

**HUMAN RIGHTS WATCH WORLD REPORT 2002**

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# **AFRICA**



*Women inside a mosque that had just been attacked by the gendarmes in Côte d'Ivoire.*

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# AFRICA OVERVIEW

## MAJOR POLITICAL DEVELOPMENTS

Longstanding wars continued to plague several countries in sub-Saharan African countries; in others, political leaders and parties engaged in elections, some of them more satisfactory than others. Everywhere, human rights defenders continued the struggle to improve respect for basic human rights. The year 2001 saw new international attention to Africa, mainly focused on combating the scourge of diseases related to HIV (human immunodeficiency virus) and on efforts to counter impoverishment aggravated by the globalization of the world economy. But African human rights issues, from those related to public health crises and the economy to the stark immediacy of repression, lost visibility as the international community turned to combating terrorism in the wake of the September attacks in the U.S.

## THE SEPTEMBER 11 ATTACKS: COLLATERAL DAMAGE IN AFRICA

Just how big an impact would the September 11 attacks in the United States have on Africa? It was a question which was on the minds of state and non-state actors alike across the continent as the year closed. Though everything remained fluid, the devastation wrought by the attacks could mean:

### **Political Fallout in a Number of Countries**

Pre-existing political tensions between Muslim and Christian populations in a number of African countries threatened to become more inflamed, and increasingly violent. Côte d'Ivoire, Ethiopia, Kenya, Nigeria, South Africa, and Tanzania all faced the possibility of worsening communal tensions. Bloody riots between Muslims and Christians in Kano, northern Nigeria, following demonstrations against the U.S. bombing of Afghanistan, had already left a high death toll. A pro-Taliban demonstration was also reported in Kenya's predominantly Muslim coastal city, Mombasa.

### **Restrictions on Political and Civil Rights**

Governments in the region might manipulate and redefine terrorism to justify

crackdowns on legitimate dissension. The U.S. “with us or against us” mantra could set a trend in Africa with African leaders labeling their opponents as terrorists and justifying restrictions on civil liberties that would previously have seemed unacceptable. In the aftermath of the attacks, President Abdoulaye Wade of Senegal proposed the adoption of an African pact against terrorism. He said the move would help the continent “to team up with the world coalition against this evil” and commit each African state “not to accept on its territory individuals or groups with terrorist intentions.” Responding to President Wade’s call, more than ten heads of state and delegates from twenty other African countries attended a one-day summit on October 18 in Senegal to discuss terrorism-related issues and closed the meeting with a declaration against terrorism. In particular, there were growing concerns that these steps would detrimentally affect refugee populations, particularly Muslim refugees, and encourage growing xenophobia and anti-refugee sentiment.

### **Subordination of Human Rights Concerns to Diplomacy’s Antiterrorism Priorities**

The Horn/East Africa region, where a number of al-Qaeda cells were suspected, was seen as a likely focus of U.S. interest. Sudan enthusiastically announced its cooperation in the fight against terror, leveraging its intelligence resources regarding al-Qaeda to reshape its bilateral relations. Kenya, Ethiopia, and Eritrea appeared ready to use the opportunity to marginalize reformist elements. African governments in a position to contribute to the global fight against terrorism by providing access to intelligence, airfields, and military bases might take advantage of a willingness on the part of more powerful nations like the U.S. to overlook abuses which might previously have come under greater scrutiny. For example, an October massacre by the Nigerian army of at least two hundred people in Benue State went all but unremarked during President Obasanjo’s visit to the United States just a few weeks later to discuss the antiterrorism campaign.

### **Declining Economic Activity**

Falling consumer demand in Western economies as a recession took hold might send commodity prices, already depressed, into a slump, and export-oriented countries into a nosedive; investment inflows would be dampened because of the combined effect of heightened perceptions of risk and the fall in prices for Africa’s exports. Almost every sector would be affected: travel and tourism, a mainstay of a number of countries, would be badly disrupted, and recession and unemployment among African immigrants in the diaspora would decrease remittances sent to support their relatives at home.

### **Reduced Humanitarian and Development Assistance**

The expected global downturn and a ratcheting up of security and defense expenditures in the west, could translate into major cuts in both development and humanitarian aid. President Thabo Mbeki of South Africa warned on October 3

that: "We have to ensure that there is no possibility of these attacks creating negative consequences, whereby the development issues that we have been grappling with for decades are sidelined to the margins of the global agenda. The countries of the world must simultaneously deal decisively with terrorism and effectively address and defeat poverty and underdevelopment."

### **HIV/AIDS STRAIGHT TALK: AFRICA TAKES STEPS TO CHANGE**

To many Africans, the continent's key challenge was the response to HIV/AIDS. Of the estimated twenty-two million people to have died of AIDS-related illness worldwide by the end of 2000, seventeen million were Africans. The most severely affected region was southern Africa, including Botswana, with the highest known prevalence of HIV/AIDS in the world, and South Africa, with the largest number of people living with AIDS in any country in the world. There were around twenty-five million Africans living with AIDS, 3.8 million of whom were infected in 2000 alone.

In the past year, AIDS in Africa gained an unprecedented level of media coverage. With it came some public and political will to fight the worst epidemic in the history of mankind, as well as growing scrutiny of the pandemic's root causes. Nearly every government from tiny Gabon to repressed Mauritania engaged in high-level discussions about the problem, and the failure or success of their programs. At a special summit of the Organization of African Unity (OAU) in Abuja, Nigeria, in April 2001, OAU member states pledged to use 15 percent of their annual budgets to fight AIDS, tuberculosis, and other infectious diseases. Whether this would happen, particularly in countries with notoriously opaque budgets, was yet to be seen. Even with the Abuja Declaration, the current cost of the recommended drug treatments remained unfeasible in much of Africa.

There was global pressure on the pharmaceutical industry to remedy this situation, through lowered prices, donations, and relaxation of patent laws. In April, following a sustained campaign against them, pharmaceutical companies dropped a court challenge to a South African law enacted in 1997, but not yet promulgated, that would allow the production and importation of generic AIDS drugs. It was a major victory for the treatment lobby both in South Africa and internationally, with potentially important benefits for health and human rights. A similar law was passed in Kenya in March, and was pending in other countries, but the flow of cheap drugs was yet to be seen. Drug firms in Uganda also appealed to the government to allow them to produce anti-retroviral drugs locally.

Botswana, a relatively rich country, announced that, hopefully by 2002, all such drugs would be free for its 350,000 infected citizens. In the first week of September, Nigeria announced that it would be the first country in Africa to launch trials with generic drugs, which, in initial phases, would treat 15,000 Nigerians, for around U.S. \$350 a year per person. Several countries moved first to provide the cheap, effective, and easy to provide drug nevirapine to women before giving birth in order to prevent mother-to-child transmission. But South Africa, despite its eco-

conomic resources and success in facing down the drug industry, was held back by the embarrassing performance of President Thabo Mbeki, who persisted in questioning the link between HIV and AIDS. An NGO, the Treatment Action Campaign, went to court to force the government to provide drug treatment that, it argued, would even save the government money.

### **SOUTH AFRICA AND NIGERIA— THE ANCHOR COUNTRIES?**

Since the extraordinary political and constitutional transition of 1994, South Africa had established a reputation for openness, transparency, and rational leadership on a turbulent continent. But in 2001, President Thabo Mbeki's government seemed to prefer to invest political capital in fighting public relations skirmishes rather than addressing the economic and social challenges that confronted the country. In February, there were extraordinary allegations by Steve Tshwete, the minister for police, of a conspiracy by three politicians-turned-businessmen to oust Mbeki from office. Observers were alarmed by the willingness to use the tools of state security to tackle what seemed to be an internal party issue. The government was plagued by corruption scandals in connection with a multi-million rand arms deal. African National Congress Chief Whip Tony Yengeni, former chair of parliament's committee on defense, was charged with corruption, perjury, and fraud; other arrests were anticipated. President Mbeki's refusal to confront his country's catastrophic AIDS epidemic risked undermining all other achievements.

Although the president's reputation and standing had been damaged, most observers thought the situation was retrievable. By general consensus, the transformation of South Africa's political landscape over the previous seven years had been so profound that it was irreversible. South Africa could still count on one of the most progressive constitutions in the world, guarded by an impeccable Constitutional Court; vigorous independent news media, unions, and academia; ample provision for a constitutional opposition; and government policies that—despite ongoing controversies on their direction—generally managed to negotiate reconciliation of the demands for radical redistribution of wealth with the needs of economic growth.

South Africa's continued regional leadership was demonstrated late in the year, as the first of about seven hundred South African peacekeeping troops arrived in Burundi. Their task was to form a protection force for politicians returning from exile to join a power-sharing transitional government that was sworn in on November 1.

In Nigeria, the continent's most populous country, it seemed as though time might be running out for President Olusegun Obasanjo. In May 1999, sixteen years of military rule had ended. Though many Nigerians were skeptical, they had nonetheless hoped that the new civilian government would take the difficult steps to restore accountable government and the rule of law, as well as Nigeria's standing in the world. More than two years later, the country was a land of rising discontent, and questions multiplied about the president's leadership capabilities.

In the past year, Nigeria saw a surge of religious and ethnic conflicts at the cost of thousands of lives. Riots, the ravaging of churches and mosques, violent demonstrations, military and police abuses, and a general lawlessness continued to tear at the daily lives of Nigerians. In October, the Nigerian army was responsible for massacring at least two hundred unarmed civilians in central Benue State, in an area torn by ongoing ethnic conflict. Corruption remained rampant, despite the adoption of anti-corruption legislation in 2000, distorting economic management, corrupting law enforcement, and starving desperately needed public services. In his Independence Day speech on October 1, the president conceded that his administration had failed to lift most Nigerians out of poverty, end violence, and solve other huge obstacles that the country confronted. Yet he offered little hope that these issues would be addressed in the remainder of his term.

Nigeria still enjoyed a comparatively greater degree of freedom in contrast to the dark days of military rule, and a commission set up in 1999 to investigate human rights abuses committed under previous governments had somewhat dented the historical wall of impunity. But the country desperately needed a democratically enacted constitution, accountable politicians and civil servants, and restored respect for the rule of law. With government revenue coming almost exclusively from a single source, Nigeria's substantial oil and gas deposits, it would remain extremely difficult to create a functioning democracy.

### **BUCKING THE TREND?**

A few countries registered success in strengthening or maintaining democratic institutions. Botswana and Mauritius headed the table, and South Africa remained an example in many ways, but Mali, Mozambique, Ghana, and Senegal were also strong contenders for Africa's first division status. Botswana had the highest credit rating in Africa from the international ratings agency Moody's—four notches above that of South Africa—and ranked alongside central European countries. Mauritius was ranked second (behind Tunisia and ahead of Botswana) out of twenty-four countries surveyed in the World Economic Forum's Africa Competitiveness Report.

The connection between economic prosperity and stable political institutions was underlined by the September 13, 2000 elections in Mauritius. An opposition alliance, of the Mouvement Socialiste Mauricien (MSM) and Mouvement Militant Mauricien (MMM), swept into power in a landslide victory with high turnout. Outgoing Prime Minister Navinchandra Ramgoolam gracefully accepted defeat. In terms of the electoral pact, the MSM leader Sir Anerood Jugnauth would be prime minister for the next three years and then hand over the reins to the MMM leader, Paul Berenger, for the final two years. In the meantime, they would introduce a constitutional amendment to give the president, a ceremonial figure, more power; Sir Anerood would become president. Berenger would be the first non-Hindu to occupy the premiership since Mauritius won independence in 1968.

Ghana saw a peaceful transfer of power when, on January 7, President Jerry Rawlings, who came to power in two coups and retained power through two sub-

sequent elections, stepped down from his nineteen year presidency and surrendered power to John Kufuor. Like Mali and Senegal, Ghana looked set to become one of the “democratic dominos” in West Africa. Once in power, the new president promised sweeping human rights improvements. In July, Ghana’s parliament voted unanimously to repeal the criminal libel law first introduced by the British colonial administration. At this writing, debate was underway regarding legislation to establish a mechanism for truth telling and reconciliation in relation to past abuses. Kufuor also agreed to exhume for positive identification and proper reburial the bodies of eight generals who had been executed in 1979 on charges of corruption and treason. This was the first official step towards confronting and resolving various extrajudicial executions which took place both before and during Rawlings’ reign.

Mozambique remained another African success story, though it faced some serious threats during the year. The country’s post-conflict stability continued to be reinforced by the generally human rights-friendly leadership of President Joachim Chissano, and by robust economic growth. The economy grew by nearly 15 percent in the first half of the year, recovering strongly from the devastating 2000 floods. But the government’s reputation was tarnished by attacks against journalists. In November 2000, unknown attackers gunned down journalist Carlos Cardoso, editor of the independent *Metical* who had been sharply critical of hard line elements in both the ruling party and the opposition in the wake of political clashes that left forty-one people dead. In a separate attack later the same day, a gang stopped Radio Mozambique journalist Custodio Rafael on his way home from work. The attackers reportedly told him, “You talk a lot,” before beating him and cutting his tongue with a knife. In January, a Mozambican parliamentary commission visited northern Cabo Delgado province to investigate the suffocation-deaths of more than one hundred imprisoned opposition demonstrators in the town of Montepuez. The commission had joint government and opposition membership. A Mozambican human rights group that carried out its own inquiry blamed the tragedy on both police negligence and retaliation for the killing of six police officers during the protests.

### **ELECTIONS, BUT NOT NECESSARILY DEMOCRACY**

A number of other African countries held presidential or parliamentary elections during the year. However, all were characterized by intimidation of the media and opposition, killings, and gross and widespread vote rigging. Leaders in Guinea, Malawi, Namibia, Zambia, and elsewhere attempted or were reported to be considering constitutional amendments to overcome term limits and remain in power.

Political and social unrest continued to plague Côte d’Ivoire during 2001, following presidential and parliamentary elections in late 2000. Laurent Gbagbo, leader of the Front Populaire Ivoirien (FPI), was installed as president despite very serious concerns surrounding the legitimacy of the October presidential elections—over the widespread violence and the exclusion of principal opposition leader Alassane Ouattara from the contest. Gbagbo then used the same methods as

his predecessor during the December parliamentary elections, including incitement of religious and ethnic hatred. Ouattara was once again not allowed to run. In both October and December security forces arrested, tortured, and killed perceived opposition supporters, including foreigners and members of northern ethnic groups. After assuming office, Gbagbo failed to acknowledge the flawed manner in which he had become head of state, to promise new elections, to seek accountability for the violence, or to take adequate steps to ensure that, under his leadership, Côte d'Ivoire would be characterized by the rule of law, not by ethno-religious tension and military impunity.

In Benin, presidential elections in late March 2001 saw the reelection of President Mathieu Kerekou. Kerekou failed in the first round to gain a majority, so a runoff with the runner-up, Nicephore Soglo, was called. Soglo, citing widespread fraud, dropped out before the final round, and encouraged his supporters to boycott as well. The runoff was further delayed by the resignation of several members of the electoral commission in protest at the way the vote was organized. The third place contender also pulled out, leaving only the fourth-place primary finisher, Bruno Amoussou. This dubious run-off slate gave Kerekou the presidency, with 84 percent of the votes. Earlier in the year, on January 19, police beat up two journalists working for private media and violently broke up a demonstration they were covering in the capital, Cotonou.

The election campaign in Chad was marred by intimidation and violence, but on May 27 Idriss Deby was re-elected president with more than 67 percent of the vote. Opposition candidates alleged fraud and called for the result to be annulled, appealing to the constitutional court. A quarter of the members of the electoral commission resigned in protest in advance of the announcement of Deby's victory. On May 28, Brahim Selguet, an opposition activist, was shot and killed by the police as they violently broke up an opposition meeting. Six opposition presidential candidates were briefly detained at the meeting, and were again arrested in the morning of May 30 with some thirty other opposition activists and trade unionists. They were all released without charge the same day, but two of the opposition leaders, Ngarledjy Yorongar and Abderhamane Djesnebaye, were reportedly tortured, including being beaten with iron bars, during their detention.

Uganda's March presidential election and May parliamentary elections were both marred by manipulation and human rights abuses. As political parties are not allowed to operate freely in Uganda, opposition presidential candidates had to mobilize support and resources as individuals. Incumbent president Yoweri Museveni, however, relied on the administrative and political officials of the ruling "movement system" to bring in the vote. Harassment of journalists and editors, self-censorship, and inequality in media access intensified as the date for the poll neared. Supporters of opposition candidates were also threatened and harassed when campaigning for their candidates. In January, unidentified gunmen killed a member of President Museveni's campaign task force, and, in a separate incident, two supporters of opposition presidential candidate Dr. Kizza Besigye. At least one person was killed when members of the Presidential Protection Unit opened fire on opposition demonstrators on March 3. Both international observers and Ugandan human rights groups expressed concern at the role played by the Ugandan army in

the election and that elections took place on a far from level playing field. Museveni was declared the winner. At least seven people were shot dead on June 27, in violence surrounding parliamentary elections. On July 6, the Foundation for Human Rights Initiative, a national NGO, criticized the government's treatment of Besigye and strongly condemned what it called the authorities' "persistent, consistent and violent intolerance and disrespect for divergent views."

Gambia's tense presidential election was held on October 18. After pressure from the international community, President Yahya Jammeh had lifted a ban on opposition parties in July, inviting former politicians who had sought political asylum in other countries to return. On August 27, President Jammeh expelled Deputy British High Commissioner Bharat Joshi for attending an open press conference, which Jammeh alleged was an opposition party rally. The day before the election, security forces opened fire on a crowd of opposition supporters, killing at least one. In the days following the election, private radio station Citizen FM was shut down and state security agents reportedly detained its owner for four hours.

On November 28, 2000, Mauritania's 40th anniversary of independence, President Ould Taya promised democratic reform, and on December 4, the government held consultations with political parties. It was announced that proportional representation in the legislature would be introduced in the 2001 elections, and that the government would fund political parties, based on their performance in municipal polls. Not a week later, Union of Democratic Forces leader Ould Daddah was arrested upon his return to Mauritania, and charged with "contact with terrorist groups." He was released on December 13. On June 14, 2001, three members of the opposition Front Populaire Mauritanien were jailed, accused of conspiring with Libya to foment the violent overthrow of the government. Their lawyers alleged numerous serious irregularities in the proceedings and initially withdrew in protest; they later agreed to represent the three men, while making clear their concern at government interference and other fair trial concerns.

In Guinea-Conakry opposition parties criticized a "constitutional coup d'état" and a "masquerade" a referendum held on November 11, 2001, in which 98 percent of those who voted supposedly supported changes to key constitutional provisions. The proposed changes would increase presidential terms from five to seven years and allow presidents to remain in office indefinitely, giving incumbent president Lansana Conte the option of a third term. An 87 percent turnout was reported, though observers estimated that only 20 percent of the population could have voted. In Malawi too, controversy surrounded the issue of whether President Bakili Muluzi should be allowed a third term in office when his current term expires in 2004, something that would entail alteration of the constitution. Malawi's two largest churches issued separate letters warning President Muluzi against standing for reelection, prompting a government statement in May denying that either the cabinet or the ruling party had discussed a constitutional amendment. But in August, a debate on whether the president should extend his rule into a third term resurfaced. "Muluzi will stand again in 2004 because people want him. We will change the constitution so Muluzi can stand," said a key supporter.

In two other countries whose leaders were mooted to be set to join "third term" campaigns requiring constitutional change, external and internal pressure pro-

vided a check on ambitions in that direction. But though President Daniel arap Moi of Kenya hinted at an exit at the end of his second and constitutionally-last term, he invested heavily in a careful succession plan and efforts to hinder a full constitutional review. In Zambia, which had appeared to be losing any claims to democracy, President Chiluba, with his party in revolt and facing massive public pressure and predictions of large-scale violence, on May 3 abandoned his efforts to change the constitution's two-term limit and announced that he would step down when his second term ended at the end of the year. The news sparked celebrations in the country.

## **SILENCING THE CRITICS**

In too many countries, effective mechanisms for querying, much less contesting or contributing to, government policy and operations were lacking. In the absence of autonomous electoral authorities, independent judiciaries, and the provision of equal access for competing political factions to government controlled media, opposition voices could only rely on getting their message across through the much-harassed independent media and the grassroots influence of trade unions or civil society organizations. Burkina Faso, Cameroon, Equatorial Guinea, Gabon, Kenya, Mauritania, Swaziland, Tanzania, Zimbabwe, and numerous other countries remained reluctant to commit themselves to the imperatives of democracy and respect for human rights.

In Equatorial Guinea, the government continued to use military courts, repressive laws, and arbitrary arrests and prosecutions to restrict political freedoms. In November 2000, hundreds of copies of the latest issue of independent weekly *La Opinion* were seized by the authorities in Mongome, a town in the east of Equatorial Guinea. The newspapers were confiscated on the order of the government's representative in the district. According to the government, the paper was too close to the opposition. In February 2001, the mayor of Malabo closed the offices of the Equatorial Guinea press association.

On April 1, 2001, President Blaise Compaore of Burkina Faso publicly apologized for the torture and "all other crimes" committed by his government in a blanket act of state contrition. However, the 1998 killing of journalist Norbert Zongo remained a source of both national and international outrage. To commemorate the two-year anniversary of Zongo's death, human rights advocates and opposition parties along with members of the international press attempted to gather in Ouagadougou in December 2000 to demand that the perpetrators be found and prosecuted. Many journalists were prevented from entering the country by security forces and riot police thwarted commemoration activities.

