, IF FULLY IMPLEMENTED, WOULD THREATEN THE VERY EXISTENCE OF THE PRIVATE MEDIA. IN LATE MAY, ONE OF THE FIRST DECISIONS OF THE NEW INFORMATION MINISTER WAS TO BAN ADVERTISING THROUGH PRIVATELY-OWNED RADIO AND TELEVISION STATIONS. ON AUGUST 19, THE NATIONAL POLICE ISSUED AN ORDER BANNING THE SALE OF NEWSPAPERS ON THE MAIN STREETS OF KINSHASA. THE PRIVATE PRESS CONSIDERED THIS AS A "DECLARATION OF WAR" AS ITS DISTRIBUTION WAS ENTIRELY DEPENDENT ON STREET VENDORS.

### **The Right to Monitor**

GROUPS WHO STEPPED IN TO DENOUNCE ABUSES BY AGENTS OF THE NEW GOVERNMENT QUICKLY BECAME THE TARGET OF PUNITIVE MEASURES. IN KINSHASA, AT LEAST THREE RIGHTS ACTIVISTS WERE DETAINED FOR SHORT PERIODS IN SEPARATE INCIDENTS IN RETALIATION FOR A JOINT CAMPAIGN BY RIGHTS GROUPS FOR DETAINED MOBUTISTS AND OTHER POLITICAL PRISONERS TO BE CHARGED OR RELEASED. IN THE EASTERN TOWN OF KINDU, THE MILITARY COMMANDER ORDERED THE CLOSURE OF THE PREMISES OF THE RIGHTS GROUP *Haki Za Binadamu*, AFTER HE RECEIVED A LETTER IN WHICH IT DENOUNCED THE UNLAWFUL DETENTION OF SUSPECTS IN CRIMINAL AND CIVIL CASES IN THE MILITARY CAMP. TWO OF *Haki's* WORKERS WERE DETAINED AND TORTURED: AS A RESULT OF WHICH ONE FELL INTO A COMA AND WAS HOSPITALIZED. IN RESPONSE TO THE OUTCRY THAT FOLLOWED, THE AUTHORITIES IN THE PROVINCE ACCUSED THEM OF INVOLVEMENT IN A "PLOT"—TO PROVIDE FALSE INFORMATION TO THE U.N. TEAM INVESTIGATING THE MASSACRES OF REFUGEES THAT OCCURRED IN THE VICINITY OF THE TOWN DURING THE WAR.

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

#### **United Nations**

BY THE TIME THE REFUGEE CAMPS OF EASTERN CONGO WERE DISMANTLED BY THE ADFL ATTACKS IN OCTOBER 1996, THE INTERNATIONAL COMMUNITY HAD CHanneled AN ESTIMATED U.S. \$2.5 BILLION INTO RELIEF FOR THE RWANDAN REFUGEES IN THE REGION. THIS EFFORT WAS SERIOUSLY UNDERMINED BY THE FAILURE OF THE U.N. AND WORLD POWERS TO ENFORCE THE SEPARATION OF ARMED EXILES, SUSPECTED OF CRIMES AGAINST HUMANITY, FROM BONA FIDE REFUGEES.

WITH THE REBELLION IN EASTERN CONGO RAPIDLY DEVELOPING INTO A GENERALIZED CIVIL WAR, THE U.N. SECURITY COUNCIL ENDORSED ON FEBRUARY 19, 1997, A FIVE-POINT PLAN PREPARED BY MOHAMMED SAHNOUN, THE JOINT U.N. AND ORGANIZATION OF AFRICAN UNITY (OAU) SPECIAL ENVOY FOR THE GREAT LAKES REGION, WHICH CALLED FOR AN IMMEDIATE END TO THE FIGHTING; THE WITHDRAWAL OF ALL FOREIGN FORCES, INCLUDING MERCENARIES; REAFFIRMATION OF THE TERRITORIAL INTEGRITY OF ALL STATES IN THE REGION; PROTECTION AND SECURITY FOR ALL REFUGEES, AND THE CONVENING OF AN INTERNATIONAL CONFERENCE TO RESOLVE CONFLICTS IN THE REGION. SAHNOUN'S DIPLOMATIC EFFORTS TO MEDIATE A PEACEFUL SETTLEMENT FOR THE WAR ON THE BASIS OF THIS PLAN WERE HAMPERED BY THE ADFL'S OUTRIGHT MILITARY SUCCESS.

ON MARCH 6, 1997 THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS ASKED THE SPECIAL RAPPORTEUR FOR ZAIRE (NOW CONGO), TO INVESTIGATE ALLEGATIONS OF REFUGEE MASSACRES IN ADFL-HELD AREAS. FOLLOWING A SHORT FIELD MISSION, THE RAPPORTEUR, ROBERTO GARRETÓN OF CHILE, ON APRIL 2 ISSUED A SHORT REPORT, IDENTIFYING MORE THAN FORTY POSSIBLE MASSACRE SITES AND CALLING FOR FURTHER INVESTIGATIONS THROUGH THE MECHANISMS OF THE HUMAN RIGHTS COMMISSION. THE COMMISSION RESOLVED IN MID-APRIL THAT THE SPECIAL RAPPORTEUR, JOINTLY WITH THE SPECIAL RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS, AND A MEMBER OF THE WORKING GROUP ON DISAPPEARANCES, CARRY OUT A MISSION TO INVESTIGATE THE ALLEGATIONS OF MASSACRES AND OTHER ISSUES RELATED TO THE SITUATION IN THAT COUNTRY SINCE SEPTEMBER 1996.

THE ADFL, HOWEVER, ADAMANTLY REFUSED TO ALLOW THE TEAM TO ENTER TERRITORIES UNDER ITS CONTROL TO CONDUCT ITS

PROBE and said it rejected the team's leader, Roberto Garretón, apparently because of his earlier report. The U.N.'s subsequent agreement to this condition led Human Rights Watch, together with other human rights organizations, to write, on June 13, to the U.N. secretary-general pointing out the dangers involved in allowing countries under investigation to choose their own investigators. In subsequent discussions with the Congolese government, the U.N. failed to persuade it to accept the team mandated by the commission. To overcome the delays created by the government's veto on the team's leader, the Security Council agreed to the secretary-general's proposal, on July, 9, to create an investigative team under his own authority. The team thus formed arrived in Kinshasa on August 24 to a hostile reception.

When the U.N. team attempted to launch the investigation in the western city of Mbandaka, the government blocked it and said the investigation could only focus on the east. An impasse followed, leading the U.N. to recall the three main investigators to New York "for consultations." In late October, U.S. ambassador to the U.N. Bill Richardson and President Kabila reached an agreement in Kinshasa that was expected to clear the way for the probe to begin in early November. Kabila agreed to drop territorial limitation on the coverage of the probe, and the U.N. agreed that the team would not recommend any punitive measures or interfere in Congo's internal affairs.

The Congo continued to host a U.N. human rights field office. Agreed to in August 1996 under the previous government, the office was originally proposed by special rapporteur Garretón to assist him in collecting information and maintaining contact with the government. The primary mandate of the office was to monitor human rights abuses, though some technical cooperation activities were envisaged. With only one professional from the U.N. Human Rights Center assigned to Kinshasa, the office was understaffed and underresourced at a time when its presence could have played a vital role in the promotion and protection of human rights in the country.

## Organization of African Unity

South Africa's initiative, in February 1997, to host indirect talks between representatives of the ADFL and an advisor of President Mobutu ultimately led to direct talks between Kabila and Mobutu in May. The thrust of South Africa's diplomatic drive was to get Mobutu to relinquish power in exchange for a commitment from the ADFL to form a broad-based transitional authority. Battlefield advances, however, allowed the ADFL to prevail without concessions.

The ouster of Mobutu created an atmosphere of euphoria in much of the region, which peaked at the 33rd session of the OAU summit, held in early June in Harare, during which leaders welcomed Kabila and the ADFL's triumph. This in turn led to strong expressions of support for Kabila when he came under increasing international pressure to cooperate with the U.N. probe and to commit himself to early democratic elections. On May 27, President Mandela and Uganda's Yoweri Museveni accused Western governments of "demonizing" Kabila and defended his orders to prohibit political activities. Museveni reminded journalists that he had taken similar action against political parties in his own country and said he believed that African societies, which he characterized as preindustrial, were "not ready" for multiparty democracy.

## European Union

The European Union (E.U.) suspended economic assistance to Mobutu's government in 1992, citing Article 5 of the Lomé Convention IV (1989) which makes respect for human rights and democratic principles an "essential element" of the convention. The European Commission however disbursed an exceptional humanitarian aid package of U.S.\$309.91 million between 1992 and 1996 for rehabilitation and infrastructure programs, mainly through nongovernmental organizations (NGOs) and civil organizations of the health sector. The E.U. also earmarked an additional \$35 million for electoral assistance and set up an European Electoral Unit for that purpose, although most of these funds were not disbursed due to the Mobutu government's decision to postpone the elections.

THE E.U. ISSUED A DECLARATION ON MAY 23, ON THE TRANSFER OF POWER IN CONGO, IN WHICH IT STIPULATED WHAT IT EXPECTED FROM THE NEW AUTHORITIES, NAMELY: THAT THEY RESPECT THE ELECTORAL CALENDAR ANNOUNCED BY KABILA, AND COMMIT THEMSELVES TO DEMOCRACY AND THE RESPECT OF HUMAN RIGHTS. THE E.U. ALSO URGED THE NEW GOVERNMENT TO PROTECT REFUGEES AND ALLOW HUMANITARIAN ACCESS TO THEM, AND TO ALLOW THE U.N. PROBE TO GO AHEAD AS A MATTER OF URGENCY.

THE SIGNALS FROM THE E.U. AND SOME OF ITS MEMBER STATES, HOWEVER, WERE MIXED. THE HUMANITARIAN AID COMMISSIONER, EMMA BONINO, KEPT THE PRESSURE ON THE NEW GOVERNMENT BY PUBLICLY DENOUNCING ITS DENIAL OF HUMANITARIAN ACCESS TO REFUGEES, AND BY REPEATEDLY AND PUBLICLY PRESSING FOR A NEUTRAL INVESTIGATION OF REPORTS OF REFUGEE MASSACRES. BUT IN A STATEMENT MADE ON MAY 28, E.U. DEVELOPMENT COMMISSIONER JOÃO DE DEUS PINHEIRO SAID THAT KABILA WAS RIGHT IN SETTING LAW AND ORDER AND STABILIZATION AS HIS FIRST PRIORITY, AGREEING ON THIS WITH PRESIDENT MANDELA. BELGIUM, FOR ITS PART, INDICATED ITS WILLINGNESS TO RESUME ITS DEVELOPMENT AID TO CONGO, FOLLOWING A VISIT BY BELGIAN SECRETARY OF STATE FOR DEVELOPMENT COOPERATION REGINALD MOREELS IN EARLY AUGUST. THE *TROÏKA* OF EUROPEAN UNION FOREIGN MINISTERS ALSO VISITED KINSHASA IN EARLY AUGUST. THE DELEGATION WAS HEADED BY CURRENT E.U. PRESIDENT JACQUES POOS, DUTCH FOREIGN MINISTER HANS VAN MIERLO, BRITISH DEPUTY FOREIGN MINISTER TONY LLOYD, AND A REPRESENTATIVE OF THE EUROPEAN COMMISSION. IT WELCOMED THE END OF THE DICTATORIAL RULE OF MOBUTU AND THE ARRIVAL OF A NEW GOVERNMENT THAT HAD EXPRESSED ITS INTENTION TO FOUND ITS POLICY ON THE PRINCIPLES OF DEMOCRACY, RESPECT OF HUMAN RIGHTS, AND THE RULE OF LAW. ON THE QUESTION OF REFUGEES, THE MINISTERIAL *TROÏKA* WELCOMED THE GOVERNMENT'S ACCEPTANCE OF THE U.N. INVESTIGATIVE MISSION AND RAISED THE QUESTION OF ACCESS BY HUMANITARIAN ORGANIZATIONS TO REFUGEES AND THE SECURITY OF THEIR PERSONNEL. THE DELEGATION SAID IT WOULD RECOMMEND, IN ITS REPORT TO THE E.U. COUNCIL OF MINISTERS, THE GRADUAL RESUMPTION OF STRUCTURAL AID TO THE NEW GOVERNMENT IN LIGHT OF THE PREVAILING "POSITIVE POLITICAL ENVIRONMENT."

IN RESPONSE TO THE RESTRICTION OF THE U.N.'S DELEGATION TO THE CAPITAL, KINSHASA, FOR NEARLY FOUR WEEKS, THE E.U.'S PRESIDENCY HAD SENT A LETTER TO CONGO'S FOREIGN MINISTER ASKING AN IMMEDIATE LIFTING OF THE OBSTACLES BLOCKING THE TEAM. SHOULD THIS FACT-FINDING MISSION NOT SUCCEED, IT SAID, IN A PRESS RELEASE, "THE NEW PROSPECTS OF COOPERATION BETWEEN THE EUROPEAN UNION AND THE DEMOCRATIC REPUBLIC OF CONGO WOULD BE JEOPARDIZED."

THE LUXEMBOURG PRESIDENCY SPOKE TO THE EUROPEAN PARLIAMENT ON SEPTEMBER 24, DECLARING THAT THERE WAS NO RIFT IN THE E.U. ABOUT COOPERATION WITH CONGO, ONLY THAT COOPERATION WOULD HENCEFORTH BE CONDITIONAL ON RESPECT FOR HUMAN RIGHTS. KABILA QUICKLY REACTED DESCRIBING THE E.U. POSITION AS A PLOT "HATCHED BY WESTERN POWERS" ACTING UNDER THE COVER OF HUMANITARIAN AGENCIES.

## United States

THE U.S. SUSPENDED ITS ECONOMIC ASSISTANCE TO CONGO IN 1991 UNDER STATUTORY PROVISIONS PROHIBITING FOREIGN AID TO COUNTRIES IN DEFAULT ON THEIR LOANS TO THE U.S. GOVERNMENT. THIS FOLLOWED DECADES OF UNCONDITIONAL U.S. SUPPORT FOR MOBUTU, ITS LONGTIME COLD WAR ALLY, DURING WHICH THE U.S. CONTINUED TO POUR IN MILLIONS OF DOLLARS AND TO FACILITATE WORLD BANK AND INTERNATIONAL MONETARY FUND SUPPORT WHILE MOBUTU AND HIS CRONIES OPENLY SIPHONED THESE FUNDS INTO THEIR OWN POCKETS.

SUSPICIONS WERE RIFE IN CONGO AT THE OUTBREAK OF THE WAR THAT THE UNITED STATES WAS BACKING THE REBELS, LEADING TO A WAVE OF ANTI-AMERICAN FEELINGS IN LATE 1996. THESE SUSPICIONS WERE IN PART ROOTED IN THE KNOWLEDGE OF THE CONSIDERABLE POLITICAL, ECONOMIC, AND MILITARY SUPPORT THAT THE U.S. EXTENDED TO RWANDA, WHICH IN TURN HAD PROVIDED DECISIVE MILITARY ASSISTANCE TO THE ADFL'S CAMPAIGN. IN CONGRESSIONAL HEARINGS IN DECEMBER 1996, VINCENT KERN, DEPUTY ASSISTANT SECRETARY OF DEFENSE, DOWNPLAYED U.S. MILITARY ASSISTANCE TO RWANDA, DESCRIBING IT AS THE "SOFTER, KINDER, GENTLER" SIDE OF MILITARY TRAINING, AND SAID IT DIDN'T INCLUDE INSTRUCTION FOR COMBAT SITUATIONS AND BASIC MILITARY TRAINING. HOWEVER, UNDER FURTHER NGO, PRESS, AND CONGRESSIONAL SCRUTINY, THE DEPARTMENT OF DEFENSE ISSUED A REPORT ON AUGUST 19, 1997 WHICH DETAILED ONE PROGRAM OF BASIC MILITARY TRAINING, INCLUDING COMBAT SKILLS, OF SOME RWANDAN TROOPS PARTIALLY CONDUCTED BY THE U.S. ARMY SPECIAL FORCES.

IN A JULY 1997 INTERVIEW, RWANDA'S STRONGMAN AND MINISTER OF DEFENSE, PAUL KAGAME, SAID HE INFORMED THE STATE

DEPARTMENT OFFICIALS IN AUGUST 1996 THAT RWANDA WAS READY TO DISMANTLE THE CAMPS IF THE INTERNATIONAL COMMUNITY FAILED TO REMOVE THEM FROM THE BORDER AREA, AND, ACCORDING TO HIM, THE U.S. "TOOK DECISIONS TO LET IT HAPPEN."

FOLLOWING THE ATTACK ON THE CAMPS, AND THE RETURN OF HUNDREDS OF THOUSANDS OF REFUGEES TO RWANDA, THE U.S. EMBASSY IN KIGALI AGREED WITH THE RWANDAN GOVERNMENT'S ESTIMATES THAT ONLY "TENS OF THOUSANDS" OF REFUGEES REMAINED BEHIND, INSTEAD OF ESTIMATES OF 200,000 TO 450,000 MADE BY HUMANITARIAN AGENCIES OPERATING ON THE GROUND. BY THE TIME A GENERAL AGREEMENT WAS REACHED ON THE HIGHER ESTIMATE, A PLAN FOR A MULTINATIONAL FORCE TO ASSIST THE REFUGEES AND FACILITATE THEIR REPATRIATION WAS ABANDONED.

THE U.S. SUBSEQUENTLY CRITICIZED THE ADFL FOR THE LARGE-SCALE ABUSES ALLEGED IN AREAS UNDER ITS CONTROL, AND IN STATEMENTS IN JANUARY 1997, THE U.S. AMBASSADOR TO CONGO AGREED WITH THE MOBUTU GOVERNMENT'S CHARGE THAT THE COUNTRY WAS BEING "ATTACKED" BY RWANDA AND UGANDA, CONTRADICTING ASSERTIONS FROM THE U.S. EMBASSY IN KIGALI THAT "THERE WAS NO PROOF" OF RWANDAN MILITARY PRESENCE IN CONGO. UNWILLING TO HOLD RWANDA ACCOUNTABLE FOR ITS ALLEGED SHARE OF RESPONSIBILITY IN THESE KILLINGS, THE U.S., HOWEVER, STEPPED UP ITS PRESSURE ON THE ADFL AS OF MARCH AND APRIL, WHEN THE U.S. DEMANDED GUARANTEES FROM THE ADFL OF ACCESS TO THE REFUGEES BY AID WORKERS AND INSISTED ON ACCESS FOR HUMAN RIGHTS INVESTIGATORS.

IN THE MEANTIME, THE ADMINISTRATION OBTAINED THE AGREEMENT OF CONGRESS TO A LIMITED ASSISTANCE OF \$10 MILLION, TO BE ALLOCATED MAINLY IN GRANTS TO UNICEF'S IMMUNIZATION PROGRAM, NGO ASSISTANCE, AND TO THE REFORM OF THE LEGAL SYSTEM. IN LATE SEPTEMBER, SPOKESMAN JAMIE RUBIN OF THE U.S. STATE DEPARTMENT WARNED PRESIDENT KABILA THAT THE U.S. GOVERNMENT'S RELATIONS WITH KINSHASA "WILL BE DETERMINED TO SOME SIGNIFICANT EXTENT BY HIS WILLINGNESS TO ALLOW THE U.N. HUMAN RIGHTS TEAM TO DO ITS JOB."

## **Relevant Human Rights Watch reports:**

*WHAT KABILA IS HIDING: CIVILIAN KILLINGS AND IMPUNITY IN CONGO, 10/97*

*ZAIRE: TRANSITION, WAR, AND HUMAN RIGHTS, 4/97*

*ZAIRE: "ATTACKED ON ALL SIDES": CIVILIANS AND CIVIL WAR, 4/97*

## **ETHIOPIA**

### **Human Rights Developments**

THE GOVERNMENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA (FDRE), ESTABLISHED IN AUGUST 1995 AFTER ELECTIONS BOYCOTTED BY OPPOSITION GROUPS, CONTINUED TO BUILD THE FEDERAL STATE STRUCTURES PROVIDED FOR BY THE 1994 CONSTITUTION. THESE CENTERED ON ETHNICALLY-BASED REGIONS HAVING LEGISLATIVE, EXECUTIVE, AND JUDICIAL POWERS WITHIN THEIR GEOGRAPHICAL AREAS. THE GOVERNING ETHIOPIAN PEOPLE'S REVOLUTIONARY DEMOCRATIC FRONT (EPRDF), AND ITS FOUNDING AND CORE CONSTITUENT, THE TIGREAN PEOPLE'S LIBERATION FRONT (TPLF), CONTINUED TO EXERT STRICT CONTROL OVER THIS PROCESS.

IGNORING CONSTITUTIONAL RIGHTS, THE GOVERNMENT OF PRIME MINISTER MELES ZENAWI DID NOT TOLERATE PLURALIST PARTY POLITICS, CRACKED DOWN ON CRITICAL MEDIA REPORTING, AND AGGRESSIVELY SOUGHT TO COOPT LABOR AND PROFESSIONAL ASSOCIATIONS, AND OTHER CIVIL SOCIETY STRUCTURES. IT ACTIVELY PROMOTED THE POLICY OF ETHNIC FEDERALISM, WHILE SUCCESSFULLY DOMINATING THE EMERGING ETHNICALLY-BASED POLITICAL SYSTEM BY FAVORING REGIONAL PARTIES AFFILIATED TO THE EPRDF AND CLAMPING DOWN ON OPPOSITION GROUPS IN THE CONDUCT OF REGIONAL AND NATIONAL ELECTIONS FROM 1992 TO 1995.

THE OROMO LIBERATION FRONT (OLF) AND THE OGADEN NATIONAL LIBERATION FRONT (ONLF), BROKE WITH THE TRANSITIONAL GOVERNMENT IN 1992 AND 1994 RESPECTIVELY AND LATER LAUNCHED ARMED INSURGENCIES AGAINST THE GOVERNMENT. RECENTLY FORMED RADICAL ISLAMIST GROUPS, INCLUDING THE ISLAMIC FRONT FOR THE LIBERATION OF OROMIA, AND AL ITHAD AL-ISLAMI (ISLAMIC UNITY), WHICH OPERATED IN THE SOMALI REGION, FOUGHT SPORADICALLY WITH THE GOVERNMENT.

THE GOVERNMENT CONTINUED TO ARBITRARILY DETAIN HUNDREDS OF CIVILIANS IN REMOTE REGIONS WHERE SEPARATIST DISSIDENT GROUPS OPERATED. AFTER RAIDS ON THREE BORDER TOWNS IN SOMALIA IN AUGUST 1996 AND DECEMBER 1996/JANUARY 1997, THE GOVERNMENT CLAIMED IT HAD DESTROYED AL IHAD AL-ISLAMI'S BASES. THE FUNDAMENTALIST GROUP CONTINUED, HOWEVER, TO CLAIM RESPONSIBILITY FOR A CAMPAIGN OF BOMBINGS OF HOTELS AND RESTAURANTS, AMONG OTHER CIVILIAN TARGETS, IN THE CAPITAL AND OTHER CITIES. THE GOVERNMENT ARRESTED DOZENS OF ETHNIC SOMALIS ON SUSPICION OF MEMBERSHIP IN AL IHAD. IN EARLY NOVEMBER, THE GOVERNMENT ACCUSED PROMINENT MEMBERS OF THE OROMO COMMUNITY OF INVOLVEMENT IN BOMBINGS IN THE CAPITAL AND ELSEWHERE AND OF OLF MEMBERSHIP. AS OF THIS WRITING, AT LEAST FIFTEEN REMAINED IN DETENTION WITHOUT CHARGE IN THE POLICE CENTRAL INVESTIGATION BUREAU. THOSE DETAINED FOR THEIR SUSPECTED SYMPATHY FOR REBEL GROUPS WERE USUALLY HELD IN UNOFFICIAL DETENTION CENTERS, SUCH AS THE PREMISES OF PEASANT ASSOCIATIONS, OR ARMY CAMPS. TORTURE AND ILL-TREATMENT, AT THE HANDS OF MEMBERS OF RURAL MILITIAS ATTACHED TO THE GOVERNING COALITION AND OTHER SECURITY FORCES, WERE COMMON. POLITICAL KILLINGS BY STATE AGENTS WERE ALSO REPORTED, MOSTLY IN AREAS REMOTE FROM THE CAPITAL. THE ABSENCE OF EFFECTIVE JUDICIAL OVERSIGHT AND THE RESTRICTION OF THE WORK OF MOST RIGHTS MONITORING GROUPS TO THE CAPITAL HAS MEANT MOST OF THOSE SUFFERING ABUSE HAVE HAD NO RECOURSE TO LEGAL REMEDY OR TO PUBLIC DENUNCIATION.

THE GOVERNMENT KEPT THE OFFICIALS OF REGIONAL PARTIES AND LOCAL GOVERNMENTS ON A SHORT LEASH, THROUGH A SYSTEM OF QUARTERLY ASSESSMENTS BY SUBORDINATES, KNOWN AS *Gimgamas*, WHEREBY SOLDIERS EVALUATED THEIR COMMANDERS IN A PROCESS THE TPLF BELIEVED TO HAVE IMPROVED THE MILITARY PERFORMANCE OF THE FRONT. FOLLOWING A SERIES OF APPRAISALS IN THE RANKS OF THE OROMO PEOPLE'S DEMOCRATIC ORGANIZATION (OPDO), KUMA DEMESKA, THE CHIEF ADMINISTRATOR OF OROMIYA REGION, DECLARED IN APRIL THAT THE OPDO HAD PURGED ITS RANKS OF 250 EXECUTIVE DISTRICT OFFICIALS AND DETAINED EIGHTY OTHERS. IN MID-AUGUST, THE REGIONAL COUNCIL OF GAMBELLA REGION "ENDORSED" A PROPOSAL, PRESUMABLY BY THE REGIONAL PARTY, TO DETAIN THE TOP FOUR OFFICIALS IN THE DEPOSED STATE'S GOVERNMENT. THE GOVERNMENT OFTEN ACCUSED THE PURGED OFFICIALS OF CORRUPTION OR OF MANIFESTING "NARROW NATIONALISM," A REFERENCE TO THEIR SUSPECTED SYMPATHY FOR DISSIDENT GROUPS.

THE GOVERNMENT'S ATTEMPTS TO SILENCE THE BOISTEROUS ADDIS ABABA PRIVATE PRESS CONTINUED, BUT DETENTIONS WERE SHORTER THAN IN THE PAST. SIX JOURNALISTS WERE SERVING PRISON SENTENCES HANDED DOWN UNDER THE PRESS LAW FOR ARTICLES THEY HAD PUBLISHED. FOURTEEN OTHER JOURNALISTS FACED SIMILAR CHARGES. HIGH LEVELS OF BAIL WERE SET RELATIVE TO JOURNALISTS' INCOMES, AN ECONOMIC PUNISHMENT THAT WAS EFFECTIVE IN INDUCING THE MEDIA TO EXERCISE SELF-CENSORSHIP RATHER THAN FACE FURTHER ARRESTS.

THE GOVERNMENT ALSO SOUGHT TO EXTEND THE APPLICATION OF THE PRESS LAW TO INTERNATIONAL CORRESPONDENTS RESIDENT IN OR VISITING THE COUNTRY, WHOSE COVERAGE HAD LARGELY ESCAPED CENSORSHIP IN THE PAST. THE MINISTRY OF INFORMATION SENT GUIDELINES TO FOREIGN CORRESPONDENTS IN EARLY JUNE, REQUIRING RESIDENT CORRESPONDENTS TO OBTAIN ANNUALLY RENEWABLE WORK PERMITS AND TO RESPECT THE "LAWS OF THE COUNTRY, ITS CULTURE, AND ITS TRADITIONS." IN LATE JUNE, ALICE MARTIN, CORRESPONDENT OF THE BRITISH BROADCASTING CORPORATION (BBC), WAS FORCED TO LEAVE ETHIOPIA AFTER THE IMMIGRATION AUTHORITIES REFUSED TO RENEW HER RESIDENCY PERMIT THREE DAYS AFTER SHE ASSUMED THE PRESIDENCY OF THE ASSOCIATION OF FOREIGN CORRESPONDENTS.

ACTIVISTS LOYAL TO THE GOVERNMENT SUCCEEDED IN APRIL 1997 IN TAKING CONTROL OF THE CONFEDERATION OF ETHIOPIAN TRADE UNIONS (CETU). WHAT THE NEW LEADERS TERMED "NORMALIZATION" FOLLOWED A PROTRACTED CONFRONTATION WITH ITS ELECTED LEADERSHIP THAT STARTED IN OCTOBER 1994. AT THE TIME, CETU'S CHAIRMAN PUBLICLY CRITICIZED THE NEGATIVE IMPACT OF THE GOVERNMENT'S STRUCTURAL ADJUSTMENT PROGRAM ON PUBLIC SECTOR WORKERS, THE MAJORITY OF UNIONIZED WORKERS IN THE COUNTRY. DESTABILIZING TACTICS WERE USED AGAINST TWO OF NINE FEDERATIONS WHICH REMAINED LOYAL TO THE PREVIOUS LEADERSHIP. THE FEDERATION OF COMMERCE, TECHNICAL, AND PRINTING INDUSTRIES, A GROUP OF EPRDF LOYALISTS CALLED IN THE POLICE ON NOVEMBER 4, 1996 TO SUPPORT ITS CLAIM TO LEAD THE FEDERATION AND TO EJECT THE PREVIOUS TEAM FROM THE UNION'S PREMISES. THE LAST FEDERATION TO REMAIN LOYAL TO THE PREVIOUSLY-ELECTED CETU LEADERSHIP WAS THE BANKING AND INSURANCE TRADE UNIONS' FEDERATION. ITS LARGEST AND MOST INFLUENTIAL UNION, THAT OF THE COMMERCIAL BANK OF ETHIOPIA, BECAME THE TARGET OF PRESSURE SUCH AS THE FREEING OF ITS BANK ACCOUNT IN APRIL 1997 AND THE DISRUPTION OF ITS MEETINGS. THESE MEASURES APPEARED TO HAVE ENDED WHEN ITS LEADERSHIP AGREED TO JOIN THE NEW CETU

after its "normalization," and did so in August.