In Cameroon, police in Yaounde dispersed supporters of the opposition Social Democratic Front as they marched on November 27, 2000, to demand the creation of an independent electoral commission. Five opposition parties walked out of parliament on December 7, 2000, as the house passed a bill creating an election-monitoring body known as the Observatoire National des Elections, its members to be appointed single-handedly by President Paul Biya. In July 2001, police raided the

offices of independent newspaper *Mutations*, seized copies of the paper, and summoned the publisher, Haman Mana, to a hearing, accusing him of having published confidential state documents. Mana refused to reveal his source, citing Cameroonian law; he was released on August 3. On October 3, 2001, police summoned Jean-Marc Soboth, editor-in-chief of the independent *La Nouvelle Expression* and demanded that he reveal his sources for a story about security measures in the country's English-speaking provinces. The authorities maintained that the newspaper revealed a "defense secret." The journalist refused to do so, again citing privilege, and was released the same day.

Togolese police used tear gas on August 14, 2001, to break up a demonstration by opposition parties and human rights activists demanding the release of opposition leader Yawovi Agboyibor, sentenced to six months imprisonment for defamation. He had reportedly said in 1998 that the prime minister, Messan Kodjo, was associated with a militia whose members killed supporters of his party, the *Comité Action pour le Renouveau*.

Guinea Bissau saw new problems following an alleged coup plot in November 2000. General Ansumane Mané, the former leader of the disbanded military junta, was killed in early December 2000 in mysterious circumstances after challenging the president over military promotions. Despite national and international appeals, there was no independent investigation of his death. Ten opposition leaders, including several parliamentarians, who had also criticized the government handling of the promotions, were arrested without warrant between November 24 and 26, 2000. They were not freed until March. Journalists were also under threat. In March, the deputy procurator-general threatened to bomb a radio station, Radio Bombolom, in order to interrupt a radio debate about the alleged coup attempt. In mid-September the attorney general reportedly went to Radio Pidjiquiti and threatened its workers after they refused to give him the tapes of a program on which journalists had commented on his appointment.

Gabon's President Bongo promoted a constitutional amendment to give former heads of state immunity from legal prosecution. Several privately owned radio stations and television channels were regularly threatened with withdrawal of their broadcasting licenses by the authorities. But some news from Gabon was good. The satirical weekly *La Griffé*, banned two years before, was authorized in late July by the National Communication Council to begin publishing again. Two of its publishers, who had been sentenced to eight years in prison, received a presidential pardon on October 29th, 2000. Another satirical publication, *La Cigale Enchantée*, closed down at the same time for accusing the minister in charge of infrastructure of corruption, remained banned.

In the Horn of Africa, political liberties faced serious threats. Eritrea's strongman President Isaias Aferwerki cracked down harshly on those who dared to speak out. In February, the president removed the minister of local government after he questioned the country's leadership. In May, fifteen members of the seventy-five strong central committee of the ruling party published an open letter demanding reforms. Among the signatories were several former ministers and ambassadors, and three generals. On September 18 and 19, the government arrested without charge eleven signatories of the "G-15" letter—three others were abroad and one

had previously retracted his signature of the letter. In July, the government arrested student leader Semere Kesete for strongly protesting the government's management of the university's mandatory summer work program. On September 19, the government withdrew the licenses of all eight independent newspapers in the country, claiming they had violated media law and undermined national unity. The minister of information (previously the security chief) announced that he would review each newspaper to determine whether it could reopen. At this writing, none had reopened. The government-controlled media were left as the only source of information for Eritrea's citizens.

In neighboring Ethiopia, there was a marked erosion of civil liberties during 2001. The government jailed civil rights advocates, political rivals, students, and journalists without formal charges, and police used excessive force against unarmed civilians. In March, key members of the Tigrayan People's Liberation Front, the lead party in the government coalition, issued a twelve-point critique of the prime minister's policies. The dissenters, joined by members of other government parties, complained that the government had concluded a premature and unfavorable peace agreement with Eritrea. They also accused the prime minister, Meles Zenawi, of corruption.

In Rwanda, the government continued to disregard the constitution's guarantee of the right to form political parties. The ruling Rwandan Patriotic Front (RPF) maintained a ban on the activities of all other parties, while the RPF itself recruited new members and campaigned in district elections. The government barred former president Pasteur Bizimungu from organizing a new political party and harassed party members and journalists reporting the story.

Tanzania's image was badly tarnished by serious abuses in the semi-autonomous islands of Zanzibar during late January and early February. Police blocked a demonstration by opposition supporters against the much-criticized 2000 elections, marred by serious violence and described by the Commonwealth as a "shambles." A climate of harassment and repression of political activity continued for the better part of the year. On October 9, 2001, a deal was signed by the Zanzibar authorities and the opposition agreeing on tension-reducing measures including electoral reform, provision of equal access to all parties on state media, and the holding of by-elections for seats that remained vacant after the disputed 2000 elections.

Zimbabwean President Robert Mugabe's indifference to legal norms and encouragement of political violence persisted—threatening the entire southern African subregion with instability. Against the backdrop of a worsening economic crisis precipitated in part by the violent seizure of white-owned commercial land, the government continued its hard line attitude towards the political opposition, media, and judiciary. Widespread violence was visited on opposition supporters, especially in rural areas, and on the owners and residents of white-owned commercial farms by veterans of the liberation war and supporters of the ruling party. The police did little or nothing to intervene to protect those who were the victims of this violence; human rights organizations noted increasing politicization of the criminal justice system. The year saw the forced resignation of the chief justice, Anthony Gubbay, on the grounds that the government, which had itself scorned

court orders, could no longer guarantee his personal safety. Leading opposition leaders were also subjected to arrests on controversial charges of inciting violence and harassment of supporters of the Movement for Democratic Change (MDC) had worsened severely by the end of the year. In November, more than twenty MDC activists were arrested in Bulawayo, on charges of involvement in the murder of a war veteran leader; the MDC suggested that the veteran had been killed by the security forces to silence him. Zimbabwe faced increasing diplomatic isolation, including the first public criticism from its neighbors in the Southern African Development Community (SADC).

Also in the south the year was a difficult one for King Mswati of Swaziland. Under pressure to implement governmental reforms, faced with increased HIV infection in his population, a worsening economy, and an outspoken media, King Mswati attempted to maintain iron-fisted control. For its part, the opposition demanded an end to the twenty-seven-year ban on political parties and the state of emergency, and called for the creation of an interim government. In January, leaders of this movement were arrested and charged with "misconduct." Royal Decree No.2, promulgated on June 24, gave the king the power to ban any book, magazine or newspaper, prohibited anyone from impersonating or ridiculing the king, prevented legal challenges to any of the monarch's executive decisions, and eliminated bail for a range of crimes, including holding illegal public demonstrations. The decree also gave the justice minister the power to appoint and fire judges at will, and prohibited newspapers from challenging publishing bans. But one month later, the king bowed to international pressure and revoked the decree. After a four-month court battle the *Guardian*, an independent weekly, had a banning order against it overturned on September 3. In November, amid a crackdown on the opposition, President Joachim Chissano of Mozambique, speaking on behalf of SADC, expressed concern that the situation in Swaziland threatened the stability of the subregion.

Namibia, which had boasted one of the most liberal constitutions at the time of its independence in 1990, saw serious threats to its liberties during 2001. President Sam Nujoma's outspoken attacks on gays, lesbians, foreigners, and white Namibians, as well as his dismissal of several judges, created a troubling environment for human rights during the year. In March, the government imposed an advertising boycott on the independent *Namibian*, claiming the paper was too critical of its policies.

There was some good news on a different front. The internet became an ever more useful tool for the dissemination of information on the continent—despite the efforts of governments such as Zimbabwe's, where the pending Post and Communications Act would give the government unfettered powers to intercept postal and electronic communications. At this writing, however, eleven African countries had no private sector involvement in providing Internet service. In those countries, such as Ethiopia and Niger, costs remained exorbitant for local users, and government monitoring of communication easy. Lines could be cut off with no explanation, access to websites blocked, and owners of cyber cafés forced to supply government intelligence officials with copies of e-mails sent or received by them. Even in Mauritania, where the private sector was not barred, the two private Internet service providers had very close ties to the president.

## **SMOLDERING FIRES**

Wars continued to smolder and flare across the continent, most seriously in Angola, Burundi, Democratic Republic of Congo (DRC), Liberia, and Sierra Leone. Despite repeated commitments to peaceful resolution of conflict, the warring parties remained heavily engaged in armed operations. In the Great Lakes area, the warring factions' forced recruitment of civilians, including children, appreciably escalated.

The war in the DRC continued to be characterized by shocking brutality. Talks meant to forward implementation of the Lusaka agreements to end hostilities resumed following Joseph Kabila's assumption of the presidency in January. International pressure on Uganda and Rwanda to withdraw their troops from Congo increased. A preliminary inter-Congolese dialogue took place in Gaborone in mid-August, with follow up "national dialogue" convened on October 15 in Addis Ababa. But incessant disagreements between Congolese rebels and the government and a shortfall in funding prevented much progress being made at the talks. Relations between Rwanda and Uganda worsened, owing to a combination of personal animosities between the top leadership and colliding interests in the DRC war, and further undermined progress towards a solid cease-fire and a political solution to the conflict.

Burundi endured its eighth year of civil war—intertwined with conflicts in neighboring DRC and Rwanda—with both governmental and rebel forces guilty of killing, raping, and assaulting civilians and destroying their property. Civilian casualties, however, were fewer than in previous years, and there were fewer large-scale massacres. Late in the year the government and opposition political parties hobbled towards implementing the Arusha Accord signed in August 2000. Following installation of a transitional government on November 1, rebel movements stepped up combat; one of them abducted hundreds of schoolboys, apparently to force them to become child soldiers.

In West Africa, the countries of the Mano River Union—Liberia, Sierra Leone, and Guinea—were caught up in an ongoing subregional conflict which spilled across borders. From late 2000 to April 2001 fierce fighting occurred between Sierra Leonean rebels and their Liberian government allies in a series of border clashes with the armed forces of neighboring Guinea. Thousands of Liberian and Sierra Leonean refugees in Guinea were trapped in the border attacks. For their part, the Guinean authorities allowed Liberian rebels to operate from their territory, and seemed at minimum to have provided logistical support and sponsored cross-border incursions into Liberia. The rebel incursion into northern Liberia continued to make gains, with serious abuses against civilians by both rebel and Liberian government forces. Thanks in large part to the deployment of British forces in 2000 and their continued presence, together with some 17,000 U.N. peacekeepers' move into former rebel strongholds in Sierra Leone, and the disarming of over 20,000 Sierra Leonean rebel and government troops, there was at year's end some hope of a lasting peace in Sierra Leone. However, there appeared to be no end to the renewed civil war in Liberia, and the continued instability in the subregion.

There also seemed no end to conflict in Angola, as attacks by the rebel National

Union for the Total Independence of Angola (UNITA) led by Jonas Savimbi, and to a much lesser extent government troops, resulted in yet more civilian casualties. The continuing violence formed a grim backdrop to hints of a political deal to break the deadlock between the warring parties. In August, President José Eduardo dos Santos' announcement that he would not run in the country's next elections was greeted with surprise and skepticism. Many were aware of the reality that the refusal by the government to re-enter negotiations for a political solution would leave the country stuck in a military standoff.

In Sudan, war raged on, with President al-Bashir continuing his practice of dropping bombs on civilians in the south and preventing humanitarian aid from getting to them. Oil money, which first began to flow into the government's coffers in late 1999, continued to fuel intensified fighting in the south, with predictable results for human rights.

Just over a year after a U.N. peacekeeping force had been fully wound down in February 2000, the Central African Republic was plunged into an ongoing political and human rights crisis when former President Andre Kolingba spearheaded his third coup attempt in five years on May 28. Reports said fifty people were killed in the fighting to regain government control after rebels took over the airport, radio station, and other parts of Bangui's infrastructure. Although the coup was swiftly put down by the forces of President Ange-Félix Patassé, with the assistance of Libyan troops (not to mention Chadian troops and rebel troops from DRC), unrest continued in the months following as unarmed civilians, particularly members of the Yakoma ethnic group to which Kolingba belongs, were targeted for arbitrary detention and arrest. The government reportedly tortured and killed numerous civilians and members of the security forces.

The Republic of Congo (Brazzaville) continued to limp back to normalcy after the ferocious civil wars of 1993, 1997, and 1998. The past year was officially one of "national reconciliation," and a "non-exclusive dialogue" which was scheduled to end in April. A reconciliation convention was held, but no election date had been set at this writing.

### **FLEEING WARS, ONLY TO FIND MORE WOES**

War continued to swell the tide of refugees and internally displaced persons, spawning bleak, overcrowded camps, where responsible authorities were barely able to provide the necessities of life and violence often seemed uncontrolled. As of January 2001, there were at least 3,346,000 refugees in Africa out of a total 14,544,000 worldwide. The numbers of internally displaced people also remained high, with Angola, Sierra Leone, Eritrea, and Sudan having the largest populations. In many conflicts more people were internally displaced than crossed international borders: about 4.4 million Sudanese were internally displaced and 420,000 were refugees in neighboring countries. Yet international law and structures for protecting the internally displaced remained weaker than those for refugees.

The major refugee crisis of the year occurred in Guinea, which experienced enormous upheaval while serving as host to some 400,000 refugees from Sierra

Leone and Liberia. Several months of fierce cross-border fighting between Guinean government forces and Sierra Leonean rebels acting together with Liberian government troops drove refugees and local residents alike from their homes in border regions. At the same time, the Guinean government closed its border to new Liberian refugees who were trying to escape the civil war. As refugees moved inland to escape the border violence, they remained vulnerable to beatings, strip searches, extortion, sexual assault, arbitrary arrest and detention, and widespread intimidation at the hands of the Guinean authorities. Sierra Leonean refugees who fled the dire conditions in Guinea by walking home through Revolutionary United Front (RUF) territory were raped, killed, and abducted for fighting or forced labor by the RUF rebels as they attempted to reach Sierra Leonean government-held towns. The Office of the U.N. High Commissioner for Refugees (UNHCR) and the Guinean government finally agreed to move the camps further inland and to provide facilitated return by boat from Conakry to Sierra Leonean refugees who wanted to return home. The situation in Guinea remained difficult for both refugees and NGO workers through April 2001. By May 2001, an organized relocation program had moved some 60,000 refugees inland. Some 35,000 refugees were returned to Sierra Leone. By mid-2001, the situation seemed significantly calmer.

### **HUMAN RIGHTS DEFENDERS: RESILIENT IN A RISKY ENVIRONMENT**

The human rights community remained one of the most dynamic segments of civil society in Africa. But while human rights organizations were able to operate without hindrance from state agencies in countries such as Botswana, Ghana, Mauritius, Nigeria, Senegal, and South Africa, security forces in numerous other countries closely scrutinized their activities. Activists were arrested, beaten and detained in Angola, Burundi, Cameroon, Chad, Côte d'Ivoire, Guinea-Bissau, Liberia, Zimbabwe, and elsewhere. In Sierra Leone and DRC, among other places, an active human rights community challenged abuses despite a hostile environment.

In Guinea-Bissau, soldiers and state security police arrested Fernando Gomes, former president of the Liga Guineense dos Direitos Humanos (LGDH), at his home on November 25, 2000. He was severely beaten in the presence of his family and neighbors and, although seriously ill as a result of the beating, was denied medical treatment while in detention. After his release on November 30, 2000, he was refused permission to travel abroad for treatment until January 2001.

In Angola, Rafael Marques, a leading critic of the government and representative of the Open Society Foundation, faced harassment by government officials twice during the year. In December 2000, Marques was prevented from leaving the country. In July 2001, Marques was assaulted and arrested by police for taking pictures of tents in the Viana resettlement camp. A week prior to Marques' arrest, government demolition of houses in the Boa Vista section of Luanda, in order to force residents to Viana, had resulted in two deaths. Yet the Angolan government did allow greater discussion of concerns about the ongoing war.

Four members of Cameroon's Collectif contre l'Impunité were arrested in April

and detained at the central police station in Douala. The authorities alleged they had held an illegal demonstration, though it appeared that their detention was in fact related to an investigation of the January “disappearance” of nine youths. The U.N. Human Rights Committee in June ruled that the government of Cameroon pay U.S. \$137,000 to Cameroonian human rights activist Albert Mukong, in compensation for abuses committed against him by Cameroonian authorities in 1988 and 1990, when his book *Prisoner Without a Crime* was banned and he was detained incommunicado.

In Chad, the period following the May election saw a violent crackdown on human rights defenders. The government banned gatherings of more than twenty people. On June 11, tear gas canisters and what was believed to be a grenade were hurled into a crowd of peaceful demonstrators gathered in front of the French embassy in the capital N’Djamena. Among those injured was leading activist Jacquy Moudeina. Numerous pieces of shrapnel lodged in her leg and she was hospitalized. Several human rights defenders fled Liberia and applied for political asylum. The Liberian Bar Association conducted a boycott of the courts in October to protest the harassment of colleagues who were detained for calling for due process protections in the courts. Despite intensifying state harassment, a few brave activists continued to work undaunted.

The head of Amnesty International in Gambia, Mohammed Lamin Sillah, was detained incommunicado for four days in late October after he had been picked up by state security agents for “questioning.” Sillah’s arrest was one among a reported score of arrests in the wake of the presidential poll.

There were efforts to tighten regulatory regimes on NGOs in a number of countries including Eritrea, Ethiopia, Mauritania, Rwanda, and Uganda. In Uganda, NGOs operated generally quite freely and became more outspoken during 2001 in their critique of the human rights practices of their government. But a draft law, the Nongovernmental Organizations Registration (Amendment) Bill, would require that NGOs obtain a special permit from the registration board before they could operate. It would also increase the registration board’s powers to reject or revoke an NGO’s registration; and it would stiffen the penalties for operating without official sanction, potentially criminalizing legitimate NGO activities.

In Rwanda, a restrictive NGO law came into force in April, giving the government wide-ranging powers to interfere with the work of NGOs, and to suspend or dissolve associations. The Rwandan government was also preparing a decree to increase the government’s control over the day-to-day work of NGOs. The government stepped up harassment of the leading human rights NGO LIPRODHOR after the organization published a statement critical of prison conditions.

In neighboring Burundi, local authorities threatened a human rights observer from Ligue Iteka, one of the main human rights NGOs in the country, who was leading an investigation into the government’s arming of civilians.

Conditions for human rights defenders worsened in the Horn. The Eritrean government tolerated the operation of only one human rights organization, Citizens for Peace in Eritrea, but only so long as it limited advocacy to the rights of war victims. In Ethiopia, police arrested two leading activists, Professor Mesfin Woldemariam and Dr. Berhanu Nega, in early May and held them in custody until June. The gov-

ernment leveled spurious charges against both that they had “incited students to riot.” Mesfin was the founding president of the Ethiopian Human Rights Council (EHRCO). On the day of the arrests, the government raided and sealed the EHRCO offices, although the closure was lifted after ten days.

Two of the main human rights organizations in Mauritania, SOS-Eslaves and the Association Mauritanienne des Droits de l’Homme (AMDH) continued to be denied registration by the government and were therefore restricted in their activities.

African activists Kodjo Djissenou and Ndungi Githuku, of Togo and Kenya respectively, were two of the four winners of the Reebok Human Rights Award for activists under age thirty. Kodjo Djissenou, a youth activist, had been working to protect human rights in Togo since the age of twelve. Ndungi Githuku, who had used his talents as a playwright, graphic artist, and performer since the age of nineteen to raise awareness of police torture, political corruption, and democratic principles, became the first artist to win the award. In October, D. Zacarias Camuenho, president of the Bishops’ Conference of Angola and Sao Tome, won the Sakharov peace prize—indicating the growing role of the churches as a possible mediator between the two parties in the Angolan conflict.

## **REGIONAL INTERGOVERNMENTAL BODIES**

### **African Union: Making Over the Organization of African Unity**

The year marked what was touted as the beginning of a new era for African cooperation. At the July summit of the Organization of African Unity (OAU) in Lusaka, members agreed to set up a new organization, the African Union (A.U.); its first summit would be held in 2002, in Pretoria, South Africa. Ivorian diplomat Amara Essy was elected secretary-general after an all-night round of voting. The A.U., like the OAU, would be based in Addis Ababa.

The treaty establishing the A.U. had important new provisions strengthening the (theoretical) commitment of its member states to human rights. The A.U. would also be looking into a common currency, a continental parliament, and a court of justice. The summit decided to incorporate the OAU mechanism for conflict prevention, management, and resolution as one of the organs of the A.U. It conspicuously failed to do the same for the African Commission on Human and People’s Rights, also an OAU body—this was said to be an oversight that could be corrected.

The launching of the African Union coincided with the introduction of the New African Initiative (NAI), intended to address Africa’s chronic failure to address its economic and political problems. The plan was announced by the outgoing chair, President Frederick Chiluba of Zambia, and was later formally launched on October 23 at a ceremony in Abuja, Nigeria, attended by presidents Olusegun Obasanjo of Nigeria, Thabo Mbeki of South Africa, Abdoulaye Wade of Senegal, and Abdelaziz Bouteflika of Algeria. The NAI was a merger of the Millennium Partnership for

the African Recovery Programme (MAP) proposed by the governments of South Africa, Nigeria, and Algeria and the OMEGA plan proposed by President Abdoulaye Wade of Senegal. In October, the NAI was renamed the New Partnership for Africa's Development (NEPAD).

At first glance, the concept of the African Union looked promising. But, apart from words, it was far from clear that it represented any real progress. The core ideal continued to be that continental cooperation should be a means to facilitate and consolidate respect for democracy and human dignity across the continent. But the obstacles that had prevented the OAU from achieving these aims remained. The African Union would need to overcome the same ingrained clash of cultures and egos that perennially split the Anglophone, Francophone, and Arab constituencies of the organization. The refusal of member states to surrender their veto power had ensured that the OAU had served merely as a clearinghouse for discussions that could be ignored at will. Moreover, the OAU had failed to insist that its members respect democratic and human rights norms. The much stronger human rights language of the African Union might prove no less difficult to enforce. At the World Conference Against Racism, held in Durban, South Africa, just a few weeks after the last OAU summit, African countries largely refused to see racism and other forms of intolerance as a problem that affected them internally—except with regard to black-white relations especially in southern African countries—and focused instead on the demand for reparations for the Atlantic slave trade.

Clear leadership from South Africa and Nigeria in particular would help to address these issues. President Olusegun Obasanjo expressed a strong determination to make the new initiatives succeed. In his words: “Within and outside Africa we must put the Afro-pessimists and other cynics to shame by coming together to work for the success of NAI.” Most probably President Obasanjo meant well. But it would take more than presidential assurances to deliver a system that could be relied on to fight effectively for peace, good governance, human rights, and economic development.

### **Southern African Development Community**

The Southern African Development Community (SADC), which had struggled to find common ground and speak with a unified voice in 2000, hit its stride in mid-2001 and made significant progress toward increasing its ability to engage in conflict resolution in the region. SADC tended toward greater cohesion in the past year, attending the G8 conference in Genoa as a block instead of as individual states, and in its efforts to resolve the Zimbabwean crisis—seen as a threat to the entire subregion. Considered the most significant step taken by SADC in its twenty-year history, but with unclear consequences for human rights, was the creation of a southern Africa free trade zone, which came into effect on September 1, 2000.

At a meeting in Windhoek in March, through a Protocol on Politics, Defense and Security Cooperation, SADC turned the chairmanship of its security organ into a one-year rotating position with clear reporting lines to the heads of state. President Robert Mugabe had held this position since 1999; he was replaced by President Joachim Chissano of Mozambique. This summit committed the community's

fourteen members to resolving conflicts in the region and for the first time adopted operational principles and rules for the security organ. Nevertheless, going into the August summit in Blantyre, Malawi, all sources pointed to a continuation of low key “quiet diplomacy” towards Zimbabwe. But the final communiqué of the Blantyre summit for the first time publicly “expressed concern on the effects of the Zimbabwe economic situation on the region,” and in the months following, SADC took a more active role in trying to find a solution. When an initially promising deal brokered in August by the Commonwealth in Abuja, Nigeria, started to break down, SADC leaders convened a further meeting in Harare in September. There they were reported to have pressed President Mugabe to settle the crisis, and some appeared ready to break ranks with him, a big change from “quiet diplomacy.” The meeting ended with a recommitment by Harare to end land seizures in exchange for funding by Britain of its land reform program; once again, the commitment seemed to have little effect. Meanwhile on September 20, SADC agreed to create a special ministerial task force on land issues in the region, the Food, Agriculture and Natural Resources Directorate.

### **Economic Community of West African States (ECOWAS)**

Like its southern African counterpart, ECOWAS added force to its Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security, signed in Lomé, Togo in December 1999. However, human rights considerations remained low on the various diplomatic agendas pursued, and ECOWAS member states demonstrated a general unwillingness to criticize each other's human rights records.

ECOWAS took the lead in rejuvenating the troubled Sierra Leonean peace process by facilitating a ceasefire agreement between the government of Sierra Leone and the rebel Revolutionary United Front (RUF), signed on November 10, 2000 in Abuja, Nigeria. In December 2000, the heads of state of the fifteen-member organization directed the deployment of a force along the borders of Guinea, Liberia, and Sierra Leone. But the entire plan was abandoned after it ran into major hurdles. Guinea argued that force's mandate was too weak; neither Guinea nor Liberia signed the status of forces agreement; and ECOWAS insisted upon U.N. Security Council involvement and funding.

In May 2001, the ECOWAS Mediation and Security Council, the United Nations, the Government of Sierra Leone, and the RUF met in Abuja to review the implementation of the peace deal. The review meeting stressed the need for the Sierra Leonean government to facilitate the restoration of authority to areas previously under RUF control where UNAMSIL, the U.N. peacekeeping force, had been deploying. During the meeting, a six-member RUF delegation agreed to withdraw its combatants from Kambia district, a point of departure for infiltration into neighboring Guinea. The withdrawal would enable the deployment of troops from the Sierra Leone Army to ensure the cessation of armed incursions into the two countries.

Some progress was also recorded towards the implementation of the Plan of Action of the April, 2000 Accra Declaration on War-Affected Children in West

Africa. In March, ECOWAS and Canada signed an agreement for the establishment of a Child Protection Unit within the ECOWAS Secretariat.

## **THE INTERNATIONAL RESPONSE**

### **Human Rights on Hold?**

The events of September 11, 2001, seemed destined to reduce yet further the chances of serious diplomatic attention to human rights issues in Africa by the wider international community. With the spotlight on efforts to build and maintain a global anti-terrorism coalition, there was likely to be more tolerance towards countries that had previously been castigated as human rights abusers. At this writing, it was already evident that talk about human rights, good governance, and accountability was markedly reduced, and abuses more easily tolerated, as the U.S. in particular became more preoccupied with short-term considerations such as access to intelligence, airfields, and military bases.

But the more the international community uncritically aligned itself with autocratic regimes in exchange for their support, facilities, and cooperation, the more it risked unwittingly creating long-term instability, perfect conditions for further terrorist support. A more prudent policy would seek to prevent security issues from disproportionately influencing dealings with Africa. First, it would be essential to continue to support movement toward democracy and respect for human rights on the basis of explicit benchmarks. Second, as supplements to human rights protection, economic and social uplift would be key. Third, external pressure—rather than silence and condemnation—would be a prerequisite for meaningful political and economic development.

### **United Nations**

The U.N. was engaged in a wide variety of African crises, including those in Angola, DRC, Eritrea, Ethiopia, Liberia, and Sierra Leone, and showed a greater sense of urgency and commitment than in the previous year.

There was a renewed focus on demobilization, the peace process, political dialogue, and economic rehabilitation in the DRC. Two groundbreaking reports, in which the U.N. showed an increased willingness to “name and shame” individuals involved in the illicit arms-for-diamonds trade, examined the link between the exploitation of natural resources and the fueling of conflict. On Liberia/Sierra Leone, U.N. efforts centered on deploying targeted sanctions to stem the flow of illicit diamonds and arms flows; in May 2001, the purchase of diamonds exported from Liberia (believed to originate mainly from rebel-held territory in Sierra Leone) was banned; and in December 2000 and November 2001 the committee monitoring these sanctions followed the example of the Angola committee in issuing hard-hitting reports. There was also some forward movement toward the setting up of a special court for Sierra Leone and enhancing the capability of the U.N. peacekeeping force to protect the civilian population there—though the human

rights agenda was still often trumped by political considerations. With respect to Angola, the main activity concentrated on monitoring and verification by the sanctions panel on arms and illicit diamonds and on improving the response of government and U.N. agencies to the needs of internally displaced persons.

The U.N. began to engage with the issues surrounding HIV/AIDS, so key for Africa. The Security Council discussed AIDS three times over eighteen months, including a meeting in the summer of 2000 in which, for the first time, the pandemic was characterized as a security concern. In late June 2001, the first ever General Assembly session about a disease was held. Secretary-General Kofi Annan officially declared the creation of a Global Fund to fight AIDS, tuberculosis, and malaria, hoping to raise U.S. \$7-10 billion for the purpose. However, nothing like this sum had been pledged by November, while NGOs criticized a lack of transparency in administering the fund and an implicit refusal to use the money for treatment as well as prevention. Annan also met with the executives of the seven major drug firms to investigate ways of lowering the price of HIV/AIDS drugs. Both the World Health Organization (WHO) and UNAIDS welcomed the offers by Indian pharmaceuticals manufacturer Cipla to provide drugs at low prices. The WHO advocated “differential pricing” of drugs on the basis of a country’s economic strength to the World Trade Organization; though this was partly a concession to drug company resistance to a global reduction in prices. The International Labor Organization put out guidelines on AIDS in the workplace and joined UNAIDS. The World Food Programme launched several special feeding projects for people living with HIV/AIDS, including one in Congo. Though criticized as tokenistic, they were at least a recognition of the need.

### **European Union**

Though the lack of coherence in European Union (E.U.) policy towards Africa endured, there were attempts to remedy the problem through improved coordination. France and the United Kingdom, the dominant players, continued to state a commitment to ending their tradition of competitive foreign policies toward Africa, though the practice did not always live up to the rhetoric. Clear policy differences among key European players remained, and were evident in policy conflicts among E.U. member states, especially the U.K. and France, regarding Côte d’Ivoire, the Mano River Countries, the Great Lakes, and Zimbabwe. While Britain spoke out strongly against President Robert Mugabe of Zimbabwe, for example, France’s President Jacques Chirac received the president in Paris after a special OAU summit in Libya focusing on the African Union. The British foreign office was quoted as being shocked by the French decision.

Under the Swedish presidency, the E.U. appointed Hans Dahlgren, the state secretary of the Swedish Ministry of Foreign Affairs, as its special envoy to Guinea, Liberia, and Sierra Leone, responsible for framing a coordinated E.U. policy on the three countries and promoting cooperation with the U.N. and the Economic Community of West African States. Dahlgren affirmed the E.U.’s support for sanctions against Liberia. An E.U. delegation led by Dahlgren visited Mali, Guinea, Sierra Leone, and Liberia between May 29 and June 1. Talks focused on the serious

humanitarian and political crisis in the region. The visit included meetings with the presidents of the four states and representatives of relief organizations and civil society. The E.U.'s special envoy to Ethiopia and Eritrea, Sen. Rino Serri, appointed in December 1999, played an important role in ensuring that human rights issues were highlighted in Europe's response to the conflict between and developments within the two countries.

The E.U. invoked article 96 of the Cotonou Agreement, the human rights clause of the document regulating its relations with members of the African-Caribbean-Pacific (ACP) group of countries, in relation to Côte d'Ivoire, Liberia, and Zimbabwe in 2001, calling for consultations on worsening respect for human rights, democratic principles, and rule of law. The E.U. also acted in unison in protest at the crackdown by the Eritrea government on dissenters. All member states recalled their ambassadors for consultations after Eritrea expelled the Italian ambassador following his critical comments about the government's human rights record. At a meeting in October with the heads of state of Algeria, Nigeria, Senegal, South Africa, and the representative of Egypt's head of state, E.U. officials committed the union to supporting the NAI.

However, the same coordinated approach was absent in policy regarding the Great Lakes, where the E.U. seemed to defer to Belgian and French leadership. The United Kingdom continued its support for Rwanda and Uganda, while other member states, especially France and Belgium, leaned more toward Kinshasa. On June 30, Belgian Prime Minister Guy Verhofstad signaled the resumption of bilateral cooperation with the DRC by signing a new aid package, dedicated to health, education, and infrastructure. He also pledged to use Belgium's six-month presidency of the E.U. to lobby other member states to reengage with the DRC. The E.U.'s special envoy for the Great Lakes, Aldo Ajello, continued to be active on the diplomatic front for the E.U. The region was also visited by several high-level European delegations, including the Belgian prime minister and foreign minister, and E.U. commissioner Poul Nielson. For his part, French Foreign Minister Hubert Vedrine visited the region in August.

The ACP-E.U. Joint Parliamentary Assembly sent a delegation on a fact-finding mission to Sudan from June 26 to July 2, 2001. In a September report, the delegation urged the Sudanese government to improve its record in human rights and also noted that the record of rebel groups on human rights "is also very far from being acceptable." By resolution of November 1, 2001, the ACP-E.U. Joint Parliamentary Assembly stated that it believes the SPLM/A should not seek formal control over any E.U. funding, which would then allow for resumption of E.U. humanitarian assistance to SPLA areas. It also called on the government of Sudan to take more effective action against torture, discrimination against Christians, and abductions (which particularly affect women and children).

### **United Kingdom**

Prime Minister Tony Blair of the United Kingdom pledged to make Africa a priority of the Labor Party's second term. In July 2001, during the G-8 Summit in Genoa, the prime minister announced plans to build on the launch of the U.S. \$1.5

billion U.N. global health fund with a five-point “modernization plan” for Africa linking trade, aid, investment, conflict resolution, and the fight against AIDS to combat poverty in the world’s poorest continent. Britain would provide \$200 million to the U.N. fund. While debt campaigners criticized the fund as “inadequate” and “a gimmick,” it did at least represent a commitment to the continent rare among Western leaders. Britain was one of the few wealthy countries that actually increased aid to Africa during the year, though from a low base. Government officials linked the commitment to a government white paper of December 2000 entitled “Eliminating World Poverty: Making Globalization Work for the Poor.” Like other European countries, however, Britain refused to accede to the demand made at the World Conference Against Racism that the historical slave trade be acknowledged as a crime against humanity for which reparations were due.

The United Kingdom backed the “New African Initiative,” under which poor countries would receive financial help and better access to rich Western markets in return for cleaning up their governments and economic reform. The prime minister renewed his pledge in September at a meeting with six “reforming” African presidents—of Botswana, Ghana, Mozambique, Nigeria, Senegal, and Tanzania—focused on trade, good governance, and conflict resolution. The only public statement from the meeting, however, was a response to the September 11 attacks and the question of terrorism.

Additionally, the U.K. continued to play a central role in the stabilization of Sierra Leone. Jonathan Riley, the then British brigadier commanding in Sierra Leone, pledged in January that British troops would stay until the RUF was either defeated militarily or diplomatically. The U.K. also continued its commitment to rebuild the Sierra Leonean army and police. From June 2000 through September, some six hundred British troops were involved in training 8,500 Sierra Leonean Army soldiers. After September 2001, the 360 U.K. military personnel who remained would continue to play a major role in advising and directing military operations, including the staffing of key positions within the Sierra Leonean defense headquarters. Other sectors which benefited from British aid included demobilization programs, human rights and civil society groups, rehabilitation of the legal system, humanitarian aid and programs, and the restoration of local government. Concerns remained, however, that among the newly-trained soldiers were many human rights abusers.

International Development Minister Clare Short showed unusual interest in the DRC. In early August, she made a focused three-day visit to the country. On top of her agenda was the role the United Kingdom could play in supporting the demobilization and reintegration of armed groups in the region. In previous years, she had focused her attention principally on Rwanda and Uganda—problematically offering uncritical support for those governments.

## **France**

France reiterated previous statements of the main elements of its rethought Africa policy: loyalty to a tradition of commitment and solidarity, modernization of France’s cooperation machinery, and the opening up of France’s policy to

embrace the whole of the continent. In April, Prime Minister Lionel Jospin insisted that his country's approach marked a new era: a break with the imperialist past and a new pragmatism which would be based on noninterference in domestic African issues. During an official visit to South Africa, Prime Minister Jospin insisted that Paris had decided to break with its networks of influence in its former colonies. South Africa, he said, was a country he called "a strategic axis not only in French African policy but also in French international policy." His statements were supposedly put to the test by an attempted coup d'état in the Central African Republic. France did not intervene in Bangui. However, France was also reluctant to openly criticize "old friends," or apply diplomatic pressure aimed at improving human rights in former French colonies, including Burkina Faso, Togo, and Côte d'Ivoire (where new president Laurent Gbagbo's longstanding links to socialist politicians in Paris protected him from serious pressure to ensure accountability for election atrocities).

France's military training program in Africa, the *Renforcement des Capacités Africaines de Maintien de la Paix* (Recamp), continued. In May, military officers and diplomats from fifteen African countries and twenty non-African partners met to prepare for a military exercise scheduled for Tanzania in February 2002, the first big Recamp event in non-francophone southern Africa. Britain, previously skeptical about the initiative, also attended; future U.S. cooperation was discussed, with its own Africa Crisis Response Initiative up for review. However, Recamp did not effectively screen trainees for the purpose of excluding known human rights abusers.

### **International Monetary Fund and World Bank**

In February 2001, the heads of the International Monetary Fund (IMF) and World Bank undertook an unprecedented tour of Africa, visiting Kenya, Mali, Nigeria, and Tanzania, and meeting leaders from most of sub-Saharan Africa. The Bank's vice-president for Africa asserted, "We are working with Africa very differently from the way we have worked in the past," underlining a shift in jargon of the Bretton Woods institutions over the previous two years from the predominance of "structural adjustment" to "poverty reduction."

The two institutions worked more proactively toward rapid implementation of the Highly Indebted Poor Countries (HIPC) program in twenty-three countries, nineteen of which were in Africa. Benin, Burkina Faso, Cameroon, Chad, Gambia, Guinea, Guinea-Bissau, Madagascar, Malawi, Mali, Mauritania, Mozambique, Niger, Rwanda, Senegal, São Tomé and Príncipe, Tanzania, Uganda, Zambia reached their "decision point," at which it was decided that they qualified for relief under the enhanced HIPC Initiative. The twenty-three countries were receiving relief which could amount to some U.S. \$34 billion over time. Uganda and Mozambique reached "completion point," indicating they had established a track record of good performance under the original HIPC initiative and qualified for additional relief. Zambia (\$2.5 billion), Tanzania (\$2 billion), Mozambique (\$2 billion), Cameroon (\$1.3 billion) and Uganda (\$1 billion) topped the December 2000 list of the African countries receiving the greatest dollar value of committed debt relief.

Guinea-Bissau had the greatest percentage of debt reduction, at over 80 percent. Yet the World Bank itself acknowledged that any benefits expected from HIPC would likely be wiped out by a worldwide slump in commodity prices. In the wake of the September 11 attacks, the IMF gave assurances that it would be ready to make additional resources available to African countries experiencing problems as a result of a downturn in the world economy.

The IMF, backed by the U.S. and U.K., refused to renew lending to Kenya in August, citing corruption. In September, responding to the crisis in Zimbabwe, the IMF announced that it had barred the country from future IMF loans or use of its general resources. An agreement with Nigeria, however, was extended in August, despite the failure of the government to observe the conditions set, and both the World Bank and IMF ramped up their support for the DRC. They facilitated the preparation of the government's program for a meeting of bilateral and multilateral donors in early July in Paris. In late July, the IMF approved a staff-monitored program and a U.S. \$50 million grant for the economic recovery program. The two institutions also expressed willingness to assist the DRC to address its debt of U.S. \$800 million owed to them.

The World Bank, under the leadership of James Wolfensohn, came to see HIV/AIDS as one of the central issues it had to address. However, instead of the debt reduction hoped for in severely AIDS-affected countries, the bank played an old tune, offering U.S. \$500 million in additional loans for sub-Saharan Africa, to be used almost exclusively for prevention.

## United States

Even before the September 11 attacks, Africa had low expectations of the new U.S. administration under President George W. Bush. During his campaign for the presidency Bush barely mentioned Africa. When specifically asked about his vision for the continent, his reply was terse: "While Africa may be important, it doesn't fit into the national strategic interests, as far as I can see them."

But after coming into office, the administration's approach was somewhat nuanced. Confronted by the continuing armed conflicts that ravaged large parts of Africa, including the wars in Angola, Burundi, DRC, Liberia, and Sierra Leone, the administration started sending signals that it would continue to play a role in resolving Africa's crises and in particular would seek to play a more neutral role in the Great Lakes wars. But U.S. interest in peacemaking or peacekeeping remained minimal and official statements still focused mainly on trade and investment, revealing a fundamental lack of engagement with human rights issues. However, the administration exhibited some interest in training African armies to perform peacekeeping functions, and the U.S. trained battalions during the year from Ghana, Nigeria, and Senegal, and prepared to train troops from Guinea. Walter Kansteiner, assistant secretary of state for African affairs, told Congress at his May confirmation hearing: "Sub-Saharan Africa is a priority for this administration. We are not immune from Africa's problems," and proceeded to list them as being the spread of HIV/AIDS, rampant poverty, and civil strife. In line with this tack, it was not surprising that senior U.S. officials argued that the mandate of UNAMSIL, the

U.N. peacekeeping force in Sierra Leone, should be extended not because of the civilian population at risk, but because of the criminal networks in the country that would undermine U.S. economic and political interests.

Secretary of State Colin Powell undertook a trip to the region in May, visiting Mali, Uganda, Kenya, and South Africa. Powell stated: "We cannot ignore any place in the world, and Africa is a huge continent in great need—so we have to be engaged." A major focus of the trip was HIV/AIDS. He also discussed regional conflicts, including with leaders of the DRC and Sudan, but the broad message throughout the trip appeared to be that Africa's future depended on the actions of its own leaders, not the international community. Echoing the administration's plans to use trade as a major tool and to send aid primarily to countries it viewed as making economic and political progress, Powell said, "Money loves security and stability." The United States Trade Representative for Africa revisited this theme in a speech to the Congressional Black Caucus on September 28, when he reiterated the administration's belief that the Africa Growth and Opportunity Act (AGOA) was the primary vehicle for U.S. trade and development in Africa. This underlined the continuity in Africa policy since the Clinton administration. Although there was a change in attitude and style towards Africa, the strategic priorities remained the same, namely economic. For the Bush team, this implied greater interest in free trade and open markets; though the concessions to Africa offered by AGOA were in fact limited.