In early May, police shot and killed Assefa Maru, the acting president of Ethiopian's Teachers' Association (ETA), which continued to oppose ethnic federalism and its implications in the field of education. The police statement claimed that the union official, who was also an executive committee member of the Independent Ethiopian Human Rights Council, resisted when police caught him "making preparations to destroy economic establishments, and assassinate individuals holding public office" with other accomplices. Human Rights Watch interviews with eyewitnesses and relatives of the accused who are now in custody, as well as photographic evidence, indicated that Assefa Maru was shot in the street on the way to his office. According to the testimonies, at least four police teams took part in the assassination-style killing.

Fearing for his safety, the general secretary of the ETA went into voluntary exile after this incident. The ETA's president, Taye Wolde Semayat, started his second year in prison in May, pending the conclusion of his trial on charges of leading an anti-government armed group. The remaining four members of ETA's executive committee also experienced government harassment. Abate Angore, who headed the members' affairs department, was arrested in March 1996 and spent two months in detention for protesting a police raid on ETA premises. On September 21, 1996, he was again arbitrarily detained in the Southern Region when regional authorities found ETA literature with him. He was released in mid-March 1997. ETA reports that as of mid-year at least seventy teachers were held in Arbe Minch because regional authorities suspected them of loyalty to the ETA. Despite legal provisions requiring only that authorities be notified prior to political meetings and demonstrations, the government restricted freedom of assembly by a de facto permit system, routinely dispersing "illegal" events. In order to obtain an early release, demonstrators detained during protests in Addis Ababa in March and May had to submit written petitions admitting illegal actions and promising not to participate in demonstrations in the future.

The trial of the seventy-two top-ranking officials of the Derg is still pending. It opened in December 1994 with forty-seven defendants before the court and the rest tried in absentia. In February, the special prosecutor stated that his office had brought charges, mainly for the crime of genocide, against a total of 5,198 persons, 2,246 of whom had been in detention by that time for up to five years, while the remaining 2,952 were charged in absentia. In March, three new trials of Derg-era defendants opened before the Federal High Court in Addis Ababa. The new trials immediately ran into delays similar to the ones that marked the first Derg trial. On the other hand, defendants who were to stand trial before regional high courts were still waiting for their trials to start as of this writing. A serious crisis in the Ethiopian judiciary had left federal courts with a backlog of some 70,000 "ordinary cases."

The judiciary remains in deep crisis. The government purged dozens of qualified judges, mainly on political grounds, following the 1991 political change. In addition, the restructuring of the judiciary into federal and regional court systems led to further delays, which were aggravated by the lack of resources and trained personnel. The credibility of the new police force, which the government said would be established under civilian control and made accountable before the law, suffered a serious setback as a result of the reported role of the police in the killing in May 1997 of Assefa Maru. Efforts to establish a human rights commission and ombudsman under the auspices of the Council of Peoples' Representatives have yet to produce tangible results.

## **The Right to Monitor**

The government continued to deny the human rights monitoring Ethiopian Human Rights Council legal status, while refusing to respond to its reports and petitions on behalf of individual victims of alleged abuses, claiming that it was a "political" organization. The organization's bank account was frozen in 1995, although its work from its Addis Ababa office has been tolerated. In December 1996, a group of activists founded a Human Rights League, which, by early November 1997, was also denied status as a legal entity: six board members of the league were among the Oromo leaders detained in November. Two of them, the elderly Hussein Abdi and Beyene Belissa, were reportedly ill-treated in police custody. The Ogaden Human Rights Committee, established in 1995, continued to operate

CLANDESTINELY FOLLOWING THE CLOSURE OF ITS OFFICE, IN GODE, SOMALI REGION, AFTER A NIGHT RAID IN JUNE 1996. IT PUBLISHED ITS REPORTS OUTSIDE THE COUNTRY. THE OROMO EX-PRISONERS FOR HUMAN RIGHTS GROUP WAS ALSO FORCED INTO HIDING BUT CONTINUED TO MONITOR THE HUMAN RIGHTS SITUATION IN OROMIYA REGIONAL STATE AND TO PUBLISH ITS REPORTS OUTSIDE THE COUNTRY.

THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) REPORTED THAT SINCE THE BEGINNING OF THE YEAR ITS DELEGATES HAVE BEEN ABLE TO CONDUCT VISITS TO AN INCREASING NUMBER OF DETENTION CENTERS AND PRISONS, TO ASSESS DETENTION CONDITIONS, AND TO EXTEND LIMITED ASSISTANCE TO DETAINEES. THE ICRC ALSO PUBLICLY REPORTED THAT REPRESENTATIONS IT MADE TO AUTHORITIES ON DETENTION CONDITIONS HAD IN VARIOUS CASES LED TO IMPROVEMENTS. FOR 1996, THE ICRC REPORTED THAT IT HAD VISITED 6,117 PERSONS HELD IN 129 PLACES OF DETENTION IN CONNECTION WITH THE CHANGE OF REGIME IN 1991, OR FOR REASONS LINKED TO NATIONAL SECURITY, AND REGISTERED 3,537 NEW DETAINEES. HUMAN RIGHTS WATCH VISITED ETHIOPIA IN JULY AND AUGUST 1997 AND MET WITH OFFICIALS AND HUMAN RIGHTS WORKERS.

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

### **The European Union and the World Bank Consultative Group**

IN DECEMBER 1996 ETHIOPIA HOSTED THE MEETING OF ITS WORLD BANK-SPONSORED CONSULTATIVE GROUP, THE FIRST SUCH MEETING HELD IN AFRICA. FIFTEEN BILATERAL AND TWELVE MULTILATERAL DONORS PARTICIPATED, TOGETHER WITH A GOVERNMENT TEAM HEADED BY PRIME MINISTER MELES ZENAWI. DONOR DELEGATES APPLAUDED ETHIOPIA'S ACHIEVEMENTS IN MACROECONOMIC AND STRUCTURAL ADJUSTMENT PROGRAMS AND URGED THE GOVERNMENT TO IMPROVE ITS PARTNERSHIP WITH CIVIL SOCIETY THROUGH INCREASED DIALOGUE AND CONSULTATIONS WITH GROUPS AFFECTED BY THE ECONOMIC POLICIES. AT THE END OF THE MEETING, THEY PLEDGED OVER US\$2.5 BILLION IN NEW COMMITMENTS FOR THE FISCAL YEARS 1996/97 THROUGH 1998/99.

REFLECTING THE PREVAILING INCLINATIONS IN DONOR CIRCLES, THE EUROPEAN COMMISSIONER FOR DEVELOPMENT AND EXTERNAL RELATIONS WITH AFRICAN, CARIBBEAN, AND PACIFIC COUNTRIES, PROFESSOR JOAO DE DEUS PINHEIRO, INDICATED ON FEBRUARY 4, 1997, THAT THE E.U. HAD INCREASED ITS GRANTS TO ETHIOPIA, KENYA AND UGANDA BY BETWEEN 10 AND 45 PERCENT. ASKED WHETHER E.U. AID WAS TIED TO HUMAN RIGHTS IMPROVEMENTS, PINHEIRO SAID ONE HAD TO BE PRAGMATIC IN MAKING FUNDING DECISIONS: "YOU CANNOT ISOLATE HUMAN RIGHTS FROM THE BASIC RIGHTS OF THE CITIZEN TO FOOD, SHELTER, OPPORTUNITIES . . . ALL THESE THINGS ARE IMPORTANT IN ASSESSING THE PROGRESS OF A COUNTRY." ACCORDING TO THE AMBASSADOR OF A MAJOR BILATERAL DONOR COUNTRY, HIGH-RANKING ETHIOPIAN OFFICIALS OFTEN ARTICULATED SIMILAR ARGUMENTS WHEN FOREIGN DIPLOMATS RAISED SPECIFIC HUMAN RIGHTS CONCERNS AND CALLED FOR GOVERNMENT INVESTIGATIONS OF REPORTED ABUSES.

ON FEBRUARY 25, 1997, DELEGATIONS FROM THE WORLD BANK AND THE EUROPEAN COMMISSION, MET TO DISCUSS ISSUES CONCERNING A COLLABORATIVE EFFORT IN AFRICA. THE EUROPEAN COMMISSION AND WORLD BANK TEAMS AGREED TO CONCENTRATE THEIR EFFORTS ON POVERTY ALLEVIATION AND PRIVATE SECTOR DEVELOPMENT IN THREE COUNTRIES: MOZAMBIQUE, ETHIOPIA, AND THE IVORY COAST. THE E.U.'S DEVELOPMENT COMMISSIONER STRESSED THAT GROWTH, THE DEVELOPMENT OF HUMAN RESOURCES, AND THE REDUCTION OF POVERTY MUST GO HAND IN HAND WITH RESPECT FOR HUMAN RIGHTS, DEMOCRATIC PRINCIPLES, AND THE RULE OF LAW. DESPITE THIS, THE E.U. AND THE DONOR COMMUNITY AT LARGE HAD YET TO BRING MEANINGFUL PRESSURE TO ENCOURAGE ETHIOPIA TO COMPLY WITH HUMAN RIGHTS AND OTHER GOOD GOVERNANCE BENCHMARKS.

SEPTEMBER 19, 1997, THE EUROPEAN PARLIAMENT PASSED A RESOLUTION CONDEMNING HUMAN RIGHTS VIOLATIONS BY ETHIOPIAN SECURITY FORCES, SEEKING THE RELEASE OF ALL PRISONERS OF CONSCIENCE AND RESPECT FOR FREEDOM OF THE PRESS. THE KILLING OF ASSEFA MARU REPORTEDLY JOLTED THE GOVERNMENT OF THE UNITED KINGDOM INTO FREEZING THE RENEWAL OF AN AID PACKAGE EARMARKED FOR THE MODERNIZATION AND TRAINING OF THE POLICE FORCE. WHEN THE U.K. LATER OFFERED A REVISED VERSION OF THE AGREEMENT, INCORPORATING HUMAN RIGHTS VALUES IN THE TRAINING AND REFERENCE TO JUDICIAL OVERSIGHT, THE ETHIOPIAN SIDE REPORTEDLY REJECTED THE TRAINING. DIPLOMATIC TENSIONS DEVELOPED BETWEEN THE TWO COUNTRIES WHEN THE U.K. PRESSED IN VAIN FOR THE GOVERNMENT TO OPEN AN INDEPENDENT INVESTIGATION OF THE INCIDENT. THE E.U. AND OTHER DONORS SUPPORTED PREPARATIONS SPONSORED BY THE COUNCIL OF PEOPLES' REPRESENTATIVES TO



CONVENE AN INTERNATIONAL CONFERENCE IN DECEMBER 1997 FOR CONSULTATIONS ON THE CREATION OF A HUMAN RIGHTS COMMISSION AND THE OFFICE OF A HUMAN RIGHTS OMBUDSMAN.

## **United States**

ETHIOPIA RANKED SECOND AMONG RECIPIENTS OF U.S. BILATERAL ECONOMIC ASSISTANCE IN AFRICA IN FISCAL YEAR 1997, WITH APPROXIMATELY \$104.6 MILLION IN U.S. AID. PRIVATE U.S. TRADE AND INVESTMENT ACTIVITIES ALSO GREW SIGNIFICANTLY, WITH SOME 120 U.S. INVESTORS STARTING OPERATIONS IN THE COUNTRY. ASSISTANCE REFLECTED THE INCREASING RELIANCE OF THE U.S. ON ETHIOPIA AS THE LINCHPIN OF ITS STRATEGY FOR THE CONTAINMENT OF THE SPREAD OF MILITANT POLITICAL ISLAM IN THE REGION AND THE STABILIZATION OF SOMALIA.

THE U.S. RENEWED BILATERAL MILITARY ASSISTANCE TO ETHIOPIA AFTER THE FALL OF THE DERG, PROVIDING TRAINING IN DEMINING, BASIC SOLDIERING SKILLS, AND IN THE AREA OF MILITARY JUSTICE. IN NOVEMBER 1996, THE U.S. ANNOUNCED THAT IT WAS SUPPLYING ETHIOPIA, UGANDA, AND ERITREA WITH MILITARY HARDWARE TOTALING \$20 MILLION IN A PROGRAM INTENDED TO "CONTAIN" SUDAN. IN LATE SEPTEMBER 1997, A U.S. OFFICIAL STATED THAT THE GOVERNMENT WAS GOING TO INCREASE THE LEVELS OF ITS MILITARY AID TO THESE "FRONT LINE STATES," WHILE ENGAGING THE GOVERNMENT OF SUDAN IN AN AGGRESSIVE DIALOGUE MEANT TO PRESS IT INTO ABANDONING ITS SUPPORT OF ISLAMIST GROUPS IN THE REGION. ETHIOPIA WAS ALSO AMONG THE FIRST FIVE COUNTRIES CHOSEN FOR U.S. TRAINING FOR PEACEKEEPING WITHIN THE U.S. INITIATIVE KNOWN AS THE AFRICAN CRISIS RESPONSE INITIATIVE.

OFFICIALS OF THE CLINTON ADMINISTRATION RARELY USED THESE CLOSE ECONOMIC AND STRATEGIC TIES TO PRESS ETHIOPIA FOR CONCRETE HUMAN RIGHTS IMPROVEMENTS. THE U.S. AMBASSADOR TO ETHIOPIA FREQUENTLY VOICED SUPPORTIVE STATEMENTS ON ITS POSITIVE ACHIEVEMENTS, WHILE REMAINING LARGELY SILENT ON RIGHTS ABUSES; IN CONTRAST, THE DEPARTMENT OF STATE'S ANNUAL COUNTRY REPORTS ON ETHIOPIA PROVIDED FAIRLY ACCURATE DESCRIPTIONS OF THE STATE OF HUMAN RIGHTS THERE. THE STATEMENT BY THE THEN SECRETARY OF STATE WARREN CHRISTOPHER DURING HIS OCTOBER 1996 VISIT, IN WHICH HE CALLED ON THE ETHIOPIAN GOVERNMENT TO RESPECT THE FREEDOM OF THE PRIVATE PRESS AND ABIDE BY OTHER HUMAN RIGHTS STANDARDS, WAS A RARE AND WELCOME EXCEPTION TO THIS PATTERN.

## **KENYA**

### **Human Rights Developments**

LEVELS OF VIOLENCE STEADILY ROSE THROUGHOUT THE YEAR AS THE EARLY 1998 DEADLINE FOR ELECTIONS DREW CLOSER. THE CRISIS WAS PRECIPITATED BY THE GOVERNMENT'S REFUSAL TO ENACT PREVIOUSLY PROMISED REFORMS TO ALLOW GENUINE POLITICAL LIBERALIZATION. NATIONAL AND INTERNATIONAL PRESSURE INCREASED ON PRESIDENT MOI TO TAKE STEPS TO ADDRESS THE LACK OF ACCOUNTABILITY AND CORRUPTION THAT HAVE CHARACTERIZED HIS NINETEEN-YEAR RULE. PRESIDENT MOI RESPONDED WITH A CHARACTERISTIC COMBINATION OF RECALCITRANCE AND HEAVY-HANDED BRUTALITY, ALL THE WHILE MAKING PROMISES TO BRING ABOUT CHANGE THAT IT FAILED TO BE IMPLEMENTED.

THROUGHOUT THE YEAR, MEASURES TO RESTRICT THE ACTIVITIES OF THE POLITICAL OPPOSITION AND TO UNDERMINE A NATIONAL VOTER REGISTRATION PROCESS CONTINUED. BY YEAR'S END, THE GOVERNMENT'S ACTIONS LEFT GRAVE DOUBTS AS TO WHETHER A FREE AND FAIR MULTIPARTY ELECTION IN KENYA WAS POSSIBLE. OPPOSITION SUPPORTERS CONTINUED TO COMPLAIN OF DISRUPTION OF THEIR MEETINGS BY POLICE OR LOCAL AUTHORITIES, AS WELL AS THE DENIAL OF PERMITS TO HOLD MEETINGS BY POLICE OR LOCAL AUTHORITIES. THE NATIONAL ELECTORAL COMMISSION REMAINED A PRESIDENTIALLY-APPOINTED BODY AND WAS BLATANTLY USED BY THE GOVERNMENT TO ITS ADVANTAGE. BY REJECTING ALL BUT NEW NATIONAL IDENTITY CARDS AS A BASIS TO RECEIVE VOTER REGISTRATION CARDS AND DENYING THE NEW CARDS TO MANY, THE PROCEDURE WAS MANIPULATED TO DISENFRANCHISE AN ESTIMATED ONE MILLION ELIGIBLE VOTERS. THE GOVERNMENT CONTINUED TO IGNORE OR DENY REGISTRATION APPLICATIONS FROM OVER A DOZEN POLITICAL PARTIES, INCLUDING SAFINA, A PARTY FORMED BY TOP MEMBERS OF THE KENYAN OPPOSITION IN 1995 AND HEAVILY ATTACKED BY PRESIDENT MOI AT THE TIME. THE BLOCK ON REGISTRATION EXACERBATED POLITICAL STRUGGLES BETWEEN FACTIONS IN THE OPPOSITION PARTIES SINCE NO NEW PARTIES COULD BE FORMED. THE

GOVERNMENT CONTINUED TO CURB FREE SPEECH BY NOT RELINQUISHING ITS MONOPOLY ON THE BROADCAST MEDIA, SEVERELY RESTRICTING THE ABILITY OF THE POLITICAL OPPOSITION TO DISSEMINATE INFORMATION, WHILE USING THE MEDIA TO PROMOTE THE RULING PARTY.

By mid-year, a pro-democracy alliance made up of the political opposition, religious, and human rights groups, had organized to call for the repeal of laws (some dating back to the colonial period) that allowed Moi to manipulate the political system to his advantage. Among those that violated international standards included the Preservation of Public Security Act, that allowed indefinite detention without trial and restrictions on freedom of movement; the Public Order Act, that restricted freedom of association; the Defamation Act and Penal Code provisions on sedition, that restricted the right to freedom of expression; and the Societies Act, that restricted registration of associations, including political parties and trade unions.

Peaceful rallies and strikes called by the pro-democracy alliance, the National Convention Executive Council (NCEC), were met with force and in one case resulted in violent protest action. The police brutally dispersed rallies on May 31, July 7, August 9, and October 10. Ultimately, thirteen pro-democracy protesters were killed by police using teargas, bullets and batons and some 500 people were arrested. During the course of the dispersals, protesters were shot at point-blank range. Police even stormed the Anglican Cathedral where a prayer meeting was underway, tear-gassing and clubbing parishioners. During the August 9 rally, two police were beaten to death by protesters.

Following international and national pressure, President Moi ordered police to stop breaking up the non-violent political protests and promised limited reforms. In the face of the political pressure, the government ordered the attorney-general to issue draft bills to repeal some of the repressive laws and announced the creation of a parliamentary commission to review the constitution and to reevaluate laws used to stifle debate. However, these efforts did not translate into meaningful changes. For instance, the proposed Peaceful Assemblies Bill that was to replace the Public Order Act continued to retain restrictive provisions such as the wide discretionary rights of local government officials to close down meetings. The government also remained firm on its refusal to have any constitutional reform prior to the elections on the grounds that time was short. Opposition leaders said that the proposed reforms did not go far enough and pointed out that constitutional reform had been promised by the government after the last 1992 election. Nonetheless, the pro-democracy alliance suspended its campaign of civil disobedience in August to allow a group of clergymen to mediate. In July, the government announced that it would introduce further legal reforms and set up a commission to look into constitutional reforms.

Kenya's universities continued to be targeted by police in 1997, and a climate of fear and intimidation gripped the universities after four students were killed at three different campuses. On December 17, 1996, Festus Okong'o Etaba, a first-year student at Egerton University, was shot and killed by police during a student demonstration seeking a partial refund of fees. The following day, police shot and killed Kenneth Makokha Mutahi and Eric Kamundi, who were among a group of students at Kenyatta University who had gathered peacefully to mourn the death of Mr. Etaba and to protest the use of lethal force by police against unarmed students. On February 23, Solomon Muruli, a Nairobi University student leader, was killed after a suspicious early morning explosion and fire in his dormitory room. The university was briefly closed by the government in February following a student protest over Muruli's death. The university was again a target of a police raid during the pro-democracy rallies: After breaking up one of them, police raided the university and attacked students at the architecture faculty while they were sitting their exams. The students were beaten and shot and a professor was left unconscious with broken bones. By October, the government had yet to hold anyone responsible for any of these incidents. The deaths of the students were only the most visible and dramatic consequences of a deep crisis at Kenya's universities.

In August, a series of ethnically-driven attacks in the Coast Province killed some forty people and displaced over 120,000. The attacks, by armed gangs from coastal ethnic groups, razed businesses and homes belonging to people from inland tribes. Leaflets were distributed in some areas in which certain groups were attacked which

stated "The time has come for us original inhabitants of the coast to claim what is rightly ours. We must remove these invaders from our land." Several people were killed by machetes. The warnings and the attacks were strikingly similar to the "ethnic" violence which had taken place prior to the 1992 elections in the Rift Valley, and targeted some of the same ethnic groups. In those attacks, substantial evidence showed that the Moi government had been behind the attacks against ethnic groups perceived to support the political opposition. Since the violence followed shortly after voter registration ended, some Kenyan human rights activists surmised that the attacks at the coast had been instigated by the government, after voter registration data had indicated that it would lose the coast province. The government maintained that the violence was the work of local criminals taking advantage of the volatile political climate. Some 300 arrests were made by the police, including several ruling party members, and strong statements condemning the violence were made by the government. However, by October it was still unclear who was behind the violence, although the gangs had reportedly been organized and trained some months prior to the attacks.

The government continued to consolidate the political gains of the state-sponsored "ethnic" violence of the early 1990s. At that time, some 300,000 people from ethnic groups perceived to support the opposition were driven from their land in large-scale attacks. The government instigated the violence after it was forced to concede to demands for a multiparty system, in order to punish and disenfranchise ethnic groups associated with the opposition, while rewarding its supporters with illegally obtained land. This land, located largely in Rift Valley Province, is in an area which boasts the largest number of parliamentary seats and some of the most fertile land in the country. Throughout the year, local government officials continued to countenance fraudulent land transfers and land sales under duress in Rift Valley Province further entrenching the gains.

Street children in Kenya continued to be the subject of harassment and abuse by Kenyan police. They were subject to frequent arrests and group roundups simply because they were homeless. Although government officials asserted that the children were rounded up with the intention of helping the children, the manner in which the children were treated, both by police and in the institutions where they were housed, belied this. Children were routinely beaten by police and held in station lockups, with adults, for days and even weeks before they were charged and remanded to detention centers for long periods of time pending adjudication of their cases. The complex and outdated legal provisions and enforcement mechanisms resulted in the criminalization and mistreatment of street children.

The government continued to use the judiciary for political ends. No progress was made during 1997 by the legal task forces formed by the attorney general in 1993 to amend or repeal repressive legislation. The trial of prominent opposition figure Koigi wa Wamwere and two others on charges of armed robbery continued on appeal, although by January, the government had released them all on bail. The lower court trial which resulted in a prison sentence in 1995 was criticized by local and international human rights and bar organizations for not conforming to international standards.

In July, the Kenyan government cooperated with the International Criminal Tribunal on Rwanda and arrested eighty Rwandan genocide suspects, pending formal application for their extradition. Seven of the arrested Rwandans were indicted by the tribunal on charges of genocide and were handed over by the Kenyan authorities to the tribunal in Arusha, Tanzania. The arrests were significant since those arrested were among the most prominent of the alleged perpetrators that had sought asylum in Kenya, and President Moi had previously stated that he would not cooperate with the tribunal. Unfortunately, the arrests of the seven Rwandans was followed by a sweep of arrests against foreigners in Kenya, including a number of duly recognized refugees. Some were held without charge for short periods in order to extort money.

## **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, Center for Governance and Democracy, 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, Public Law Institute, and Release Political Prisoners (RPP). The National Council of Churches of Kenya (NCCK) and the Catholic Church were also outspoken on human rights issues.

In particular, the National Convention Executive Council (NCEC), a pro-democracy alliance, made up of a coalition of religious, human rights and political groups, came under strong government attack in 1997. The demonstrations and rallies organized by the NCEC were forcibly dispersed and the NCEC was heavily criticized by the government for calling for democratic reforms. Two Kenyan television editors were suspended from their jobs from July to October after screening footage of police brutality at the Anglican Cathedral. Two nongovernmental organizations that work with street children reported that their staff members were harassed by Nairobi police for their attempts to help street children (these organizations requested anonymity). One staff member was arrested along with street children during a street sweep.

The government-sponsored Human Rights Committee, formed in May 1996, was virtually silent in the face of human rights abuses in 1997, giving credence to the widespread belief that this body was created merely to offset international criticism of Kenya's record.

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

Prior to the 1992 elections, Kenya's main donors played a key role in pushing the government to concede to domestic demands for a multiparty system. Since then, donor pressure waned significantly despite continuing human rights abuses in Kenya, and aid was steadily resumed on the basis of economic reforms. In 1997, donors took a more unified public stand around human rights, although they stopped short of placing human rights conditions on donor aid. In a series of joint statements, several donor countries criticized the deteriorating human rights situation in Kenya.

In February, the U.S. and Japan issued a joint statement condemning police brutality against opposition party members. In April, the U.S., the European Union and Japan condemned inflammatory racist remarks made by senior opposition party members against members of the Kenyan Asian community. The same month, the U.K., U.S., Japan and twelve European embassies issued a joint statement condemning the harassment of opposition leaders and called on the government to "allow political leaders, candidates and all citizens freedom of speech and assembly, which are essential to free and fair elections." In May, twenty-two embassies, including those of all of Kenya's main aid donors, presented a joint position to the Kenyan government that outlined areas of concern including access to the ballot, access to the electorate, access to information, and freedom of assembly. In June, another joint statement was issued that called on the Kenyan government to protect its citizens from violence and to uphold their rights of freedom of expression, assembly and association. In July, in response to the police attacks on peaceful demonstrators, the same alliance condemned the police brutality and called on President Moi to have an "open and frank" dialogue with the opposition.

A consultative group meeting of all Kenya's donors scheduled for July 11 to discuss new aid commitments was postponed by the government. By October, no new date had been set. In response to the mounting international criticism, President Moi attacked "foreigners" for telling Kenyans what to do and called on the international pressure to end, stating "they should understand that the country and its people have been pushed far enough."

In July, the International Monetary Fund suspended its Enhanced Structural Adjustment Facility, a U.S. \$220 million loan agreement, that had been signed in 1995, because the government had not taken sufficient steps to combat corruption. This was followed by similar action on the part of the World Bank that suspended a \$71.6 million Structural Adjustment credit to Kenya pending action on economic reform. Although human rights abuses did not prompt the decisions of the international financial institutions, the suspensions coincided with international censure over the government's brutal crackdown on pro-democracy advocates, and contributed to the

MOUNTING PRESSURE FOR MOI TO TAKE STEPS TO REFORM.

## European Union

FOLLOWING THE POLICE BRUTALITY AGAINST THE PRO-DEMOCRACY ALLIANCE RALLIES, THE EUROPEAN PARLIAMENT ADOPTED A RESOLUTION ON MAY 15 URGING THE EUROPEAN COUNCIL AND THE EUROPEAN COMMISSION TO LOOK INTO THE SITUATION. THE EUROPEAN PARLIAMENT ALSO REQUESTED THAT THE GOVERNMENT OF KENYA FIND OUT WHO WAS RESPONSIBLE FOR THESE ATTACKS AND BRING THEM TO JUSTICE. ON JULY 15, 1997, RESPONDING TO A QUESTION FLOORED BY GRAHAM WATSON, BRITISH MEP, CONCERNING THE UPCOMING ELECTIONS IN KENYA, COMMISSIONER JOAO DE DEUS PINHEIRO REPLIED BY SAYING THAT IF THE ELECTIONS WERE NOT HANDLED FAIRLY, THE EUROPEAN UNION MIGHT CONSIDER CUTTING AID.

THE EUROPEAN PARLIAMENT ADOPTED A RESOLUTION ON JULY 17 THAT CONDEMNED HUMAN RIGHTS VIOLATIONS IN KENYA. THE RESOLUTION REQUESTED THAT THE KENYAN GOVERNMENT STOP ALL FORMS OF REPRESSION AND VIOLATIONS OF THE FREEDOM OF EXPRESSION AS WELL AS ENSURING THAT THE UPCOMING ELECTIONS WOULD BE HELD IN A FAIR MANNER. COMMISSIONER SIR LEON BRITTON STATED THAT THE EUROPEAN UNION (E.U.) WAS DEEPLY CONCERNED WITH THE WORSENING SITUATION IN KENYA. HE ALSO STATED THAT THE EUROPEAN COMMISSION WAS CURRENTLY DISCUSSING THESE CONCERNS WITH THE KENYAN GOVERNMENT WITH THE ASSISTANCE OF THE DONOR'S DEMOCRATIC DEVELOPMENT GROUP.