Notwithstanding Colin Powell's vow of engagement, in practice the Bush administration remained detached from African issues, seemingly preferring, with the exception of Sudan, to defer to the Europeans, or to the so-called anchor states of South Africa and Nigeria. Sudan galvanized sustained high-level attention because of a powerful coalition of religious and conservative forces that pressured the administration to take a stronger line against the Khartoum government. The establishment in September of the position of special envoy to Sudan mirrored that pressure. President Bush named former U.S. Senator John Danforth to the position, saying, "Sudan is a disaster for all human rights. We must turn the eyes of the world upon the atrocities in Sudan."

The withdrawal of the U.S. delegation from the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in South Africa from August 31 to September 8, showed disregard for African activists as well as the efforts devoted to the event within the region. What could have been an excellent opportunity for the U.S. to contribute to the understanding and remedy of such serious issues as discrimination against refugees, sexism, and the disproportionate impact of HIV/AIDS on people of color resulted instead in disappointment.

In the wake of the September attacks, it was likely that the administration's interest would be focused on the Horn and East Africa (embracing Sudan, Eritrea, Ethiopia, Kenya, Somalia, and Tanzania). Sudan was reported to have offered extensive cooperation with the U.S., including sharing intelligence on the al-Qaeda network. Reports suggested that beyond Afghanistan, Somalia might be a target of U.S. military operations in pursuit of al-Qaeda cells. That would significantly reshape U.S. relations with the subregion, with potentially serious human rights implications. Throughout the continent, there was concern that enhanced cooperation

with the U.S. on the terrorism agenda would silence criticism of allies' attacks on domestic political enemies. National security adviser Condoleezza Rice insisted that in building alliances, it was "clear our job is to make certain that we draw a line in all our discussions between legitimate dissent or legitimate movements for the rights of minorities, and the fact that there may be international terrorism in various parts of the world." However, past conduct by the U.S. on making such human rights issues a priority—prior to the September attacks when the stakes for the U.S. were much lower—did not back her assurances.

For example, in the case of Ethiopia, the U.S. had rarely spoken out and exerted no meaningful pressure when abuses—including excessive force against demonstrators, silencing of dissent, and the violent repression of minorities in restless regions—were perpetrated by the government. On the contrary, the government was rewarded with generous aid packages. In the wake of September 11, exchanges between Ethiopia and the U.S. increased, but were focused exclusively on antiterrorism rather than any human rights concerns. In one of the only three telephone calls to African leaders reported prior to launching the strikes against Afghanistan, President Bush spoke with Prime Minister Meles of Ethiopia on October 5, thanking him for his offer to cooperate in the campaign against terrorism and discussing his intent to take action against terrorists and their sanctuaries. Mainstreaming human rights considerations was not on the agenda.

Colin Powell, during his whirlwind tour of Africa, had praised democratic trends in Kenya but emphasized the importance of constitutional rule, hinting at Kenya's need for a thorough constitutional review. His comments were widely viewed by observers as a diplomatic way of saying that President Moi should step down from the presidency in 2002, as he was required to do so by the constitution. But September 11 might have pushed such concerns to the back burner. According to a White House press release, the president spoke with President Moi of Kenya on October 5, emphasizing the need for cooperation on many fronts—financial, intelligence, diplomatic, and military. He suggested further talks between the United States and Kenya on how to meet the challenges ahead. Again, there appeared to be no room for valuing human rights as integral to regional security.

When a State Department spokesperson was asked about the implications of coalition making for U.S. policy regarding Sudan, he responded that cooperation with the U.S. would not relieve Sudan of its responsibility to terminate its abusive domestic practices, including denial of humanitarian access, bombing attacks on humanitarian operations and civilian targets, and religious discrimination. The spokesperson contended that all those issues remained firmly fixed on the U.S. agenda despite an alignment with Sudan to fight terror. It remained to be seen, however, whether the demands of the terrorism coalition would override human rights and humanitarian concerns, in this and other cases.

## **THE WORK OF HUMAN RIGHTS WATCH**

While focusing on areas of prolonged conflict, Human Rights Watch continued to cover all of sub-Saharan Africa and to expand monitoring of French-speaking countries. We carried out research and advocacy on Angola, Burundi, Côte d'Ivoire,

Democratic Republic of Congo (DRC), Eritrea, Ethiopia, Guinea-Conakry, Kenya, Liberia, Nigeria, Mozambique, Rwanda, Sierra Leone, South Africa, Sudan, Tanzania, Uganda, Zambia, and Zimbabwe. Additionally, the Africa division tackled cross-country, thematic research on arms flows, natural resources and corporate responsibility, national human rights commissions, and the rights of children, women, refugees, and the internally displaced. We also increased the level and scope of our monitoring of non-state actors, placing special focus on the violence perpetrated by rebel forces, and practical methods to influence them through dialogue and third country leverage.

We fielded investigative and advocacy missions to Angola, Burundi, Côte d'Ivoire, DRC, Gambia, Guinea-Conakry, Kenya, Nigeria, Rwanda, South Africa, Tanzania, Uganda, Zambia, and Zimbabwe. Human Rights Watch maintained field offices in Kigali, Rwanda; Freetown, Sierra Leone; and Bujumbura, Burundi.

Human Rights Watch continued its strong collaboration with national human rights organizations. Behind the scenes, we continued to build the capacity of local NGOs to effect change on the human rights record in their countries. When human rights defenders were harassed, Human Rights Watch pushed for diplomatic measures to end the problem. In October 2001, Human Rights Watch published a briefing paper, *Freedom of Association at Risk: The Proposed NGO Bill and Current Restrictions on NGOs in Uganda*, about a new law before the Ugandan parliament that would severely limit or curtail the rights of NGOs whose work did not conform with "government policies or plans."

The Great Lakes region remained a priority, as the conflict in the DRC continued to involve and spill over into all neighboring states. In meetings with senior officials in Washington, New York, Brussels, Berlin, London, and in the region, and in presentations to United Nations bodies, Human Rights Watch continued to highlight the exploitation of resources and illegal importation of arms that added fuel to the conflagration. In a March 2001 report, *Uganda in Eastern DRC: Fueling Political and Ethnic Strife*, we explicated the role of Uganda in escalating the conflict in eastern Congo, and called on the Ugandan government and rebel groups to alleviate the suffering they were causing there.

Enhancing the organization's work on economic and social rights, Human Rights Watch published two reports addressing the indivisibility of human rights. In *Uprooting the Rural Poor in Rwanda*, we detailed the government practice of forced villagization and dispossession of land of tens of thousands of impoverished Hutu and Tutsi in the countryside. In *Unequal Protection: The State Response to Violent Crime on South African Farms*, we highlighted rural violence and abuses against farm workers. Another report on South Africa, *Scared at School: Sexual Violence Against Girls in South African Schools*, complemented previous work on violence against women in South Africa by considering the danger girls faced in schools as a violation of the right to education.

Human Rights Watch extended its Africa-wide advocacy through the publication of a major report on the performance of government-sponsored human rights commissions, *Protectors or Pretenders? Government Human Rights Commissions in Africa*. The study reported on the often disappointing record of these commissions, which had received large sums of money for their creation from the donor com-

munity. The report found that many commissions did more to deflect international criticisms of their government than to solve human rights problems, but also singled out the commissions of Uganda, Ghana, and South Africa as exceptions. The study was widely circulated amongst donors to national human rights institutions—including the Office of the U.N. High Commissioner for Human Rights and the United Nations Development Program—as well as to high-level government officials and the human rights commissions themselves, and catalyzed a larger debate about the roles and expectations of such commissions.

Violence surrounding elections was a particular focus of the division during the year, with a report on the manipulation of the electoral system and accompanying violence in Uganda (*Uganda: Not a Level Playing Field*) and a detailed report on Côte d'Ivoire (*The New Racism: The Political Manipulation of Ethnicity in Côte d'Ivoire*) published at the time of the World Conference Against Racism in Durban. The latter report chronicled wide-scale torture, murder, and rape, and the official manipulation of ethnic tensions during presidential and parliamentary elections in Côte d'Ivoire in late 2000, garnering intense media interest. Human Rights Watch also alerted the international community to governmental interference and irregularities in local elections in Rwanda.

Throughout the year we remained active on international justice issues. Human Rights Watch experts took part in genocide trials in Belgium and at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania, acting as expert witnesses on the human rights situation in the Rwanda. We also called upon the international community to invest in the future of Sierra Leone by funding its special court for the prosecution of crimes related to the decade long conflict.

Human Rights Watch intervened regularly to protest abuse of refugees and internally displaced. Our report on the treatment of refugees in Guinea, *Refugees Still at Risk: Continuing Refugee Protection Concerns in Guinea*, documented harassment and assault of Sierra Leonean and Liberian refugees by Guinean security personnel and civilians, leading to changes in the provisions for those in refugee camps there.

## ANGOLA

### HUMAN RIGHTS DEVELOPMENTS

Civil war persisted in Angola, accompanied by a dramatic escalation of violations of the laws of war. The National Union for the Total Independence of Angola (UNITA), a rebel group led by Jonas Savimbi, killed, abducted, and terrorized civilians with impunity. Government forces abused civilians during forced relocations and beat or killed civilians displaced in the course of looting, extortion, and forced recruitment of boys and men.

The situation worsened since the breakdown of the Lusaka Peace Protocol in mid-1998 when UNITA resumed fighting. In 2001, the numbers of internally dis-

placed persons grew to over four million, and some 435,000 Angolan refugees lived in camps in the Democratic Republic of Congo (DRC), Zambia, and Namibia. Within Angola, security was limited to areas within a narrow perimeter around the government-controlled provincial capitals and the major municipalities, making safe land travel almost impossible. Humanitarian aid delivered by air only reached 10 to 15 percent of Angola. Ambushes of civilians and humanitarian workers increased, preventing travel by humanitarian ground convoys and impeding delivery of aid to thousands in desperate need.

UNITA stepped up hit-and-run tactics against civilians. Rebels used terror as a policy, to obtain supplies and coerce and intimidate civilians. Indiscriminate killings, mutilation of limbs or ears, and beatings were used by rebels to punish suspected government sympathizers or as a warning against betraying UNITA. UNITA continued to forcibly recruit men and teenage boys to fight. Girls were held in sexual slavery and used as a source of forced labor.

In an apparent bid for international attention, UNITA struck against government targets several times while foreign officials visited Angola. For instance, in early May the visiting United Nations (U.N.) secretary general's special adviser for Africa, Ibrahim Gambari, commented that "Progress is being made to find solutions for the conflict and to end war in Angola." But on May 5 the rebels attacked Caxito, a provincial capital sixty kilometers north of the capital, Luanda, killing more than 150 people and kidnapping sixty children from a Danish-run orphanage. After an international outcry, rebels handed over the children to a Catholic mission.

Similarly, during a visit by a U.S. delegation, the Consortium for Electoral and Political Processes Strengthening (CEPPS), there to evaluate conditions for national elections, UNITA blew up a train 130 kilometers from Luanda. Passengers fleeing the flames were ambushed, leaving 256 dead and more than 170 wounded. During the last week of August alone, rebels killed 268 civilians. On August 31, they ambushed a bus near Cacolo, thirty kilometers from Malanje, and set the bus on fire with passengers still alive inside, killing fifty-three passengers. UNITA deliberately targeted humanitarian workers and aircraft. On April 15, they looted a warehouse belonging to relief organizations in Benguela province. In June, rebels launched missiles towards two planes carrying relief supplies near the cities of Kuito and Luena. That same month, they attacked the city of Uige, forcing evacuation of U.N. and other humanitarian workers. Civilian vehicles were also ambushed in Bie, Benguela, Huila, Cuanza Sul, Cuanza Norte and Malanje provinces. During a May 14 attack on a truck convoy in Benguela, two people were killed and fifty kidnapped.

In late 2000, government forces mounted an attack on UNITA forces in central Angola. Fighting reached neighboring Namibia, with Namibian troops taking part. In November, a government assault in Malanje aimed at controlling towns near the DRC border drove many civilians to Malanje's provincial capital. UNITA regained control of the area in February and March, leading the government to undertake another campaign in April. When no displaced civilians appeared, concerns arose over their safety. Also in February, UNITA forces held the town of Quibaxe in Bengo province, killing and abducting many civilians and causing others to flee. An estimated 8,000 people from Quibaxe were missing.

Unprecedented numbers of internally displaced persons were registered in twelve of the eighteen provinces throughout the year, with an average of 30,000 new arrivals each month. The most affected areas were Golungo Alto, Caxito, Mussende, Camacupa Cuemba, and Matala. Humanitarian services were overburdened. In Matala, in January, for instance, some 28,000 displaced persons were living in desperate conditions and the average of seventy new arrivals registering daily found no food, shelter, or health care. In September, there were some 60,000 newly displaced with 24,000 in the provinces of Cuando Cubango, Moxico, Luanda Sul and Norte, and 10,000 in Bie province alone. As of early October, there were 160,000 in Kuito and 60,000 in Camacupa and Catabola. Eight people died daily in Cuemba from lack of food and medicine.

The internally displaced primarily suffered abuses at the hands of UNITA. Yet allegations of abuse by government forces continued, ranging from forced relocation to killing and looting. Violations occurred mainly during military operations and while army and police implemented “limpeza” (“cleansing”) operations near recently recaptured towns, to clear the area of the local residents, ostensibly for their safety, but thereby depriving UNITA of a potential source of food and labor. During cleansing operations, government troops forced families to move from the area carrying goods looted by the army; those who refused were beaten or killed. Allegations of soldiers raping women during these operations were confirmed in Moxico and Malanje provinces.

Those driven from their home areas by government forces were in many cases first moved to the government-controlled municipalities. Conditions for the displaced in these areas were often terrible, with insufficient assistance, sanitation, health services, and security. In addition to extortion, the army also forced displaced persons to accompany government troops to search for food in mined or otherwise insecure areas. When the numbers in the municipalities became overwhelming, the government relocated the displaced women, elderly, and children to internally displaced camps on the outskirts of the provincial capitals under government control. Men and adolescent boys were often forced to remain in combat areas to fight.

Gains were made in strengthening the legal framework to protect the internally displaced—a new law, the Norms for the Resettlement of the Internally Displaced, was passed in January 2001, and several other plans of action were drafted. However, practical mechanisms for their implementation were not put in place, particularly at the provincial and municipal levels. Many of the internally displaced camps were located at the outskirts of government-controlled towns, serving in effect as a human shield or buffer zone against UNITA attacks. The internally displaced were regularly subjected to assaults at the hands of the security forces in the camps and served as a source of exploitable labor by nearby landowners. Regular looting and extortion by the security forces of the displaced populations provided a source of goods, including food, to the security forces, which were often not paid for months.

A continuing flow of military arms and equipment sustained the conflict. On February 26, Spanish authorities intercepted a Georgian freighter in the Canary Islands en route to Angola, carrying an undeclared 636-ton cargo of Russian-made weapons. On September 30, a shipment of five hundred anti-tank rockets from Iran

bound for Angola was seized at Bratislava airport. Two days later, the Angolan army uncovered a large cache of weapons close to the Mavinga airport.

In one positive development, government use of antipersonnel mines appeared to decline in 2001. Nevertheless, troops reportedly laid mines at night around defensive positions, removing them in the morning. UNITA continued to lay mines to prevent residents from fleeing to government-held areas or to keep them from reaching their fields. Rebels also used anti-vehicle mines to interrupt transportation and ambush humanitarian convoys and civilian vehicles. 70 percent of the casualties were civilians, and more than half were displaced people fleeing fighting.

Freedom of expression in Angola remained a concern. Restrictions on journalists continued, despite assurances by the vice minister of social communications, who met with the Committee to Protect Journalists in October 2000 and May 2001. On July 7, Gilberto Neto, a reporter for the independent weekly *Folha 8*, and Philippe Lebillon, a researcher from the London-based Overseas Development Institute, were arrested at an airport in Malanje province and escorted back to Luanda. During interrogation at the National Directorate of Criminal Investigation, their documentation and equipment were confiscated.

Neto was also blocked from leaving the country at Luanda International Airport on August 23. He was charged with endangering state security and defaming the police. (He had reported in 1999 on a police raid on the independent, church-affiliated Radio Ecclesia.) The charges were not pursued in court. In an earlier case in December 2000, immigration authorities at Luanda Airport prevented Raphael Marques, a free-lance journalist, from leaving Angola. They confiscated his passport and he was sent home without explanation, although he carried a provincial court order lifting any travel restriction against him. In July, several reporters, including British Broadcasting Corporation (BBC) correspondents, faced obstacles in covering the violent forcible relocation of residents from the Boa Vista district of Luanda. On the positive side, Radio Ecclesia resumed broadcasting countrywide. That same month, the director of Radio Morena in Benguela was dismissed following a broadcast about a UNITA attack.

While authorities allowed some open discussion of public affairs, especially through the privately owned media, it cracked down on opposition political parties by denying freedom of association and assembly, in some cases violently. In December 2000, the army seriously injured a Catholic deacon suspected of being a sympathizer of the separatist Front for the Liberation of the Cabinda Enclave (FLEC) and beat other members of the church. A month later, members of the army and police beat, arrested and detained eight members of the Party for Democracy and Progress in Angola (PADPA) for protesting against the government. In March, local authorities blocked the National Front for the Liberation of Angola (FNLA) from activities in Bie. In three other cases, UNITA-Renovada representatives were threatened, arrested, and tortured. The provincial secretary of the Party for Social Renovation (PRS) was detained and four militants of the Democratic Party for the Progress of the Angolan National Alliance (PDP-ANA) were detained and interrogated about their political activities. In April, the Provincial Government of Luanda dismissed a petition by church groups to organize a march on peace and human

rights, and in July it refused to allow a demonstration by Boa Vista residents, citing security concerns.

## **DEFENDING HUMAN RIGHTS**

Human rights activity increased, mainly in the capital, as the government allowed civic and church groups to discuss human rights violations and concerns about the war—for example in conferences held by two organizations, the Open Society and the Women’s Movement for Peace and Development. However, the ability of human rights organizations to function outside the capital was greatly constrained by insecurity, and no human rights groups were able to obtain access to or function in UNITA-held territory. In October, D. Zacarias Camuenho, president of the Catholic Bishops’ Conference of Angola and Sao Tome and a member of the Inter-Ecclesiastical Committee for Peace in Angola (COIEPA), was awarded the 2001 Sakharov Human Rights Prize by the European parliament, signaling the growing importance of the churches as a possible mediator between the two parties in the conflict. In July, COIEPA launched a sensitization campaign to end the war, while the Open Society and the Catholic Pro Peace Movement followed suit with an antiwar campaign in September.

Medicines Sans Frontieres released a report in November 2000 titled “Angola: Behind the Façade of Normalization, Manipulation, Violence and Abandoned Populations” detailing the heavy price paid by civilians in the conflict. The report highlighted the increasing violence and policy of terror by both sides, but mainly blamed UNITA. Oxfam echoed those condemnations in a September 2001 report on the catastrophic humanitarian situation of Angolans.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

An economic reform program agreed on by the International Monetary Fund, the World Bank, and the government of Angola in April 2000 was designed to monitor oil revenues. Angola is the second largest oil exporter in sub-Saharan Africa and gains significant revenues from its oil exports. Dampening hopes for greater government transparency and accountability, the government failed to publish required auditing reports, despite two deadline extensions. (See Business and Human Rights.)

International donors continued to criticize the government’s chronic underfunding of humanitarian services for its citizens, and in recent years donor support for humanitarian operations was reduced. Donors urged the Angolan government to use its substantial revenues from oil sales on humanitarian services rather than on military spending. Additionally, with the changing military situation, the move away from conventional warfare to counterinsurgency strategies was expected to reduce military spending by the government.

## **United Nations**

The U.N. continued to support the Angolan government's efforts to resolve the conflict. The U.N. reiterated its call to UNITA to fully implement its commitments under the 1994 Lusaka Protocol. A number of U.N. Security Council sanctions on UNITA remained in force, including an arms and petroleum embargo in force since 1993, prohibitions on diamond trading, prohibition on travel of senior UNITA officials outside Angola, and a freeze on UNITA's financial assets. The U.N.'s Monitoring Mechanism that verified compliance was extended again in October 2001.

In April and October, the Sanctions Committee's Independent Panel of Experts issued reports concluding that UNITA retained vast quantities of weapons hidden throughout Angola. The panel identified at least sixteen diamond companies responsible for sanctions busting. The report made clear that efforts to reduce the illicit diamond trade fueling the war, including U.N. sanctions, met with little success. Angola's so-called "blood diamonds" represented 5 percent of the world's rough diamond trade, with a value of U.S.\$420 million a year. Smuggled through Burkina Faso, Congo, Cyprus, South Africa, Tanzania, or Zambia, these diamonds ended up in cutting centers in Belgium, India, and Israel.

Two high-level U.N. visits were made to Angola during the year. When the secretary-general's senior adviser Ibrahim Gambari visited in May, he strongly condemned UNITA, stating that it was "solely responsible for the war in Angola," and pledged U.N. assistance for reconstruction efforts. In April the special coordinator of the Network on Internal Displacement, Dennis MacNamara, visited Angola and noted the need for the U.N. to strengthen its overall capacity to address serious gaps in assistance and protection to the internally displaced.

The U.N. Office in Angola (UNOA) continued to implement capacity-building projects such as improving access to the judicial system, increasing human rights awareness through legal counseling, and supporting media programs. The appointment of a new director in July to head UNOA's human rights division was followed by the office's internal reorganization and the preparation of a strategic plan of action.

## **European Union**

The European Union (E.U.) maintained a focus on trade and oil sales, rather than on human rights abuses. In its 2001 annual human rights report, the E.U. condemned UNITA's abuses and called on the Angolan government to assume greater responsibility for protecting displaced populations. It also recommended that the U.N. create a permanent group of independent experts to follow diamond trafficking in violation of the U.N. sanctions.

Human rights issues were also not high on the agenda of the "troika" monitors of the 1994 Lusaka Peace Agreement—Portugal, Russia, and the U.S. Since 1998, Portugal has increased export of light weapons and ammunitions, including to Angola, in violation of the E.U. code of conduct that prevents arms sales to conflict countries where human rights are extensively violated.

## United States

Good relations between Luanda and Washington concentrated largely on improving trade and investment. Angola rose in importance for the U.S. due to its vast oil resources. In ten years, the U.S. is projected to rely on Angola for 15 percent of its oil. In May, the first trade mission to Angola since September 1997 examined possibilities of corporate partnerships in the areas of data processing, industry, water systems, environment and conservation, transportation, aviation, legal services, shipping, and banking.

However, the U.S. did not always disregard human rights in relation to trade. According to the president's 2001 report on the implementation of the African Growth and Opportunity Act (AGOA), prepared by the U.S. Trade Representative, Angola did not receive AGOA beneficiary country designation due to "concerns related to corruption, labor and human rights." The report cited extrajudicial executions by security forces and scorched-earth policies by certain army units, including burning villages and killing civilians in Cuando Cubango and Lunda Sul provinces, as well as government repression of independent media. Angola was one of only ten countries that sought to participate in AGOA but was denied.

The U.S. gave some aid for humanitarian assistance and civil society activities, although it did not play a strong role in efforts to end the war. U.S. development and humanitarian assistance was over U.S. \$39 million for FY 2001.

## BURUNDI

### HUMAN RIGHTS DEVELOPMENTS

A transitional government installed November 1 inherited a civil war in which both governmental and rebel forces were killing, raping, and otherwise injuring civilians and destroying their property. Civilian casualties in 2001, however, were fewer than in the previous seven years of warfare, in part because there were fewer large-scale massacres than in the past. The government greatly expanded a program of civil defense, giving arms training and access to weapons to thousands of civilians. According to authorities the program was meant partly to curb increases in crime but instead it led to more exactions on ordinary people. Along with theft and looting, rape increased sharply in many areas where large numbers of soldiers were posted. Hundreds of detainees were released in 2000 and early 2001 but hundreds more replaced them in the over-crowded jails by year's end. Courts functioned slowly and badly whether handling current cases or those resulting from ethnically-based killings in 1993 and 1994.

By establishing the transitional government, the former government and opposition political parties implemented a key provision of the Arusha Accord of August 2000. But the two major rebel movements, the Forces for the Defense of Democ-

racy (Forces pour la défense de la démocratie, FDD) and the Forces for National Liberation (Forces pour la Liberation Nationale, FNL), had not signed the agreement and stepped up attacks just before and after the new government took power. Some 130 civilians and scores of government soldiers and rebels were slain in the first weeks of November as combat increased in many parts of the country. Although the new government incorporated some opposition leaders recently returned from exile, it failed to win a cease-fire in discussions with rebels held in October and November. International actors invested considerable energy in trying to end the war, with South African troops, funded by Belgium, providing security deemed necessary to establishing the new government.

Shortly after taking power, the new government signed the optional protocol to the Convention on the Rights of the Child which establishes eighteen as the minimum age for forced recruitment, conscription, or participation in armed conflict, so confirming an order of the outgoing government that children under eighteen should not be recruited for the army. But the government observed no such rule for the civil defense program, where children as young as fourteen were enrolled this year. The rebels recruited and in some cases abducted children for military service. In mid-November, the FDD kidnapped several hundred school children, the youngest thirteen years old, apparently to use them as soldiers. The majority escaped, but at the end of November a dozen remained in rebel hands.

The war in Burundi was intertwined with conflicts in the neighboring Democratic Republic of Congo (DRC) and Rwanda (see Democratic Republic of Congo and Rwanda). For several years Burundian rebels, particularly those of the FDD, had launched attacks inside Burundi from bases in the DRC. The Congolese government supported them in return for help fighting a rebel movement against it backed by neighboring Rwanda. During the year, thousands of rebel combatants came home, hastened by signs that the Congolese government was moving towards ending its own war. Hundreds of Rwandans, also previously based in the Congo and engaged in war against the Rwandan government, came into Burundi as well, perhaps to assist Burundian comrades, perhaps to prepare an assault against Rwanda. By late in the year, soldiers of the Rwandan Patriotic Army had begun fighting rebels of both groups inside Burundi. Burundian rebels based in Tanzania frequently crossed the border to raid communities inside Burundi, leading to an increase in tensions between Burundi and Tanzania which military authorities from both countries tried to calm in the latter half of the year.

Military officers opposed to President Pierre Buyoya and the terms of the Arusha Accord attempted two unsuccessful coups, one in April, the other in July. Forces loyal to the president foiled the attempts and arrested those responsible, thirty of whom were detained in the first case, some one hundred in the second. As of this writing, their detentions had not been confirmed by magistrates, a violation of legal procedure.

During the year combat intensified in the provinces of Bujumbura-rural, Cibitoke, and Bubanza in the north and in Bururi, Makamba, and Rutana in the south. In February, FNL combatants entrenched in the hills around Bujumbura took control of the Kinama neighborhood of the capital for nearly two weeks. Dozens of civilians were killed or wounded during the combat and thousands more displaced. In early April, government soldiers killed at least twenty-five civilians,

including one two-year-old child, when they searched houses in Rubirizi, Mutimbuzi commune, for suspected rebels shortly after FNL combatants attacked military posts in the area. That same month, other soldiers reportedly fired on civilians in a bar in Gitega, assuming them to be rebel supporters. They killed eleven and wounded three. After an FDD attack in late June, government soldiers fired from a boat in Lake Tanganyika on the village of Rubindi, killing five civilians and seriously wounding several others. Soldiers attempting to repel FNL attacks on their posts in the vicinity of Mageyo, near Bujumbura, on September 20 killed nineteen civilians and wounded at least eighteen. Although one officer was heard to order his men not to fire at civilians, soldiers “shot at anything which moved,” according to one witness. On October 4, FNL combatants shot and killed at least eight soldiers who were drinking in a bar at Muzinda market in Bubanza province. Other soldiers from nearby posts then took reprisals, firing indiscriminately on civilians in the area and looting and burning their homes and shops. One baby was shot on her mother’s back as the mother was fleeing and an estimated eight other persons were also killed by soldiers. Soldiers killed at least thirteen civilians, ten of them women and children, on October 25 in Bubanza province after an attack by FNL combatants in the area. On October 30, soldiers killed forty-two civilians, eighteen of them women and children, in apparent reprisal killings after an FNL attack in Maramvya, Bujumbura-rural province. Government soldiers killed an estimated twenty civilians and wounded six others in an air attack on the Congolese village of Mwaba, which they supposed to be a FDD base. During the year several civilians were killed and many others were maimed by mines in Burundi, apparently laid by government soldiers throughout the countryside.

Hundreds of civilians died from rebel fire during combat or were slain in ambushes and robberies or were deliberately targeted for having supposedly assisted the government. In one of the worst cases, FNL rebels ambushed a bus from Rwanda near Mageyo in late December 2000. According to witnesses, they separated the passengers by ethnic group and killed twenty persons, all Tutsi or those who appeared Tutsi and one English woman. Several other persons were wounded and left for dead. Rebels, presumably of the FNL, murdered a university student and his uncle, a former soldier, in Bujumbura on September 8. FDD rebels killed civilians in ambushes on roads in the southern provinces and in raids in the eastern provinces launched from Tanzanian bases. In April, thousands of FDD rebels moved through eastern and central Burundi from the Tanzanian frontier to the Kibira forest, killing more than a dozen civilians and burning hundreds of houses, shops, health centers, and schools. In late April, FDD combatants reportedly murdered the communal administrator of Gisagara commune, Cankuzo province, and his family as well as five other civilians and in mid-November, they killed an administrator and two other civilians in Mutumba, Karuzi province. In May, FDD combatants abducted six workers of the international humanitarian agency Memisa in Makamba province and took them into Tanzania before releasing them several days later. In June, rebels, apparently FDD, killed the driver of a vehicle of the humanitarian agency Children’s Aid Direct in Bubanza province and briefly detained other employees. In November, FDD combatants killed at least thirteen civilians in ambushes in eastern Burundi and on November 4 they killed another eighteen civilians in an attack on Munini in Bururi province.

In several cases unidentified assailants used grenades to attack markets or places of business. In late August, four persons were killed and more than fifty injured at Kinama market in Bujumbura.

Women reported dozens of rapes and cases of sexual torture by soldiers, many in areas in or near the part of Bujumbura taken briefly by rebels, after their withdrawal in early March. Rebels abducted scores of women to provide sexual and domestic services in their camps. Both government soldiers and rebels forced civilians to transport goods or wounded members of their forces or to do other labor in combat zones, putting them at risk of injury or death.

Authorities recruited thousands of children and young men, the vast majority of them Hutu, to expand the "Guardians of the Peace," a purportedly civilian force established with no clear legal authority or regulations. The "Guardians," many of whom were obliged to serve against their will, ordinarily operated at the direction of soldiers who also provided them with firearms to use on duty. First active in the northwest and south, "Guardians" were organized this year in most other provinces. Some guarded communities, displaced persons camps, and roads; others engaged in combat, often sent in advance of regular troops and thus exposed to greater risk of injury or death. Minimally trained and unpaid, many lived by extorting money or goods from the people they were supposed to protect. Several killed or raped local residents. Authorities also provided weapons training in urban areas, usually to Tutsi residents, and encouraged them to patrol their own neighborhoods.

The economic situation worsened, the result of years of war and stagnation exacerbated by the exhaustion of emergency funds provided by the World Bank and the European Union. With firearms easily available, armed robbery increased in the form of ambushes and attacks on homes, sometimes injuring or killing residents. Often assailants wore military uniform and could have been soldiers, rebels, or neither. Authorities proved ineffective both in halting and in prosecuting such crimes.

As stipulated by the Arusha Accord, the government drafted laws concerning genocide and provisional immunity from prosecution for certain crimes related to the 1993-1994 events. As of this writing, the legislature was still debating the terms of laws deemed a necessary precursor to the establishment of the transitional government on November 1. The accord also provided for a commission of experts comprising both international jurists and Burundians to examine the cases of political prisoners. It was due to begin work in November.

Lack of resources, difficulties with travel due to insecurity, and demoralization related to uncertainty about the future contributed to the sluggish performance of the prosecution and courts. As of mid-year, the criminal courts dealing with the ethnically-related killings of 1993-1994 had sat only once and sessions ordinarily held by itinerant courts had not been convened at all. Many cases were adjourned because judicial personnel or witnesses were not present. Judicial reforms implemented in 2000 resulted in the provisional liberation of hundreds of detainees that year, but the rate slowed noticeably during 2001. Some fifty prisoners over the age of seventy and some twenty minors were provisionally released. Although some prosecutors and police tried to follow the new regulations, others flouted measures meant to limit arbitrary detention and the use of torture. Particularly in the aftermath of the FNL occupation of part of Bujumbura, authorities detained and tor-

tured dozens of persons whom they suspected of supporting the rebels. In several cases, persons tortured by soldiers, the police, or “Guardians of the Peace” died from their injuries. Dozens of persons were held in miserable conditions in illegal places of detention, particularly in military camps. In a number of cases authorities who had arbitrarily detained persons released them after obliging them to pay a “fine” for unspecified offenses.

Some 9,000 persons were held in prisons, about 75 percent of them awaiting trial, most accused of crimes related to the massacres of 1993-1994. Conditions improved slightly in a few prisons, largely as a result of efforts by the International Committee of the Red Cross and a local organization, the Association Burundaise de Défense des Prisonniers (ABDP), but remained very poor in others.

In 2000, the government officially closed the regroupment camps which had been established in the name of security several years before. Hundreds of thousands of persons who had been held against their will returned home, but more than 370,000 remained in camps because they feared continuing combat in their home regions. In some areas soldiers and “Guardians” demanded services from camp residents, such as transporting supplies or fetching water, or prevented them from going to work their fields unless they paid for the privilege.

Burundian authorities detained or forced back to the Congo several dozen Congolese, some of whom had recognized refugee status in the country, apparently at the request of the Rally for Congolese Democracy (RDC), the Rwandan-backed rebel authorities in eastern Congo. In May communal authorities sent more than one hundred Congolese back over the border without regard to the risks they might run in returning home. In October, authorities detained a Congolese human rights activist for nearly a week but released him after extensive protests from local and international colleagues.

On several occasions, authorities detained members of political parties or other organizations opposed to government policy. Fearing detention, the head of Pouvoir d’ Auto-Défense Amasekanya, a Tutsi militia group, took refuge for several weeks in the office of the U.N. High Commissioner for Human Rights. A spokesman for a party opposed to President Buyoya was arrested after giving a press conference and was charged with insulting the head of state.

Authorities permitted the establishment of African Public Radio, the second major private station to operate in Burundi, but soldiers harassed its journalists, occasionally confiscating briefly their vehicles and cameras. In November, agents of the special investigations bureau detained and beat an African Public Radio journalist after he reported on the arrival of South African troops to facilitate installation of the new government. He was released after paying a fine. In March, two journalists of the other private station, Radio Bonesha, were detained and one was fined for broadcasting an interview with a rebel spokesperson.

## **DEFENDING HUMAN RIGHTS**

Local and international human rights organizations functioned with little interference from the government. The leading human rights organization, Ligue Iteka, expanded its activities throughout the country, adding monitors to deal with eco-

conomic and social rights and established a web site to disseminate its information. In one case Iteka monitors were threatened and harassed by soldiers while investigating alleged abuses. ABDP monitored prison conditions, helped detainees with judicial assistance, and organized a conference on torture where several victims spoke out publicly about their abuse by authorities.

In April, members were named to a national human rights commission that had been established the previous year. All were governmental representatives from the office of the president and vice-presidents and various ministries. At the time of writing, the commission had not published any reports.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

Representatives of other governments and of the United Nations, the Organization of African Unity, the European Union (E.U.), and other bodies followed the situation in Burundi closely, many of them concerned to avoid a repetition of previous massive slaughter in Burundi and of the genocide that devastated Rwanda. In addition to making numerous public statements denouncing human rights abuses and encouraging peace, they invested millions of dollars and untold diplomatic effort in negotiations for the Arusha Accord and in getting it implemented. In December 2000 donors pledged some U.S. \$440 million in previously promised and new aid to help restart the economy. Little of this aid was delivered as donors awaited the installation of the new government, but in late November 2001 the E.U. agreed to deliver U.S. \$58 million to rebuild infrastructure, deliver health services, and assist economic recovery, resuming development assistance halted since 1997 because of the war.

In mid-2001 officials at the U.S. National Security Council and State Department debated options, including the possible deployment of U.S. troops, should Burundi explode into large-scale violence. In the wake of the September 11 attacks, however, it became clear that the U.S. would at most fund military intervention by others. The U.S. provided \$1 million in development assistance for fiscal year 2001, \$3.5 million for justice under the Great Lakes Justice Initiative, and \$5.8 million in food assistance.

In October, South Africa agreed to provide troops for a protection force demanded by opposition politicians before they would return to join the transitional government and Belgium pledged \$5 million for their expenses with a promise to secure another \$17 million from the E.U. The South African troops were supposed to be joined by others from Senegal, Nigeria, and Ghana and eventually to be replaced by a Burundian force that would be composed half of Tutsi, half of Hutu.

The U.N. special rapporteur for Burundi, Marie-Therese Keita Boucoum, visited the country twice and issued strong denunciations of human rights abuses. The field office of the High Commissioner for Human Rights, hampered by lack of funds and personnel, helped provide judicial assistance to the accused, monitored prison conditions, and undertook educational activities. It addressed abuses with authorities but published no reports locally.

The U.N. High Commission for Refugees also suffered funding cuts, hampering provision of its services, including protection, for refugees just at a time when increasing numbers of Rwandans and Congolese sought their assistance and when planning was needed for the hundreds of thousands of refugees who may return home if the war ends.

**Relevant Human Rights Watch Reports:**

*To Protect the People: The Government-Sponsored "Self-Defense" Program in Burundi, 12/01.*

## **DEMOCRATIC REPUBLIC OF CONGO (DRC)**

### **HUMAN RIGHTS DEVELOPMENTS**

With the accession of Joseph Kabila as president of the Democratic Republic of Congo (DRC), hopes were raised in January for an end to the disastrous war that has cost more than two million lives. During the four years of war, all parties routinely attacked civilians, killing, raping, and maiming thousands. Hundreds of thousands of civilians died of hunger, diseases, or exposure as a result of the war. Belligerents this year implemented some terms of the 1999 Lusaka Accords meant to end the war: troops disengaged along the front lines, some Ugandan and Rwandan government soldiers returned home, some 1,500 Rwandan rebels laid down their arms, and United Nations troops (U.N. Organization Mission in Congo, MONUC) began monitoring compliance with the accord. But late in the year fighting still raged almost daily in the eastern provinces and the inter-Congolese dialogue among Congolese actors about the future of their country was suspended days after it began. The DRC government, supported by Zimbabwe, Angola, and Namibia, controlled the western half of the country. Rebel movements, the most important being the Congolese Rally for Democracy (RCD), backed by Rwanda, and RCD-Kisangani and the Movement for the Liberation of the Congo (MLC), both backed by Uganda, controlled the east. The Congolese government and rebel authorities declared support for political openness and Kabila implemented some reforms, but all continued to limit dissent and harass and punish journalists and human rights defenders.

Rwanda and Uganda originally claimed their troops were in Congo to fight armed groups hostile to their governments and based in the DRC. But by 2001 they seemed equally concerned to control resources, trade routes, and access to tax revenues. A U.N. Security Council expert panel reported extensive exploitation of Congolese resources by Rwandans and Ugandans, acting in both public and private

capacities, underlining the importance of economic motives for the war. In November, the panel confirmed these findings and also criticized the massive exploitation of DRC resources by Kabila's allies, particularly Zimbabwe. Belgium, named in the report, set up a parliamentary commission to inquire into the role of its nationals in this exploitation.

In eastern DRC various armed groups continued the war, often acting as proxies for governments. Those which generally benefited from the support of the Congo government included Mai-Mai, militia hostile to all foreign presence; Rwandan rebels, including a nucleus of those who participated in the 1994 genocide in Rwanda, formed into the Army for the Liberation of Rwanda (ALIR) in the north and the Democratic Forces for the Liberation of Rwanda (FDLR) in the south; and Burundian rebels, usually fighting as part of the Forces for the Defense of Democracy (FDD). Those supported by Rwanda and Uganda included the armed groups linked the different branches of the RCD and MLC. In addition Rwandan army and RCD forces supported the militia of the Banyamulenge, a people generally associated with the Tutsi of Rwanda, and Ugandan forces frequently backed the Hema in their two-year-long conflict with neighboring Lendu over control of land. In the worst recent episode of this conflict which has cost some 15,000 lives, approximately four hundred Hema and Lendu were killed in Bunia in January. Burundian army troops also operated in the southern part of eastern DRC, attacking Burundian rebels and collaborating with RCD and Rwandan army soldiers.

Mai-Mai represented a diverse group of autonomous actors, some of whom opportunistically switched alliances. By September their groups had gained such importance that government and RCD alike tried to incorporate Mai-Mai into their delegations to the inter-Congolese dialogue but Mai-Mai maintained they should participate on their own.

All parties to the war abducted and recruited children to be trained and deployed as soldiers, as members of local militia or civil defense forces, or as workers attached to military units.

President Kabila, chosen by consensus among leading domestic and foreign players rather than by any constitutional mechanism, inherited autocratic powers from his father, the late President Laurent-Desiré Kabila. According to Decree Law No. 3 of 1997, all executive, legislative, and judicial powers rest in his hands. Kabila promised human rights reforms but delivered relatively little. He did impose a moratorium on the execution of death sentences in March which was still in effect in late November and in May he began demobilizing child soldiers from the Congolese army. But the security agencies continued the numerous abuses for which they were notorious in the past. Government agents were allegedly responsible for the summary execution of eleven Lebanese just after the assassination of the elder Kabila. Agents of the National Security Agency and the Military Detection of Antipatriotic Activities (DEMIAP) played an important part in investigations of the assassination. This occurred under the aegis of a commission set up in February and including Congolese and representatives of foreign allies of the government. The commission exercised unlimited power to interrogate and arrest suspects and afforded them no due process guarantees. Many detained by the com-

mission were reportedly tortured and some were “disappeared.” The worst abuses occurred in unofficial detention places run by the security agencies, including the death of one detainee from torture in mid-April. Bending to domestic and international outcry at abuses linked to the investigation, Kabila closed down unofficial places of detention and ordered detainees transferred to Kinshasa central prison. In September, authorities released some two hundred people detained mostly in connection with the investigation.