FOLLOWING POLICE BRUTALITY AT THE AUGUST 9 PRO-DEMOCRACY RALLY, THE E.U. ISSUED A DECLARATION CONDEMNING THE VIOLENCE. THE E.U. REQUESTED THAT THE GROUPS RESPONSIBLE FOR THE RECENT OUTBREAKS OF VIOLENCE CEASE THEIR ACTIONS AND SETTLE THEIR DIFFERENCES IN A PEACEFUL FASHION. ON SEPTEMBER 19, 1997, THE EUROPEAN PARLIAMENT ADOPTED A RESOLUTION STATING THAT IT "STRONGLY CONDEMN[S] ALL INCIDENTS OF POLITICAL VIOLENCE ORGANIZED BY STATE SECURITY FORCES." THIS RESOLUTION ALSO REQUESTED E.U. SUPPORT TO MAKE SURE THAT THE FORTHCOMING ELECTIONS WILL BE CONDUCTED IN A FAIR MANNER. THE EUROPEAN PARLIAMENT ALSO REQUESTED THE E.U. TO MONITOR THE HUMAN RIGHTS SITUATION AND TO PROVIDE AID TO THE REFUGEES IN THE MOMBASA REGION. THIS RESOLUTION CAME IN THE WAKE OF THE ETHNICALLY-BASED VIOLENCE IN THE COAST PROVINCE THAT LEFT TENS OF THOUSANDS HOMELESS.

## United States

THE U.S. ADOPTED A NOTABLY MORE FIRM AND PUBLIC STAND ON HUMAN RIGHTS IN 1997. THIS CHANGE COULD BE CREDITED LARGELY TO THE APPOINTMENT OF AMBASSADOR PRUDENCE BUSHNELL IN OCTOBER 1996, AND THE IMPORTANCE NEWLY ACCORDED TO HUMAN RIGHTS IN BOTH BILATERAL AND MULTILATERAL SETTINGS. THE YEAR WAS MARKED BY PUBLIC STATEMENTS CONDEMNING HUMAN RIGHTS VIOLATIONS. IN FEBRUARY, THE U.S. EMBASSY ISSUED A STATEMENT DEPLORING THE DEATH OF STUDENT ACTIVIST MURULI. IN JULY, THE U.S. AMBASSADOR OBSERVED THAT THE PRE-CONDITIONS FOR FREE AND FAIR ELECTIONS WERE NOT YET IN PLACE" AND THAT THE GOVERNMENT'S ACTIONS "LIMIT THE CHOICE OF THE PEOPLE AND DO NOT REFLECT GREAT PROGRESS IN EFFORTS TO STRENGTHEN DEMOCRACY." THE STATE DEPARTMENT ALSO PUBLICLY DEPLORED THE POLICE BRUTALITY AND IN A STRONGLY-WORDED STATEMENT NOTED THAT "[t]HE REAL SOURCE OF POLITICAL VIOLENCE IN KENYA IS NOT JUST THE GOVERNMENT'S UNACCEPTABLE "STRONG-ARM" TACTICS, BUT ITS FAILURE TO TAKE THE ESSENTIAL, CONCRETE STEPS TO CREATE A FREE AND FAIR ELECTORAL CLIMATE." IN AUGUST, AMBASSADOR BUSHNELL STATED UNEQUIVOCALLY THAT "THE U.S. WILL NOT BE A SILENT WITNESS TO HUMAN RIGHTS ABUSES. WE WILL CONDEMN THE USE OF EXCESSIVE FORCE. WE CALL ON THE GOVERNMENT AND OPPOSITION ALIKE TO RESPECT THE RIGHTS GUARANTEED TO KENYANS UNDER THEIR CONSTITUTION AND INTERNATIONAL CONVENTIONS."

IN JULY, THE AFRICA SUBCOMMITTEE OF THE HOUSE INTERNATIONAL AFFAIRS COMMITTEE HELD HEARINGS ON "U.S. POLICY TOWARD KENYA." IN AUGUST, A BIPARTISAN GROUP OF U.S. SENATORS SENT A LETTER TO PRESIDENT MOI CALLING FOR THE GOVERNMENT TO END THE VIOLENCE AND TO INITIATE CONSTITUTIONAL REVIEW. IN 1997, U.S. AID TO KENYA TOTALLED U.S. \$34 MILLION, INCLUDING HUMANITARIAN AID. APPROXIMATELY TWO-THIRDS OF THIS AID WAS ALLOCATED TO PROGRAM ASSISTANCE, WHICH WAS DIRECTLY ALMOST ENTIRELY TO NONGOVERNMENTAL ORGANIZATIONS.

## Relevant Human Rights Watch reports:

*FAILING THE INTERNALLY DISPLACED: THE UNDP DISPLACED PERSONS PROGRAM IN KENYA, 6/97*

## LIBERIA

### Human Rights Developments

ON JULY 19, 1997, LIBERIA'S SEVEN-YEAR CIVIL WAR WAS FINALLY ENDED THROUGH AN ELECTION THAT SWEEPED FORMER FACTION LEADER CHARLES TAYLOR AND HIS PARTY, THE NATIONAL PATRIOTIC PARTY (NPP), INTO POWER WITH 75 PERCENT OF THE VOTE. THOUSANDS OF LIBERIANS WERE KILLED DURING THE WAR. ALMOST HALF THE POPULATION REMAINED DISPLACED, AND THE COUNTRY'S INFRASTRUCTURE WAS VIRTUALLY DESTROYED. DESPITE THE PRESENCE OF REGIONAL PEACEKEEPERS SINCE 1990, JOINED BY A UNITED NATIONS (U.N.) MILITARY OBSERVER MISSION IN OCTOBER 1993, FIGHTING RESUMED NUMEROUS TIMES IN THE COURSE OF THE WAR, AND THE NUMBER OF FACTIONS PROLIFERATED OVER THE YEARS. ALL THE FACTIONS WERE RESPONSIBLE FOR TERRORIZING THE LOCAL POPULATIONS IN ORDER TO LOOT AND TO DISCOURAGE SUPPORT FOR RIVAL FACTIONS. THE WIDESPREAD ATROCITIES AGAINST CIVILIANS INCLUDED EXTRAJUDICIAL EXECUTIONS; TORTURE, INCLUDING RAPE; FORCED LABOR; AND EXTORTION. THE FACTIONS CONSISTED PREDOMINANTLY OF BANDS OF ARMED FIGHTERS, MANY AS YOUNG AS TEN YEARS OF AGE, WITH NO FORMAL MILITARY TRAINING.

ULTIMATELY, OVER A DOZEN PEACE ACCORDS AND ALMOST TWENTY CEASE-FIRE AGREEMENTS WERE SIGNED DURING THE COUNTLESS NEGOTIATIONS FOR PEACE. THE REPEATED BREAKDOWN OF THE PEACE PROCESS COULD BE ATTRIBUTED TO A NUMBER OF FACTORS INCLUDING: THE CREATION AND SUPPORT OF ANTI-TAYLOR FACTIONS BY THE FORMER GOVERNMENT ARMY AND THE REGIONAL PEACEKEEPING FORCE; THE INTERNAL FACTIONALIZATION OF EXISTING ARMED GROUPS ON ETHNIC LINES; ECONOMIC INCENTIVES FOR THESE GROUPS TO CONTINUE THE WAR; THE REGIONAL PEACEKEEPERS' LACK OF ADEQUATE LEADERSHIP, TRAINING, AND FINANCING; AND THE FAILURE OF THE U.N. MILITARY OBSERVER MISSION TO ADDRESS THE PROBLEMS IN THE REGIONAL PEACEKEEPING FORCE, THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES CEASE FIRE MONITORING GROUP (ECOMOG).

THE TIMETABLE FOR DISARMAMENT, DEMOBILIZATION, AND ELECTIONS THAT BROUGHT THE CONFLICT TO AN END WAS AGREED TO BY THE FACTIONS IN AUGUST 1996, UNDER THE AUSPICES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS), FOLLOWING AN APRIL 1996 KILLING AND LOOTING SPREE BY THE FACTIONS IN MONROVIA. ACCORDING TO THE PEACE ACCORD, ECOMOG WAS TO DEPLOY TO CREATE A SERIES OF SAFE HAVENS THROUGHOUT THE COUNTRY BEGINNING ON NOVEMBER 7, 1996; DISARMAMENT AND DEMOBILIZATION OF COMBATANTS, AND REPATRIATION OF REFUGEES WAS TO PROCEED FROM NOVEMBER 22 THROUGH JANUARY 21, 1997; AND ELECTIONS WERE SCHEDULED FOR MAY 30, 1997.

ALTHOUGH THIS TIMETABLE WAS DELAYED SOMEWHAT AND NOT ALL THE OBJECTIVES WERE ACHIEVED—PARTICULARLY THE RETURN OF REFUGEES AND THE DEMOBILIZATION OF COMBATANTS—DISARMAMENT BEGAN ON NOVEMBER 22, 1996, AND WAS CONCLUDED AFTER A SEVEN-DAY EXTENSION ON FEBRUARY 7, 1997. SOME 21,315 COMBATANTS, INCLUDING 4,360 CHILDREN AND 250 WOMEN, WERE DISARMED OUT OF AN ESTIMATED TOTAL OF 33,000. THE FIGHTERS DEMOBILIZED RANGED FROM SIX-YEAR OLDS TO PEOPLE IN THEIR SEVENTIES.

THE U.N. ESTIMATED THAT SOME 15,000 TO 20,000 CHILDREN HAD DIRECTLY PARTICIPATED IN VIOLENT ACTS, WERE FORCED TO KILL OR MAIM, WERE EXPOSED TO FIGHTING, AND WERE THEMSELVES BRUTALLY VICTIMIZED. SOME FOUGHT WITH FACTIONS AS A MEANS OF SURVIVAL. THE PHYSICAL AND PSYCHOLOGICAL STATUS OF THESE CHILDREN VARIED FROM PLACE TO PLACE, BUT THEY ALL SHARED TRAUMA, UNCERTAINTY ABOUT THEIR FUTURE, INSECURITY, AND ABOVE ALL, A DESIRE TO GO BACK TO SCHOOL OR TO LEARN SOME TRADE. UNFORTUNATELY, THE DEMOBILIZATION PROGRAMS FOR FORMER FIGHTERS DID NOT ADEQUATELY ADDRESS THE NEEDS OF CHILD SOLDIERS.

ALTHOUGH NOT ALL WEAPONS WERE TURNED IN AND THE COMMAND STRUCTURES WITHIN THE FACTIONS REMAINED INTACT FOR THE MOST PART, THE COLLECTION OF SOME 10,000 WEAPONS AND 1.24 PIECES OF AMMUNITION RESULTED IN A NOTABLE DEMILITARIZATION OF THE SOCIETY. DURING THE LAST WEEKS OF THE VOLUNTARY DISARMAMENT PERIOD, THERE WAS A DRAMATIC INCREASE IN THE NUMBERS OF WEAPONS COLLECTED, ALTHOUGH THE FACTIONS CONTINUED TO HOARD WEAPONS. DISCOVERIES OF HIDDEN WEAPONS CONTINUED WELL AFTER THE END OF VOLUNTARY DISARMAMENT, AND SOME 3,750 WEAPONS AND 152,500 PIECES OF AMMUNITION WERE UNCOVERED SHORTLY BEFORE THE ELECTION THROUGH CORDON AND SEARCH OPERATIONS BY ECOMOG.

DUE TO THE SHORT TIMETABLE FOR THE IMPLEMENTATION OF THE PEACE PROCESS, LITTLE MORE THAN CONFISCATION OF WEAPONS OCCURRED BEFORE THE ELECTION. COMBATANTS WERE NOT SYSTEMATICALLY GIVEN PSYCHOLOGICAL COUNSELING, TRAINING OR OTHER VOCATIONAL OPPORTUNITIES, OR EVEN TRANSPORTED AND INTEGRATED INTO THEIR HOME COMMUNITIES. THE LACK OF TIME ALSO LED TO INSUFFICIENT RESOURCES AND PLANNING FOR LONG-TERM DEMOBILIZATION PROGRAMS. THE GROWING NUMBER OF ARMED ROBBERIES IN THE MONROVIA AREA MAY SIGNAL THAT SOME OF THESE FORMER FIGHTERS WERE TURNING TO CRIMINAL ACTIVITY.

FOLLOWING DISARMAMENT, PREPARATIONS FOR THE ELECTION PROCEEDED WITH INTERNATIONAL OVERSIGHT, AND DESPITE SOME DELAYS, THE ELECTION WAS SUCCESSFULLY HELD ON JULY 19, 1997. THE ELECTION WAS CERTIFIED BY THE U.N. AND ECOWAS, AND JUDGED CREDIBLE BY HUNDREDS OF INTERNATIONAL AND NATIONAL OBSERVERS. ALTHOUGH THERE WERE SOME REPORTS OF OVER-ZEALOUS WEST AFRICAN PEACEKEEPERS "HELPING" VOTERS CHOOSE, THE CASTING OF THE BALLOTS APPEARED TO BE GENERALLY FREE OF FRAUD, AS DID THE COUNT.

HOWEVER, THE LARGER CONTEXT IN WHICH THE ELECTION WAS HELD PLACED LIMITATIONS ON HOW FREE AND FAIR THE ELECTION COULD BE. THE TIMETABLE LEADING UP TO THE ELECTION WAS EXTREMELY TIGHT, AND A NUMBER OF THE PREREQUISITES AGREED TO IN THE PEACE ACCORD, SUCH AS THE RETURN OF THE REFUGEES AND THE DEMOBILIZATION OF SOLDIERS, WERE NOT COMPLETED PRIOR TO THE ELECTION. AS A RESULT, HUNDREDS OF THOUSANDS OF LIBERIAN REFUGEES OUTSIDE THE COUNTRY WERE NOT ELIGIBLE TO VOTE IN THE ELECTION. DUE TO THE LACK OF DEMOGRAPHIC INFORMATION, THE RAINY SEASON, AND THE LOGISTICAL DIFFICULTIES OF FUNCTIONING IN A WAR-TORN PLACE, THE POLLING STATIONS DID NOT ALWAYS CORRESPOND TO POPULATION DENSITY. THE LACK OF IDENTIFICATION PAPERS, A COMMON PROBLEM AFTER SEVEN YEARS OF CHAOS, ALLOWED FOR SOME MINORS UNDER THE AGE OF EIGHTEEN TO REGISTER. THE SHORT TIME AVAILABLE FOR CIVIC EDUCATION WAS INADEQUATE IN LIGHT OF THE HIGH ILLITERACY RATE.

CAMPAIGNING RESOURCES FOR THE CANDIDATES WERE MARKEDLY DISPARATE. CHARLES TAYLOR, HAVING CONTROLLED AND LOOTED THE BULK OF THE COUNTRY'S REVENUES FROM LOGGING, DIAMOND AND IRON ORE MINES FOR MOST OF THE WAR, WAS ABLE TO USE THESE VAST RESOURCES TO CAMPAIGN MORE EFFECTIVELY—USING A HELICOPTER TO REACH DISTANT AREAS, MONOPOLIZING THE BROADCAST MEDIA WITH LOOTED EQUIPMENT, TRANSPORTING VOTERS (INCLUDING REFUGEES FROM NEIGHBORING COUNTRIES) TO POLLING SITES, AND HANDING OUT MONEY, RICE AND TEE SHIRTS TO VOTERS. ELLEN JOHNSON-SIRLEAF, WHO CAME IN SECOND WITH 9.6 PERCENT OF THE VOTE, HAD CASHED IN HER PENSION FROM HER PREVIOUS U.N. JOB TO RAISE CAMPAIGN FUNDS.

MOST IMPORTANTLY, THE IMPLICIT THREAT THAT CHARLES TAYLOR WOULD RESUME THE FIGHTING IF HE LOST WAS HIGH ON THE MINDS OF LIBERIAN VOTERS. MANY CATEGORIZED THEIR VOTE AS "A VOTE FOR PEACE." OTHERS EXPRESSED A GENUINE SUPPORT FOR TAYLOR SAYING THAT "HE SAID HE WOULD DESTROY THIS COUNTRY AND HE DID. NOW HE IS SAYING THAT HE WILL REBUILD IT AND HE WILL."

OF THE THIRTEEN PARTIES THAT CONTENDED THE ELECTION, THREE WERE HEADED BY FORMER WARRING FACTION LEADERS. CHARLES TAYLOR AND HIS PARTY, THE NATIONAL PATRIOTIC PARTY (NPP), WON 75.3 PERCENT OF THE VOTE, FOLLOWED BY ELLEN JOHNSON-SIRLEAF AND HER UNITY PARTY (UP) WITH 9.6 PERCENT OF THE VOTE, AND THE ALL LIBERIAN COALITION PARTY (ALCOP) LED BY FORMER FACTION LEADER AL-HAJI KROMAH THAT WON 4.0 PERCENT. THE OTHER TEN CANDIDATES AND THEIR PARTIES SHARED THE REMAINING 11.1 PERCENT. DUE TO THE SYSTEM OF PROPORTIONAL REPRESENTATION USED IN THIS ELECTION, LEGISLATIVE SEATS WERE WON BY PARTIES ON THE BASIS OF THE PERCENTAGE OF THE PRESIDENTIAL VOTE (WITH A MINIMUM THRESHOLD TO QUALIFY FOR A LEGISLATIVE SEAT). AS A RESULT, CHARLES TAYLOR'S PARTY, THE NPP, WON 75 PERCENT OF THE SEATS IN THE BICAMERAL LEGISLATURE.

ON AUGUST 2, 1997, CHARLES TAYLOR WAS SWORN INTO OFFICE. IN HIS VICTORY AND INAUGURATION SPEECHES, PRESIDENT TAYLOR DECLARED HIS INTENTION TO HEAD A GOVERNMENT THAT RESPECTED HUMAN RIGHTS, STATING HIS COMMITMENT TO AN INDEPENDENT JUDICIARY, HUMAN RIGHTS, RESPECT FOR THE RULE OF LAW, AND THE EQUAL PROTECTION OF THE LAW, AND ANNOUNCING THE CREATION OF A COMMISSION ON HUMAN RIGHTS AND A COMMISSION ON RECONCILIATION. MORE SIGNIFICANTLY, THE FIRST SET OF GOVERNMENT APPOINTEES DID NOT DRAW FROM THOSE IN TAYLOR'S FACTION WHO WERE MOST NOTORIOUS FOR COMMITTING EGREGIOUS HUMAN RIGHTS VIOLATIONS. THESE ANNOUNCEMENTS SERVED TO DISPEL SOMEWHAT THE FEARS HARBORED BY SOME IN LIBERIA'S HUMAN RIGHTS COMMUNITY—BASED ON THE TAYLOR FACTION'S PAST RECORD OF EGREGIOUS ABUSES AND CONSCRIPTION OF CHILD SOLDIERS.

CLOSE TO ONE MILLION LIBERIANS, MOSTLY RURAL WOMEN AND CHILDREN, REMAINED DISPLACED WITHIN AND OUTSIDE THE COUNTRY IN 1997. ACCORDING TO THE U.N. HIGH COMMISSIONER FOR REFUGEES, A MID-YEAR COUNT INDICATED APPROXIMATELY 500,000 REFUGEES, MOSTLY FROM LOFA AND NIMBA COUNTIES IN NORTHERN LIBERIA, IN NEIGHBORING AFRICAN COUNTRIES: 210,000 IN IVORY COAST; 210,000 IN GUINEA; 13,600 IN SIERRA LEONE; 17,000 IN GHANA; AND 6,000 IN NIGERIA. ACCURATE FIGURES FOR THE INTERNALLY DISPLACED WERE NOT AVAILABLE, BUT ESTIMATES PUT THE NUMBERS OF INTERNALLY DISPLACED IN THE MONROVIA AREA AT BETWEEN 250,000 TO 500,000. PROVISION OF ASSISTANCE AND PROTECTION REMAINED A PROBLEM, PARTICULARLY FOR LIBERIAN REFUGEES IN GUINEA.

## **The Right to Monitor**

A NUMBER OF HUMAN RIGHTS GROUPS FUNCTIONED RELATIVELY FREELY IN MONROVIA IN 1997, 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, LIBERIA WATCH FOR HUMAN RIGHTS, NATIONAL HUMAN RIGHTS MONITOR (NAHRIM), MOVEMENT FOR THE DEFENSE OF HUMAN RIGHTS (MODHAR), HUMAN RIGHTS MONITOR, LIBERIA CIVIL AND HUMAN RIGHTS ASSOCIATION (LCHRA), LIBERIA DEMOCRACY WATCH, CIVIL RIGHTS ASSOCIATION OF LIBERIAN LAWYERS (CALL), FORE-RUNNERS OF CHILDREN'S UNIVERSAL DEVELOPMENT (FOCUS), CENTER FOR DEMOCRATIC EMPOWERMENT, AND THE ASSOCIATION OF FEMALE LAWYERS IN LIBERIA (AFELL).

THE ELECTION OF TAYLOR LED TO APPREHENSION ON THE PART OF SOME IN THE HUMAN RIGHTS COMMUNITY THAT THEIR ACTIVITIES WOULD BE RESTRICTED; THIS HAD NOT MATERIALIZED IN THE FIRST MONTHS OF THE NEW GOVERNMENT. IN THE SEPTEMBER DRAFT BILL FOR THE CREATION OF THE GOVERNMENTAL COMMISSION FOR HUMAN RIGHTS, THE BILL LISTED A SELECT LIST OF NONGOVERNMENTAL GROUPS FROM WHICH ITS COMMISSIONERS WOULD BE DRAWN FROM: THE NATIONAL HUMAN RIGHTS CENTER OF LIBERIA (A COALITION GROUP), THE NATIONAL BAR ASSOCIATION, THE LIBERIAN COUNCIL OF CHURCHES, THE NATIONAL MOSLEM COUNCIL AND THE PRESS UNION OF LIBERIA. WHILE THESE GROUPS WERE DESIRABLE CHOICES, THE EXCLUSION OF OTHER NONGOVERNMENTAL ORGANIZATIONS WHICH HAD BEEN OUTSPOKEN ON ABUSES COMMITTED DURING THE CIVIL WAR BY THE TAYLOR FACTION WAS QUESTIONABLE.

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

### **UNOMIL**

IN 1993, THE U.N. SECURITY COUNCIL CREATED THE U.N. OBSERVER MISSION (UNOMIL) TO HELP SUPERVISE AND MONITOR THE PEACE ACCORDS IN CONJUNCTION WITH ECOMOG. UNOMIL'S MANDATE WAS TO REPORT ON CEASE-FIRE VIOLATIONS 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..."

ALTHOUGH UNOMIL'S INITIAL HUMAN RIGHTS EFFORTS WERE MINIMAL THROUGHOUT, THE HUMAN RIGHTS COMPONENT OF THE MISSION EVENTUALLY GREW FROM ONE PERSON TO THREE. THE EFFECTIVENESS OF THE THREE HUMAN RIGHTS OFFICERS IN LIBERIA WAS LIMITED BY A LACK OF RESOURCES, THE INSECURITY IN THE COUNTRY, THE MARGINALIZATION OF THE HUMAN RIGHTS UNIT WITHIN UNOMIL, AND THE WILLINGNESS OF THE INTERNATIONAL COMMUNITY TO DISPENSE WITH HUMAN RIGHTS CONCERNS IN THE SEARCH FOR POLITICAL SOLUTIONS. THE INVESTIGATIVE FINDINGS OF THE HUMAN RIGHTS TEAM WERE OFTEN NOT ACTED UPON EITHER BY UNOMIL OR BY THE U.N. SECRETARIAT.

MOREOVER, UNOMIL NEVER ACTIVELY TOOK ON THE TASK OF PROVIDING INTERNATIONAL SCRUTINY OF THE MISCONDUCT OF ECOMOG TROOPS—A ROLE THAT ONLY UNOMIL COULD HAVE PLAYED GIVEN THE CIRCUMSTANCES. REPORTS OF HUMAN RIGHTS VIOLATIONS BY ECOMOG TROOPS WERE IGNORED BY THE U.N. EVEN WHEN BROUGHT TO THE ATTENTION OF UNOMIL AND THE U.N. SECRETARIAT BY ITS OWN HUMAN RIGHTS UNIT.

FOLLOWING THE ELECTION, UNOMIL WAS DEEMED TO HAVE FULFILLED ITS MANDATE AND MOST OF THE STAFF DEPARTED. NINE



UNOMIL military observers remained until the end of September to assist in sorting and classifying the 10,000 weapons and 1.24 million pieces of ammunition that were taken during the demobilization process.

The U.N. sought agreement with President Taylor for a small U.N. political office to be created, following the withdrawal of UNOMIL, to serve as a focal point for post-conflict peace-building activities of the United Nations in Liberia and have overall authority for coordination of the U.N. system in the country. The proposed role for this U.N. office, which was still under negotiation in late October, was to provide advisory assistance to the government in defining post-conflict priorities, the mobilization of international funds for Liberia, and to coordinate and liaise between the government and the international community.

## **ECOMOG**

Since the beginning of the fighting in Liberia, the West African peacekeeping force ECOMOG has consistently played a role—as a ground breaking example of regional initiatives at times and a troublesome contributor to the violence and lawlessness at others. The poor conduct of ECOMOG during the April 1996 fighting contributed to the decision to assign a new Nigerian field commander, Maj. Gen. Victor Malu, and to rotate out many of the troops. The introduction of qualified leadership as well as regular payment of salaries to the ECOMOG troops improved the levels of professionalism and public confidence in the West African peacekeeping force in 1997. From the end of 1996 until the election, ECOMOG played a critical role in ending the civil war by supervising the disarmament and electoral processes.

Following the election, ECOMOG's mandate was extended until January 1998 to allow ECOMOG to “help consolidate and strengthen security in the country, and to assist with the restructuring and training of the Armed Forces of Liberia, as well as the police and security services.” Due to ECOMOG's history in Liberia, this was an area of major concern. Although Maj. Gen. Malu's appointment as the force commander led to a much higher level of professionalism, reports of abuse by ECOMOG troops continued in 1997. ECOMOG's actions in cordon and search operations during the demobilization process raised concerns over the serious human rights violations that were reported. ECOMOG engaged in arrests and detention without due process and beatings and torture of those in their custody; in at least two cases men died in custody. Both were seized on suspicion of hoarding weapons.

## **European Union**

The European Union (E.U.), through the European Commission's Aid Coordination Office in Liberia, continued to provide the country with assistance in the fragile transition period. The E.U. focused not only on immediate assistance needs, such as clean water, but also on the process of post-war reconstruction, including support for retraining of ex-combatants, the transportation of returning refugees, and the electoral process.

The European Commission program plans following the election focused on assistance to civil society and education, with significant E.U. funding available because the allocated funds for Liberia had accumulated unspent during the seven year war. E.U. representatives in Monrovia stated that respect for human rights was to be an important factor in their decision-making process to provide aid. However, the benchmarks to condition aid to human rights needed to be further articulated.

## **United States**

The U.S. remained a significant contributor to Liberia, providing close to U.S. \$100 million in assistance in 1997, including approximately \$30 million to ECOMOG, \$30 to 50 million in humanitarian assistance, and \$9 million for elections. Having assisted with the training of 500 police by the International Criminal Investigation Training Assistance Program (ICITAP) for the July 19 elections, the U.S. committed to continue assistance to the rebuilding of the Liberian National Police and the judiciary, through ICITAP. However, in September, the U.S. suspended its

POLICE TRAINING PROGRAM FOLLOWING THE APPOINTMENT OF NPFL-STALWART JOE TATE, WHO WAS NOTORIOUS FOR HIS LACK OF RESPECT FOR THE RULE OF LAW AS POLICE COMMISSIONER UNDER THE PREVIOUS TRANSITIONAL GOVERNMENT.

THROUGH ITS AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID), THE U.S. DEVELOPED A PLAN TO PARTICIPATE IN LIBERIA'S REDEVELOPMENT CONDITIONED ON A NUMBER OF FACTORS, INCLUDING GOOD GOVERNANCE AND HUMAN RIGHTS. ACCORDING TO THE STATE DEPARTMENT, HUMAN RIGHTS INDICATORS WERE CONSIDERED IN THE DECISION-MAKING PROCESS TO PROVIDE AID TO THE TAYLOR GOVERNMENT. AS WITH THE E.U., THE BENCHMARKS TO CONDITION CONTINUED AID TO HUMAN RIGHTS NEEDED TO BE FURTHER ARTICULATED.

#### **RELEVANT HUMAN RIGHTS WATCH REPORT:**

*EMERGING FROM THE DESTRUCTION: HUMAN RIGHTS CHALLENGES FACING THE NEW LIBERIAN GOVERNMENT, 11/97*

## **MOZAMBIQUE**

### **Human Rights Developments**

HUMAN RIGHTS PRACTICES CONTINUED TO IMPROVE IN MANY PARTS OF THE COUNTRY. HOWEVER, HUMAN RIGHTS CONCERNS REMAINED, INCLUDING RESTRICTIONS ON THE RIGHTS TO FREEDOMS OF EXPRESSION AND MOVEMENT BY THE FORMER ARMED OPPOSITION, MOZAMBIQUE NATIONAL RESISTANCE (RENAMO), HEAVY-HANDED POLICING, AND APPALLING PRISON CONDITIONS.