Kabila’s promises to limit the powers of the abusive Court of Military Order brought no reform by late October. In November 2000, the court found former presidential security adviser Anselme Masasu and eight of his subordinates guilty of conspiracy and ordered their execution, a sentence which was carried out before the moratorium mentioned above. In September 2001, in Katanga province, the court sentenced eight people to death and eighteen others to between five and twenty years imprisonment on charges of plotting to overthrow the government. All were said to have been tortured and to have had no legal counsel before the trial. There is no appeal to decisions by this court.

Officials in the Ministry of Interior and some provincial governors obstructed political party activities despite the promulgation of a new law in May that purported to liberalize political life. Leaders of opposition parties refused to acknowledge the new law. Police on July 30 arrested and beat participants in an opposition march in support of the peace process.

In areas under Rwandan government control, the RCD attempted to legitimate its de facto control by declaring eastern Congo a “federal state” and by establishing regional legislative assemblies. Many local leaders rejected these initiatives as preparatory moves towards secession. Anxious about challenges to their legitimacy, RCD authorities detained scores of Uvira residents, including leaders of civil society, when they sought to boycott a celebration of the August 2 anniversary of the RCD rebellion. Soldiers accused detainees of supporting the Mai-Mai and beat several of them, one so severely as to require hospitalization. In other areas as well, RCD and Rwandan soldiers routinely held persons accused of backing the Mai-Mai in military detention centers, private houses, or shipping containers and tortured and otherwise mistreated them. Several were reported to have “disappeared” while in custody. In Kisangani, RCD authorities denounced journalists and activists of the peace movement on the radio and at rallies, calling them traitors allied with hostile foreigners. After Radio Amani, owned by the Catholic Church, broadcast programs seen by the authorities as critical, agents of the Department of Security and Intelligence abducted and severely beat the clergyman who headed the Catholic Justice and Peace Commission. Authorities prohibited other civil society leaders from traveling and harassed them by sending soldiers to their homes at night.

This year, however, the RCD permitted Radio Mandeleo, banned two years before, to resume broadcasting.

Determined to avert any demonstration that might turn critical, RCD authorities banned public events planned by women’s organizations to celebrate International Woman’s Day on March 8. In September RCD soldiers broke up a demonstration of Bukavu residents who wanted to show support for a recent announcement that the Congo government would pay three years back pay to

state employees. RCD soldiers shot into the crowd and killed one fourteen-year-old boy.

In areas under Ugandan control, Ugandan soldiers and their local allies arbitrarily detained, ill-treated, or tortured political opponents, holding some in pits underground.

Banyamulenge militia, Rwandan rebels, and Mai-Mai attacked persons whom they suspected of supporting their opponents, killing and maiming civilians and destroying or pillaging their property. In May, Mai-Mai abducted twenty-six foreign nationals who worked for a logging company, but later released them all. In early September Mai-Mai in the area of Butembo ambushed a vehicle carrying two local civil society leaders who sought to mediate between their group and another. The assailants killed two Mai-Mai from the rival group and badly beat one of the civil society leaders.

Throughout eastern DRC armed men from various governmental and rebel forces have raped and otherwise sexually tortured thousands of women and girls.

## **DEFENDING HUMAN RIGHTS**

Dozens of Congolese NGOs and other civil society organizations documented and reported on human rights abuses by all parties and the larger human toll of the war. Many NGOs also provided assistance to victims of abuses and advocated on their behalf. Government and rebel authorities generally ignored their pleas and mirrored each other in clamping down on vocal rights defenders, often by accusing them of being enemy agents.

The government detained human rights activists Golden Misabiko and N'sii Luanda for months without charges in connection with the Kabila assassination but released them in September. Once free Misabiko said that he and other prisoners had been tortured and inhumanely treated and that some had "disappeared."

At a national human rights conference in June government delegates and civil society participants from throughout the country adopted a Congolese Charter of Human Rights and a National Plan of Action on human rights. The government in May authorized the reopening of the Kinshasa office of the African Association for the Defense of Human Rights (ASAHDO), a leading human rights organization which it had closed in May 1998.

RCD officials frequently summoned and publicly threatened leading members of Heritiers de la Justice, a human rights NGO in Bukavu. They warned members of the Goma-based Center for Research on the Environment, Democracy, and Human Rights (CREDDHO) not to divulge information to foreigners and made death threats against them. The RCD subjected human rights defenders and women activists to similar treatment in Kisangani.

In an early October press conference in the Ugandan-controlled town of Beni, Hangi Bin Talent, the local representative of ASADHO, asked officials of the local RCD branch (Congolese Rally for Democracy-Movement for Liberation, RCD-ML) about the recent multiplication of underground detention cells. In response, RCD-ML officials ordered him detained in such a cell, where he was severely beaten for two days.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

The international community welcomed Kabila's overtures towards peace and reform, ready to end the Congo's decade of relative isolation. But donors reengaged cautiously, unwilling to encourage Kabila to entrench himself as unelected head of state. International leaders denounced human rights abuses and supported the peacekeeping force to help assure an end to the war that was thought to be the source of many of these abuses. They also called for accountability but established no mechanism to assure it.

### **United Nations**

Both U.N. Secretary-General Kofi Annan and the Security Council devoted much attention to ending the DRC war and frequently denounced human rights abuses and the humanitarian crisis spawned by it. In an effort to be well informed about the situation in the DRC, eleven ambassadors of the council visited the region and all members attended an Arria-formula briefing in which representatives of Human Rights Watch and other nongovernmental organizations presented analyses of the war.

Yet the council hesitated to commit significant resources to a war whose end was not yet sure. It voted in February in resolution 1341 to deploy only 2,300 MONUC troops, about half the number originally foreseen. Although the resolution condemned war-related atrocities and reminded all parties that they were obligated to protect civilians, it gave no mandate for civilian protection to MONUC.

In addressing the council in late May, the secretary-general spoke of the importance of accountability for past crimes in establishing a lasting peace in the region. The council extended the mandate for MONUC for a year in mid-June and itself affirmed in resolution 1355 the importance of accountability. In his mid-October report to the Security Council, the secretary-general denounced human rights abuses in some detail and again called for accountability in the DRC. The council's adoption of resolution 1376 in November launched phase III of MONUC, requiring the demilitarization of Kisangani, the restoration of freedom of movement throughout the country, and the full cooperation of the belligerents with MONUC's activities.

Roberto Garretón, then special rapporteur on the situation of human rights in the DRC, issued damning reports on abuses by government and rebels alike after his two missions to DRC in March and June. During his tenure, he briefed the Security Council several times on abuses in the DRC and in the speech marking the end of his tenure he too called for accountability for past crimes in the DRC. The Field Office of the High Commissioner for Human Rights continued to play a prominent role in monitoring conditions in the country, assisting government reform initiatives and supporting local rights groups.

In early December, child protection officers attached to MONUC and UNICEF reported that Congolese children had been sent from Bunia to Kampala, Uganda's capital, for military training. In mid-December, the Security Council urged that these children be demobilized and sent home for rehabilitation, steps which were

taken several months later after continued pressure from MONUC, UNICEF, Human Rights Watch, and other organizations.

In April, a U.N. panel of experts reported to the Security Council that the governments of Uganda, Rwanda, and Burundi were illegally exploiting natural resources and other forms of wealth of the DRC. The report also found that foreign forces allied with the Congolese government were profiting from the conflict. This exploitation had especially exacerbated the suffering of the population in parts of eastern Congo occupied by the Ugandan and Rwandan armies. The governments named contested the report and the Security Council extended the mandate of the panel for three months to supplement its information.

### **European Union**

Soon after being installed as president, Kabila visited Paris, Brussels, London, and Bonn as well as Washington and New York, promising at each stop to cooperate with the U.N., to facilitate the internal political dialogue, and to return the country to the rule of law.

On a visit to the DRC in June, Belgian Prime Minister Guy Verhofstad responded to Kabila's assurances by announcing a new aid package totaling U.S. \$18 million dedicated to health, education and infrastructure. In inaugurating his country's presidency of the E.U. in July, Verhofstad called for greater attention to the DRC. The E.U. council of ministers in March approved a provisional allocation of about U.S. \$100 million for health, education, justice, and road repair programs, but had insisted Congo could access the funds only after achieving real progress in the inter-Congolese dialogue. During a July visit to the DRC, Paul Nielson, the E.U.'s commissioner for development and humanitarian affairs, stated that E.U. structural assistance would be delivered only after consensus had been achieved among the Congolese. He indicated that part of the E.U. allocation would also go to finance the reintegration of armed groups in eastern Congo, a program for which the United Kingdom also pledged funds. In late November, an E.U. delegation headed by Belgian Foreign Minister Louis Michel visited the DRC and other countries involved in the war to promote peace.

In July, the European Parliament urged making the DRC a priority for the E.U. It urged foreign forces to withdraw from Congo, condemned the plundering of Congo's national wealth, and appealed to the World Bank and the International Monetary Fund (IMF) to stop supporting the countries implicated in that plunder.

### **Donor Community**

Kabila initiated reforms including the floating of the Congolese franc, the decontrol of prices, the improvement of collection of state revenues, and the commitment to balance the state budget which rapidly strengthened the economy. Impressed by the improvement, bilateral and multilateral donors in early July noted that Congo had U.S. \$280 million of programs underway and pledged further assistance of U.S. \$240 million before the end of the year, subject to adherence to the Lusaka Accords and improved security for the population.

To encourage the new government, the World Bank and the IMF arranged relay

loans to address its debt to them of U.S. \$800 million. Both provided assistance to the government in preparing for the July donor meeting and the IMF helped plan a program which was expected to spur increased levels of international assistance, starting with the IMF's own heavily indebted poor countries (HIPC) debt-relief initiative. The World Bank in late July approved a U.S. \$50 million grant for the economic recovery program.

### **United States**

The significant political changes that took place in Kinshasa in January coincided with the installation of George W. Bush as the U.S. president. As the Clinton administration drew to a close, its "new leaders" policy had lost credibility as those once thought to be beacons of hope, such as the presidents of Rwanda and Uganda, were more and more identified with serious human rights abuses and deadly wars. The Bush administration made no dramatic changes, but pressed Uganda and Rwanda more firmly to adhere to the Lusaka agreement in withdrawing their forces. On November 10, President Bush discussed with visiting President Kabila the state of the Congolese economy, humanitarian issues, and the nature of the war. Despite this and earlier indications that the Congo crisis would attract high-level attention, the State Department issued only one public statement on the DRC by late October compared to twenty-five issued over the same period the year before. The September 11 attacks on the U.S. and the focus on building an international anti-terrorism coalition contributed to further diminishing U.S. attention on central Africa.

In recognition of the growing misery in the DRC, however, the U.S. tripled its humanitarian assistance in 2001 to approximately U.S. \$80 million, most of it for food and other emergency supplies, immunization programs, and refugee relief. It also spent some U.S. \$5 million on judicial programs under the Great Lakes justice initiative.

### **Relevant Human Rights Watch Reports:**

*Reluctant Recruits: Children and Adults Forcibly Recruited for Military Service in North Kivu*, 5/01

*Uganda in Eastern DRC: Fueling Political and Ethnic Strife*, 3/01

## **ERITREA**

### **HUMAN RIGHTS DEVELOPMENTS**

A border war with Ethiopia that began in 1998 was a disaster for Eritrea. The war, which ended with a cease-fire in mid-2000 and a peace agreement in December 2000, displaced over a quarter of the population; seriously undermined the

country's economy; and achieved no military gains. About 20,000 Eritreans died during the war and the Ethiopian army advanced to within one hundred kilometers of Asmara, the capital. (See also Ethiopia.)

After October 2000, civil liberties became the latest victims of that war. Critics of government policy were jailed without charges, the small independent press was closed, and university students who challenged a compulsory summer work program were subjected to harsh treatment and to jail.

Since the country achieved independence from Ethiopia in 1993, after a thirty-year armed struggle, all governmental power had been held by the leading force in the fight for independence, the Eritrean People Liberation Front, and its post-independence incarnation, the People's Front for Democracy and Justice (PFDJ). The leader of the PFDJ, Isayas Afwerki, had been president of the country since independence. A constitution, with provisions creating civil liberties, was adopted in 1997 but was never implemented. Elections for the new National Assembly were scheduled for 1998 but were postponed indefinitely after the outbreak of the war with Ethiopia. As a result, president Isayas governed by proclamation, unrestrained by a transitional national assembly that met infrequently. In mid-2001, the government circulated a draft Proclamation on the Formation of Political Parties and Organizations and an Eritrean Electoral Law Proclamation. No electoral politics were permitted and presidential rule was essentially unfettered pending adoption of both measures.

There was no effective mechanism for questioning, much less challenging, government policy and operations. In October 2000, thirteen academics and professionals sent the president a letter suggesting a "critical review" of post-independence development. The letter stated that the war raised "grave questions" about the government's conduct domestically and internationally. Although sent privately to the president, its contents soon became known. The president met with the group but rejected its criticisms. In February 2001, the president removed the minister of local government after he questioned the president's leadership and requested meetings of the PFDJ's central and national councils, which had met only twice during the two-year war with Ethiopia.

Criticism of presidential rule gathered force in May 2001, when fifteen of the seventy-five-member central council of the PFDJ published an open letter demanding reforms. This "Group of 15" urged full application of the constitution, multi-party elections, abolition of the non-judicial Special Court (discussed below), and other reforms. Among the signatories were the former defense minister, other former ministers and ambassadors, and three generals.

In July, the government arrested University of Asmara student union president Semere Kesete for having protested the government's management of the university's mandatory summer work program. (The university was the only institution of higher education in the country). The work program supplemented a compulsory national service program in which many of University of Asmara students participated during the border war with Ethiopia. When about four hundred students protested the arrest of their leader on August 10, the government rounded them up and sent them to a work camp in Wia, near the Red Sea port of Massawa, where daytime temperatures exceed well over 100 degrees Fahrenheit (38 degrees Celsius).

The government later coerced 1,700 other students into joining the camp by threatening to deny them registration for the new academic year. Two students died of heat stroke, which the government attributed to “lack of adequate logistical support” at the camp. In September, police used clubs to break up a demonstration of mothers of the students who were protesting their treatment at Wia. Most of the students were released after signing a form letter of apology, and the university reopened on October 1, 2001. About twenty students who refused to sign the letter remained under arrest, including student council president Semere. All but Semere were released without charged in early November. Semere remained in detention without being charged—despite a penal code provision requiring charges to be brought within thirty days of arrest.

On September 18 and 19, 2001, the government arrested eleven signatories of the Group of 15’s May letter. Only three members abroad for medical or business reasons and one who had retracted his signature avoided arrest. Those arrested had not been charged as of early November. However, government and PFDJ spokesmen publicly accused them of plotting to create “opposition cells” in the army and other governmental institutions; establishing relations with “neighboring countries”; and cooperating with outlawed groups. A presidential spokesman said that these were illegal acts that “jeopardized the nation’s sovereignty.” After the Group of 15 arrests, the government reportedly arrested four to five dozen other prominent individuals, including elderly businessmen who had tried to act as intermediaries between the group and the president. All of those arrested were held incommunicado and information about their whereabouts was withheld from the public and from their families.

The accusations leveled at the Group of 15 members were sufficiently grave to fall within the jurisdiction of a secret Special Court established by presidential decree in 1996—although at the time of writing charges had not been brought. The court’s membership consisted of three military senior officers without legal training who reported directly to the Ministry of Defense. Defendants had no right to counsel or to appeal. In January 2001, the president issued a decree creating a Special Committee of Investigation to investigate “crimes against the state” as a complement to the Special Court. Among its members were the minister of justice and the head of the Eritrean intelligence service.

The civil court system was not independent. It was administered as part of the Ministry of Justice and depended on the ministry for logistical and financial support. In mid-2001, the chief justice was fired after he complained about executive interference in the work of the judiciary. Moreover, court decisions could be reviewed by the Special Court.

On September 19, the second day of the Group of 15 arrests, the government withdrew the licenses of the country’s eight independent newspapers on the grounds that they had violated the 1996 Press Proclamation and were undermining national unity. The minister of information (who had previously served as security chief) announced he would review each newspaper to determine whether it could reopen. As of early November 2001, none had reopened. Suppression of the independent press left the government’s newspaper, television, and radio outlets as the only public sources of information. Even before the mass closings, the govern-

ment had frequently harried the private press by detaining journalists, explaining that they had been called to perform national service. After ten journalists were reportedly arrested in September, authorities again said that they had been called for military service, but observers noted that at least two were exempt from national service because of age or their status as veterans.

## **DEFENDING HUMAN RIGHTS**

The Eritrean government tolerated the operation of only one human rights organization, Citizens for Peace in Eritrea, which strictly limited its advocacy to the rights of war victims.

The transitional civil code and the constitution prohibited discrimination against women and the government had traditionally advocated improving the status of women. The draft election law proclamation reserved 30 percent of parliamentary seats for women and made women eligible to contest the other 70 percent. The government had a record of taking a firm stance against domestic violence.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

In September 2001, the World Bank, the European Union, and individual E.U. members pledged U.S. \$130 million in loans and grants to help Eritrea demobilize 200,000 of its soldiers by early 2003. Financial assistance from the E.U. was jeopardized, however, when the government expelled the E.U. representative, the Italian ambassador, after he delivered a demarche from the E.U. expressing concern about the deterioration in human rights protections. Ambassadors from other E.U. states were promptly recalled for consultation. The government said the expulsion was unrelated to the protest.

On the day the United States protested the arrests of the Group of 15 and press closings in early October, Eritrea seized two local U.S. embassy employees in what it said were unrelated arrests. The U.S., which in FY 2001 provided Eritrea with \$10.219 million in development and child survival assistance, and another \$155,000 under the IMET military training program, cancelled joint military exercises planned for November. The Foreign Ministry issued a press release expressing “puzzle[ment]” over “negative statements” issued by several countries: “The Government of Eritrea particularly finds inexplicable the attempts to ‘whitewash’ crimes against the nation’s security and sovereignty and present it as advocacy for democratic reform.”

But protest over the shrinking liberties in Eritrea was not limited to its international partners alone. The government by year-end faced the prospect of losing U.S. \$300 million that it annually collected from Eritreans living abroad in taxes and donations due to widening discontent in the diaspora about the deteriorating conditions at home.

In mid-2001, Sudan, Eritrea, and the United Nations High Commissioner for Refugees reached agreement to repatriate most of the estimated 250,000 Eritreans who fled to Sudan during the pre-independence fighting as well as the 1998-2000

war. Under the agreement, refugees from the more recent fighting would be repatriated by the end of 2001; 160,000 others would follow by the beginning of 2002.

The war with Ethiopia internally displaced as many as 960,000 Eritreans. At the end of September 2001, 44,000 were still living in temporary camps. Their return was hampered by fields strewn with landmines, the absence of basic social services in their home districts, and general insecurity along the still disputed border with Ethiopia. (See Ethiopia).

## **ETHIOPIA**

### **HUMAN RIGHTS DEVELOPMENTS**

There was a marked deterioration of civil liberties in Ethiopia during 2001 in the wake of (and partially as a result of) the war with Eritrea. The government jailed civil rights advocates, political rivals, students, and journalists without formal charges, and police used lethal force against unarmed civilians. In July, the foreign minister told journalists that conditions in Ethiopia were not conducive for liberal democracy. The minister of education acknowledged that Ethiopia's justice system had major deficiencies. Government agencies, she said, interfered in the justice system. The system also often abused its authority and lacked transparency and accountability.

The judiciary, with rare exceptions, was complicit in the government's violations of human rights. The courts routinely granted extensions allowing individuals to be held in detention without formal charges and without bail while the police "investigated," usually at a snail's pace. Rarely did they inquire into the need for holding suspects in custody. Court hearings convened every several weeks, only to have the court uncritically permit the police to investigate for months. Court cases historically lasted for years, during which time activists and government critics, apparently held only for their nonviolent criticism of the government, endured harsh detention conditions. Sometimes charges were eventually brought; sometimes prisoners were released after months of captivity without charge or trial.

Although the war with Eritrea ended with a cease-fire in June 2000, and a comprehensive Peace Agreement in December 2000, disputes over its prosecution and conclusion continued to simmer within the political elite and the enmity created permeated relations between the two countries. In March, twelve central committee members of the Tigray People's Liberation Front (TPLF), the lead party in the government coalition, the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF), issued a twelve-point critique of Prime Minister Meles Zenawi's policies. The dissenters, joined by members of other government parties, complained that the government had concluded a premature and unfavorable peace agreement. They also protested the government's economic liberalization policies and accused the prime minister of corruption.

The government's initial response to this dissent in its own ranks was political. It fired a number of ministers and generals, including the minister of defense Siye Abraha, and organized successful recall petitions for members of parliament who supported the dissidents. Later in the year, the EPRDF constituent parties purged their leadership and ranks of those who had participated in criticism of the government. That included Ethiopia's (largely ceremonial) president, Negaso Gidada, who was expelled from the central committee of his party, the Oromo People's Democratic Organization (OPDO). When Negaso's term expired in October 2001, parliament unanimously voted Girma Woldegiorgis president for a six-year term and endorsed a new government.