OVER 146 POLICE WERE EXPELLED FROM THE POLICE FORCE IN THE CAPITAL, MAPUTO, ALONE IN 1997, MANY FOR SERIOUS BREACHES OF THE POLICE DISCIPLINARY CODE, SUCH AS DRUNKENNESS ON DUTY AND PROLONGED ABANDONMENT OF THEIR POSTS. A SMALL NUMBER WERE ACCUSED OF VIOLENCE AGAINST CIVILIANS, EXTORTION AND CONTRABAND TRADING, INCLUDING TRADE IN LIGHT WEAPONS. POLICE BRUTALITY MORE COMMONLY WENT UNPUNISHED. FOR EXAMPLE AZARIAS ESTEVÃO PIQUEI WAS BADLY BEATEN UP BY POLICE IN MAPUTO'S SUBURB OF GEORGE DIMITROV BY THREE POLICE FROM THE POLICE'S FIFTEENTH PRECINCT WHEN HE REFUSED TO PAY A BRIBE; MANUEL MATEUS SUFFERED SERIOUS HEAD INJURIES FROM POLICE FROM THE SAME POLICE STATION ON THE SAME DAY. TO DATE NO PROSECUTION OF THE POLICE INVOLVED HAS TAKEN PLACE.

POLICE TREATMENT OF SUSPECTS IN THE CAPITAL APPEARED TO HAVE IMPROVED FOLLOWING PRESIDENT CHISSANO'S DISMISSAL IN NOVEMBER 1996 OF INTERIOR MINISTER MANUEL ANTÓNIO AND HIS DEPUTY EDMUNDO ALBERTO AND THE APPOINTMENT OF THE NEW MINISTER, ALMERINO MANHENJE. THE CHANGE FOLLOWED REPEATED SCANDALS, AND INTENSE PRESSURE ON THE PRESIDENT FROM THE MEDIA, CIVIL SOCIETY, AND FOREIGN DONORS TO DISMISS ANTÓNIO. REMARKS BY ANTÓNIO IN JANUARY 1996 THAT THE DEATHS BY STARVATION OF PRISONERS IN INTERIOR MINISTRY CELLS WERE "THEIR OWN FAULT" CAUSED A PARTICULAR OUTCRY. ONE OF THE FIRST ACTIONS BY THE NEW INTERIOR MINISTER WAS ON DECEMBER 4 TO ATTEND A TRAINING COURSE FOR 750 POLICE OFFICERS AT WHICH HE ISSUED A BLISTERING ATTACK ON CORRUPTION AND ABUSE OF POWER IN THE POLICE FORCE. MANHENJE SINGLED OUT SEVERAL POLICE PRECINCTS IN MAPUTO FOR CRITICISM, INCLUDING THE THIRTEENTH AND FIFTEENTH. A FACT-FINDING VISIT BY HUMAN RIGHTS WATCH IN MARCH, TO SEVEN POLICE STATIONS IN MAPUTO, FOUND THAT ASSAULT, THE TREATMENT OF SUSPECTS, AND THE CONDITIONS IN WHICH REMAND PRISONERS WERE HELD HAD IMPROVED.

ON JANUARY 30 MAPUTO CITY COURT SENTENCED FOUR POLICEMAN TO SEVEN YEAR JAIL TERMS ON CHARGES OF MANSLAUGHTER FOR THEIR PART IN TORTURING A SUSPECT TO DEATH IN JUNE 1996. THE VICTIM, FRENQUE TCHEMBENE, HAD BEEN ACCUSED OF STEALING A TOYOTA HILUX. POLICE FROM MAPUTO'S SEVENTH PRECINCT DETAINED HIM ON JUNE 2, 1996, AND AT THE STATION TRIED TO BEAT HIM INTO REVEALING THE WHEREABOUTS OF THE VEHICLE. TCHEMBENE'S WIFE, MAUHARAWA HAMIDO, WITNESSED THIS AND WAS BEATEN HERSELF. THE INTERVENTION OF THE MOZAMBIQUE HUMAN RIGHTS LEAGUE (LDH) RESULTED IN THE POLICE SENDING TCHEMBENE TO HOSPITAL, BUT HE DIED THERE OF INJURIES SUSTAINED WHILE IN POLICE CUSTODY.

FROM LATE DECEMBER, NEWLY TRAINED POLICEMEN WERE SEEN PATROLLING PARTS OF MAPUTO PARTICULARLY PRONE TO CRIME, AREAS A FEW MONTHS EARLIER CONSCIOUSLY AVOIDED BY THE POLICE. POLICE BEHAVIOR REMAINED A SERIOUS CONCERN OUTSIDE MAPUTO AND WAS THE SOURCE OF THE MAJORITY OF COMPLAINTS HUMAN RIGHTS WATCH/AFRICA RECEIVED FROM

Mozambique in 1997. Arbitrary detention, torture and extortion were common allegations.

In May RENAMO engaged in a series of angry demonstrations around the country, protesting at alleged "misgovernment" and the cost of living. In Beira demonstrations on May 5 and 12 ended with riot police using tear gas and arresting thirty-one RENAMO protesters for illegally demonstrating without a permit. On May 15 in Chimioio police dispersed a crowd of fifty people before a march had begun. Six people were injured, two of them seriously. Two people were arrested.

Prison conditions remained a source of grave concern. Abuse in prison was largely due to overcrowding and lack of food and medical attention, but prisoners regularly reported police beatings, rape, and demands of money in exchange for freedom or food. Chimioio's provincial prison, "Cabeça do Velho," the scene of appalling conditions and deaths in 1995 and 1996, attracted public attention again in 1997 for its poor conditions. Following the appointment of a new interior minister in November, the conditions of the ministry's jails improved, although they still suffered from shortages of food, poor hygiene, and over-crowding. The Ministry of Justice began an initiative in its jails in Sofala, central Zambézia, and Manica provinces whereby prisoners were given their own plots of land to cultivate food crops and in Quelimane prisoners were contracted out as laborers to local businesses.

In January the LDH found that despite its formal agreement with the Ministry of Interior on prison access police demanded bribes to allow one of its lawyers to visit detainees in Beira's police cells. The LDH entered a cell with an official capacity of nineteen people, in which sixty-seven prisoners were held. Hygiene was poor. Those prisoners with relatives looking after their needs had plastic bags in which to defecate and bottles in which to urinate; others used the floor. Sofala Provincial Attorney Nazarinho Mourinho visited several prisons in Beira run by the Interior Ministry in December 1996 and concluded that they did not meet the minimum conditions for accommodating human beings. Mourinho also discovered many children under the age of sixteen in the cells, although under Mozambican law the civil responsibility for crimes committed by minors falls on their parents or guardians and international standards do not permit minors to be held with adults.

RENAMO continued to rule some areas it controlled at the end of the war five years ago, and to exclude government officials from conducting their duties, although the extent of its control declined significantly from 1996. In Maringue, RENAMO's headquarters during the war, the ruling Front for the Liberation of Mozambique (FRELIMO), first secretary, Albertino Sandeangane, reported in February that RENAMO had threatened to attack him and his staff, to destroy his office, and to burn his party's flag. In Inhaminga, in the central province of Sofala, armed and uniformed men belonging to RENAMO's "presidential guard" interfered with police work and intimidated local residents. The district police commander, Alves João, accused RENAMO supporters of forcing him to release suspects even before investigations were underway by threatening to beat him and his men up. Chazuco Jojo, the newly nominated administrator of Inhaminga claimed in July that members of this armed RENAMO force continued to restrict movement in the area, while subjecting residents they suspected of having FRELIMO sympathies in Cheringoma municipality to beatings. In the municipalities of Muembe and Mavago in Niassa province, RENAMO reportedly prevented people from leaving, sometimes by force.

RENAMO alleged that its officials have been harassed by local government officials and FRELIMO members in some areas. In Inhanga locality at a political rally the local administrator reportedly pointed a pistol at the head of the local chief, a RENAMO member, and forced him to repeat insults about RENAMO. There were also reports that civil servants in Tete who were members or supporters of RENAMO were systematically harassed because of their political affiliation.

Accountability for human rights abuses during the 1977 to 1992 civil war continued to be discussed in the media, but both FRELIMO, RENAMO and many church and traditional religion groups continued to advocate impunity, arguing that this made possible healing and reconciliation at the local level through healing ceremonies and other rituals.

Landmines in Mozambique have claimed some 10,000 victims: more than 1,000 people have been injured by mines since the October 1992 peace accord. Landmines constitute one of the most immediate obstacles to postwar redevelopment, and hinder delivery of relief aid, resettlement, and agricultural and commercial reconstruction. Human Rights Watch believes that the frequently cited U.N. estimate of two million mines in Mozambique is too high, with the real total in the tens or hundreds of thousands. But the number of mines was not the measure of the problem. Mozambique clearly has a problem that threatens civilians daily and is curtailing economic reconstruction. A limited number of mines have continued to be planted since the peace accord, by both government and RENAMO forces, in some cases simply to wage local vendettas. Bandit groups, criminals and poachers have also used mines.

President Chissano announced in October 1995 that Mozambique was prepared to head an international campaign against antipersonnel mines, but little concrete action was taken for the next year and one-half as the Mozambican military wanted to retain the option of using landmines. However, as Maputo's hosting in February of the 4th International NGO Conference on Landmines approached, the greatly increased attention to the issue domestically, regionally and internationally spurred a policy decision. On February 26, Mozambique's foreign minister addressed the four-day conference and announced an immediate ban on the use, production, import and export of antipersonnel mines. Destruction of Mozambique's stockpile was not addressed.

Throughout 1997 there were localized incidents of banditry, especially along the Zimbabwean border in the Sussundenga, Mossurize and Barue municipalities. The government announced that between November 1995 and November 1996 its police discovered fifty arms caches, collecting more than 1,000 guns and hundreds of mines and grenades. They also reported that in the same period they "neutralized" 214 bands of robbers and recovered 105 cows and 337 cars. Press reports of the discovery of new arms caches appear weekly. Destroying the arms caches left over from the war became a priority issue for meetings between President Chissano and RENAMO leader Afonso Dhlakama. Both men were concerned about the dangers of bands of men outside their control carrying landmines. In December 1996 they agreed to set up a working group, with members appointed by the government and RENAMO to deal with the dismantling of arms caches. Clandestine shipments of weapons were also reported to have transited Mozambique in November 1996 through Nacala Port to an unknown destination. The Institute for Security Studies in Pretoria witnessed weapons being unloaded there, stored, and then transferred onto South African-registered light aircraft. This arms and contraband pipeline was run by Portuguese businessmen resident in South Africa and appeared to have had links with senior officials in Mozambique. Although the government publicly denied such a trade occurred, Human Rights Watch was told privately by officials that an official investigation is underway.

## **The Right to Monitor**

The Mozambican Human Rights League (LDH) was instrumental in bringing a criminal complaint against six police involved in the torture and manslaughter of Frenque Tchembene which resulted in a seven year prison sentence for the six in January. The LDH also played an important role in campaigning for the removal of Interior Minister Manuel António in November 1996. The LDH's work remained mainly Maputo-focused but it attempted to expand its scope to other provinces during the year.

In conjunction with the Commonwealth Non-Governmental Office for South Africa and Mozambique, the LDH held a conference in Maputo in April on the role of parliamentarians in the promotion and defense of human rights.

The Association for the Defence of Human Rights (ADHR) visited some prisons in Maputo in 1997 and wrote several letters to the press. The Order of Lawyers of Mozambique (OLM) lobbied for higher standards for the legal profession and a redefinition of the national standards for accreditation as an attorney. In September UNESCO held an international conference in Maputo on the Culture of Peace and Good Governance. The conference attracted widespread media interest especially over the rights of the child and the fate of child combatants.

The Mozambican Campaign to Ban Landmines (CMCM) also obtained a high media profile before and after the

Maputo—held 4th International NGO Conference to Ban Landmines in February and presented to President Chissano its petition of over 100,000 signatures in support of a total ban. During the Oslo summit in September, to prepare the Ottawa treaty, the CMCM mobilized 500 people to demonstrate outside the U.S. Embassy in Maputo to lobby against the U.S. position for exclusion and exemption clauses to be added to the Ottawa draft treaty.

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

### **European Union, United Nations and the World Bank**

The World Bank's Consultative Group on Mozambique (the Paris Club) confirmed pledges worth more than U.S.\$ 560 million in new loans to the government in July. Although donors raised concerns about the growth of corruption and drug trafficking in Mozambique they remained generally supportive of the post-election government. Crime and police behavior was a major donor pre-occupation. The Swiss government had threatened to cut aid unless the government made serious efforts to cut crime. On November 12, 1996, following the firing of Interior Minister António, the Swiss Embassy in Maputo announced that it would not go ahead with aid cuts. The German, Netherlands and Spanish governments pledged over \$10 million for a police training program, coordinated by the United Nations Development Program (UNDP), although by late 1997 this program was not operational.

On February 25, delegations from the World Bank and the European Commission met to discuss issues concerning a collaborative effort in Africa. The European Commission team, headed by the European Commissioner for Development and External Relations with Africa, the Caribbean and the Pacific (ACP) countries, Professor João de Deus Pinheiro, and the World Bank team, headed by the World Bank regional vice-president for Africa, Mr. Jean-Louis Sarbib, agreed to concentrate their efforts on poverty alleviation and private sector development in three countries: Mozambique, Ethiopia, and in Ivory Coast. They also decided that their upcoming meetings should be held in the three African countries mentioned above to encourage more participation on their part.

### **United States**

Bilateral U.S.-Mozambican relations improved generally. The new U.S. ambassador designate to Maputo, Dean Curran was sworn in on November 7, sixteen months after he was first nominated following the departure of Dennis Jett, but this had little to do with bilateral relations. The departure of Dennis Jett as U.S. ambassador to Mozambique in July 1996 ended the U.S. Embassy policy of boosting RENAMO's image, aimed at trying to improve their confidence in the peace process. The *State Department's Country Reports on Human Rights Practices for 1996* was more balanced.

Total U.S. aid to Mozambique in 1997 was estimated at U.S.\$ 51 million making it one of the main international donors. The U.S. also renewed Title 3DQ480 food aid worth U.S. \$ 4 million after several years suspension because of a diversion scandal (Eritrea, Ethiopia and Haiti were the other recipients of this total package of U.S. \$30 million in food aid in 1997).

U.S. administration visits to Mozambique were kept at deputy assistant secretary level and included a visit from the Department of the Treasury during the year. The Clinton administration demonstrated its continued interest in Mozambique in April by arranging a drop-by meeting by Secretary of State Madeleine Albright with President Chissano in Washington during a meeting he had with the deputy-assistant secretary for African Affairs.

## **NIGERIA**

## Human Rights Developments

Arbitrary detentions, torture, summary executions, censorship and, perhaps most fundamentally, denial of the right of the Nigerian people to choose their own government continued under Gen. Sani Abacha's military government. A program of transition to civilian rule announced on October 1, 1995, and due to culminate in a transfer of power to an elected federal government on October 1, 1999, remained in place, but state governorship and assembly elections were postponed by several months. Local government elections held in March were neither free nor fair. Two of the five officially registered political parties declared that General Abacha was their preferred candidate for president; possible alternative candidates for the other three withdrew following intimidation or arrest, and a public campaign for Abacha to succeed himself was sponsored by a number of nominally independent groups. A draft constitution prepared in 1995 in a process under military control, to come into effect with the end of the transition program, was still not published, leaving Nigerians in the dark as to the future form of the government for which they were supposed to be voting. Chief Moshood K.O. Abiola, the presumed winner of the June 12, 1993 elections, annulled by the military, remained in prison for his third year.

Opposition activists were harassed, jailed, or driven into exile—or threatened with indefinite detention or summary execution should they return from abroad. In March, exiled Nobel Prize winner and outspoken critic of the government Wole Soyinka was charged with treason, together with fifteen others, of whom twelve were held in detention inside Nigeria. A series of bomb blasts apparently directed at members of the military government was cited as the basis for the charges. Soyinka and the others, including Chief Anthony Enahoro, leader of the National Democratic Coalition (NADECO) formed from the remnants of Abiola's banned Social Democratic Party, denied involvement, and the government offered no evidence that any of them were involved. Cases involving treason, a capital offense, are tried before a military tribunal, without right of appeal. Bail was denied for those held in the country, who remained in detention as of this writing. Chief Olabisi Durojaye, a NADECO leader arrested in December 1996, was detained without charge, despite court orders for his release. Those convicted in 1995 of involvement in an alleged coup plot, including four journalists and pro-democracy campaigners such as Beko Ransome-Kuti, also remained incarcerated. Ransome-Kuti was refused permission to attend the funeral of his brother, Fela Kuti, the great Nigerian musician and thorn in the side of successive military regimes, who died on August 2.

Decrees suspending constitutional protections of citizens' rights, allowing detention without trial and criminalizing criticism of the government or its policies, remained in force. The courts remained barred from inquiring into the legality of detentions without trial or examining government actions.

Chief Gani Fawehinmi, human rights lawyer and leader of the National Conscience Party, Femi Aborisade, his deputy, and human rights lawyer Femi Falana, all detained without charge in January and February 1996, were released in November 1996. A number of activists were held for shorter periods during 1997, including Tunji Abayomi, director of Human Rights Africa, who was held for three days during August.

Although one of the strongest in Africa, the independent press remained under threat. In January, Minister of Information Walter Oronogoro announced the government's intention to set up a press court that would try journalists who "report untruths" and to enforce Decree No. 43 of 1993 requiring newspapers to apply annually for publishing licenses. This threat was repeated at intervals throughout the year, encouraging self-censorship. The government was particularly sensitive to events relating to NADECO or detained presidential candidate Moshood Abiola: for example, armed policemen prevented an anticipated press conference to mark Abiola's August 24 birthday, and on August 30, guests were turned back by police from the planned launch of a book, *Abiola, Democracy and the Rule of Law*, by journalist Richard Akinola.

Individual journalists faced harassment of various kinds, ranging from a requirement to complete forms indicating the purpose of their travel if they left the country, to intimidation and arrest. Ladi Olorunyomi,

JOURNALIST AND WIFE OF EXILED JOURNALIST Dapo Olorunyomi, was detained for six weeks from March 20. In February 1997, Moshoo Ademola Fayemiwo, the publisher of the defunct *Razor* magazine, was detained by Nigerian agents in the Benin Republic and moved to Lagos, where he was still held as of this writing. Godwin Agboroko, editor of the *Week* magazine, was detained from December 1996 to May 7, 1997; George Onah, journalist with the *Vanguard*, was released on May 14 after a year in detention. Many other journalists were detained for shorter periods and often beaten. In July, the editor of the Owerri-based newspaper the *Horn*, Oni Egbunine, was arrested by soldiers and beaten into a coma. In the same month, Edelean Ojo of the *Guardian* daily newspaper was prevented from traveling to a conference in Kenya. The broadcast media remained under virtual government monopoly, although some opposition radio stations broadcast on short wave from outside the country.

Meetings and rallies organized by human rights or pro-democracy groups were routinely disrupted by members of the security services. Rallies to mark the anniversary of the June 12, 1993 elections were banned, and those that went ahead anyway were disrupted by the large security force contingents deployed for the occasion. In September 1997, a farewell party arranged by human rights groups for the outgoing U.S. ambassador, Walter Carrington, was broken up by security police. Union activities continued to be restricted, in particular in the oil sector and on university campuses. Frank Ovie Kokori, secretary-general of NUPENG, the National Union of Petroleum and Natural Gas Workers, held since August 1994, and Milton Dabibi, secretary-general of PENGASSAN, the Petroleum and Natural Gas Senior Staff Association of Nigeria, held since January 1996, remained incarcerated. NUPENG and PENGASSAN continued to be controlled by government-appointed sole administrators, as did the umbrella organization, the Nigerian Labour Congress, to which all unions are compulsorily affiliated. Labour leaders involved in a strike by civil servants in Kaduna were detained in June. The Academic Staff Union of Universities (ASUU) remained banned. In April, a new decree banned the Nigerian Labour Congress and its member unions from affiliating with the International Labour Organization. Shiite leader Sheikh El Zak-Zaky, detained in September 1996, was charged in July 1997 with publication of materials capable of undermining the security of the nation. He was not produced in court and remained in prison.

March local government elections were marked by numerous irregularities. Those eligible to vote were coerced into registering by threats of reprisals—such as exclusion of children from school—in case of refusal to participate. Candidates were screened by the National Electoral Commission of Nigeria (NECON), by the State Security Service, and by the National Drug Law Enforcement Agency. In this process, any candidate with connections to pro-democracy, human rights or opposition groups was excluded. Tribunals sitting to decide winners in constituencies where election results were contested often ruled in favor of the candidate paying the largest bribe, rather than on the merits of the case. Some local government chairs were forced to stand down “on security grounds” after their election had been confirmed. A new decree was promulgated allowing the head of state to remove the chairs of local government councils at will. In a number of cases, decisions by NECON, supposedly an independent body, regarding the election process were directly overruled by the military.

Nigerian citizens not actively involved in politics also faced a consistent pattern of human rights violations. The security forces carried out summary executions and torture, while prison conditions remained life threatening. Different state governments operated special task forces with names like “Operation Sweep” or “Operation Storm” that were supposedly aimed at cracking down on criminal activity. These task forces were amongst the most abusive units of the Nigerian security forces. Many of those arrested by these units were convicted of “armed robbery” before special tribunals which did not respect international standards: those found guilty were executed by firing squad without the right to appeal. Tens and possibly hundreds were arbitrarily executed in this way.

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, severe repression continued during 1997. Nineteen Ogonis remained

in prison facing charges of murder before a special tribunal in connection with the same events as those for which Saro-Wiwa and eight others were killed. A previously unknown twentieth defendant in the case, detained at a different location for two years, joined those held in Port Harcourt Prison. There was no progress in their case, and their health steadily deteriorated. A number of others suspected of sympathy for MOSOP were extrajudicially executed in Ogoniland; others were detained without trial.

Elsewhere in the oil-producing areas of the Niger Delta, police and soldiers responded to any threat of protest against oil company activity with arbitrary arrests, beatings and sometimes killings. From March to May, serious ethnic violence erupted in the oil town of Warri, Delta State, over the relocation of a new local government headquarters by the military administrator of the state. In the course of the crisis a number of Shell flow stations were occupied by youths, and Shell personnel were held hostage for several days. Hundreds of youths were detained for several weeks in connection with the violence; an unknown number were killed by security forces suppressing the disturbances. The decision of the military administrator of Osun State to relocate another local government headquarters also led to violence in Ile Ife in August 1997 in which tens of residents died. In other states, government decisions led to similar but less serious clashes.

### **The Right to Monitor**

Nigeria's numerous and sophisticated human rights groups continued their monitoring, advocacy and education activities throughout the year, despite routine harassment by the authorities. Officers of the State Security Service (SSS) regularly visited the offices of human rights organizations to intimidate staff, destroy property and confiscate publications; human rights activists were detained on a number of occasions; others were prevented from traveling abroad to attend international gatherings at which Nigeria was to be discussed. The government-appointed National Human Rights Commission, created in 1996, held or attended a number of noncontroversial meetings, but failed to make any serious criticism of ongoing human rights violations.

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

#### **The Commonwealth**

The Commonwealth Ministerial Action Group (CMAG) appointed by the Commonwealth Heads of Government Meeting (CHOGM) in November 1995 met several times during 1997. In July, CMAG held hearings on the situation in Nigeria, to which Nigerian human rights and opposition groups were invited to make submissions, as were international groups including Human Rights Watch. CHOGM, a biannual gathering that met at the end of October 1997, considered Nigeria's suspension from the Commonwealth, imposed in 1995, and the continuing mandate of CMAG. As expected, CHOGM decided to continue the suspension but not to expel Nigeria. The mandate of CMAG was also extended.

#### **United Nations**

The UN Commission on Human Rights adopted a resolution in April 1996 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 at the next session of the commission in 1997. Extended negotiations with the Nigerian government for the special rapporteurs to undertake a mission to Nigeria finally collapsed shortly before the 1997 session, due to the Nigerian government's failure to agree to their standard terms of reference, and the special rapporteurs eventually published a report on the basis of information supplied by other organizations. The hard-hitting report concluded that, among other things, "the rule of law is on the verge of collapse, if it has not already collapsed" and that Nigeria was in violation of a number of its international obligations. The report made a series of



recommendations, including for the appointment of a country-specific rapporteur on Nigeria by the Commission. On April 7, the Commission adopted a resolution expressing its deep concern at continuing human rights violations in Nigeria and inviting the chair of the Commission to appoint a special rapporteur on Nigeria. Soli Sorabjee, former attorney general of India, was appointed to the position in October 1997.

## **European Union and its Member States**

Sanctions imposed by the European Union (E.U.) following the November 1995 executions of Ken Saro-Wiwa and eight other human rights activists, renewable on a six-monthly basis, remained in force during 1997, but no moves were made to strengthen these measures. A number of resolutions and measures on Nigeria were adopted by E.U. structures during the year, including by the European Parliament and the General Affairs Council.

In March, E.U. Council President Mr. Proxmire expressed the view that relations between the E.U. and Nigeria had worsened on a political level. At the same time, the Netherlands, holding the presidency of the E.U., invited Nigeria to attend a meeting in Maastricht of the ACP-E.U. Joint Assembly, bringing together parliamentarians from the E.U. and the African-Caribbean-Pacific (ACP) countries. The European Parliament objected to the invitation, protesting that the invitation broke E.U. sanctions on Nigeria. The Dutch foreign ministry said that the visa restrictions only applied to "Nigerian authorities traveling to Europe for private reasons." The Joint Assembly adopted a resolution condemning the human rights situation in Nigeria and calling on the European Council to impose an oil embargo on Nigeria and to freeze the financial assets held in the E.U. by members of the Nigerian Government. The assembly also reaffirmed the need for a total ban of arms exports to the country and for E.U. member states not to grant visas to members of the Nigerian Government. The Joint Assembly did, however, approve humanitarian aid to be sent to the most vulnerable groups and those worst affected by sanctions.

Following May elections in the United Kingdom, the new Labour government immediately began to take a much stronger line on Nigeria than the Conservatives had done. Foreign Secretary Robin Cook stated that human rights would dominate British policy concerning Nigeria and that strict sanctions should be imposed on Nigeria. On June 25, 1997, he lashed out against Nigeria saying that, "Nothing has happened in Nigeria to justify lifting the suspension." A new French government, however, resisted attempts to isolate Nigeria, and granted visas to a number of members of the Nigerian government, apparently in violation of E.U. sanctions.

## **Organization of African Unity and its Member States**

African countries were in general reluctant to condemn Nigeria's human rights record in strong terms. Nevertheless, the intransigent position of Nigeria towards the U.N. special rapporteurs did lead to sufficient irritation in the African group at the U.N. Commission on Human Rights for South Africa and Uganda to vote for the resolution appointing a special rapporteur on Nigeria and most of the other African members to abstain. African countries also supported the ACP-E.U. Joint Assembly resolution calling for an oil embargo on Nigeria.

South Africa took a somewhat stronger line toward Nigeria during 1997 but continued to give contradictory signals. After South Africa made some comments supportive of respect for human rights in Nigeria and backed the appointment of a U.N. special rapporteur the Nigerian minister of information, Pfonagora, responded by referring to South Africa as "a white country with a black head," accusing unnamed western countries of "driving a wedge" between South Africa and Nigeria in order to weaken the continent. Yet, though President Mandela called the statement "unfortunate and ill-informed," he emphasized the "brotherly cooperation" with Nigeria over regional mediation efforts in the former Zaire. Ofonagoro later claimed to have been misquoted by the press. In September, Nigerian Foreign Minister Tom Ikimi met with Mandela and delivered a private letter from Gen. Abacha. South African Deputy President Thabo Mbeki was due to visit Nigeria before the end of the year.

Following a military coup in Sierra Leone in May led by army officer John Kormah, in which the elected

GOVERNMENT OF AHMED TEJAN KABBAH WAS OVERTHROWN AND KOROMA WAS INSTALLED AS PRESIDENT, NIGERIA LED AN EFFORT BY THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) MONITORING GROUP (ECOMOG) TO REINSTATE THE PREVIOUS GOVERNMENT. THE INTERVENTION LED—AS APPARENTLY HAD BEEN INTENDED—to STATEMENTS OF SUPPORT FROM THE SECRETARY-GENERAL OF THE ORGANIZATION OF AFRICAN UNITY (OAU), SALIM AHMED SALIM, AS WELL AS MANY INDIVIDUAL AFRICAN (AND WESTERN) STATES AND COMMONWEALTH SECRETARY-GENERAL EMEKA ANYAOKU. HOWEVER, NIGERIA'S FAVORED MILITARY SOLUTION WAS REJECTED IN AUGUST BY A MEETING OF ECOWAS HEADS OF STATE, AT WHICH GHANA, GUINEA AND CÔTE D'IVOIRE OPPOSED NIGERIA AND SUCCESSFULLY ARGUED FOR THE IMPOSITION OF SANCTIONS ON SIERRA LEONE INSTEAD. SEVERAL HUNDRED CIVILIANS WERE KILLED IN THE SIERRA LEONEAN CAPITAL, FREETOWN, SOME OF THEM IN INDISCRIMINATE SHELLING BY NIGERIAN FORCES.

THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS, AN ORGAN OF THE OAU, SENT A FACT-FINDING MISSION TO NIGERIA IN MARCH 1997. THE MISSION TOOK PLACE AT THE TIME THAT THE U.N. SPECIAL RAPPORTEURS WERE (UNSUCCESSFULLY) NEGOTIATING THEIR OWN ENTRY TO NIGERIA, AND THE COMMISSION DID NOT ITSELF INSIST ON SIMILAR TERMS OF REFERENCE. THE MISSION AGENDA WAS ORGANIZED BY THE NIGERIAN GOVERNMENT, AND ITS MEMBERS WERE CRITICIZED BY NIGERIAN HUMAN RIGHTS ORGANIZATIONS FOR FAILING TO ALLOCATE SUFFICIENT TIME TO MEET WITH HUMAN RIGHTS AND PRO-DEMOCRACY GROUPS TO OBTAIN INFORMATION ABOUT HUMAN RIGHTS ABUSES. THE DELEGATES DID NOT VISIT ANY OF THE POLITICAL DETAINEES HELD BY THE NIGERIAN GOVERNMENT OTHER THAN THE "OGONI 20," WHO WERE NOT INDIVIDUALLY INTERVIEWED IN PRIVATE. THE MISSION DID NOT SUBMIT A WRITTEN REPORT TO THE APRIL 1997 SESSION OF THE COMMISSION, THOUGH ONE WAS EXPECTED AT THE FOLLOWING SESSION IN NOVEMBER.

## United States

THE SECTION ON NIGERIA IN THE DEPARTMENT OF STATE'S *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1996* WAS THOROUGH AND ACCURATE, EXISTING MEASURES TO PRESS NIGERIA TO RESPECT HUMAN RIGHTS REMAINED IN PLACE, AND THE U.S. ISSUED STRONG STATEMENTS CONDEMNING MILITARY RULE AND HUMAN RIGHTS VIOLATIONS. NO FURTHER CONCRETE MEASURES TO PUT PRESSURE ON THE NIGERIAN GOVERNMENT WERE ADOPTED OR PROPOSED. AT VARIOUS POINTS DURING THE YEAR, THE CLINTON ADMINISTRATION INDICATED THAT IT WAS REVIEWING ITS NIGERIA POLICY. NO CONCLUSION WAS ANNOUNCED TO THIS REVIEW AND IT WAS STATED THAT THE GOVERNMENT'S COMMITMENT TO HUMAN RIGHTS AND DEMOCRACY IN NIGERIA REMAINED FIRM; NEVERTHELESS, THERE WERE SOME WORRISOME INDICATIONS THAT THE U.S. GOVERNMENT MIGHT BE PREPARED TO MAKE CONCESSIONS IN THESE AREAS IN RETURN FOR ACCESS TO THE NIGERIAN GOVERNMENT TO DISCUSS "TECHNICAL" ISSUES RELATING TO DRUG TRAFFICKING AND CIVIL AVIATION. FOR THE FOURTH TIME, NIGERIA WAS DENIED COUNTER-NARCOTICS CERTIFICATION UNDER SECTION 481 OF THE FOREIGN ASSISTANCE ACT (FAA), THUS REQUIRING THE U.S. TO VOTE AGAINST NIGERIA IN SIX MULTILATERAL DEVELOPMENT BANKS, INCLUDING THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT AND THE AFRICAN DEVELOPMENT BANK AND TO REFUSE ALL FAA AND ARMS CONTROL EXPORT ACT ASSISTANCE TO NIGERIA. DIRECT FLIGHTS TO NIGERIA REMAINED BANNED DUE TO SAFETY CONCERNS.

A DRAFT "NIGERIA DEMOCRACY ACT" FIRST INTRODUCED IN NOVEMBER 1995 WAS REINTRODUCED IN CONGRESS IN JUNE 1997 BY REPRESENTATIVE DONALD PAYNE, PROPOSING FURTHER SANCTIONS, INCLUDING A BAN ON AIR LINKS AND ON NEW INVESTMENT IN THE ENERGY SECTOR AND A FREEZE ON ASSETS OF MEMBERS OF THE NIGERIAN GOVERNMENT HELD IN THE U.S. IN SEPTEMBER, THE HOUSE COMMITTEE ON INTERNATIONAL RELATIONS HELD HEARINGS ON U.S. POLICY TOWARD NIGERIA. THE U.S. REMAINED BY FAR THE LARGEST IMPORTER OF NIGERIAN OIL, TAKING ABOUT 40 TO 50 PERCENT OF ITS OUTPUT, AND ANY INTERNATIONAL STEPS TAKEN TOWARDS AN OIL EMBARGO THEREFORE DEPENDED ON U.S. ACTION AND COOPERATION.

A NUMBER OF U.S. CITIES ADOPTED RESOLUTIONS PREVENTING PURCHASE FROM SUPPLIERS WITH BUSINESSES IN NIGERIA (AFFECTING IN PARTICULAR U.S. OIL COMPANIES MOBIL AND CHEVRON), AND IN JUNE A CONFERENCE OF MAYORS MEETING IN SAN FRANCISCO ADOPTED A RESOLUTION WELCOMING SUCH MEASURES IN SUPPORT OF DEMOCRACY IN NIGERIA. INDEPENDENT MISSIONS TO NIGERIA BY EX-PRESIDENT JIMMY CARTER AND ESPECIALLY BY THE AMERICAN BAPTIST CONVENTION WERE CRITICIZED BY NIGERIAN HUMAN RIGHTS GROUPS FOR TAKING AT FACE VALUE THE GOVERNMENT'S STATED INTENTIONS TO RESTORE NIGERIA TO DEMOCRATIC GOVERNMENT. A THIRTY-EIGHT MEMBER MONITORING TEAM SPONSORED BY U.S. GROUPS OBSERVED THE MARCH LOCAL

GOVERNMENT ELECTIONS BUT FAILED TO DENOUNCE ANY OF THE MULTIPLE DEFECTS OF THE TRANSITION PROCESS. THE NIGERIAN GOVERNMENT CONTINUED TO LAUNDER ITS IMAGE IN THE U.S. WITH A HIGH PROFILE LOBBYING CAMPAIGN.

## **Relevant Human Rights Watch report:**

*TRANSITION OR TRAVESTY? NIGERIA'S ENDLESS PROCESS TO RETURN TO CIVILIAN RULE, 10/97*

## **RWANDA**

### **Human Rights Developments**

IN LATE 1996, THE RWANDAN GOVERNMENT SENT ITS SOLDIERS ACROSS THE BORDER INTO EASTERN DEMOCRATIC REPUBLIC OF CONGO (DRC) TO EMPTY CAMPS THAT SHELTERED MORE THAN ONE MILLION RWANDANS. IN THE MONTHS THAT FOLLOWED, RWANDAN TROOPS AND THEIR CONGOLESE ALLIES CHASED DOWN CAMP RESIDENTS WHO FLED WEST ACROSS DRC, KILLING THOUSANDS OF NONCOMBATANTS AS WELL AS THE SOLDIERS AND MILITIA ACCOMPANYING THEM. DURING 1997 THE GOVERNMENT OF RWANDA LAUNCHED OTHER MILITARY OPERATIONS WITHIN ITS OWN FRONTIERS THAT KILLED THOUSANDS MORE UNARMED CIVILIANS AS IT TRIED TO PUT DOWN A GROWING INSURGENCY.

AS IN PRIOR YEARS, RWANDAN AUTHORITIES PROFESSED ADHERENCE TO INTERNATIONAL HUMAN RIGHTS STANDARDS AND CLAIMED THAT CIVILIAN KILLINGS WERE THE UNINTENDED CONSEQUENCE OF OPERATIONS JUSTIFIED BY THE NEEDS OF SELF-DEFENSE. THEY FAILED, HOWEVER, TO ACT EFFECTIVELY TO PUNISH VIOLATORS OR TO HALT ABUSES.

THE INSURGENTS, BASED LARGELY IN RWANDA AFTER THE CAMPS WERE CLOSED, ALSO KILLED CIVILIANS BY THE HUNDREDS AS WELL AS ATTACKING GOVERNMENT SOLDIERS. WITH NO PUBLICLY ACKNOWLEDGED POLITICAL LEADERSHIP, THEY ESCAPED SANCTION BY THE INTERNATIONAL COMMUNITY, WHOSE ONE EFFORT TO HALT THEIR VIOLENCE—AN ARMS EMBARGO IMPOSED IN 1994—WAS POORLY ENFORCED.

SOME 6,000 CIVILIANS WERE KILLED IN THE FIRST NINE MONTHS OF 1997, THE MAJORITY BY THE RWANDAN PATRIOTIC ARMY (RPA), THE REST BY INSURGENTS OR BY ASSAILANTS WHOSE AFFILIATION WAS UNCLEAR. THIS DEATH TOLL REPRESENTS NEARLY A FOUR-FOLD INCREASE OVER THE PREVIOUS YEAR, WHEN THE U.N. HUMAN RIGHTS FIELD OPERATION IN RWANDA (UNHCR) REPORTED 1,575 PERSONS KILLED IN SIMILAR CIRCUMSTANCES.

IN LATE 1996, OVER A MILLION RWANDANS LIVED IN EXILE IN DRC AFTER HAVING FLED THE VICTORY OF THE RWANDAN PATRIOTIC FRONT AND THE ESTABLISHMENT OF THE CURRENT GOVERNMENT IN 1994. ALTHOUGH MOST PEOPLE IN THE CAMPS WERE NONCOMBATANTS, TENS OF THOUSANDS OF OTHERS WERE SOLDIERS, MILITIA, AND CIVILIAN AUTHORITIES RESPONSIBLE FOR THE GENOCIDE OF AT LEAST HALF A MILLION TUTSI IN RWANDA. NOURISHED BY THE INTERNATIONAL COMMUNITY AND SHIELDED BY THE MASSIVE CIVILIAN POPULATION WHICH THEY MANIPULATED FOR THEIR OWN INTERESTS, THE LEADERS OF THE FORMER GOVERNMENT AND RWANDAN ARMED FORCES (FORCES ARMÉES RWANDAISES, FAR) USED THE CAMPS TO REGROUP, REARM AND LAUNCH INCURSIONS INTO RWANDA. THE INTERNATIONAL COMMUNITY PREFERRED TO PAY THE HIGH COST OF UPKEEP FOR THE CAMPS, ONE MILLION DOLLARS A DAY AT ONE POINT, TO THE COSTS—FINANCIAL, MILITARY AND POLITICAL—OF SEPARATING GENUINE REFUGEES FROM MILITARY AND OTHERS WHO HAD NO RIGHT TO THIS STATUS. HUMAN RIGHTS AND OTHER HUMANITARIAN AGENCIES CALLED REPEATEDLY FOR THE REMOVAL OF SOLDIERS FROM THE CAMPS AND THE RWANDAN GOVERNMENT MADE CLEAR THAT IT WOULD ACT IF THE INTERNATIONAL COMMUNITY DID NOT. AS THE EX-FAR CONTINUED THEIR INCURSIONS AND PREPARATIONS FOR FULL-SCALE INVASION, RWANDA PROFITED FROM THE COVER OF AN UPRISING BY THE ALLIANCE OF DEMOCRATIC FORCES FOR THE LIBERATION OF THE CONGO (ADFL) TO JOIN A CAMPAIGN WHICH BOTH OUSTED LONG-TERM DICTATOR MOBUTU SESE SEKO AND SMASHED THE CAMPS. (SEE DEMOCRATIC REPUBLIC OF THE CONGO.)

SOME 600,000 RWANDANS THEN RETURNED HOME, MANY OF THEM GLAD TO BE FREE OF THE CONTROL OF THE FORMER AUTHORITIES. OTHERS CAME BACK TO RWANDA AGAINST THEIR WILL, VICTIMS OF A FORCIBLE REPATRIATION FORBIDDEN BY INTERNATIONAL REFUGEE LAW. STILL OTHERS FLED WEST AND NORTHWEST, SOME OF THEM FORCED TO ACCOMPANY THE

retreating ex-FAR and militia. For the next six months, ADFL forces, often led by Rwandans, hunted down those in flight, killing civilians as well as armed elements and preventing humanitarian agencies from delivering the food, water and medicine needed to keep them alive. By July 1997, the United Nations High Commissioner for Refugees (UNHCR) had located some 296,000 Rwandans in DRC and adjacent countries and had assisted some 234,000 of these persons to return to Rwanda. An additional 213,000 remained missing, many of them presumably dead either from military attack or hunger and disease.

Several weeks after the massive return from DRC, more than 470,000 Rwandans came back from exile in Tanzania. The return of smaller numbers from Burundi during 1996 brought the total of returnees to more than 1,300,000.

The government of Rwanda had always urged those abroad to come home, preferring to contain its adversaries within the country rather than fight them across borders. Authorities ensured a generally orderly and prompt dispersal of returnees to their home communes, at first postponing arrests of persons who could be accused of genocide and keeping local populations calm. In the course of the year, however, more than two hundred returnees were killed, including some fifty ex-FAR officers and their families. In most of these cases, no assailants were apprehended. Local authorities in Mukingo commune, Ruhengeri prefecture, reported that some 500 returnees who were being held for questioning were taken away by truck during the middle of the night of April 29 by government soldiers and have not been seen since. In addition, two ex-FAR officers returned from abroad were said to have committed suicide while imprisoned at a brigade lockup in Rubavu commune.

Beginning in January, insurgents attacked genocide survivors and other Tutsi who had returned to Rwanda after the 1994 Rwandan Patriotic Front (RPF) victory. In raids on taxis and schools in February, March and April, assailants targeted only Tutsi and spared Hutu, indicating an intent to continue the 1994 genocide and to eliminate witnesses who could testify about the earlier slaughter. In August, insurgents killed seventeen genocide survivors and 131 Congolese refugees, most of them ethnic Tutsi, who were housed in a camp in northwestern Rwanda. In a mid-October attack on a similar camp in Mutura commune, insurgents killed at least thirty-seven persons and wounded many more. At the end of October some 2,000 survivors of the genocide and other Tutsi sought shelter in the town of Ruhengeri, leaving homes in rural areas where they feared attacks by rebels.

The insurgents, who gathered in larger groups as the year progressed, attacked more important targets, such as government installations, and fought more substantial skirmishes against the army beginning in May, primarily in the northwestern part of the country. Although authorities asserted repeatedly that the insurgents had been beaten, the rebels were able to lay siege to the important town of Gisenyi for seven hours in early October. The government soldiers had to bring reinforcements and artillery from Ruhengeri in order to defeat some 1,000 insurgents who also shot mortars into the town. Insurgents and government soldiers clashed again in Nduvu, Gatonde, and Nyarutovu communes in Ruhengeri later in October. Most military action was concentrated in the northwest, but armed men, apparently insurgents, carried out several attacks in the northeast, including one in Buyoya in early September where they killed a local official, his wife, six children and two guards, in the western prefecture of Kibuye, and in the central prefectures of Gitarama and Gikongoro.

The government responded to attacks with an excessive and indiscriminate use of force, by October killing an estimated 3,500 unarmed civilians in the course of military operations. These operations generally followed attacks on government soldiers, Tutsi civilians, and local government officials or the reported presence of insurgents in a community. Soldiers and government officials also killed hundreds of civilians in circumstances other than military operations. In August, soldiers reportedly executed some 150 detainees at the communal jails in Kanama and Rubavu in northwestern Rwanda. In the southern prefecture of Butare, two soldiers killed eleven detainees in Muvira commune in January and an RPA guard killed another eleven at Maraba commune in May. A prison guard in the commune of Rutongo killed eight detainees in early August. On January 24, at a public meeting in Karengera

COMMUNE, CYANGUGU PREFECTURE, SOLDIERS CARRIED OUT THE EXTRAJUDICIAL EXECUTION OF TWO PERSONS SUSPECTED OF MURDER, REPEATING VIOLATIONS FROM THE PREVIOUS MONTH WHEN FOUR PERSONS WERE SHOT DEAD BY SOLDIERS IN THE PRESENCE OF CIVILIAN AUTHORITIES IN SATINSYI COMMUNE, GISENYI PREFECTURE, AND MUBUGA COMMUNE, GIKONGORO PREFECTURE.

SOLDIERS AND ADMINISTRATIVE OFFICIALS HAVE CONFINED HUNDREDS OF CIVILIANS IN MILITARY CAMPS OR FACILITIES UNDER MILITARY CONTROL AFTER HAVING ARRESTED THEM IN CORDON-AND-SEARCH OPERATIONS IN AREAS OF CONFLICT AND IN URBAN CENTERS LIKE THE CAPITAL. U.N. HUMAN RIGHTS MONITORS AND REPRESENTATIVES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) WERE ORDINARILY DENIED ACCESS TO SUCH FACILITIES, MAKING IT IMPOSSIBLE TO KNOW HOW MANY PERSONS WERE HELD OR THE CONDITIONS OF DETENTION.

AFTER TWO PARTICULARLY EGREGIOUS CASES OF MILITARY ABUSES, THE KILLING OF AT LEAST 137 CIVILIANS IN KIGOMBE COMMUNE IN EARLY MARCH AND THE SLAUGHTER OF HUNDREDS AT MAHOKO MARKET IN GISENYI PREFECTURE IN AUGUST, AUTHORITIES REPORTEDLY OPENED INVESTIGATIONS AND ARRESTED THE LOCAL COMMANDING OFFICERS—IN EACH CASE A MAJOR—AND OTHER SOLDIERS. SOME 1,300 SOLDIERS FACED CHARGES IN THE MILITARY JUSTICE SYSTEM, BUT MORE THAN HALF OF THESE WERE EX-FAR ACCUSED OF GENOCIDE OR CRIMES AGAINST THE CURRENT GOVERNMENT. MILITARY COURTS TRIED 114 CASES, BUT ONLY TWO INVOLVING HUMAN RIGHTS ABUSES ATTRACTED PUBLIC NOTICE. IN DECEMBER 1996, COL. FRED IBINGIRA, THE COMMANDER OF GOVERNMENT TROOPS WHO MASSACRED SOME 2,000 DISPLACED PERSONS AT THE KIBEHO CAMP IN APRIL 1995, WAS TRIED AND ACQUITTED OF CHARGES OF MURDER AND THE USE OF ARMS WITHOUT ORDERS. HE WAS FOUND GUILTY OF FAILING “TO PREVENT CRIMINAL ACTS THROUGH IMMEDIATE ACTION” AND WAS SENTENCED TO EIGHTEEN MONTHS IMPRISONMENT, A PERIOD WHICH HE WAS SAID TO HAVE ALREADY SPENT IN PRE-TRIAL CUSTODY, AND TO A FINE OF ABOUT U.S. \$30. LIEUTENANT COLONEL MUROKORE, IBINGIRA’S IMMEDIATE SUBORDINATE, WAS ALSO CHARGED IN 1995, BUT BY 1997 HE WAS FREED, APPARENTLY WITHOUT TRIAL, AND THE MILITARY PROSECUTOR’S OFFICE SAID THAT IT EXPECTED NO FURTHER PROSECUTIONS RELATED TO THE KIBEHO KILLINGS. (BOTH IBINGIRA AND MUROKORE REPORTEDLY FOUGHT IN THE DRC OPERATION.) IN A JUDGMENT IN SEPTEMBER REMARKABLY LIKE THAT OF THE IBINGIRA CASE, A MILITARY COURT ACQUITTED SEVERAL SOLDIERS OF SERIOUS CHARGES RELATED TO THE KILLING OF 110 CIVILIANS AT KANAMA IN SEPTEMBER 1995 AND FOUND THEM GUILTY OF FAILING TO COME TO THE ASSISTANCE OF PEOPLE IN DANGER. THEY WERE SENTENCED TO TWENTY-EIGHT MONTHS IN PRISON, OF WHICH THEY WERE SAID ALREADY TO HAVE SERVED TWENTY-FOUR, AND WERE FINED ABOUT \$30. IN BOTH TRIALS, THE PROSECUTORS PRESENTED WEAK CASES, TAPPING VERY LITTLE OF THE ABUNDANT EVIDENCE AVAILABLE. IN THE SECOND CASE, THEY HAD TAKEN MOST OF THE TESTIMONY IN THE WEEKS IMMEDIATELY PRECEDING THE TRIAL, ALTHOUGH THE EVENTS HAD TAKEN PLACE NEARLY TWO YEARS BEFORE.

GEN. PAUL KAGAME, THE EFFECTIVE HEAD OF GOVERNMENT, REPEATEDLY STRESSED THE IMPORTANCE OF POLITICAL OVER MILITARY SOLUTIONS TO PROBLEMS, BUT THE GOVERNMENT EXPERIENCED GROWING DIFFICULTY IN FINDING POLITICAL SOLUTIONS. ILLUSTRATIVE OF THIS DEVELOPMENT WAS THE APPARENTLY FORCED RESIGNATION OF COL. ALEXIS KANYARENGWE FROM THE POST OF MINISTER OF THE INTERIOR FOLLOWING HIS PUBLIC PROTESTS AGAINST KILLINGS BY GOVERNMENT SOLDIERS IN MARCH IN HIS HOME REGION OF RUHENGERI. PRIOR TO THE KILLINGS, KANYARENGWE HAD HELPED ASSURE SUPPORT OF THE GOVERNMENT IN RUHENGERI. THE GOVERNMENT REMOVED THE PREFECT OF RUHENGERI, APPARENTLY BECAUSE HE TOO HAD SPOKEN OUT AGAINST MILITARY EXCESSES, AND REPLACED HIM WITH BONIFACE RUCAGU, WHOM AUTHORITIES HAD PREVIOUSLY ACCUSED OF HAVING LED THE GENOCIDE. ARRESTED SEVERAL TIMES BUT NEVER BROUGHT TO TRIAL, RUCAGU WAS APPARENTLY THOUGHT TO BE THE ONLY PERSON WHO MIGHT BRING ORDER TO THE NORTHWESTERN PREFECTURE. MEMBERS OF THE NATIONAL ASSEMBLY, PARTICULARLY SURVIVORS OF THE GENOCIDE, PROTESTED THE CHOICE BITTERLY, BUT TO NO AVAIL.

AMONG THE CIVILIANS SLAIN BY OCTOBER 1997 WERE 108 ADMINISTRATIVE AND NINETEEN JUDICIAL OFFICIALS. INSURGENTS WERE REPORTEDLY RESPONSIBLE FOR MOST OF THESE CRIMES AS THEY SOUGHT TO PUNISH SUPPORTERS OF THE GOVERNMENT. IN A FEW CASES, ARMY OR OTHER STATE OFFICIALS WERE ACCUSED OF THE KILLINGS. WHATEVER THE SOURCE OR SOURCES OF THE VIOLENCE, IT DISCOURAGED MODERATES FROM ACCEPTING OFFICIAL DUTIES.

A JOURNALIST CRITICAL OF THE GOVERNMENT, APPOLUS HAKIZIMANA, WAS ASSASSINATED IN APRIL. HIS ASSOCIATE, AMIEL NKULIZA, ALSO CRITICAL OF THE GOVERNMENT, WAS THREATENED WITH DEATH IMMEDIATELY THEREAFTER AND WAS ARRESTED TWO WEEKS LATER ON CHARGES OF HAVING INCITED ETHNIC HATRED.

IN A NUMBER OF CASES, UNIDENTIFIED ASSAILANTS KILLED RWANDAN EMPLOYEES OF INTERNATIONAL AGENCIES, SUCH AS UNICEF, UNHCR, AND THE WORLD FOOD PROGRAM. GOVERNMENT SOLDIERS IN JANUARY SHOT AT TWO EMPLOYEES OF THE NONGOVERNMENTAL ORGANIZATION (NGO) CONCERN, KILLING ONE OF THEM. MANY OTHER EMPLOYEES OF HUMANITARIAN AGENCIES HAVE BEEN THREATENED. IN OTHER CASES, THE ASSAILANTS MURDERED EIGHT FOREIGN RESIDENTS BY MID-YEAR. ON JANUARY 18, ARMED MEN, SOME OF THEM IN MILITARY UNIFORM, ATTACKED THREE BUILDINGS IN THE TOWN OF RUHENGERI THAT WERE OCCUPIED BY FOREIGN STAFF OF SAVE THE CHILDREN, MEDECINS SANS FRONTIERES, AND DOCTORS OF THE WORLD. DRIVEN AWAY FROM TWO OF THE BUILDINGS, ASSAILANTS GAINED ENTRY TO THE THIRD, WHERE THEY MURDERED THREE SPANISH MEDICAL WORKERS AND SERIOUSLY INJURED AN AMERICAN, WHO LATER WAS OBLIGED TO HAVE HIS INJURED LEG AMPUTATED. THE GOVERNMENT SOLDIERS IN THE IMMEDIATE VICINITY FAILED TO INTERVENE BUT LATER ARRESTED THE GUARD OF THE PREMISES WHO HAD WITNESSED THE WHOLE ATTACK; AN RPA SOLDIER SHOT HIM THE NEXT DAY, SUPPOSEDLY BECAUSE HE WAS TRYING TO ESCAPE CUSTODY. IN ANOTHER CASE, INSURGENTS KILLED A BELGIAN NUN WHEN THEY ATTACKED THE SCHOOL SHE DIRECTED IN SATINSYI COMMUNE, GISENYI PREFECTURE, ON APRIL 28 AND WERE REPORTEDLY ALSO RESPONSIBLE FOR MURDERING A CHINESE ENGINEER IN KIVUMU COMMUNE, KIBUYE PREFECTURE ON JUNE 24. A TEACHER, REPORTEDLY ONCE AN RPA SOLDIER, SHOT AND KILLED A CANADIAN PRIEST DURING A MASS IN KINIGI COMMUNE, RUHENGERI PREFECTURE ON FEBRUARY 2. THE ATTACKS ON FOREIGN NATIONALS, INCLUDING ATTACKS ON HUMAN RIGHTS MONITORS DESCRIBED BELOW, CAUSED MANY NGOS TO WITHDRAW THEIR STAFF FROM INSECURE AREAS IN THE WEST AND NORTHWEST. THIS REDUCED THE NUMBER OF OUTSIDE WITNESSES AND DIMINISHED THE AMOUNT OF INFORMATION AVAILABLE ABOUT INCIDENTS OF VIOLENCE.

AGAINST THE BACKDROP OF INCREASING VIOLENCE BY BOTH THE GOVERNMENT AND THE INSURGENTS, THE BEGINNING OF TRIALS FOR GENOCIDE OFFERED ONE SIGN OF HOPE. WITH CONSIDERABLE FOREIGN ASSISTANCE IN THE TRAINING OF PERSONNEL, THE JUDICIAL SYSTEM WAS OPERATING WITH 910 JUDGES, FAR MORE THAN THE NUMBER IN SERVICE BEFORE THE GENOCIDE. BY MID-YEAR, COURTS HAD HANDED DOWN JUDGMENTS IN 142 CASES, IN WHICH SIXTY-ONE PERSONS WERE FOUND GUILTY AND CONDEMNED TO DEATH, EIGHT WERE ACQUITTED, AND THE REST FOUND GUILTY AND SENTENCED TO VARYING PRISON TERMS UP TO LIFE IN PRISON. AS OF OCTOBER, FIVE OF THOSE SENTENCED TO DEATH HAD APPEALED AND SEEN THEIR APPEALS REJECTED, BUT NONE OF THE CONDEMNED HAD BEEN EXECUTED. FOLLOWING THE PROCEDURE SET BY A 1996 LAW ON THE GENOCIDE, TWENTY-FIVE PERSONS PLEADED GUILTY AND MADE DETAILED CONFESSIONS IN ORDER TO BE ELIGIBLE FOR A LIGHTER PENALTY. IN SEPTEMBER, THE FIRST DECISION WAS HANDED DOWN CONCERNING ONE OF SOME 2,000 MINORS FACING CHARGES OF GENOCIDE. THE ACCUSED, FOUND GUILTY OF CRIMES COMMITTED WHEN HE WAS FOURTEEN YEARS OLD, WAS GIVEN A REDUCED SENTENCE OF THREE YEARS BECAUSE HE HAD CONFESSED.

THE FIRST TRIALS FAILED TO MEET INTERNATIONAL STANDARDS IN SEVERAL RESPECTS, MOST IMPORTANTLY BECAUSE THE ACCUSED HAD NO LEGAL REPRESENTATION. THE GOVERNMENT OF RWANDA ACKNOWLEDGED THE RIGHT OF THE ACCUSED TO A DEFENSE, BUT DECLARED ITSELF UNABLE TO PAY FOR LEGAL ASSISTANCE. A SMALL NGO, AVOCATS SANS FRONTIERES, ARRANGED FOR ATTORNEYS FROM OTHER AFRICAN AND EUROPEAN COUNTRIES TO REPRESENT SOME DEFENDANTS, BUT LACKED RESOURCES TO MEET THE OVERWHELMING DEMAND. IN ADDITION, THEIR STAFF DID NOT PROVIDE ASSISTANCE IN INSECURE AREAS. DURING THE YEAR, THE CONDUCT OF TRIALS IN A NUMBER OF COURTS IMPROVED: PROSECUTORS CALLED WITNESSES TO COURT MORE OFTEN, INSTEAD OF MERELY PRESENTING A WRITTEN SUMMARY OF THEIR TESTIMONY; THE ACCUSED WAS GIVEN MORE TIME TO REVIEW THE CHARGES; AND JUDGES MORE OFTEN GRANTED REASONABLE REQUESTS FOR ADJOURNMENTS. THESE IMPROVEMENTS, WHILE SIGNIFICANT, DID NOT TAKE PLACE IN ALL COURTS, NOR DID THEY ALLEVIATE THE PERSISTENT PROBLEM OF THREATS AGAINST DEFENSE WITNESSES, LAWYERS, AND JUDGES.

IN AUGUST FORTY-FOUR LAWYERS WERE SWORN IN TO THE NEWLY ESTABLISHED BAR, BUT ALMOST ALL OF THEM REFUSED TO DEFEND PERSONS ACCUSED OF GENOCIDE. ONE OF THE THREE RWANDAN LAWYERS WHO AGREED TO DO SO, INNOCENT MURENGEZI, "DISAPPEARED" WHEN HE LEFT A COURT BUILDING AT THE END OF JANUARY. ALTHOUGH THE MINISTER OF JUSTICE AND U.N. HUMAN RIGHTS MONITORS MADE EFFORTS TO TRACE HIM, HE HAD NOT BEEN LOCATED EIGHT MONTHS LATER AND WAS PRESUMED DEAD.