Against the background of political dissent and stalemated war, university students in April 2001 protested the government's interference with academic freedom. The students' main demands were permission to republish a banned student magazine, dismissal of two university administrators closely affiliated with the government, and removal of security troops stationed inside the university campus. While the government initially conceded the first two demands, it did not commit to a schedule for removing the security forces. When students continued to press their demands, the minister of education issued an ultimatum threatening students who did not return to classes with arrest. The security forces' efforts to enforce the ultimatum set off clashes on April 17 and 18 that quickly got out of hand as non-students joined in the protests. In suppressing the protest, the police used excessive force, including live ammunition, and conducted massive arrests. At the end of the two days, over forty civilians, primarily students, had been killed and another four hundred injured. Other campuses also witnessed antigovernment protests.

The government immediately detained almost 2,000 students; although most were quickly released, several hundred were shipped to prisons two hundred kilometers or more from the capital. Aside from those arrested, over one hundred students fled to Kenya and another seventy or so to Djibouti.

Also arrested in the weeks following the police crackdown on the students were members of two opposition parties, the All-Amhara People's Organization (AAPO) and the Ethiopians' Democratic Party (EDP). Over four hundred AAPO members were arrested between April and June. According to the party, most of those taken into custody were candidates in local elections. Over one hundred EDP members were arrested. The police claimed that the AAPO and EDP members had "a clear role in the violence" and had been active in organizing "hooligans" to riot.

Because of the mass arrests, prisons became severely overcrowded. While no independent observers were allowed in to monitor prison conditions, prisoners who were subsequently released complained of poor sanitation, leading to the proliferation of water- and air-borne diseases such as typhoid, dysentery, and tuberculosis. Four prisoners were reported to have died, including AAPO member Gebrehana Wolde Medhin. Although the government claimed that he had died of tuberculosis, AAPO asserted that he had died as a result of severe beatings, noting that the family had never been informed that he was hospitalized and the body had not been returned to the family.

In early July, the government announced that it released about a hundred of those arrested in connection with the April events. They had not been charged but

were nevertheless held two months or more. Another 150 were released on bail. The government acknowledged continuing to imprison sixteen, but the number of students actually being held remained unconfirmed. Although the government released thirty-two of the AAPO detainees in July (two on bail), at least six remained in jail without charges as of early November 2001. Of the hundred or so EDP members, ninety were released without charges. Four others were released on bail. Seven, however, remained in custody without charge as of November 2001.

In June 2001, the government amended its “anti-corruption” law to prohibit bail for anyone charged with corruption by the police. The amendment was immediately applied to former colleagues of the prime minister who had been purged from the EPRDF’s constituent parties. Most prominent among those arrested was former defense minister Siye. He and seven co-defendants were arrested in mid-June. In an unusual move, the court ordered Siye’s release on bail but he was rearrested outside the courthouse. In mid-August, a court ineffectually gave the police a “last” two-week extension to complete the investigation. The two weeks came and went without charges or release. In late October, almost five months after their arrests, Siye and his co-defendants were charged with corruption. Bail was denied.

The amended anti-corruption law was also applied to another prominent dissident politician, Abate Kisho, the former president of the province known as the Southern Nations, Nationality and People’s State. He was arrested in late July for allegedly steering contracts to a defendant in the Siye case. He claimed that the acts for which the police arrested him predated the laws he is alleged to have violated but he was kept in custody for four months without charge. Article 22.1 of the Ethiopian constitution, echoes article 11.2 of the Universal Declaration of Human Rights by providing that no one may be convicted “on account of any act or omission which did not constitute a criminal offense” at the time it was committed and no heavier penalty may be imposed than was applicable when the offense took place. In late October 2001, Kisho was charged with having used his office to make illegal purchases.

Governmental pressure on the courts was exemplified by the treatment of judges who attempted to act independently. One EDP member arrested in April was the party’s secretary general, Lidetu Ayalew. A court ordered his release in early June but he was rearrested two weeks later and accused by the police of having used his mobile phone to coordinate the student protests. He, however, was not the only one to be sanctioned. Charges were also brought against the three judges who formed the court panel ordering his release. Lidetu was released again in mid-July without formal charges, after seventy days in jail.

The government also arrested about a dozen businessmen under the anti-corruption law. They, too, were jailed for months without formal charges and their financial assets businesses were frozen. Several of those arrested had no obvious political ties.

Incarceration without trial for months at a time paled in comparison with the treatment of officials of and accused collaborators with the former dictatorship, the Derg, and those arrested on suspicion of assisting insurrectionary groups. Most of the alleged Derg officials were arrested in 1991. In October, the Amhara State court acquitted twenty-three more Derg defendants and sentenced two to sixteen

years. Ethiopian courts by then had handed down 1,181 verdicts, acquitting 375. After a full decade, 2,200 defendants had not been brought to trial. Since 1999, the federal government has held 1,200 individuals in Oromiya State suspected of assisting the Oromo Liberation Front. Half of those had not been charged. The federal prosecutor's office attributed the delays in bringing them to trial or releasing them to the lack of trained police and prosecuting personnel and the lack of other resources.

Journalists working for the independent press were often the victims of harassment because of their reporting. Ethiopia has permitted an independent press to operate, but in the past Prime Minister Meles Zenawi had described it as a "gutter press," and denied the reporters access to official news and briefings. In what passed for "improvement" in October, the government announced that it would grant "responsible and constructive" independent newspapers access to its information. Control of all television and radio broadcasting remained in the hands of the government and the ruling EPRDF. As of October 2001, only one journalist remained in jail, the publisher of a defunct weekly, *Akturot*, but there remained pending charges against eighty journalists from earlier reporting. The jailed journalist was arrested for inciting violence by having published an article two years earlier quoting a retired general who predicted the overthrow of the government. He was also accused of defamation for publishing an article about alleged corruption at a government-owned factory. In addition, short-term detention was still alarmingly frequent. For example, two journalists were jailed in May and June for articles written years earlier alleging corruption by church officials and at the Ethiopian Electric Power Company, respectively. In July, the government arrested journalists from eight publications after the foreign minister complained he had been defamed by their reports that he had had a falling out with the prime minister. In July, an editor was jailed for 1999 articles claiming that a regional official and that some of the president's security detail had defected. About two dozen journalists lived in exile, including three who fled in 2001.

Opposing political parties have also been hampered in their legitimate activities, even apart from the mass arrests following the April disturbances. The EDP was denied a permit to hold its convention in Addis Ababa in August. AAPO directed its six elected *woreda* (district) representatives in Addis Ababa not to participate in district councils as a protest against what it claimed were rigged local elections. The EDP, while not directing its ten *woreda* representatives to boycott the district councils, also asserted that the elections had been tainted.

The Eritrean war sapped economic resources that could have been used to improve the conditions of the civilian population and its baleful aftermaths linger. The Ethiopian government announced that the war cost the impoverished country U.S. \$3 billion, including the expense of prosecuting the war and the expense of rebuilding and resettlement once the war ended. A local research institute reported that the war had a devastating impact on civilian life through displacement, loss of livestock and stored food grains, and the destruction of houses, social infrastructure, and commercial enterprises. The institute estimated the cost of lost social infrastructure alone to be well over \$200 million. Income also dropped as tourism and international investment and aid fell.

The end of the war has enabled Ethiopia to decrease its security budget by 20 percent, to U.S. \$350 million, but the country remained plagued by military threats from ethnically-based separatist groups, especially in the Oromiya, Somali, Southern Nations, and Benishangul-Gumuz states. Local skirmishes in which government and rebel troops (and civilians) were killed and wounded continued to occur occasionally. These small but deadly battles sometimes led to mass arrests of local inhabitants suspected of abetting the rebels. They, too, have historically been held for months or years without charges or trial.

The cease-fire ended the fighting but not the animosity between the two countries. In June, Ethiopia forcibly expelled 772 people it identified as Eritreans from its territory without prior notification to the International Committee of the Red Cross as anticipated under article 2 of the truce agreement. In August, it announced suspension of prisoner-of-war exchanges with Eritrea until it received information about a missing fighter pilot. Exchanges resumed in October when Eritrea released twenty-four Ethiopians “for health reasons” and Ethiopia reciprocated with the release of twenty-three Eritrean POWs, also “for health reasons.” With the October releases, 653 Ethiopian and 879 Eritrean POWs had been repatriated but about 350 Ethiopians and 1750 Eritreans still remained in POW detention camps as of early November 2001. Voluntary civilian repatriation between the two countries progressed more smoothly. During the war, about 345,000 civilians fled the fighting. Most escaped to internal exile but others were trapped behind enemy lines as the war front shifted. In November, the International Committee of the Red Cross reported it had repatriated almost 55,000 Ethiopian civilians from Eritrea since 1998. In July, it had reported the repatriation of 1,000 Eritrean civilians from Ethiopia.

## **DEFENDING HUMAN RIGHTS**

In early May, about two weeks after the police actions involving university students, the police arrested two leading human liberties activists, Professor Mesfin Woldemariam and Dr. Berhanu Nega. They were both charged with having incited the students to riot. The government produced no evidence then or since to substantiate the claims. Mesfin was the founder and first president of the Ethiopian Human Rights Council (EHRCO). On the day of the arrests, the government raided and sealed the EHRCO offices. EHRCO was founded in 1991 to promote democracy, human rights, and the rule of law, and to document human rights abuses. The government refused to recognize the EHRCO until May 1999, and often harassed those engaged in its monitoring activities. While in prison, Mesfin and Berhanu began a hunger strike. This, together with considerable international publicity and pressure, may have facilitated their release on bail in June after a month of captivity. After their release, the EHRCO was allowed to reopen.

Harassment of organizations established to monitor and advance civil liberties also extended to other activists. In August, the Ethiopian Women Lawyers Association (EWLA) mounted a peaceful demonstration with several hundred participants to demand that rape laws be strengthened and more aggressively enforced. At

about the same time, it received extensive media coverage for its letter to a local newspaper protesting the ministry of justice's failure to prosecute an alleged sexual assault by the son of a prominent family. Shortly thereafter, the ministry of justice suspended EWLA's charter and froze its bank accounts. It announced that EWLA's activity's exceeded its charter, without offering details. In mid-October, a trial court ordered the release of ELWA's frozen accounts and the Justice Ministry—under a new minister—restored ELWA's license.

In May, a court acquitted eight founding members of the Human Rights League after three-and-a-half years' detention on unsubstantiated charges of involvement in terrorist activities. The Human Rights League was a monitoring group founded in 1996 by prominent members of the Oromo community that the government never allowed to function. Other groups that government harassment forced underground or into exile in past years included the Ogaden Human Rights Committee, the Solidarity Committee for Ethiopian Political Prisoners, and the Oromo Ex-Prisoners for Human Rights.

Both the Ethiopian constitution and legislation empower parliament to create a Human Rights Commission and an ombudsman. Neither had yet been established.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

The economic cost of the war was a key factor in pressing both Ethiopia and Eritrea to conclude the December 2000 peace agreement. The Ethiopian government subsequently received generous aid packages, even as it used lethal force against demonstrators, silenced dissent, and violently repressed minorities in rest- less regions. Contributing to the international community's muted criticism of these practices was the apparent perception that the dissenters were "hardliners," and the government's was the "moderate" camp.

The dissenters considered the government's espousing of a free-market economy and its partnership with international financial institutions a betrayal of the TPLF's ideological roots. In a strong sign of support for the government's policies, the IMF in March approved a U.S. \$112 million loan, and agreed to back Ethiopia's poverty reduction program. Likewise, a meeting of Ethiopia's donors in early April agreed to reschedule or cancel 70 percent of U.S. \$430 million in foreign debts.

### **United Nations**

Implementation of the peace agreement progressed relatively well, but both parties repeatedly showed intransigence. The Security Council in Resolution 1369 (2001) passed in September extended the mandate of the United Nations Mission in Ethiopia and Eritrea (UNMEE)—a mission to monitor and help implement the cease-fire agreement—to March 15, 2002, and called on the parties to settle all outstanding issues. These included Ethiopia's reluctance to supply maps detailing the location of its minefields in Eritrea. About 70,000 internally-displaced Eritreans still could not be resettled because of the danger of land mines. Both countries balked at engaging in bilateral talks. Eritrea was accused of infiltrating militia into its side of the buffer zone in violation of the cease-fire agreement but confirmation

was difficult because Eritrea restricted the movement of UNMEE monitors. UNMEE reported that no Ethiopian troops remained in the temporary security zone separating the two countries. While matters could improve in 2002 when a boundary commission demarks a permanent boundary, both sides expressed dissatisfaction with the commission's interim findings.

Both countries continued to evict those identified as the other's nationals, causing great suffering to the victims and their kin, and blatantly violating international human rights norms in the process. Of concern also was the slow pace in implementing the agreement's compensation provisions for war-related losses.

A committee established pursuant to Security Council Resolution 1298 (2000) that imposed an arms embargo on the two parties complained in a May letter to the council that it had no monitoring arm and was thus constrained in carrying out its mandate of ensuring the effective implementation of the embargo. The Security Council lifted the ban in May. By contrast, the European Union in March renewed the arms embargo it imposed on Ethiopia and Eritrea in March 1999.

The United Nations Committee on the Rights of the Child gave Ethiopia a mixed review in 2001. It applauded the government's adoption of a new Family Code. It also welcomed the interim prohibition on the use of corporal punishment in schools but expressed disappointment that the ban had not been implemented. It identified ongoing abuses in violation of Ethiopia's own constitution. Many children continued to be subject to the adult justice system because neither a juvenile court nor a juvenile detention facility existed outside the capital; children were often exploited for child labor; and large numbers of children lived and worked in the streets without access to education, health care, or nutrition. The U.N. report echoed an April EHRCO report on the "frighteningly increasing number" of abandoned children in Ethiopian cities. In addition, rapes of young girls were common; even when reported, they were usually lightly punished, if at all.

## **United States**

The U.S. continued to show reluctance to speak out publicly against rampant human rights abuses in Ethiopia, with a noticeable exception in April when its embassy in Addis Ababa denounced the use of excessive force against demonstrators. Further, while the U.S. had initially sponsored the U.N.'s yearlong arms embargo adopted on May 17, 2000, the outgoing Clinton administration attempted, but failed, to get the ban lifted in the weeks that followed the signature of the peace agreement in December 2000. The U.N. allowed the ban to expire in May, but warned the parties it would take action if they resumed fighting. And despite the close U.S. alliance with Ethiopia and Eritrea, the U.S. throughout the war put insufficient pressures on countries supplying the belligerents, including Bulgaria, China, France, Russia, and others, to stem the flow of arms.

In the wake of the September 11 attacks on New York and Washington, the Horn of Africa appeared poised to gain prominence in a U.S. foreign policy focused on building a global coalition against international terrorism. Following the attacks, the Ethiopian government had accused the Islamist group Al-Itihad Al-Islami, which fought for the autonomy of Ethiopia's Somali regional state from base in Somalia, of having links to the Bin Laden network. The Bush administration sought

to freeze the assets of that group. President Bush called Prime Minister Meles in early October and thanked him for his offer to cooperate in the U.S. campaign. U.S. assistance to Ethiopia totaled U.S. \$146 million in FY 2001, most of which was earmarked for food assistance and child survival programs.

## **KENYA**

### **HUMAN RIGHTS DEVELOPMENTS**

Amid an ongoing political crisis, constitutional reform remained critical to Kenya's future and promised to grow in urgency with the approach of the 2002 national election. From January 2001, when the chairman of the government-appointed Kenya Constitutional Review Commission was sworn in, progress on substantive issues was bogged down in controversy about its composition and the administration of its finances, and dissipated the public hopes initially vested in it. The repeated efforts of the ruling Kenya African National Union (KANU) to control the commission, to exclude or reduce significantly the input of civil society groups, and to use police to prevent or violently disrupt civic education gatherings or political opposition meetings further dashed public expectations.

In June 2001, the commission promised a draft of a new constitution by June and then September 2002. Both dates were viewed as unrealistic. The political opposition and civil society groups expressed concerns that the process would be rushed through to completion without sufficient civic education or participation, or if it proved patently impossible to meet the deadline that President Daniel arap Moi would seize the opportunity to introduce "interim reforms" by decree. Over-shadowing reform efforts was the question of whether or not President Moi would step down in 2002 in accordance with the existing constitution's two-term limit. When the ruling party and an opposition party merged in June, some saw the move as a stratagem by Moi to stay in power after the 2002 election.

There was one hopeful development in May, when President Moi agreed to include civil society representatives within the constitutional review commission. This concession ended the stalemate that had existed since 1999, when the Ufungamano group, a coalition of the political opposition and civil society, boycotted the parliamentary committee originally charged with the task of reviewing the constitution. As of August 2001, the expanded twenty-seven-member commission, which included members put forward by civil society groups, was gathering views from citizens on how they want to be involved in the review process.

In addition to the debate over constitutional review, there were important discussions over the grant of amnesty for economic and political crimes and over a motion in parliament to establish a Truth and Reconciliation Commission to explore human rights violations since 1966. But there was a lack of consensus in parliament on the need to confront past abuses: the motion was defeated.

Meanwhile, high-ranking government and ruling party officials continued unabated to sponsor or permit violence against opposition activists, with police cracking down on government critics in numerous incidents, and state-protected youth gangs attacking political opposition rallies. For example, police in February in Kisii town beat up James Orengo, a member of parliament (MP) and leader of *Muungano wa Mageuzi* (Peoples Movement for Change), a coalition of opposition and civil society organizations, along with two other MPs in Kisii town. President Moi accused Mageuzi leaders of plotting to overthrow the government, setting the stage for further police harassment. At a May opposition rally, police arrested two MPs on “treason” charges for allegedly threatening the president, who then ordered police to tape record all political speeches at rallies. The same month, there was a petrol bomb attack on opposition leader Mwai Kibaki during a rally in a predominantly KANU area. In July, democracy activists were beaten and arrested when police violently broke up a Nairobi prayer meeting and a political rally commemorating Kenya’s struggle to restore multiparty democracy.

Sporadic clashes between members of ethnic groups allied to the ruling party and those perceived to support the opposition continued in the run-up to the 2002 election, adding to the toll of numerous deaths and hundreds of thousands displaced in “ethnic” violence. The government was slow to respond with anything more than restrictions on freedom of association and assembly, all targeted against the opposition. As of October, the report delivered to President Moi almost two years before by the presidential Commission on the Ethnic Clashes (known as “the Akiwumi Commission”) had still not been published.

As rates of violent crime climbed, reports of police corruption, harassment, use of excessive force, and unlawful confinement were routine. The capital erupted in violence for two days in February when police attacked street hawkers, firing into crowds. In June, the government responded to a mounting public outcry with a plan to overhaul Kenya’s police. Yet the next month, police extrajudicially executed seven suspects in cold blood and in public view after hauling them off a Nairobi bus. Kenya’s notorious prisons promised some improvement under a new commissioner, who warned wardens not to use torture and instituted rights to medical care, visitors, and letter writing.

The picture was mixed on freedom of expression. While newspapers published unhindered, police routinely harassed journalists. After the beating of a female *Nation* TV reporter in January, the International Press Institute condemned Kenyan police attacks on journalists. While the number of independent broadcasters grew, the granting of government licenses and the allocation of frequencies were irregular. Some stations, especially those outside cities, waited long periods before they were able to air their programs. The state-run Kenya Broadcasting Corporation was the only media outlet allowed to broadcast nationwide, while most newly licensed FM stations had limited reach, mostly to Nairobi and its environs. In July, a group of public and private media owners was formed to draft a comprehensive broadcasting policy.

In a positive move, the government outlawed caning in schools and introduced a bill on children’s rights in parliament. But the parliamentary debate was poorly attended and the bill was not passed. Student strikes over educational conditions

hit 118 schools, closing down half of them. The Kenyan government took little or no action to address the plight of over a million children orphaned and otherwise affected by AIDS in Kenya. Many of these children were living in poverty, and were at high risk of engaging in hazardous work or losing property that might be the key to their future protection. (See Children's Rights.)

## **DEFENDING HUMAN RIGHTS**

Although human rights groups operated openly, President Moi kept up a verbal offensive against nongovernmental organizations (NGOs), characterizing them as enemies of the state. In March, President Moi warned Kenyans to be wary of NGOs "pretending to fight for human rights," accusing "con men who have formed NGOs calling themselves human rights activists," of wanting to "destabilize the country" and to "cause confusion through foreign-funded seminars."

In October, seventy-one members of the nongovernmental group Release Political Prisoners (RPP) were detained for several days and charged with holding an illegal meeting. The group had been commemorating Mau Mau day to honor those who had fought for Kenya's independence from British colonial rule. The police stormed the compound, assaulted the people, and used teargas to break up the peaceful gathering.

On the other hand, the government's traditionally ineffective Standing Committee on Human Rights, created by the president in 1996, showed new vigor in stepping up pressure for police reform. It condemned torture and recommended that police officers receive compulsory human rights training. The committee also blamed "trigger-happy" police for a pattern of shootings of unarmed civilians and subsequent cover-ups. Most importantly, in June the committee published its findings that prison wardens had murdered six death-row inmates who had died last year. As a result the chair of the Standing Committee was charged by the judge with contempt of court for being in breach of judicial rules that prevent comment on a pending case. A draft bill to strengthen the independence of the Standing Committee, pending since the previous year, had not been considered by parliament as of November 2001.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

Corruption remained the key sticking point with Kenya's international donors, who negotiated with the government over aid pegged to anti-corruption legislation. With donors focused on corruption and economic reform, human rights issues largely took a back seat. The major exception to this was in March, when nineteen diplomatic missions called on Kenya to respect political freedom during the constitutional review process. The statement drew an angry rebuke from President Moi, who warned donors to stay out of the process.