WITH THE MASSIVE RETURN OF RWANDANS FROM ABROAD, MILITARY AND ADMINISTRATIVE OFFICIALS ONCE MORE BEGAN MAKING ARRESTS WITHOUT LEGAL AUTHORITY TO DO SO AND WITHOUT FOLLOWING LEGAL PROCEDURE, THUS REVIVING PRACTICES THAT HAD

diminished last year with the improved functioning of the judicial system. They also began once more holding detainees in irregular places of detention in various sectors of the communes. Near the end of 1997, an estimated 40 percent of those detained in prisons and 90 percent of those detained in other facilities had no files establishing charges against them. This made it appear impossible for authorities to comply with provisions of a 1996 law setting the end of 1997 as the deadline for having appropriate warrants drawn and preliminary appearances before judges for all those arrested on or before September 9, 1996. By October, more than 120,000 persons were held in inhumane conditions, crammed into prisons and communal jails meant to house a fraction of that number. In the early part of the year, prisoners in several central prisons received no or very little food for up to ten days, supposedly because of lack of firewood for cooking. Due to insecurity in some regions, representatives of the ICRC were unable to visit an estimated 30 percent of jails in communes and police brigades.

The reintegration of the returnees has exacerbated social and economic problems chronic to the heavily overpopulated, agricultural country. Those who fled Rwanda in 1994 have returned to find their homes, fields, businesses and jobs in the hands of others, many of them persons who followed the RPF back to Rwanda from their own years of exile. The government has guaranteed the property rights of those who fled in 1994, but has implemented the promise in relatively few cases. The Ministry of Defense has confiscated properties of some of those accused but not yet tried on charges of genocide and has decreed that tenants occupying those properties must work out rental agreements with its officials. In April, the government announced that returnees who wanted to seek employment or to attend school would first have to pass through a one-month program of re-education. Those already employed were told to leave their jobs until they had undergone this process and employers were warned not to hire any returnees who had not completed re-education. By August several re-education camps had begun operating, but they could accommodate only a very small number of those who must complete the program before beginning work or study.

### The Right to Monitor

The five Rwandan human rights associations suffered enormous losses during the genocide. In attempting to resume work, activists who have criticized the authorities or urged the presumption of innocence for those accused of genocide were harassed and threatened. Virtually all Rwandans—including lawyers and judicial personnel—ordinarily refer to those accused of genocide as the “presumed guilty.” In February 1997, Alphonse-Marie Nkubito, the founder of the first Rwandan human rights organization, the Rwandan Association for the Defense of Human Rights (Association rwandaïse pour la défense des droits de l’homme, ARDHO), died suddenly. Authorities failed to investigate allegations that he had been murdered, leaving suspicions and fear among his colleagues and others. Soon after Nkubito’s death, Abbe Andre Sibomana, president of the Rwandan Association for the Defense of Human Rights and Public Liberties (Association rwandaïse pour la défense des droits de la personne et des libertés publiques, ADL) and Rosalie Mukarukaka, secretary general of ADL, were detained and interrogated by the police. Emmanuel Hitimana, a researcher for ARDHO was also detained for seven days in a communal jail and was warned to stop doing human rights work. Murengezi, who “disappeared” in January, was also a human rights activist.

Rwandan human rights researchers who tried to investigate the killing of detainees at the Maraba communal jail in May (see above) were not permitted to view the bodies or to interview the wounded and other detainees. Military authorities excluded Rwandan activists seeking to investigate RPA abuses from areas of the northwest, declaring the communities to be areas of military operations.

Under these pressures, three of the five human rights groups gave up rigorous monitoring of government abuses and have devoted themselves to less dangerous tasks, like human rights education.

In early February, five staff members of the United Nations Human Rights Field Office for Rwanda (UNHCRFOR)

were murdered in southwestern Rwanda by assailants who ambushed their vehicle. Three of the five were Rwandan, one was British, and one was Cambodian. Rwandan authorities attributed the attack to a band of insurgents, several of whom they said they had killed in an encounter soon after. Several weeks before, two Rwandan and two foreign UNHCR staff members were beaten and robbed and their vehicle burned, apparently by insurgents. Following the February killings, all staff were recalled to the capital for the rest of the month. When the U.N. field team resumed operations, staff could not regularly monitor the areas of greatest insecurity, the very regions where they were most needed.

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

As in 1996, the international community continued to offer political, economic and military support to Rwanda. Governments were generally ready to overlook or to excuse Rwandan abuses as a cost of rebuilding a nation shattered by genocide or to accept without challenge official denials of responsibility when the identity of the perpetrators was unknown. International actors rarely criticized abuses, whether victims were Rwandans or even citizens of their own nations. Condemnation of the murder of the U.N. human rights monitors was so muted as to dishearten their colleagues. Foreign diplomats in Kigali accepted the show of justice in the Ibengira court martial without comment, fearing that too much attention to the case would be "counterproductive," according to one European diplomat.

South Africa, which had interrupted arms sales to the previous government, resumed selling weapons to Rwanda, apparently unconvinced by human rights groups, canvassed by the National Conventional Arms Control Committee, that had argued against this. The African National Congress (ANC) issued a statement concerning the weapons sales commending the Rwandan government for its "positive role in bringing about peace in the region as a whole and their country in particular." The South African endorsement was only one indication of the widespread support enjoyed by the Rwandan government among African leaders ready to overlook its human rights abuses in light of its political and military successes.

## **United Nations**

According to the Rwandan government, the U.N. lost the moral authority to condemn human rights abuses in Rwanda when it failed to intervene in the genocide in 1994. Exploiting this premise and the justification that current killings resulted from a need to defend against insurgents, Rwanda persuaded the U.N. Commission on Human Rights to end the mandate of the special rapporteur on Rwanda, replacing him with a "special representative" who lacked the authority to report on alleged abuses and was limited to advising on how to improve the human rights situation.

Using similar arguments, Rwanda began a campaign to end monitoring by UNHCR. Reports by the field operation, regularly submitted to Rwandan authorities before publication, rarely criticized the government firmly. Like the local organizations, UNHCR devoted considerable resources to less risky human rights activities, like promoting human rights and assisting in development of the judiciary. When UNHCR did produce two exceptionally strong reports in late July, the government stepped up its efforts to have the monitoring operation ended. Diplomats in Kigali, reflecting the policy of their governments, provided little political support to UNHCR.

The International Criminal Tribunal for Rwanda (ICTR), established by the U.N. Security Council in 1994 to prosecute those responsible for the genocide and other violations of international humanitarian law, improved its performance markedly in 1997 after the replacement in February of the registrar and deputy prosecutor. Under the new leadership, tribunal staff in general functioned more efficiently and the prosecutor began grouping several accused persons for a single trial, a strategy which promised to expedite the process. The opening of a second



courtroom made it possible to try two cases simultaneously, an important step since the ICTR already had twenty-one indicted persons in custody. In October, the first three trials were nearing conclusion and the prosecution hoped for judges to begin their deliberations by the end of the year.

The tribunal, now adequately funded by the international community, still suffered severe shortages of qualified personnel, a lack exacerbated by the end of a long-standing practice that allowed member states to second personnel to U.N. agencies. At mid-year, more than half the posts of investigator were vacant.

In 1997, Cameroon joined the list of states (Belgium, Kenya, Switzerland, Zambia) that had assisted the tribunal in arresting suspects, delivering four accused persons to the ICTR, including Col. Theoneste Bagosora, one of the top leaders during the genocide. Kenya also helped the ICTR once again, this time with the arrest of the former prime minister of Rwanda and seven other suspects, who were subsequently handed over to the custody of the tribunal. One accused person is imprisoned in the U.S., awaiting transfer to the ICTR.

## European Union

The European Union, particularly satisfied to have most of the refugees back home, provided a fresh infusion of emergency funds, some thirty-five million ECU to assist in their resettlement. In terms of development assistance, the E.U. continued to contribute particularly to the judicial and police systems, giving some four and a half million ECU. Italy provided some U.S.\$10 million for the re-education camps and France joined the ranks of international donors to the current government for the first time with some \$2.5 million worth of assistance in education and health. Austria cancelled a Rwandan debt of \$17 million. As reports increased of killings of civilians by RPA soldiers, critics of continued unconditional assistance to the Rwandan government became more vociferous in Belgium, the Netherlands, and Ireland, but their efforts had produced no restrictions in aid by October. Similarly, an E.U. discussion of an arms embargo on the entire Great Lakes ended with no action.

## United States

The U.S. emerged this year as the most important foreign supporter of the Rwandan government, a role symbolized by U.S. military assistance. In itself a relatively small program, the military training attracted much attention because of human rights violations by RPA soldiers both in Rwanda and in DRC. At a congressional hearing in December 1996, Assistant Secretary of Defense Vincent Kern asserted that the U.S. provided the "softer, kinder, gentler" kind of military training, with emphasis on human rights issues, civil-military relations, and leadership training. In August, after further congressional prodding, the Department of Defense reported having provided one course that taught combat skills as marksmanship in the months just before the DRC operation. U.S. embassy staff in Kigali were reluctant to acknowledge abuses by government forces, although they maintained that they raised such issues privately with Rwandan authorities. In one UNHCR briefing about RPA killings of civilians, the U.S. ambassador challenged the report so vigorously that "he looked like the Rwandan government lawyer," according to one observer present at the meeting. After the RPA arrested soldiers for the 1997 killings in Kanama, the U.S. ambassador publicly commended military authorities for "hold[ing] the army accountable," but he said nothing about the judgment that same day that acquitted soldiers charged with murdering 110 civilians at Kanama in 1995. (See above.)

Like E.U. nations, the U.S. provided substantial assistance, some \$28 million, for refugee resettlement and more than one million dollars for rebuilding courts and training communal and national police.

As reports increased of abuses by government soldiers, Washington policymakers debated what course to follow in Rwanda but by late in the year, there had been no apparent change in policy.

## SOUTH AFRICA

## Human Rights Developments

THE AFRICAN NATIONAL CONGRESS (ANC) CONTINUED TO DOMINATE SOUTH AFRICA'S GOVERNMENT OF NATIONAL UNITY (GNU) AS IT REACHED THE MIDDLE OF ITS FIRST TERM OF OFFICE. MEMBERS OF THE INKATHA FREEDOM PARTY (IFP) WERE INCLUDED IN THE CABINET, BUT THE NATIONAL PARTY, WHICH HAD RESIGNED FROM THE GNU IN 1996, REMAINED IN OPPOSITION. IN AUGUST, THE RESIGNATION BY FORMER PRESIDENT F.W. DE KLERK AS LEADER OF THE NATIONAL PARTY REFLECTED THE DISARRAY OF THE FORMER PARTY OF APARTHEID, AS THE POLITICAL LANDSCAPE CONTINUED TO ADJUST TO THE NEW REALITIES OF UNIVERSAL SUFFRAGE. A NUMBER OF NEW MILESTONES IN SOUTH AFRICA'S TRANSFORMATION WERE PASSED, MOST IMPORTANTLY THE COMING INTO FORCE, ON FEBRUARY 4, FOLLOWING CERTIFICATION BY THE CONSTITUTIONAL COURT, OF THE CONSTITUTION DRAFTED DURING THE PERIOD SINCE THE ELECTIONS OF APRIL 1994. THE CONSTITUTION, WHICH REPLACED AN "INTERIM" CONSTITUTION ADOPTED IN DECEMBER 1993 AND IN FORCE SINCE APRIL 1994, INCLUDED A BILL OF RIGHTS GUARANTEEING TO ALL IN SOUTH AFRICA THE RANGE OF CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS.

THE TRUTH AND RECONCILIATION COMMISSION (TRC) CONTINUED ITS HEARINGS AND INVESTIGATIONS DURING THE YEAR. THE COMMISSION WAS SET UP IN DECEMBER 1995 WITH A MANDATE TO ESTABLISH A RECORD OF GROSS VIOLATIONS OF HUMAN RIGHTS FROM 1960 TO 1994 AND TO GRANT AMNESTY TO PERPETRATORS OF CRIMES COMMITTED WITH A POLITICAL MOTIVE WHO FULFILLED CERTAIN CONDITIONS, INCLUDING FULL DISCLOSURE OF THEIR ACTS. IT WAS DUE TO FINISH ITS PUBLIC HEARINGS IN DECEMBER 1997, EXCEPT FOR THOSE RELATED TO AMNESTY APPLICATIONS, AND TO SUBMIT A REPORT IN JULY 1998. BY THE END OF AUGUST 1997, ALMOST 7,000 INDIVIDUALS HAD APPLIED TO THE COMMISSION FOR AMNESTY (THE GREAT MAJORITY OF THEM PRISONERS CONVICTED OF CRIMES WITH LITTLE APPARENT POLITICAL MOTIVE), OF WHICH 1,700 HAD BEEN DEALT WITH AND ABOUT SEVENTY-FIVE APPLICATIONS GRANTED. THOSE INDEMNIFIED AGAINST PROSECUTION OR CIVIL LIABILITY INCLUDED FORMER ANC MEMBERS AS WELL AS FORMER SECURITY POLICE. THE MAIN POLITICAL PARTIES FACED CROSS-EXAMINATION ON THEIR SUBMISSIONS TO THE TRC, LEADING THE NATIONAL PARTY TO "WITHDRAW ITS COOPERATION" FROM THE COMMISSION FOLLOWING HEARINGS IN MAY AT WHICH FORMER PRESIDENT DE KLERK RECEIVED SHARP CRITICISM FOR HIS FAILURE TO ACKNOWLEDGE NATIONAL PARTY ABUSES. THE NATIONAL PARTY ALSO LAUNCHED A COURT CHALLENGE TO THE COMMISSION CALLING FOR THE DISMISSAL OF ITS VICE-CHAIR AND AN ORDER THAT IT CARRY OUT ITS WORK WITHOUT BIAS, THOUGH THIS CASE WAS LATER SETTLED ON THE BASIS OF AN APOLOGY. THE INKATHA FREEDOM PARTY MAINTAINED ITS OPPOSITION TO TRC PROCEEDINGS, ALLEGING A "WITCH-HUNT" AGAINST ITS MEMBERS. A NUMBER OF INDIVIDUAL INKATHA AND SECURITY FORCE MEMBERS ALSO REFUSED TO COOPERATE WITH THE COMMISSION, WHICH LAUNCHED COURT ACTION TO COMPEL THEIR APPEARANCE. NO SENIOR MEMBERS OF THE NATIONAL PARTY OR INKATHA FREEDOM PARTY APPLIED FOR AMNESTY, DESPITE INCREASING EVIDENCE OF THEIR INVOLVEMENT IN SYSTEMATIC EFFORTS TO PROMOTE POLITICAL VIOLENCE AND ASSASSINATE MEMBERS OF THE LIBERATION MOVEMENTS. THE COMMISSION HELD SPECIAL HEARINGS DURING THE YEAR RELATED TO THE ROLE OF HEALTH PROFESSIONALS, THE MEDIA, BUSINESS, AND THE LEGAL SYSTEM IN HUMAN RIGHTS VIOLATIONS. OTHER COMMISSIONS OF INQUIRY INVESTIGATED OTHER ASPECTS OF THE PAST, INCLUDING THE ACTIVITIES OF THE FORMER HOMELAND GOVERNMENTS AND THE "SHELL HOUSE MASSACRE," A 1994 MARCH PAST ANC HEADQUARTERS IN JOHANNESBURG AT WHICH A NUMBER OF INKATHA SUPPORTERS WERE SHOT DEAD BY ANC SECURITY GUARDS.

AS INVESTIGATIONS CONTINUED INTO THE VIOLATIONS OF THE PAST, EFFORTS TO REFORM THE INSTITUTIONS RESPONSIBLE CONTINUED. IN APRIL 1997, AN INDEPENDENT COMPLAINTS DIRECTORATE (ICD) ASSUMED RESPONSIBILITY FOR THE INVESTIGATION (OR SUPERVISION OF INTERNAL INVESTIGATIONS) OF ALL COMPLAINTS AGAINST THE POLICE. LEGISLATION TO AMEND SECTION 49 OF THE CRIMINAL PROCEDURE ACT, ALLOWING POLICE TO SHOOT FLEEING SUSPECTS, WAS APPROVED BY CABINET. A THREE-YEAR MORATORIUM ON RECRUITING NEW POLICE OFFICERS WAS LIFTED IN MAY, AND 1,200 POSTS WERE ADVERTISED (FOR WHICH THERE WERE OVER 600,000 APPLICATIONS); THESE OFFICERS WERE TO UNDERGO TRAINING UNDER A NEW CURRICULUM INCLUDING A SUBSTANTIAL HUMAN RIGHTS CONTENT. NEVERTHELESS, ALLEGATIONS OF POLICE INVOLVEMENT IN TORTURE, EXTRAJUDICIAL EXECUTIONS, AND ORGANIZED CRIME CONTINUED THROUGHOUT 1997. IN JULY, THE ICD ANNOUNCED THAT IT HAD RECORDED 191 CASES OF DEATHS IN CUSTODY OR AS A RESULT OF POLICE ACTION DURING THE FIRST THREE MONTHS OF ITS EXISTENCE (FIFTY-SIX OF THESE WERE CUSTODIAL DEATHS), SUGGESTING A TOTAL OF CLOSE TO 900 DEATHS IN ONE YEAR. EVEN THOUGH THE LEGISLATION

ESTABLISHING THE ICD OBLIGED POLICE TO REPORT ALL SUCH DEATHS, THE ICD SUSPECTED THAT NOT ALL CASES WERE BEING REPORTED TO IT; YET THE NUMBERS SIGNIFICANTLY INCREASED FROM THOSE REPORTED IN PREVIOUS YEARS (226 DEATHS WERE REPORTED IN 1995).

IN DECEMBER 1996, THE DEPARTMENT OF JUSTICE ANNOUNCED AN AMBITIOUS LEGISLATIVE PROGRAM FOR 1997. LAWS INTRODUCED TO PARLIAMENT OR PASSED DURING THE YEAR INCLUDED AN ACT TO REMOVE CORPORAL PUNISHMENT AND THE DEATH PENALTY FROM THE STATUTE BOOK; AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL PROSECUTING AUTHORITY AND A NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS; AND AN ACT TO ESTABLISH AN OFFICE FOR WITNESS PROTECTION WITHIN THE DEPARTMENT OF JUSTICE. THE PROVISION OF LEGAL AID TO INDIGENT INDIVIDUALS ACCUSED OF CRIMINAL OFFENSES INCREASED GREATLY, AS DEFENDANTS BEGAN TO EXERCISE THEIR CONSTITUTIONAL RIGHT TO DEMAND LEGAL REPRESENTATION AT STATE EXPENSE "IF SUBSTANTIAL INJUSTICE WOULD OTHERWISE RESULT." IN APRIL, A JOHANNESBURG HIGH COURT RULED THAT A CONVICT WHO HAD NOT BEEN INFORMED OF HIS RIGHT TO A LAWYER SHOULD BE RELEASED, AFTER SERVING FIFTEEN MONTHS OF A TEN-YEAR SENTENCE.

SUCH REFORM EFFORTS WERE BLIGHTED BY CONTINUING HIGH RATES OF VIOLENT CRIME, ESPECIALLY ORGANIZED POLITICAL VIOLENCE. KWAZULU-NATAL REMAINED THE WORST-AFFECTED PROVINCE, ALTHOUGH THE DECLINING TREND OF VIOLENCE SINCE 1994 CONTINUED. THE SITUATION IN THE LONG-TROUBLED MIDLANDS AREA OF THE PROVINCE WAS PARTICULARLY WORRISOME, WITH AN UPSURGE IN VIOLENCE FOLLOWING THE EYPULSION FROM THE ANC OF RICHMOND LEADER SPISO NKABINDE IN APRIL, AMID (LONGSTANDING) ALLEGATIONS THAT HE HAD BEEN A POLICE INFORMER AND WAS INVOLVED IN HIT SQUAD ACTIVITIES. ALTHOUGH A POLICE SPECIAL INVESTIGATION UNIT ARRESTED NKABINDE AND SEVENTEEN OTHERS IN SEPTEMBER AND CHARGED THEM WITH A NUMBER OF MURDERS, VIOLENCE CONTINUED. VIOLENCE FLORED UP INTERMITTENTLY ELSEWHERE IN KWAZULU-NATAL, AND THE THOUSANDS OF PEOPLE DISPLACED BY OVER A DECADE OF CONFLICT IN THE PROVINCE REMAINED LARGELY UNABLE TO RETURN HOME. GROUPS MONITORING THE VIOLENCE ALLEGED CONTINUING POLICE COMPLICITY IN ORGANIZED POLITICAL VIOLENCE, AS WELL AS THE INVOLVEMENT OF INDIVIDUALS TRAINED IN PARAMILITARY SKILLS AS PART OF THE INKATHA FREEDOM PARTY UNDER THE PREVIOUS GOVERNMENT. ANC AND IFP DISCUSSIONS OF A LOCAL PEACE PLAN CONTINUED, WITHOUT CONCLUSION, INCLUDING CONTROVERSIAL PROPOSALS FOR AMNESTY TO BE GRANTED TO "WARLORDS" ON A MORE GENEROUS BASIS THAN UNDER THE LEGISLATION ESTABLISHING THE TRUTH AND RECONCILIATION COMMISSION.

ORGANIZED VIOLENCE ALSO PERSISTED IN OTHER PARTS OF SOUTH AFRICA, INCLUDING THE QUMBU AND TSOLO AREAS OF THE EASTERN CAPE (WHERE OVER A HUNDRED PEOPLE WERE KILLED DURING THE YEAR), AND IN BUSHBUCKRIDGE, WHERE A DISPUTE CONTINUED AS TO WHETHER THE COMMUNITY SHOULD BE PART OF THE NORTHERN PROVINCE OR MPUMALANGA. A POLITICAL RESOLUTION TO THE BUSHBUCKRIDGE CRISIS APPEARED TO HAVE BEEN REACHED WITH A JULY AGREEMENT FOR JOINT ADMINISTRATION, ALTHOUGH PROTESTS CONTINUED. TROOPS WERE DEPLOYED IN THE EASTERN CAPE TO CARRY OUT PEACEKEEPING DUTIES, AMID ALLEGATIONS THAT THE PERPETRATORS OF VIOLENCE ENJOYED IMMUNITY OR EVEN SUPPORT FROM THE POLICE. IN AUGUST, A SPECIAL COURT BEGAN TO HEAR CASES RELATED TO THE EASTERN CAPE VIOLENCE, THOUGH HUMAN RIGHTS ORGANIZATIONS FEARED ITS LACK OF AN INDEPENDENT INVESTIGATIVE CAPACITY WOULD SERIOUSLY REDUCE ITS EFFECTIVENESS.

IN NOVEMBER 1996, THE REGULATION OF GATHERINGS ACT, DRAFTED BY A PANEL OF LOCAL AND INTERNATIONAL EXPERTS IN 1993, WAS IMPLEMENTED, PROVIDING FOR MANAGEMENT OF PUBLIC DEMONSTRATIONS BY THE POLICE AND LOCAL AUTHORITIES AND PLACING AN OBLIGATION ON ORGANIZERS OF A MARCH TO NOTIFY THE AUTHORITIES WITHIN SEVEN DAYS OF THE PLANNED EVENT. THE CARRYING OF "DANGEROUS WEAPONS" AT PUBLIC GATHERINGS WAS BANNED THROUGHOUT THE COUNTRY IN OCTOBER 1996. DESPITE THESE MEASURES, PUBLIC DEMONSTRATIONS CONTINUED TO LEAD ON OCCASION TO VIOLENCE AND SOMETIMES DEATHS. IN FEBRUARY, DEMONSTRATIONS IN TOWNSHIPS SOUTH OF JOHANNESBURG BY THE SOUTH WEST JOINT CIVICS ORGANISATION (SOWEJOCA) LED TO THREE DEATHS, BLAMED BY A COMMISSION OF ENQUIRY ON SOWEJOCA, THOUGH POLICE WERE ALSO CRITICIZED FOR LACK OF PROPER CROWD CONTROL. IN MARCH 1997, A MARCH BY THE IFP TO COMMEMORATE THE "SHELL HOUSE MASSACRE," ITSELF RESULTED IN THREE PEOPLE DYING OF GUNSHOT WOUNDS IN INCIDENTS CONNECTED TO THE DEMONSTRATION. THE ACTIVITIES OF AN APPARENT VIGILANTE GROUP CALLING ITSELF PEOPLE AGAINST GANGSTERISM AND DRUGS (PAGAD), FORMED IN 1996 IN THE IMPOVERISHED CAPE FLATS TOWNSHIPS, LED IN SOME AREAS TO VIOLENT CONFLICT WITH DRUG GANGS

WHICH POLICE APPEARED POWERLESS TO CHECK.

PRISONS REMAINED SERIOUSLY OVERCROWDED AND PLAGUED BY GANG VIOLENCE BETWEEN PRISONERS. ASSAULTS ON PRISONERS BY PRISON STAFF ALSO REMAINED COMMON. IN FEBRUARY, PRISONERS AT HELDERSTROOM PRISON IN THE WESTERN CAPE WERE BEATEN BY A CORRECTIONAL SERVICES "RAPID REACTION UNIT" CALLED IN TO QUELL DISTURBANCES IN THE PRISON.

IN MAY, HUNDREDS OF PRISONERS WERE ALLEGEDLY BEATEN BY THE SAME UNIT AT POLLSMOOR PRISON IN CAPE TOWN, FOLLOWING A SEARCH FOR ILLEGAL WEAPONS. POLICE INVESTIGATIONS LED TO CHARGES BEING BROUGHT AGAINST A NUMBER OF STAFF. IN MARCH, THE COMMISSIONER FOR CORRECTIONAL SERVICES STATED THAT THE USE OF DISUSED MINESHAFTS WAS BEING CONSIDERED FOR SOME PRISONERS, WHOM HE DESCRIBED AS ANIMALS. THIS SUGGESTION WAS ENDORSED BY THE MINISTER FOR CORRECTIONAL SERVICES, BUT WAS APPARENTLY DROPPED AFTER AN OUTCRY FROM HUMAN RIGHTS ORGANIZATIONS. IN APRIL, THE MINISTER FOR CORRECTIONAL SERVICES ANNOUNCED PLANS FOR THE BUILDING OF SEVEN NEW PRISONS, TWO OF THEM "SUPER-MAXIMUM SECURITY" FACILITIES. MORE POSITIVELY, THE FIRST SECURE CARE FACILITIES FOR CHILDREN WHO HAD COMMITTED SERIOUS CRIMES WERE OPENED DURING 1997 WITH THE AIM OF ENSURING THAT CHILDREN WOULD NOT IN THE FUTURE BE HELD WITH ADULTS IN PRISONS AND THAT CHILDREN WOULD HAVE ACCESS TO EDUCATIONAL AND REHABILITATIVE PROGRAMS. MANY CHILDREN NONETHELESS REMAINED IN ADULT PRISONS.

DURING 1997, A NUMBER OF INITIATIVES WERE TAKEN TO IMPROVE THE GOVERNMENT'S RESPONSE TO ISSUES OF VIOLENCE AGAINST WOMEN, WITH A RANGE OF MEASURES UNVEILED ON AUGUST 9, WOMEN'S DAY IN SOUTH AFRICA. THE DEPARTMENT OF WELFARE ANNOUNCED PLANS TO DISTRIBUTE "CRISIS KITS" FOR RAPE VICTIMS AT POLICE STATIONS, INCLUDING DISPOSABLE UNDERWEAR, TOILETRIES, AND THE TELEPHONE NUMBERS OF COUNSELORS. THE DEPARTMENT OF JUSTICE, WHICH RAN A CAMPAIGN AGAINST VIOLENCE AGAINST WOMEN FROM NOVEMBER 1996 TO MARCH 1997, DEVELOPED NEW GUIDELINES FOR ALL GOVERNMENT DEPARTMENTS INVOLVED IN THE HANDLING OF SEXUAL VIOLENCE AGAINST WOMEN AND CHILDREN. THE POLICE SERVICE BEGAN TO ESTABLISH SPECIAL UNITS ACROSS THE COUNTRY TO HANDLE CASES OF FAMILY VIOLENCE, CHILD ABUSE AND SEXUAL OFFENSES. FOR MOST WOMEN, HOWEVER, THE RESPONSE OF THE POLICE AND JUSTICE SYSTEM REMAINED INADEQUATE IF NOT ABUSIVE IN ITS OWN RIGHT. ON FEBRUARY 1, ABORTION DURING THE FIRST TRIMESTER BECAME GENERALLY LEGAL IN SOUTH AFRICA FOR THE FIRST TIME. THE GENDER COMMISSION ESTABLISHED BY THE CONSTITUTION WAS APPOINTED AND BEGAN TO FUNCTION DURING 1997, ALTHOUGH IT HAD YET TO MAKE ITS MARK WITH SUBSTANTIAL ACHIEVEMENTS. FOLLOWING THE 1996 PUBLICATION OF A DISCUSSION PAPER ON THE LAW RELATING TO OBTAINING RESTRAINING ORDERS IN CASES OF DOMESTIC VIOLENCE, THE SOUTH AFRICAN LAW COMMISSION PUBLISHED DRAFT LEGISLATION WHICH INCORPORATED MANY OF THE RECOMMENDATIONS OF WOMEN'S ORGANIZATIONS, ALTHOUGH SOME CONCERNS REMAINED.

PUBLIC CONCERN AT A PERCEIVED "FLOOD" OF UNDOCUMENTED IMMIGRATION TO SOUTH AFRICA, AND ACCOMPANYING XENOPHOBIA, LED TO A NUMBER OF VIOLENT ATTACKS ON FOREIGNERS ENGAGED, FOR EXAMPLE, IN INFORMAL STREET TRADING. THE POLICE RESPONSE TO SUCH ATTACKS WAS OFTEN INADEQUATE. FURTHERMORE, ALLEGATIONS OF POLICE BRUTALITY AGAINST FOREIGNERS (AS AGAINST SOUTH AFRICANS) CONTINUED, AND AT LEAST ONE ASYLUM APPLICANT DIED IMMEDIATELY AFTER BEING RELEASED FROM POLICE CUSTODY, APPARENTLY AS A RESULT OF ASSAULT BY POLICEMEN. A GOVERNMENT-APPOINTED COMMITTEE HELD HEARINGS AND PUBLISHED A DRAFT GREEN PAPER ON MIGRATION POLICY WHICH ADVOCATED A MORE RIGHTS-BASED APPROACH THAN WAS CURRENTLY IN FORCE.

DURING THE COURSE OF THE YEAR SOUTH AFRICA—AND IN PARTICULAR PRESIDENT NELSON MANDELA—BECAME INCREASINGLY INVOLVED IN MEDIATION EFFORTS TO RESOLVE SOME OF THE CONFLICTS ON THE AFRICAN CONTINENT. MOST HIGH PROFILE AND POSSIBLY LEAST WELL-CONCEIVED WERE SOUTH AFRICA'S HOSTING OF TALKS BETWEEN THE REPRESENTATIVES OF PRESIDENT MOBUTU SESE SEKO OF ZAIRE AND LAURENT KABILA, LEADER OF THE REBEL FORCES THAT ULTIMATELY TOOK OVER THE GOVERNMENT. OTHER MEDIATION EFFORTS FOCUSED ON ANGOLA, SUDAN AND LESOTHO. SOUTH AFRICA WAS QUICK TO RECOGNIZE KABILA'S NEW GOVERNMENT AND ANNOUNCED THE DONATION OF R.1.5 MILLION (U.S.\$350,000) WORTH OF POLICE EQUIPMENT TO HIS GOVERNMENT. MANDELA APPEARED TO DISCOUNT REPORTS OF THE INVOLVEMENT OF KABILA'S FORCES IN MASSACRES OF CIVILIANS IN EASTERN ZAIRE. SOUTH AFRICA SUPPORTED THE DECISION OF THE U.N. COMMISSION ON HUMAN RIGHTS TO APPOINT A SPECIAL RAPPORTEUR ON NIGERIA, WHILE AT THE SAME TIME APPARENTLY ATTEMPTING TO REBUILD FRIENDLY RELATIONS WITH

the Nigerian government. In June, the chair of South Africa's national Human Rights Commission, Barney Pitsoana, was elected to membership of the African Commission on Human and Peoples' Rights by the Organization of African Unity summit in Harare.

South Africa made strenuous efforts to market its weapons overseas during 1997, striking significant deals with Malaysia and the Gulf States. South Africa nevertheless continued its policy of allowing a greater degree of transparency and democratic control over arms sales than many other countries. The government insisted, however, that it would not reveal the names of purchaser countries if they did not want their identities known; and it tried, unsuccessfully, to keep knowledge of a major deal with Saudi Arabia from the public. Controversially, sales of military equipment to Rwanda, suspended in November 1996 due to concerns at conflict in the region, resumed in July following reported assurances that such materiel would not be used outside the country; continued gross human rights violations in Rwanda did not apparently affect the decision. Allegations were also made during the year that South African-made weapons were being used by both sides in the civil war in Sudan. Although the government denied that any official sales had been made, it was alleged that arms supplied to Uganda were being transferred to Sudanese rebel forces without protest from South Africa. More positively, South Africa took a lead within Africa and internationally in calling for the banning of anti-personnel mines and in May began destroying its own stockpile during a meeting of African heads of state in South Africa to discuss the issue. South Africa refused to sell weapons to Turkey, due to concerns about its human rights record. Legislation was introduced to parliament regulating the provision of military assistance by South African individuals or companies in other countries, aimed at the activities of such groups as the security outfit Executive Outcomes.

### **The Right to Monitor**

There were no restrictions on the right to monitor human rights in South Africa during 1997. In July, state arms manufacturer Denel (Pty) Ltd., brought criminal charges under apartheid-era legislation against the *Sunday Independent* and other newspapers for disclosing details of a large arms deal to an unnamed country and sought injunctions to prevent the *Sunday Independent* and the *Weekly Mail and Guardian* from publishing the name of the country (later revealed to be Saudi Arabia). Temporary injunctions were later lifted by the High Court, and Denel announced it was withdrawing criminal charges. Independent statutory bodies mandated to monitor government activity—including the Human Rights Commission, charged with promoting respect for human rights and investigating violations, and the Public Protector, with a brief to investigate misconduct in public administration—published a number of reports. The cabinet approved an Open Democracy Bill, designed among other things to increase public access to government information.

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

Multilateral and bilateral relations with South Africa focused largely on promotion of trade and macroeconomic policy; however, significant assistance was also committed to development and human rights projects and U.N. structures began to monitor South Africa's new commitments under international treaties.

### **United Nations**

At the invitation of the South African government, following its ratification in 1996 of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women, the U.N. special rapporteur on violence against women, its causes, and consequences, Radhika Coomaraswamy, visited South Africa in October 1996. In February 1997, a report on South Africa was published resulting from this mission. The special rapporteur concluded that "without

a complete overhauling of the criminal justice apparatus, the retraining of its members and the creation of a more representative service, violence in general, and violence against women in particular, will never be contained." The report noted that government measures to address questions of violence against women had been in place for a short time and that therefore their effectiveness could not yet be measured.

## **European Union**

The "European Programme for Reconstruction and Development in South Africa," through which European Union (E.U.) aid to South Africa was channelled, placed priority on human rights, health, education, rural and urban development, strengthening local communities and protecting the environment. In February 1997, the European Union pledged R.40 million (U.S.\$8.5 million) to nongovernmental projects in South Africa, including R.9 million (U.S.\$2 million) to the Institute for Democracy in South Africa (IDASA) to promote peace and democratization efforts in KwaZulu-Natal. In April 1997, members of the South African government and the European Commission met in Pretoria to hold their first annual consultations on the European Programme, including preparation of a Multi-Annual Indicative Programme which would provide resources of ECU 375 million (U.S.\$420 million) to South Africa. The aid was to fund social services, democratization, and private sector aid.

A number of European countries also gave aid on a bilateral basis, including Swedish assistance to the Truth and Reconciliation Commission to enable it to complete its work on time and continued U.K. assistance in efforts to reform the police service.

## **United States and Canada**

A bilateral U.S.-South Africa commission headed by Vice-President Al Gore and Deputy President Thabo Mbeki met during the year to promote trade and investment between the U.S. and South Africa. While the U.S. government announced that it would progressively reduce its aid grant to South Africa as the focus of bilateral relations shifted increasingly to trade, U.S. Agency for International Development continued to support both governmental and nongovernmental bodies involved in improving access to justice, based on a pledge of U.S.\$600 million committed in 1994 to be spent over three years. In October, the U.S. government pledged a further R.220 million (U.S.\$50 million) to be spent on education, justice, and health care. The Canadian government also continued support for programs aimed at reforming the criminal justice system.

## **Relevant Human Rights Watch reports:**

*Violence Against Women and the Medico-Legal System, 8/97*

*Still Killing: Landmines in Southern Africa, 5/97*

## **SUDAN**

### **Human Rights Developments**

Sudan, once promoted as the bridge between the Arab and African worlds, was distinguished by human rights abuses arising from the government's determination to create an Arab Islamic state, including discrimination against Sudanese non-Arabs and non-Muslims. Non-Arabs made up 60 percent of the 26.7 million population and non-Muslims about 40 percent.

GOVERNMENT FORCES COMMITTED GROSS ABUSES OF INTERNATIONAL HUMANITARIAN LAW IN THE FOURTEENTH YEAR OF THE CIVIL WAR AGAINST THE REBEL SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY (SPLM/A), FIGHTING IN THE SOUTH AND THE CENTRAL NUBA MOUNTAINS. THE WAR WIDENED AS A NEW EASTERN FRONT WAS OPENED BY THE NATIONAL DEMOCRATIC ALLIANCE, A BROAD COALITION INCLUDING NORTHERN MUSLIMS AS WELL AS SOUTHERNERS AND MARGINALIZED PEOPLES IN THE SPLA, OTHER ARMED OPPOSITION GROUPS, AND TRADITIONAL POLITICAL PARTIES.

THE GOVERNMENT DEFENDED ITSELF AGAINST MASSIVE INTERNATIONAL CRITICISM AND TRIED TO GARNER INTERNATIONAL SUPPORT, BY CLAIMING TO BE THE VICTIM OF A WESTERN CHRISTIAN CONSPIRACY TO DESTROY AN ISLAMIC STATE. BUT THE RULING NATIONAL ISLAMIC FRONT (NIF) REPRESENTED A POLITICIZED FORM OF ISLAM AND REPPRESSED EVEN MUSLIM LEADERS AND SECTS THAT CHALLENGED ITS HEGEMONY. IN APRIL, POLICE EVEN DISPERSED A SIMPLE PROTEST BY THE KHATMIYYAH (ONE OF SUDAN'S LARGEST MUSLIM SECTS) OF THE GOVERNMENT'S POSTPONEMENT OF THE COMMEMORATION OF THEIR RELIGIOUS LEADER'S DEATH.

POLITICAL PARTIES REMAINED BANNED AND EXPRESSION RESTRICTED, EXCEPT IN DEBATE BY NIF MEMBERS: IN THE PRESS, SOME NIF MEMBERS ADVOCATED A RETURN TO A MULTIPARTY STATE. IN ANOTHER SLIGHT OPENING, THE GOVERNMENT PERMITTED A FACTION OF THE DEMOCRATIC UNIONIST PARTY TO ESTABLISH OFFICES AND ALLOWED ITS LEADER TO ENGAGE IN PUBLIC DEBATE, WITHOUT HAVING THE STATUS OF A POLITICAL PARTY. THE EDITOR OF ALWAN, A NONGOVERNMENT DAILY, DID NOT HAVE SUCH LATITUDE, HOWEVER, AND WENT ON TRIAL IN SEPTEMBER BECAUSE OF AN ARTICLE REPORTING ON FIGHTING IN THE SOUTH.

SUDAN CONTAINS NINETEEN MAJOR ETHNIC GROUPS (WITH ALMOST 600 SUBGROUPS), SPEAKING MORE THAN 115 TRIBAL LANGUAGES. ARABIC IS THE OFFICIAL LANGUAGE. THE GOVERNMENT'S STRATEGY IN THE WAR ZONES (WHERE AFRICAN NON-ARAB POPULATIONS PREDOMINATE) WAS TO TURN AFRICAN PEOPLES AGAINST ONE ANOTHER. IT FOMENTED HATRED AGAINST THE DINKA, THE MOST NUMEROUS SOUTHERN, AFRICAN PEOPLE; THE MAJORITY OF THE SPLA LEADERSHIP IS DINKA. THE GOVERNMENT CONSOLIDATED ITS MILITARY RELATIONS WITH FORMER SPLA FACTIONS INCLUDING RIAB MACHAR'S REBEL FORCE (THE SECOND LARGEST REBEL FORCE IN SUDAN AND THE ONE WITH THE ALLEGIANCE OF MOST NUER, COUSINS OF THE DINKA). IT MOVED MACHAR'S TROOPS INTO JUBA TO FORTIFY IT AGAINST SPLA ATTACK, THUS POSITIONING TROOPS FOR A WAR OF SOUTHERNER VERSUS SOUTHERNER—PART OF ITS DIVIDE AND RULE STRATEGY.

IN MARCH 1997, THE SPLA RETOOK THE GOVERNMENT GARRISON TOWNS OF YEI AND KASO KEIJI IN EASTERN EQUATORIA. THE GOVERNMENT, WITHDRAWING FROM THESE AREAS, LEFT LANDMINES WHICH INJURED MANY CIVILIANS, WHILE AT AN INTERNATIONAL CONFERENCE IT TOOK THE IMPORTANT STEP OF INDICATING ITS WILLINGNESS TO RATIFY AN INTERNATIONAL TREATY BANNING THE MANUFACTURE AND USE OF ANTIPERSONNEL LANDMINES.

THE GOVERNMENT REACTED SHARPLY TO THE OPENING OF THE EASTERN FRONT (WHICH APPEARED TO THREATEN ANY OIL PIPELINE THAT MIGHT BE BUILT TO PORT SUDAN AND POSSIBLY THE WATER SUPPLY FOR THE CAPITAL), THE SPLA'S ADVANCES IN THE SOUTH, AND THE DECEMBER 1996 FLIGHT INTO EXILE OF FORMER PRIME MINISTER AND HEAD OF THE Umma PARTY SADIQ AL MAHDI. IT STEPPED UP FORCED RECRUITMENT, ARBITRARY ARRESTS, AND TRIALS IN MILITARY TRIBUNALS. IT SIGNED A "PEACE ACCORD" WITH FORMER REBEL GROUPS (WITH WHOM IT HAD ALREADY BEEN AT PEACE FOR YEARS). THE OIL RESOURCES OF SUDAN LIE LARGELY IN MACHAR'S NUER TERRITORY, WHERE AN INTERNATIONAL CONSORTIUM INCLUDING MALAYSIAN AND CHINESE INVESTORS LED BY CANADIAN-CHARTERED ARABIS OIL COMPANY IS DRILLING. THE PEACE ACCORD, NOT NEGOTIATED WITH OR SIGNED BY THE SPLA, THE MAIN REBEL FORCE, WOULD PERMIT A REFERENDUM AMONG SOUTHERNERS (BUT NOT NUBAS, BEJA OR OTHER MARGINALIZED PEOPLES) ON THE ISSUE OF SELF-DETERMINATION IN AN UNDETERMINED PERIOD OF TIME.

THE GOVERNMENT SUSPENDED ALL UNIVERSITY CLASSES BUT THOSE OF A WOMEN'S COLLEGE IN LATE 1996 AND ORDERED COLLEGE STUDENTS TO "VOLUNTEER" FOR THE POPULAR DEFENSE FORCES (PDF), THE GOVERNMENT'S POLITICIZED ISLAMIST MILITIA, AND TO GO TO THE SOUTHERN FRONT. GRADUATING HIGH SCHOOL SENIORS WERE REQUIRED TO GO TO PDF CAMPS FOR A TWO-MONTH PDF TRAINING COURSE BEFORE THEY COULD RECEIVE THEIR CERTIFICATE OF GRADUATION (NECESSARY FOR UNIVERSITY ATTENDANCE AND EMPLOYMENT).

IN JUNE SOME 65,000 UNMARRIED MALES NOT IN SCHOOL WERE CONSCRIPTED INTO THE ARMY FOR TWELVE TO EIGHTEEN MONTHS. MANY TRIED TO DODGE CONSCRIPTION, AND THE ARMY BEGAN TO ROUND UP YOUNG MEN AT PUBLIC EVENTS AND

checkpoints. The government, however, showed no interest in its soldiers and militia once captured by the SPLA; it even refused to permit an exchange of letters with their families.

A group of military officers and civilians was detained in Port Sudan and tried in 1997, continuing a trend of trying all political suspects—where they were tried at all—in secret military courts where fair trial protections were absent. Two were jailed and five officers received lesser penalties, with acquittals of five others. Another military court, convened in August 1996, completed the trial of another group of alleged coup plotters in mid-1997. The convicted coup leader ultimately received a fifteen-year prison sentence; nine defendants were acquitted and the remaining defendants received sentences ranging up to five years.

As is by now customary, the government released political prisoners during Al Eid religious holidays. The government continued to detain lesser-known persons suspected of subversion after that date, however, with dozens remaining in prison without charges or trial. Alleged members of the banned Sudan Communist Party continued to be singled out for long-term arbitrary detention. Several hundred women inmates of Omdurman Women's Prison were released on grounds of overcrowding. Arrests of women peddlers continued, however, and the number of female inmates rose again.

Pressures brought on women to conform to a vague "Islamic woman" code continued. In late 1996 the Khartoum State government tried to impose sex segregation in public buses.

Sudan has the largest population of internally displaced in the world—some four million, largely the product of the prolonged war. Many lost homes, assets such as cattle and crops, and family members, and were forced to move.

The government remained intent on pushing internally displaced persons in the capital, disproportionately southerners and Nubas, back to their home areas, treating them as second class citizens and violating their right to freedom of movement. It suppressed their community organizations and self-help efforts by arbitrarily arresting community leaders, destroying homes without notice or compensation, and uprooting families to desert areas remote from water and jobs. It banned all but Islamic relief organizations from working outside these "official" displaced persons camps.

Those relocated to these camps generally had no right of tenure even there and were constantly threatened with removal to even more remote areas. In 1997, the government bowed somewhat to international pressure and issued some tenure permits in a minority of cases. Its basic policy remained unchanged.

Churches, schools and community centers built by the displaced in Khartoum's shanty towns also were razed by government bulldozers, with the pretext of "urban renewal." The government denied any religious discrimination but admittedly refused to grant any permits to build churches in Khartoum for the last twenty-five years, while routinely issuing permits for the construction of new mosques.

The government destroyed one church in the Omdurman slums during Easter week, in the face of parishioners' protests.

Humanitarian and even commercial access to the SPLA-controlled areas of the Nuba Mountains remained barred by government fiat, causing hundreds of thousands of civilians extreme hardship. This stringent blockade deliberately created a situation of desperate poverty, while in government areas international relief was conditionally provided to lure people from the SPLA. Those who resist were subjected to government bombing, looting (particularly of foodstuffs), and raids forcibly relocating Nuba from SPLA zones, destroying their communities, churches and mosques, and placing them into misnamed "peace camps" under tight government control, where the African cultures of the Nuba were subjected to destruction by forced separation of families, sexual abuse, and forced Arabization and Islamization.

In the south, the government also denied humanitarian access to areas of assessed civilian need for military strategic reasons without regard to human deprivation. According to the U.N. Secretary-General's special envoy



FOR HUMANITARIAN AFFAIRS FOR SUDAN, THE GOVERNMENT BAN ON THE USE OF C-130 AIRCRAFT, THE ONLY ONE CAPABLE OF AIRDROPPING FOOD IN REMOTE REGIONS, FROM SEPTEMBER 1995 TO JULY 1996 CAUSED MORE THAN 500,000 PEOPLE IN BAHR EL GHAZAL AND 200,000 IN OTHER AREAS TO SUFFER FROM SERIOUS HUNGER AND RELATED PROBLEMS; THE C-130 WAS BANNED AGAIN FROM LATE MARCH 1997 TO MID-JUNE 1997 WITH SIMILAR EFFECT. THE GOVERNMENT FURTHER SIGNIFICANTLY DELAYED BARGE CONVOYS CARRYING FOOD ALONG THE NILE CORRIDOR. NEVERTHELESS THE GOVERNMENT COMPLAINED THAT THE U.N. WAS NOT RESPONDING TO CALLS FOR RELIEF WHEN SOME 9,300 CIVILIANS FLED INTO GOVERNMENT-CONTROLLED JUBA AFTER THE FALL OF YEI AND KAJO KEIJI.

IN NORTHERN BAHR EL GHAZAL, FREQUENTLY PLACED OFF LIMITS TO THE U.N. BY THE GOVERNMENT, CIVILIAN VILLAGES WERE SUBJECTED TO MILITARY RAIDS BY GOVERNMENT TROOPS, IN WHICH THE RAIDERS TOOK CATTLE, GRAIN, AND WOMEN AND CHILDREN AS SLAVES OR WAR BOOTY. THE GOVERNMENT DENIED ALLEGATIONS OF SLAVERY AS THE EVIDENCE CONTINUED TO SURFACE OF THESE CONTINUED SLAVE-TAKING RAIDS. THE RAIDERS ENJOYED COMPLETE IMMUNITY FROM INVESTIGATION OR PROSECUTION FOR THIS UNIVERSALLY-OUTLAWED PRACTICE. A LONG-AWAITED GOVERNMENT REPORT TO THE U.N. ON SLAVERY DID NOT CONTRIBUTE TO THE ANALYSIS OR SOLUTION OF THE PROBLEM.

THE GOVERNMENT DENIED ACCOUNTABILITY FOR FORMER REBEL FORCES WHOM IT SUPPLIED AND QUARTERED. IN A BIZARRE INCIDENT AT THE END OF 1996, CMDR. KERUBINO KUANYIN BOL (A FORMER SPLA COMMANDER SUPPLIED AND PAID BY THE GOVERNMENT) TOOK AN INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) PLANE, CREW, AND FIVE PATIENTS HOSTAGE, ABSURDLY DEMANDING MILLIONS OF DOLLARS IN RANSOM. AFTER PROTRACTED NEGOTIATIONS, THE PLANE AND CREW WERE RELEASED IN EXCHANGE FOR RELIEF FOOD AND TRUCKS, LEADING OTHER RELIEF AGENCIES TO FEAR BECOMING EXTORTION TARGETS. THE FIVE PATIENTS, SPLA FORMER COMBATANTS, WERE NEVER RELEASED, AND THE GOVERNMENT MAINTAINED THAT THEY HAD JOINED THE SUDAN ARMY, REFUSING TO PERMIT THE ICRC TO VISIT THEM. THE ICRC REFUSED TO RETURN TO SUDAN UNTIL THE FIVE WERE ACCOUNTED FOR.

THE GOVERNMENT'S CONSPICUOUS LACK OF CAPTURED SPLA COMBATANT PRISONERS, DURING THE FOURTEEN-YEAR COURSE OF THE WAR, LED TO THE CONCLUSION THAT THERE WAS A GOVERNMENT POLICY, FORBIDDEN IN INTERNATIONAL LAW, OF EXECUTING CAPTURED SPLA COMBATANTS. THE ONLY EXCEPTION (WHICH TENDED TO PROVE THE RULE) WAS THE GOVERNMENT'S ACKNOWLEDGED CAPTURE AND DETENTION OF ERITREAN AND UGANDAN PRISONERS (COMBATANTS) CAPTURED INSIDE SOUTHERN SUDAN; THEIR PRESENCE SERVED TO SUPPORT THE GOVERNMENT'S ALLEGATIONS THAT TROOPS FROM NEIGHBORING ETHIOPIA, ERITREA AND UGANDA WERE FIGHTING INSIDE SUDAN ALONGSIDE THE SPLA. AS IN PRIOR YEARS, THESE THREE GOVERNMENTS CLAIMED IN TURN THAT THE SUDANESE GOVERNMENT WAS SPONSORING, QUARTERING AND SUPPLYING REBEL GROUPS ATTACKING THEM.

THE SPLA RELEASED THE UGANDANS IT CAPTURED IN YEI, CLAIMING THAT HALF THE 3,000 KILLED AND CAPTURED THERE WERE FROM THE WEST NILE BANK FRONT, A UGANDAN REBEL GROUP ALLEGEDLY SPONSORED BY THE SUDAN GOVERNMENT AND BASED IN SUDAN. THE SPLA ACKNOWLEDGED HOLDING ABOUT 1,600 CAPTURED IN CLASHES WITH GOVERNMENT FORCES, SOME 300 OF WHOM HAD BEEN HELD SINCE 1995, INSIDE SUDAN. THE ICRC WAS PERMITTED TO VISIT BUT CONDUCTED NO ACTIVITIES INSIDE SUDAN AFTER ITS DECEMBER 1996 PROBLEMS WITH THE GOVERNMENT.

THE SUDAN GOVERNMENT'S SPONSORSHIP OF THE UGANDAN LORD'S RESISTANCE ARMY (LRA), A REBEL GROUP WITH AN APPALLING HUMAN RIGHTS RECORD OF ABDUCTING, KILLING, TORTURING, AND SEXUALLY ABUSING UGANDAN CHILDREN, WAS VISIBLE WHEN IT PERMITTED RELATIVES OF SOME KIDNAPED CHILDREN TO VISIT AN LRA CAMP INSIDE SUDAN. IN A REPORT ON THE LRA, HUMAN RIGHTS WATCH CALLED ON THE SUDAN GOVERNMENT TO USE ITS INFLUENCE TO RELEASE THE CHILDREN AND TO CEASE MILITARY AND OTHER AID TO THE LRA UNTIL THE LRA'S ABUSES STOP.

LRA ACTIVITY IN NORTHERN UGANDA ALSO AFFECTED THE SUDANESE INTERNALLY DISPLACED. IN ONE OF MANY INCIDENTS, RELIEF TRUCKS CARRYING FOOD TO SOUTHERN SUDAN WERE AMBUSHED IN JUNE BY THE LRA IN UGANDA, KILLING EIGHT.

GOVERNMENT AERIAL BOMBARDMENT BY HIGH-FLYING ANTONOV PLANES INCREASED AS TOWNS FELL TO THE SPLA; YEI WAS BOMBED FOUR TIMES IN THE WEEKS AFTER THE SPLA CAPTURED IT. THE GOVERNMENT'S BOMBS FELL ON TOWNS BEHIND THE FRONTLINE, SUCH AS MARIDI, KILLING ONE AND INJURING THIRTEEN WHILE DESTROYING EIGHTEEN CIVILIAN HOMES THERE IN

MARCH; IN JUNE ANOTHER TWELVE BOMBS KILLED ONE WOMAN AND INJURED EIGHT. LABONE, WHERE AN ESTIMATED 32,500 INTERNALLY DISPLACED LIVED ON THE UGANDAN BORDER, WAS BOMBED BY THE GOVERNMENT IN JULY WITH FOURTEEN CIVILIAN CASUALTIES, AND AGAIN IN OCTOBER WITH ADDITIONAL CASUALTIES. GOVERNMENT HELICOPTER GUNSHIPS ATTACKED CIVILIANS IN THE NUBA MOUNTAINS AND AROUND JUBA. IN SEPTEMBER THE GOVERNMENT EVEN DROPPED CLUSTER BOMBS ON A PRISONER OF WAR CAMP IN YEI WHICH HELD GOVERNMENT SOLDIERS AND MILITIA, KILLING THREE.

WHEN FORMER U.S. PRESIDENT JIMMY CARTER'S ADVANCE TEAM WAS IN YEI TO PREPARE FOR CARTER'S MEETING WITH SPLA LEADER JOHN GARANG TO DISCUSS THE PEACE ACCORDS, THE GOVERNMENT BOMBED THAT TOWN. AS A RESULT THE MEETING DID NOT TAKE PLACE.

THE SPLA REMAINED LARGELY UNACCOUNTABLE TO THE CIVILIAN POPULATION IT GOVERNS, ALTHOUGH EFFORTS HAVE BEEN MADE, BY THE U.N. AND OTHERS, TO ASSIST THE SPLA'S CIVILIAN ADMINISTRATION IN THE SOUTH. INSTITUTIONS ARE NOT YET FIRM, THERE IS NO CLEAR AVENUE FOR REDRESS, AND THE STYLE OF GOVERNANCE APPEARS TO DEPEND LARGELY ON THE PERSONALITY OF THE LOCAL COMMANDER. AFTER THE SPLA TOOK YEI, FOR EXAMPLE, ITS SOLDIERS COMMITTED A SERIES OF GROSS ABUSES AGAINST CIVILIANS, INCLUDING MURDER, LOOTING, AND RAPE. THIS PATTERN WAS FOLLOWED IN SEVERAL OTHER CAPTURED TOWNS. THE LAWLESSNESS IN YEI PERSISTED UNTIL A NEW COMMANDER WAS BROUGHT IN. HE RESTORED ORDER BY IMPOSING MILITARY DISCIPLINE, INCLUDING USE OF A FIRING SQUAD. IN THE NUBA MOUNTAINS, THE SPLA WAS MORE RESPECTFUL OF THE CIVILIAN POPULATION, IN PART BECAUSE OF POLITICAL LEADERSHIP OF THE NUBA COMMANDER AND THE EMPHASIS ON NUBA SOLIDARITY; THIS WAS ACCOMPLISHED WITHOUT ANY U.N. ASSISTANCE.

IN TOO MANY CASES, JUSTICE IS NEVER DONE AND IMPUNITY RULES, AS IN THE CASE OF PAUL ANADE OTHOW, WHO WAS IN THE SPLA, THEN IN RIOK MACHAR'S FACTION OF THE SPLA, AND THEN WENT TO WORK WITH THE GOVERNMENT. THE SPLA RECAPTURED POCHALLA (AN ANUAK AREA AND ANADE'S PLACE OF ORIGIN) IN 1996, AND DETAINED ANADE, BUT THEN HE "DISAPPEARED." EFFORTS BY THE FAMILY AND HUMAN RIGHTS WATCH TO RECEIVE AN ANSWER FROM THE SPLA ON HIS WHEREABOUTS HAVE COME TO NAUGHT, AS HAVE INQUIRIES ON OTHER "DISAPPEARANCE" CASES.

THE SPLA CONTINUED FORCED RECRUITMENT OF UNDERAGE BOYS, INCLUDING THOSE IN SCHOOLS, EVEN IN THE NUBA MOUNTAINS. CIVILIANS PROTESTED THE TAKING OF THEIR SONS. SINCE 1996 THE SPLA PERMITTED UNICEF TO ENGAGE IN FAMILY REUNIFICATION IN ITS TERRITORY, INCLUDING A GROUP OF 306 IN LATE 1996. MANY CHILDREN SO REUNITED WERE ORIGINALLY SEPARATED FROM THEIR FAMILIES BY THE SPLA FOR RECRUITMENT PURPOSES.

SIX MISSIONARIES WHO COMPLAINED TO THE SPLA ABOUT FORCED RECRUITMENT OF SCHOOLCHILDREN AS YOUNG AS TWELVE, AND THEIR TEACHERS, IN MAPOURDIT WERE DETAINED IN AUGUST 1996 AND THE PRIEST BEATEN BY A LOCAL SPLA MILITARY INTELLIGENCE OFFICER. THEY WERE NOT RELEASED UNTIL THE CHURCH PUBLICLY PROTESTED, MAKING INTERNATIONAL HEADLINES. AN INVESTIGATION WAS ORDERED BY THE SPLA COMMANDER-IN-CHIEF. THE OFFICER RESPONSIBLE WAS SAID TO HAVE BEEN DETAINED. ONE YEAR HAD ELAPSED, HOWEVER, WITH NO REPORT AND NO HEARING.

LOOTING AND DIVERSION OF FOOD CONTINUED TO BE A PROBLEM IN SEVERAL SPLA ZONES. ACTION AGAINST HUNGER, A FRENCH NONGOVERNMENTAL AGENCY, CLAIMED THAT IT WAS EXPELLED BY THE SPLA BECAUSE IT WAS ABOUT TO INVESTIGATE WHY A HIGH RATE OF MALNUTRITION EXISTED IN LABONE DESPITE ADEQUATE SUPPLIES OF RELIEF FOOD FOR THE CIVILIAN POPULATION. IT WAS SUSPECTED THAT THE SPLA DELIBERATELY KEPT SOME CHILDREN IN A THIN AND SICKLY STATE TO JUSTIFY CONTINUED HIGH LEVELS OF RELIEF FOOD THE SPLA COULD DIVERT. THE SPLA TOOK THOUSANDS OF SUDAN ARMY AND MILITIA PRISONER IN YEI, RUMBEEK AND OTHER GARRISON TOWNS IT CAPTURED, BUT WAS UNABLE TO PROVIDE ADEQUATE FOOD OR MEDICAL CARE TO THE PRISONERS.

## **The Right to Monitor**

NO NONGOVERNMENTAL HUMAN RIGHTS GROUPS FUNCTIONED OPENLY INSIDE GOVERNMENT-CONTROLLED AREAS OF SUDAN. THE SUDAN HUMAN RIGHTS ORGANIZATION (SHRO), WHOSE MEMBERS WENT INTO EXILE AFTER THE 1989 COUP, HAS MANY BRANCHES OUTSIDE SUDAN BUT NONE INSIDE; A GOVERNMENT-ORGANIZED GROUP BY THE SAME NAME FUNCTIONS INSIDE SUDAN BUT IS NOT KNOWN EVER TO HAVE CRITICIZED THE GOVERNMENT.

Prior to the coup, the bar association had played an active role in defending legal rights, only to be banned and later permitted to reopen under NF control. Individual lawyers defended those tried for politically-related crimes and some managed to have themselves named as "friends" of the conspiracy defendants in military tribunals, where their role was sharply circumscribed.

Women advocating the abolition of female genital mutilation were permitted to work on this health issue by the government, which supports the abolition of this practice.

In the Nuba Mountains, a nongovernmental human rights organization with support from abroad was created in 1995; its eleven monitors collected substantial information on government abuses, but their mandate did not include investigating SPLA abuses. Elsewhere in SPLA-controlled zones, however, no local human rights organization of any type existed; those persons most likely to form such an organization were too afraid for the physical safety of the monitors to do so. A brief Human Rights Watch visit to Yei was welcomed, however, and access to prisoners of war permitted.

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

### **United Nations**

Despite worldwide condemnation of the dire human rights situation in Sudan, efforts in the U.N. Commission on Human Rights to establish a program of U.N. human rights monitors or officers for Sudan, while approved on paper, remained stalled by the commission and the Sudan government resistance. Potential donors, including the United States and European Union countries, failed to seize the initiative to break the impasse.

Numerous U.N. human rights and other bodies condemned abuses in Sudan. They all noted persistent and serious human rights problems. Sudan remained under mild Security Council sanctions for its failure to extradite three alleged participants in the assassination attempt on Egyptian President Hosni Mubarak in Ethiopia in 1995.

The government's campaign against the U.N. special rapporteur on human rights, Gaspar Biro, continued. It bowed to pressure at the U.N. Commission on Human Rights to permit the rapporteur to visit Sudan in August 1996, after a hiatus of several years. After his return in January 1997, however, he spent less than two days before the prosecutor general informed him that the government could no longer be responsible for his safety due to the anger of "the masses" at military developments on the eastern front. The special rapporteur had no choice but to leave. Remarkably, the U.N. resident representative openly criticized the rapporteur's decision, and reportedly later instructed U.N. staff not to meet with him. The special rapporteur made a return visit to Khartoum in September 1997.

UNICEF, the lead agency in the southern sector of Operation Lifeline Sudan (OLS), a program to assist the war-affected inside Sudan, has had a human rights dimension in its program since 1994. The OLS entered into "humanitarian ground rules" with the main rebel groups whereby they committed themselves (bilaterally) to respect international humanitarian law, children's rights, and U.N. and nongovernmental organizations' operations. This effort substantially increased SPLM/A and civilian awareness of and familiarity with human rights and humanitarian law concepts, roles and duties in the south, leading to an improved human rights climate.

### **Organization of African Unity**

The African Commission on Human and People's Rights sent a delegation to Sudan in December 1996 to investigate human rights. This was the first human rights mission ever undertaken by the commission.

### **European Union**

THE ACP-EUROPEAN UNION JOINT ASSEMBLY IN MARCH DEPLORED THE VIOLATIONS OF HUMAN RIGHTS IN SUDAN AND CONDEMNED THE GOVERNMENT'S OBSTRUCTION OF HUMANITARIAN AID TO THE NUBA MOUNTAINS. THE EUROPEAN PARLIAMENT RESOLVED IN MAY TO MAINTAIN SANCTIONS, INCLUDING AN ARMS EMBARGO, ON SUDAN ON ACCOUNT OF HUMAN RIGHTS VIOLATIONS AND OTHER PROBLEMS. IT VOICED DEEP CONCERN OVER THE PROLIFERATION OF WAR ZONES IN THE AREA AND ABUSES OF HUMAN RIGHTS, FOR WHICH ALL WARRING PARTIES WERE HELD RESPONSIBLE. SUSPENSION OF DEVELOPMENT AID WAS CONTINUED UNTIL THERE WAS AN IMPROVEMENT IN HUMAN RIGHTS. HUMANITARIAN AID CONTINUED.

## **United States**

THE U.S. SENT A STATE DEPARTMENT HUMAN RIGHTS OFFICIAL TO PRESENT U.S. CONCERNS ABOUT HUMAN RIGHTS TO THE SUDAN GOVERNMENT AND, SEPARATELY, TO THE SPLA. THE U.S. EMBASSY IN KHARTOUM REMAINED FUNCTIONING AT A LOW LEVEL, WITH NO U.S. CITIZEN DIPLOMATIC PERSONNEL RESIDING IN SUDAN AS A SIGN OF SECURITY CONCERNS AND DIPLOMATIC DISPLEASURE.

THE U.S. ANNOUNCED IN LATE 1996 THAT IT WOULD PROVIDE U.S. \$20 MILLION IN SURPLUS MILITARY EQUIPMENT TO ERITREA, ETHIOPIA AND UGANDA, FOR DEFENSIVE PURPOSES (REFERRING TO THE GOVERNMENT OF SUDAN'S PURPORTED SUPPORT FOR REBEL FORCES FROM EACH OF THOSE COUNTRIES). IT ALSO SENT FIFTY ELITE U.S. ARMY SPECIAL FORCES TROOPS TO UGANDA TO TRAIN UGANDAN MILITARY FORCES FOR PARTICIPATION IN AFRICAN PEACEKEEPING, AROUSING THE SUSPICIONS OF THE SUDAN GOVERNMENT THAT THE U.S. WOULD TRAIN THE SPLA AND THE UGANDANS TO FIGHT IN SUDAN; THE U.S. AND UGANDA DENIED THIS.

MULTIPLE U.S. SANCTIONS, REQUIRED BY U.S. LAW ON ACCOUNT OF THE MILITARY COUP THAT OVERTHREW AN ELECTED GOVERNMENT AND THE STATE DEPARTMENT'S FINDING THAT SUDAN SUPPORTED TERRORISM, REMAINED IN FORCE ON SUDAN. HUMANITARIAN AID CONTINUED.

U.S. TREASURY DEPARTMENT REGULATIONS CREATED A LOOPHOLE IN THE ANTI-TERRORISM SANCTIONS IN AUGUST 1996 PERMITTING U.S. BUSINESSES TO INVEST IN SUDAN. THE LOOPHOLE DID NOT COME TO PUBLIC ATTENTION UNTIL AN ARTICLE IN THE WASHINGTON POST IN APRIL 1997, AFTER WHICH BILLS WERE INTRODUCED IN THE U.S. CONGRESS TO CLOSE THE LOOPHOLE. IN EARLY NOVEMBER, THE LOOPHOLE WAS CLOSED BY EXECUTIVE ORDER.

LEGISLATION WAS PROPOSED IN THE U.S. CONGRESS IN MID-1997 THAT WOULD REQUIRE THE IMPOSITION OF STIFF SANCTIONS ON COUNTRIES ENGAGING IN RELIGIOUS PERSECUTION. THE GOVERNMENT OF SUDAN WAS SINGLED OUT BY NAME IN THIS DRAFT LEGISLATION FOR ENGAGING IN RELIGIOUS PERSECUTION.

## **ZAMBIA**

### **Human Rights Developments**

ON NOVEMBER 19, 1996 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS WERE HELD IN ZAMBIA, FIVE YEARS AFTER THE FIRST MULTIPARTY ELECTIONS IN NOVEMBER 1991. PRESIDENT FREDERICK CHILUBA AND HIS MOVEMENT FOR MULTIPARTY DEMOCRACY (MMD) WERE RETURNED TO POWER WITH THE MAJORITY OF THE CONTESTED SEATS IN WHAT WAS IN REALITY A HOLLOW DEFEAT OF AN OPPOSITION THAT HAD CHOSEN TO BOYCOTT THE ELECTORAL PROCESS. THE OPPOSITION'S CANDIDATE, FORMER PRESIDENT KENNETH KAUNDA HAD BEEN BARRED FROM RUNNING ON THE GROUNDS THAT HIS PARENTS WERE NOT BORN IN ZAMBIA. NUMEROUS HUMAN RIGHTS VIOLATIONS BEFORE THE VOTE—CENTERED ON THE MMD'S MANIPULATION OF THE CONSTITUTIONAL REFORM PROCESS—HAD SERIOUSLY UNDERMINED THE ELECTORAL PROCESS BY TILTING IT STRONGLY IN FAVOR OF THE MMD. INTERNATIONAL AMBIVALENCE OVER RIGHTS CONDITIONS IN THE RUN-UP TO THE ELECTION HAD RESULTED IN A DECISION BY THE MAJOR DONORS TO MAINTAIN AN AID FREEZE THAT SPECIFICALLY TARGETED BALANCE OF PAYMENTS SUPPORT. DISCREDITED AND FACING NEAR BANKRUPTCY, THE CHILUBA GOVERNMENT MADE SOME LARGELY SUPERFICIAL ATTEMPTS OVER 1997 TO IMPROVE ITS HUMAN RIGHTS RECORD, IN HOPE OF RESTORING AID FLOWS.

ON OCTOBER 29, 1997, PRESIDENT CHILUBA ANNOUNCED THAT HE HAD CRUSHED A MILITARY COUP AGAINST HIS GOVERNMENT

and that those "that rise by the sword will fall by the sword." He spoke several hours after state radio had reported that the president had been overthrown and coup leader "Captain Solo" had taken over. Military units loyal to the government had quickly surrounded the radio station: after some sporadic gunfire, one rebel was killed and Captain Stephen Lungu, alias "Capt. Solo" and fifteen other alleged coup plotters were arrested. President Chiluba declared a state of emergency on October 29.

Zambia Information Service Acting Deputy Director Munda Nalishabo was suspended with five other state media journalists on November 25, 1996 after allegations were made that they had collaborated with an election monitoring group that had found the elections neither free nor fair. Since November 19, 1996, four journalists from the independent press have been imprisoned for their writing and had criminal charges brought against them; six journalists from the state-run television service were suspended and then dismissed.

The most-publicized case was the jailing of the *Post's* Masautso Phiri, detained on February 11 for contempt of court after writing that "there was a rumor doing the rounds in Lusaka" that judges were accepting bribes to rule in President Chiluba's favor in the presidential petition. Judges whom Phiri had previously criticized heard his case and sentenced him to three month's imprisonment, with no right of appeal. He was the first Zambian journalist jailed for contempt.

Most ominously, the government introduced a draft Media Council Bill, which, by forcing journalists to register with the state, would have stripped those unregistered of the right to work and punished the unauthorized practice of journalism with jail terms and fines. After considerable controversy and international outcry, the state suspended consideration of the bill in April.

At his inauguration speech on November 21, President Chiluba warned nongovernmental organizations (NGOs) that they should not "instruct" the authorities, and in the following days, the government threatened to pass legislation to restrict their operations if they continued to act in an "anti-patriotic" manner. Following the announcement by the Committee for a Clean Campaign (CCC) that the elections had not been free and fair, the situation deteriorated. On November 24 and 25, police raided the Lusaka offices of the Zambia Independent Monitoring Team (ZIMT), the Committee for a Clean Campaign (CCC), and the offices of the Inter-Africa Network for Human Rights and Development (AFRINET), seizing files, documents, bank books and statements, computer diskettes and pamphlets. Many of these still have not been returned, and charges of receiving financial and material assistance from foreign governments and organizations were brought against these organizations.

The Foundation for Democratic Process (FODEP), which also concluded that the elections were not free and fair, was similarly targeted by the government. FODEP's tax exempt status was suddenly revoked and on December 19, 1996, it received a tax demand for outstanding tax arrears for K27 million (approximately U.S.\$21,000): shortly afterwards, tax authorities confiscated all of the funds in FODEP's bank account.

The opposition was also harassed in the post election period. The main opposition party, the United National Independence Party (UNIP), was prevented from holding a peaceful rally in Ndola in February by police. Relatives of senior UNIP officials have also been subject to harassment: Vida Ngoma, the eighty-year-old aunt of Betty Kaunda, former president Kaunda's wife, was detained and kept in a cell for two days—with a man's corpse—after police searched her house without a warrant.

On August 23 UNIP leader Kaunda and Opposition Alliance chairman Roger Chongwe were shot and wounded by police as they were leaving a political rally in Kabwe. Bullets grazed the head of former president Kaunda, and struck Roger Chongwe in the cheek and neck. Several other people were also injured by police, who arrested twenty-one people and destroyed the podium at the rally site. The Zambian authorities also enforced a twenty-four-hour news blackout on the state-run Zambia National Broadcasting Corporation. Police arrested and assaulted Masautso Phiri of the *Post*, who took pictures at the rally of the police exerting excessive force on the public. A public enquiry into the shooting is underway.

AN OPPOSITION PETITION CHALLENGING THE FAIRNESS OF THE ELECTIONS AND PRESIDENT CHILUBA'S CONSTITUTIONAL RIGHT TO THE PRESIDENCY BEFORE THE SUPREME COURT WAS A FOCUS OF ZAMBIAN POLITICAL LIFE, AS THE OPPOSITION PRODUCED EVIDENCE IT CLAIMED SHOWED PRESIDENT CHILUBA TO BE OF ZAIRIAN PARENTAGE. SOME OF THE WITNESSES BROUGHT TO TESTIFY IN THIS CASE WERE HARASSED, WITH DEATH THREATS BEING REPORTED BY SOME WITNESSES. ONE WITNESS, THERESA MULENGA KALO, WAS ARRESTED AND HELD FOR SEVERAL DAYS BY POLICE AFTER SHE TESTIFIED AND THREE OTHERS REPORTEDLY WENT INTO HIDING.

A PERMANENT HUMAN RIGHTS COMMISSION WAS ESTABLISHED BY THE GOVERNMENT IN MARCH 1997, WITH A MANDATE TO HEAR INDIVIDUAL CLAIMS OF HUMAN RIGHTS ABUSE AND THE MALADMINISTRATION OF JUSTICE. THE HASTY PROCESS BY WHICH THE GOVERNMENT APPOINTED ITS MEMBERS, MOST OF WHOM LACKED ROBUST HUMAN RIGHTS CREDENTIALS, DREW BROAD DOMESTIC CRITICISM. THE COMMISSION ALSO LACKED PERMANENT PREMISES, PHONE LINES, AND RESOURCES. THE PROMOTION OF THE COMMISSION'S CREATION INTERNATIONALLY, WITH A VIEW TO IMPROVING ZAMBIA'S IMAGE, ALSO CONTRASTED WITH ITS PUBLIC PROFILE IN ZAMBIA. OFFICIALS OF THE GOVERNMENT PRINTING OFFICE IN LUSAKA TOLD HUMAN RIGHTS WATCH THAT THE DOCUMENTS CONCERNING THE COMMISSION WERE AVAILABLE "ONLY TO DIPLOMATS," AFTER INITIALLY DENYING THEY HAD EVER BEEN PRINTED. THESE DOCUMENTS WERE, HOWEVER, WIDELY DISTRIBUTED TO INTERNATIONAL DONORS; INDEED THERE IS REASON TO BELIEVE THAT THE CREATION OF THE COMMISSION WAS RUSHED SO THAT IT WOULD BE IN PLACE PRIOR TO THE APRIL 25 PRELIMINARY MEETING OF THE CONSULTATIVE GROUP OF DONORS, IN LONDON.

WHILE THE CHILUBA GOVERNMENT ADOPTED THE LANGUAGE OF SUPPORT FOR HUMAN RIGHTS, IT TOOK SEVERAL STEPS BACKWARD IN HUMAN RIGHTS OBSERVANCE. ON JANUARY 24, EIGHT CONDEMNED PRISONERS AT MUKOBOKO MAXIMUM PRISON WERE SECRETLY EXECUTED ON THE SAME DAY THAT PRESIDENT CHILUBA PARDONED 600 INMATES. NEITHER THE NAMES OF THE EIGHT OR THEIR ALLEGED CRIMES WERE OFFICIALLY RELEASED. BUT HUMAN RIGHTS WATCH CONFIRMED THAT THEY WERE EXECUTED ON JANUARY 24, OBTAINED THE NAMES AND PRISON IDENTIFICATION NUMBERS OF THE EIGHT, AND IDENTIFIED THE COURTS WHERE THEY WERE SENTENCED AND THE CRIMES FOR WHICH THEY WERE CONVICTED. ALL OF THE EXECUTED HAD SPENT MANY YEARS ON DEATH ROW—BETWEEN TEN AND FIFTEEN YEARS IN SOME CASES. NOTABLY, ALL OF THE CONDEMNED PRISONERS WERE SENTENCED TO DEATH DURING THE SECOND REPUBLIC, YEARS BEFORE THE MMD GOVERNMENT CAME TO POWER IN 1991. IT IS UNCLEAR WHY PRESIDENT CHILUBA ORDERED THEIR EXECUTION IN JANUARY AND WHETHER ANY OF THE PRISONERS HAD ANY OUTSTANDING RIGHTS OF APPEAL. AS OF APRIL 1, THERE WERE 127 PRISONERS ON DEATH ROW, ONE OF WHOM WAS A WOMAN.

### **The Right to Monitor**

THE NGOs THAT CONDUCTED INDEPENDENT MONITORING OF THE NOVEMBER 1996 ELECTIONS WERE SUBJECTED TO INTENSIFIED HARASSMENT IN THE FIRST FEW MONTHS OF 1997. IN PARTICULAR, THE UMBRELLA COALITION OF THE COMMITTEE FOR A CLEAN CAMPAIGN (CCC), THE ZAMBIA INDEPENDENT MONITORING TEAM (ZIMT), THE FOUNDATION FOR DEMOCRATIC PROGRESS (FODEP), AND THE INTER-AFRICA NETWORK FOR HUMAN RIGHTS AND DEVELOPMENT (AFRINET) TOOK THE BRUNT OF STATE INTOLERANCE FOR EXPRESSING THE VIEW THAT THE ELECTIONS WERE NOT FREE OR FAIR.

THE GOVERNMENT CONTINUED TO BE CRITICAL OF THE NATIONAL ORIGINS OF NGOs AND FOREIGN SUPPORT FOR THEM. AFTER RECEIVING THE CREDENTIALS OF THE NEW AMBASSADORS OF SWEDEN, CHINA AND SOUTH AFRICA IN LATE DECEMBER 1996, PRESIDENT CHILUBA ACCUSED SEVERAL NGOs OF SERVING FOREIGN INTERESTS AND WARNED THAT "NON-INDIGENOUS" NGOs WERE POTENTIAL SITES OF "MERCENARY" OPERATIONS. HE CHARGED THAT ZAMBIA HAD NO INDIGENOUS NGOs. AT THE OPENING OF PARLIAMENT ON JANUARY 17, PRESIDENT CHILUBA SAID THAT LOCAL ELECTION MONITORS WHO QUESTIONED THE LEGITIMACY OF THE NOVEMBER POLL WERE "UNPATRIOTIC" AND THAT THE GOVERNMENT INTENDED TO INTRODUCE NEW LEGISLATION TO CONTROL SUCH "WILFUL" BEHAVIOR. HE SAID HE PLANNED NEW LAWS "WHICH WOULD MAKE ELECTION MONITORING TEAMS AND ALL NGOs ACCOUNTABLE TO BOTH THEIR MEMBERS AND TO SOCIETY."

INTERNATIONAL HUMAN RIGHTS MONITORING GROUPS EXPERIENCED NO GOVERNMENT OBSTRUCTION, ALTHOUGH SENIOR GOVERNMENT OFFICIALS WERE RELUCTANT TO DISCUSS HUMAN RIGHTS ISSUES WITH THEM. THE PARIS-BASED MEDIA WATCHDOG

REPORTERS SANS FRONTIÈRES VISITED ZAMBIA IN MAY AND PUBLISHED A REPORT ON THE STATE OF THE MEDIA, URGING THE GOVERNMENT TO SCRAP THE MEDIA COUNCIL BILL.

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

THE INTERNATIONAL COMMUNITY'S EFFORTS SEEKING IMPROVED HUMAN RIGHTS AND GOOD GOVERNANCE PRACTICE IN ZAMBIA HAVE BEEN EXEMPLARY. THE RESOLVE TO OFFER RENEWED BALANCE OF PAYMENTS SUPPORT IN RETURN FOR POSITIVE ACTIONS BY THE ZAMBIAN GOVERNMENT HAD RESULTS IN THE RUN-UP AND AFTERMATH OF THE JULY 10-11 CONSULTATIVE GROUP MEETING IN PARIS.

AID OF UP TO U.S. \$1 BILLION A YEAR WAS CENTRAL TO THE ECONOMIC REFORM PROGRAM OF PRESIDENT CHILUBA. AS THE COUNTRY'S LARGEST SOURCE OF FOREIGN EXCHANGE, AID ACCOUNTED FOR SOME 70 PERCENT OF GROSS DOMESTIC PRODUCT. A DECLINE IN THE PRODUCTION OF COPPER, WHICH IN PREVIOUS YEARS ACCOUNTED FOR MORE THAN 95 PERCENT OF EXPORT EARNINGS (A FALL ONLY PARTIALLY COMPENSATED BY A RISE IN WORLD PRICES), HAS CREATED A GROWING DEPENDENCY ON AID. IN 1992, AT THE HEIGHT OF DONOR GOODWILL, ZAMBIA RECEIVED \$1.2 BILLION IN NON-EMERGENCY AID, THREE TIMES THE AVERAGE IN AFRICA, AS WELL AS \$400 MILLION IN EMERGENCY AID. IN 1996 THE AID PLEDGED WAS JUST \$300 MILLION, DOWN A THIRD FROM THE 1992 FIGURE. THE WORLD BANK HAD \$120 MILLION IN AID ALLOCATED FOR 1997 IN COMPARISON TO THE 1996 FIGURE OF \$140-150 MILLION.

THE DIFFERENCE BETWEEN THE 1992 AND THE 1996 FIGURES WAS THE RESULT OF ZAMBIA'S INCREASING AID NEEDS BEING MET WITH TOUGHER CONDITIONS SET BY THE INTERNATIONAL DONOR COMMUNITY. AT THE HEART OF THE DEBATE ON THE ROLE OF AID IN ECONOMIC RECONSTRUCTION WERE ISSUES OF GOOD GOVERNANCE, ACCOUNTABILITY AND DEMOCRATIC PRACTICE.

TWO CONSULTATIVE GROUP MEETINGS, SCHEDULED FOR DECEMBER 1996 AND MARCH 1997, WERE DEFERRED, PRESUMABLY WITH THE PURPOSE OF PUTTING FURTHER PRESSURE ON THE ZAMBIAN GOVERNMENT TO REFORM. ON APRIL 25, AT THE ZAMBIAN GOVERNMENT'S REQUEST, A PRE-CONSULTATIVE GROUP MEETING WITH THE DONORS WAS HELD IN LONDON. THE ZAMBIAN GOVERNMENT PRESENTED ITSELF AS HAVING MADE CONSIDERABLE PROGRESS ON GOVERNANCE AND ECONOMIC REFORM. ON THE BASIS OF THAT MEETING, THE DONORS AGREED TO CONVENE THE NEXT CONSULTATIVE GROUP MEETING IN PARIS ON JULY 10-11. DURING THE PARIS MEETING HUMAN RIGHTS ISSUES WERE RAISED OVER BOTH DAYS, ALTHOUGH THE WORLD BANK HAD ATTEMPTED TO LIMIT DISCUSSION OF GOVERNANCE ISSUES TO A PRE-MEETING ON JULY 9. THE MEETING CONCLUDED THAT A FURTHER MEETING WAS NEEDED IN DECEMBER 1997 PRIOR TO FULL-BALANCE OF PAYMENTS RESUMPTION BY MEMBERS. THE RESUMPTION OF BALANCE OF PAYMENTS WOULD BE CONDITIONAL ON UNSPECIFIED GOVERNANCE AND ECONOMIC TARGETS BEING MET.

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

IN A STATEMENT ON NOVEMBER 20, 1996 THE EUROPEAN UNION (E.U.), SAID IT WAS "PLEASED" THAT THE NOVEMBER 19 ELECTIONS WERE PEACEFUL AND ORDERLY, BUT EXPRESSED CONCERN AT THE DISCONTENT OF SOME PARTIES WITH THE PROCESS. THE E.U. URGED THE NEW ZAMBIAN GOVERNMENT TO AVOID CONFRONTATIONS WITH POLITICAL PARTIES AND ALSO TO STRESS POLITICAL AND ECONOMIC REFORM.

ON DECEMBER 9, 1996 THE GERMAN EMBASSY ANNOUNCED THAT IT HAD CUT PART OF ITS BILATERAL AID TO ZAMBIA IN PROTEST AGAINST THE POLITICAL IMPASSE. OTHER E.U. COUNTRIES, NOTABLY THE NETHERLANDS AND SWEDEN, ALSO RAISED THEIR CONCERNS ABOUT HUMAN RIGHTS STANDARDS WITH THE GOVERNMENT. BRITAIN AND FINLAND VOICED THEIR RIGHTS CONCERNS IN PRIVATE. NORWAY, A NON-E.U. MEMBER, ALSO PLAYED AN IMPORTANT ROLE: ITS AMBASSADOR, JON LOMAY, IN MAY DECLARED THAT NORWAY WAS STILL CONCERNED ABOUT THE IMPLEMENTATION OF GOOD GOVERNANCE AND WOULD CONTINUE TO MONITOR THE SITUATION CLOSELY. THE JAPANESE GOVERNMENT'S LUSAKA MISSION ALSO CONTINUED TO EMPHASIZE THE NEED FOR GOOD GOVERNANCE. THE REPUBLIC OF IRELAND'S DIPLOMATIC MISSION IN LUSAKA, WHICH HAS SHOWN LITTLE ENTHUSIASM ABOUT PUBLIC CRITICISM OF HUMAN RIGHTS PRACTICES DURING 1996, SPOKE OUT STRONGLY IN APRIL ABOUT THE MEDIA COUNCIL BILL.

## **United States**

AMBASSADOR ARLENE RENDER TOOK A STRONG CRITICAL STAND TOWARD THE CHILUBA GOVERNMENT, CALLING FOR CHANGE AND THE IMPLEMENTATION OF DEMOCRATIC VALUES IN SOCIETY WHEN SHE PRESENTED HER CREDENTIALS IN EARLY 1997. SHE URGED THE CHILUBA ADMINISTRATION TO EMBRACE CIVIL SOCIETY AS AN ESSENTIAL ENGINE AND BALANCING FORCE FOR CHANGE AND TRANSFORMATION. ZAMBIAN MINISTER WITHOUT PORTFOLIO MICHAEL SATA ACCUSED THE UNITED STATES GOVERNMENT OF HOSTILITY TOWARD THE ZAMBIAN GOVERNMENT AND OF TAKING A HARD-LINE STANCE, DESPITE THE COUNTRY BEING CONSIDERED A YARDSTICK FOR DEMOCRACY IN AFRICA. BUT U.S. AMBASSADOR RENDER AND A VISITING STATE DEPARTMENT DEPUTY DIRECTOR FOR SOUTHERN AFRICA SAID THAT WASHINGTON WOULD BE UNRELENTING IN ITS DEMAND FOR GOOD GOVERNANCE IN LUSAKA, WHICH THE U.S. SAW AS INSEPARABLE WITH ECONOMIC PERFORMANCE.

### **Relevant Human Rights Watch reports:**

*REALITY AMIDST CONTRADICTIONS: HUMAN RIGHTS SINCE THE 1996 ELECTIONS, 7/97*

*ELECTIONS AND HUMAN RIGHTS IN THE THIRD REPUBLIC, 12/96*