Donors' concerns about Kenya's plummeting economy deepened. Government mismanagement and endemic corruption remained, causing a further drop in the average Kenyan's standard of living. Echoing its first-ever negative growth rate of

the year before, the country's United Nations human development ranking sank to 123 out of 162 countries.

Many of the loans pledged by the International Monetary Fund (IMF) (U.S. \$198 million), and the World Bank (U.S. \$150 million) remained suspended due to the lack of progress on anti-corruption efforts. In December 2000, the IMF suspended its funding until the moribund Kenya Anti-Corruption Authority (KACA) resumed work. The World Bank also suspended some development loans. In August, hopes dimmed for resumption of IMF funding when Parliament failed to pass a fresh anti-corruption bill, despite personal lobbying by President Moi. The Constitutional Amendment Bill would have entrenched the new KACA in the constitution. Opponents of the bill charged that it was too weak and saw in Moi's advocacy of it a cynical attempt to please donors without engaging in genuine reform. In response, Moi immediately ordered the police to investigate corruption cases pending before the KACA. Without a special session of parliament called by the president, the bill could not be reintroduced and voted on again until March 2002.

Awaiting action were two other bills the IMF had also tied to renewed funding: a Code of Ethics bill for public servants and an Economic Crimes bill. In July, the IMF expressed satisfaction with the latter, which it helped draft, but flagged its dismay with its most controversial clause—a blanket amnesty for all economic crimes committed before December 1, 1997. President Moi and his cabinet approved the amnesty measure, which was sharply criticized.

After initially wooing donors for renewed funding, a backlash against the international pressure built among KANU politicians, increasing tension between the donor community and the government. In March, soon after a meeting with World Bank and IMF officials, the president fired the health minister and his assistant for mounting a stinging attack on the two institutions. That month, the World Bank issued a scathing report on ten African countries, including Kenya, which the report charged was not serious about reform. Transparency International, a Berlin-based watchdog group, ranked Kenya the fourth most corrupt country in the world according to the perceptions of international business.

Shortly after, anti-corruption efforts were dealt a blow with the firing of Richard Leakey in March, following twenty-one dramatic months as head of Kenya's civil service. President Moi had lured Leakey from the opposition camp and appointed him and his "Dream Team" to streamline the civil service, root out corruption, and revive the economy. Leakey's appointment was instrumental in obtaining the pledges of renewed assistance from the international financial institutions. In Leakey's short time in office, he was successful in reinvigorating the anti-corruption initiative and tightening the economy. Resentful of the clout he wielded, a group of parliamentarians pushed for Leakey's ouster.

## **European Union**

European Union (E.U.) representatives also pegged disbursement of future funds to progress in fighting corruption, following a May meeting with President Moi. While commending Kenya on progress in constitutional review, they said the E.U. attached particular importance to effective preparation for the coming national election. They also expressed concern over violations of freedom of speech

and assembly, treatment of suspects and prisoners, and an increase in extrajudicial executions. Denmark announced it would not increase aid until significant progress was made on governance and fighting corruption, and called for respect for human rights. And the United Kingdom, a traditionally staunch supporter of the Moi government, issued two warnings that it would halt funding if reforms continued to slip.

### **United States**

President Moi held high level meetings with President George Bush and Secretary of State Colin Powell, and used the opportunity to appeal for United States intervention for renewed IMF and World Bank funding. In May, Powell visited Kenya and pledged U.S. \$8 million to fight AIDS and urged economic reform efforts. Powell stressed that the U.S. would closely watch the 2002 elections, and underscored the importance of democratization. The State Department issued a formal statement in August urging passage of anti-corruption legislation. On June 27, President Bush and Vice President Dick Cheney met with Moi in Washington, and encouraged him to ensure continued progress on democratization and economic reform. However, in the aftermath of the September 11 attacks, anti-terrorism efforts came to the forefront of U.S. policy regarding Kenya. In October, Powell met with Kenyan foreign minister Christopher Oburo on Kenya's cooperation in anti-terrorism efforts. In November, President Bush met again with President Moi; this time the discussion centered around anti-terrorism efforts and peace initiatives for Sudan and Somalia.

Other concerns included regional conflict and proliferation of small arms, which the State Department warned had reached crisis proportions. President Moi stepped up efforts to control arms flows by ordering his security and immigration departments to get involved. Unfortunately, the government's attempts resulted in renewed harassment and indiscriminate crackdowns against refugees in Kenya.

The U.S. responded to outrage over the previous year's shooting of Father John Kaiser by sending a Federal Bureau of Investigations (FBI) team to investigate. Kaiser, a U.S. citizen, was a Catholic parish priest in the Rift Valley and a human rights activist. He was an outspoken critic of government sponsored "ethnic" violence. The FBI's finding of suicide created an uproar among Kenya's clergy and human rights community, who were convinced he was murdered. U.S. Senator Paul Wellstone called for a new inquiry that took into account findings of the U.S. Embassy's own investigation. "Reports of ethnic cleansing, provocation of land clashes, rapes of young women, and harassment of priests and human rights workers are widespread," Wellstone said in June.

U.S. assistance to Kenya in FY 2001 was approximately U.S. \$66.7 million, including development assistance, child survival, and food aid, and some \$450,000 in International Military Education and Training (IMET) funding.

### **Relevant Human Rights Watch Reports:**

*In the Shadow of Death: HIV/AIDS and Children's Rights in Kenya*, 6/01

**LIBERIA****HUMAN RIGHTS DEVELOPMENTS**

Continued violence threatened to plunge Liberia back into civil war after nearly five years of shaky transition to peace. Fierce fighting continued to rage in the country's north since the start of a rebel incursion in July 2000, the fifth serious outbreak of violence since the 1997 elections that ended the civil war. The fighting and repression blocked recovery efforts with the nation's economy in tatters, 80 percent of the workforce unemployed and 80 percent illiteracy. Basic services such as health care, communications, electricity, and the public supply of drinking water remained extremely limited. Public and private institutions deteriorated amid widespread corruption and fear.

Fighting between government forces and the rebel group, Liberians United for Reconciliation and Democracy (LURD), intensified in northern Lofa County. Amid the violence, widespread human rights abuses took place against civilians, including women and children. Liberian government troops and rebels alike detained, tortured, or killed hundreds of civilians, raping women and girls at will, and forcing men and boys to fight. Reports by Amnesty International found that government security forces—especially the Anti-Terrorist Unit (ATU), a security force accountable only to President Taylor—detained, tortured, or executed more than two hundred civilians suspected of supporting rebels, raping some of them. The government denied these allegations and took no steps to investigate, punish, or end the abuses. In April 2001, President Taylor called up 15,000 former fighters from the faction he had led during the civil war to combat the growing rebel threat. As of September, fighting had spread southward to within sixty miles of the capital, Monrovia.

Responding to the rebel action, government repression of civil society continued to intensify. President Taylor's government functioned without accountability, independent of an ineffective judiciary and legislature that operated in fear of the executive. Ethnic Mandingo citizens, whom the government indiscriminately accused of supporting the rebels, faced growing discrimination, arbitrary arrests, and violence based solely on their ethnicity. In March, state security troops stormed the University of Liberia in Monrovia, assaulting and arresting unarmed students meeting to raise legal fees for detained journalists. More than forty students were reportedly tortured and female students raped in the raid by the ATU and the Special Operation Division, a special police unit. More than fifteen student leaders from the University of Liberia went into exile in May following the justice minister's public claim that rebel collaborators operated from their campus. In August, in an attempt to allay growing criticism, President Taylor freed three of thirteen prominent ethnic Krahn leaders imprisoned on treason charges since 1998, pardoned exiled opposition leaders, and announced an amnesty for rebels who disarmed.

Press censorship and arrests of journalists continued, as President Taylor and other high-ranking officials blamed them for negative international publicity. In February, four journalists from the *Daily* newspaper were arrested and held for over a month on espionage charges following a report questioning government spending on helicopter repairs. The government shut down four independent newspapers in connection with the report. Harassment continued with the arrest in August of the editor of the *Monrovia Guardian* following an article on police brutality. The information minister announced in April that all war-related reports had to be cleared by him. The government also tightened restrictions on foreign journalists.

With most Liberians dependent on radio for their news, government silencing of independent radio broadcasts deprived them of information. In August, President Taylor banned all radio stations but the three currently licensed—his private Liberian Communications Network and two others that only operated infrequently. At the same time, he refused to lift a ban on Veritas, a station of Liberia's Roman Catholic Church, and the independent Star radio.

The violence was part of a growing subregional struggle over control of diamonds and other resources. In 2001, President Taylor shifted his commercial focus from diamonds to logging, relying on the same men who organized the arms-for-diamonds trade to export timber and ship weapons from Monrovia to Sierra Leone. Illustrating the corruption at the heart of the Taylor government, two of the individuals involved in diamond trading sat on the board of directors of the Liberian Forestry Development Authority that oversees logging. A Strategic Commodities Act reportedly passed secretly in 2000 gave President Taylor "the sole power to execute, negotiate and conclude all commercial contracts or agreements with any foreign or domestic investor" for designated commodities, including timber and diamonds. The act was challenged as unconstitutional by the legal community.

Divisions and tensions in the subregion deepened as the internal conflicts within Liberia, Sierra Leone, and Guinea continued to spill across the borders. Guinea and Liberia accused each other of supporting armed anti-government rebels, and the Sierra Leonean government accused Liberia of providing support to the Sierra Leonean rebel group, the Revolutionary United Front (RUF).

The insecurity and violence in the subregion displaced thousands of Liberians. Humanitarian agencies estimated in July 2001 that more than 40,000 persons had been newly displaced in Lofa County since April. In the country's six internally displaced camps, about 70 percent were women and children who had fled south into areas with scarce food, clean water, shelter, or medical assistance. An unknown number remained in areas inaccessible to humanitarian workers, and without assistance in unsafe conditions in forests and villages.

Liberians also fled across the borders. In 2001, some 15,000 Liberians fled to Sierra Leone and nearly 5,000 to Ivory Coast. Although some Liberians were able to flee into Guinea, the Guinean government officially closed the border to Liberian refugees from Lofa County following cross-border fighting between Liberian, Guinean, and Sierra Leonean rebel and government forces in late 2000. This cross-border fighting also affected a longstanding Liberian refugee population that had been in Guinea for the past decade. Guinean security and civilians also targeted

refugees for attack following xenophobic statements by President Lansana Conte in September 2000. In early 2001, as the violence at the border subsided, the Office of the U.N. High Commissioner for Refugees (UNHCR) and the Guinean government relocated some 60,000 refugees (largely Sierra Leoneans) to inland camps in Guinea. In May 2001, the relocation program ended and an unknown number of refugees chose to remain at the embattled border.

## **DEFENDING HUMAN RIGHTS**

Following the escalation of fighting in Lofa County and a stinging December 2000 U.N. report on Liberian support of Sierra Leonean rebels, the government intensified attacks on human rights groups. Liberian security forces harassed, arrested, and tortured perceived critics, and human rights activists continued to flee the country in fear of government reprisals. Despite the threats, a small but dedicated human rights community continued to work in Liberia.

The leader of the Catholic Church's Justice and Peace Commission, a key human rights defender, said in March that he had received threats from "prominent individuals" in retaliation for a report critical of the government's human rights record. The commission's premises, which had been the object of previous attacks by security forces, were burglarized a few months later. Despite the climate of fear, human rights organizations persisted in their activities. By contrast, the government's National Human Rights Commission was inactive.

Thompson Ade-Bayo, a human rights activist who had been in hiding for a week, was arrested and detained by the police in September. He was wanted for criticizing as illegal the government's anti-terrorist security unit, which he had described as functioning like President Taylor's private army.

Lawyers in the Liberian National Bar Association came under attack for speaking out against the lack of due process in the courts. In October, two lawyers—Marcus Jones, vice president of the Liberia National Bar and Ishmael Campbell, president of the Montserrado County Bar—were ordered detained by the House of Representatives and fined after they protested its order for the detention of their colleague and Bar Association president Emmanuel Wureh. Wureh was detained for contempt of court in late September, but was released the first week of October after a week-long boycott of courts by lawyers. The two lawyers had called the House of Representative's order "unconstitutional" and urged a boycott of the courts. Although the two paid the fine, they were informed that they would be detained until March 2002 unless they retracted their statement. On October 11, lawyers started a second round of boycotts to protest the continued detention of their two colleagues.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

A downturn in foreign aid for development and relief efforts created a humanitarian crisis. Relief organizations struggling to help Liberians displaced by war

expressed strong concerns over dwindling resources. Donors stayed away, accusing the Taylor government's of human rights violations, poor economic policies, and continuing involvement in arms smuggling.

### **United Nations**

The U.N. Security Council played an active role in attempting to end the arms-for-diamonds trade in Liberia and the subregion. In December 2000, the U.N. panel monitoring compliance with the arms embargo placed on supplies to the RUF in Sierra Leone reported that the Liberian logging industry played a key role in arms trafficking. In May, the Security Council imposed a ban on Liberian diamond exports (believed in fact to derive mostly from Sierra Leone), as well as an arms embargo on Liberia itself, and a ban on foreign travel by President Taylor and more than 130 senior government officials and their spouses. An October 2001 report for the Security Council prepared by the Independent Panel of Experts found that illegal arms shipments to Liberia continued despite the arms embargo.

In response to the international scrutiny, the government made some gestures. In January, it grounded all aircraft registered in Liberia to review their legality, following accusations that Liberian-registered airplanes were flying arms to Sierra Leone. In March, Liberia banned diamond exports as well as imports of uncertified rough diamonds. However, arms continued to flow, financed by the unregulated trade in Liberian timber, which was not affected by any sanctions. A Danish trading company, however, announced in July that it would stop selling Liberian timber in Europe.

On August 14, 2001, the U.N. Committee on the Elimination of Racial Discrimination expressed concern about "reports of extrajudicial killings, allegations of torture, including rape, and the lack of accountability of perpetrators, including government security forces, for these abuses." On August 16, 2001, the U.N. Security Council publicly stressed "the need for human rights abuses to cease by whatever parties they are committed" in Liberia. In contrast, the U.N. Office in Liberia (UNOL) Peace-building Support Office played little or no active role in addressing the growing repression and abuses in Liberia.

### **European Union**

In July the E.U. agreed to open consultations with the Liberian government about the worsening situation in human rights, democratic principles, and the rule of law, citing "serious cases of corruption" as the primary impetus for the move. It was the first time the commission proposed using articles 96 and 97 of the Cotonou Agreement signed in Benin in June 2000 by the E.U. and the African, Caribbean, and Pacific (ACP) nations. The E.U. expressed concerns over a "significantly deteriorated" political situation, threats to freedom of the press, attacks on human rights activists, and mismanagement of public funds. In October, European Union (E.U.) envoy Hans Dahlgren visited Liberia, Sierra Leone, and Guinea to examine prospects for peace and security in the region, and to formulate an E.U. policy on the crisis in the region.

The biggest aid donor to Liberia since the civil war ended, the E.U. suspended approximately U.S. \$50 million in aid in 2000 to pressure the Taylor government to cut its support to RUF rebels. In May 2001, E.U. member states approved a 25-million-euro (approximately U.S. \$22 million) program to assist programs for resettling refugees and displaced people.

### **United States**

Relations between the U.S. and Liberia further deteriorated as President Taylor's role in fueling the war in Sierra Leone became more evident. Following U.N. sanctions in May, the U.S. prohibited the importation of Liberian rough diamonds. The Bush administration continued the Clinton policy of isolating Taylor politically and diplomatically, although the U.S. was less public in its approach. Administration officials stressed that until Taylor ceased efforts to destabilize the subregion, including his support for the RUF in Sierra Leone, U.S. policy would remain unchanged.

After the E.U., the U.S. was Liberia's largest donor, providing one-third of the country's total assistance. From 1997 to 2000, the USAID program focused on the resettlement of refugees and internally displaced persons and a modest, but less successful, democracy and governance program. In August, USAID reported that "the oppressive and irresponsible Charles Taylor government has overshadowed these achievements and alienated its citizens and the donor community." The agency continued to support delivery of food and health care services in 2001, but planned to put greater emphasis on strengthening civil society.

## **NIGERIA**

### **HUMAN RIGHTS DEVELOPMENTS**

Halfway through the four-year term of Olusegun Obasanjo's presidency, the overall human rights picture in Nigeria was mixed. There were investigations into past abuses but alarming developments, in particular recurring violence between ethnic or religious groups in several parts of the country. The military responded to attacks on its own personnel with indiscriminate killings of civilians. Political tension increased in the run-up to elections scheduled for 2003. Nigerians were expressing disillusion with the lack of fundamental change since the advent of a civilian government in 1999. The legacy of decades of repressive military rule was still keenly felt. The police were not only ineffective in maintaining law and order, but also responsible for serious human rights violations themselves.

Corruption remained rampant, despite the creation of an anti-corruption commission and adoption of anti-corruption legislation in 2000. However, the government took steps to recover some of the wealth appropriated by senior members of

former governments, in particular that of Sani Abacha (1993-1998), and asked other governments to freeze some of their assets abroad.

The commission set up in 1999 to investigate human rights abuses committed under previous governments, chaired by Chukwudifu Oputa (known as the Oputa panel), received over 10,000 submissions, of which it was only able to consider around two hundred; these included numerous testimonies of killings, rape, and other abuses by the security forces against Ogoni civilians in the oil-producing Niger Delta region in 1993-1994. The commission held public hearings in Lagos, Abuja, Port Harcourt, Kano, and Enugu. Its summons to former heads of state Abdulsalami Abubakar, Ibrahim Babangida, and Muhammad Buhari was the focus of much attention. By October, when the commission concluded its hearings, none of them had agreed to testify. President Obasanjo himself appeared before the panel in September in connection with events during his first presidency as military ruler (1976-1979). The Oputa panel was under-resourced and had limited powers: it could only make recommendations, not ensure arrests or prosecutions. Nevertheless, it played an important role in beginning to erode the decades of impunity of human rights violators in Nigeria. Its hearings were televised and closely followed by the public, raising awareness of human rights and the principle of accountability.

In contrast, little action was taken by the government to investigate human rights abuses committed since it came to power. There was still no public investigation into the Nigerian military's November 1999 massacre of hundreds of civilians and widespread destruction in the town of Odi in Bayelsa State. President Obasanjo visited Odi in March 2001, but no one was brought to justice for these abuses. In August, the National Human Rights Commission (NHRC) called on the government to speed up the reconstruction and rehabilitation of Odi.

Members of the security forces were responsible for numerous extrajudicial executions, including a series of massacres by the military in Benue State in October. On October 22 and 23, soldiers killed more than two hundred (and possibly many more) civilians of the Tiv ethnic group in Gbagi, Zaki-Biam, and several other villages, and engaged in widespread destruction of homes and property. The soldiers, who were apparently acting in revenge for the murder of nineteen soldiers attributed to a Tiv armed group less than two weeks earlier, gathered villagers for a "meeting" then opened fire on them indiscriminately. Senior government and military officials including President Obasanjo initially sought to excuse the military's actions by claiming that they were acting in self-defense.

When confronted with real or suspected common criminals, the police in many cases appeared to make little attempt to arrest the suspects. They shot on sight suspected armed robbers, alleged members of ethnic militia, and youth in the Niger Delta region accused of plundering oil, vandalizing facilities, or obstructing oil production. Detainees were also shot dead while in police custody. There were reports of police brutality including beatings and arbitrary arrests when police broke up rallies of opposition groups.

The police clamped down on the activities of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), a group which advocates autonomy for the Igbo people. MASSOB meetings were repeatedly and violently broken

up by police, their offices raided, and hundreds of MASSOB members arrested; many were detained without charge. Their leader, Ralph Uwazuruike, was arrested several times. Police summarily executed several MASSOB members, in particular during a police attack on their office in Okigwe in Abia state, in February, when at least ten MASSOB members were reportedly killed.

The police were ineffective in controlling the high crime rate. The inadequate size of the force, low morale, poor working conditions, and insufficient training all encouraged corruption and brutality within the police force and reinforced its lack of respect among the population. The government announced a major reform and expansion of the police, including plans to increase its numbers by tens of thousands as part of a five year program, and launched a campaign to improve its image.

Civilian "vigilante" groups were seen by some as the answer to, or a substitute for, the inability of the police to reduce crime levels. Despite the violence and brutality that characterized many of their operations, some of these groups, for example in Anambra and Lagos states, enjoyed the active and public support of their state governor. The Bakassi Boys in the south-east and the O'odua People's Congress (OPC) in the south-west were responsible for scores of deaths of alleged armed robbers. When apprehending suspected criminals, they often killed them on the spot. The Bakassi Boys also burned and mutilated their victims and systematically tortured detainees in their custody with impunity and, in some cases, on the effective authority of the state governor. In several southeastern states, the Bakassi Boys were used to target suspected political opponents and critics, as well as to settle scores and intervene in private disputes.

Members of the OPC, a more explicitly political group claiming to advocate for the Yoruba cause and officially banned in 1999, had many violent clashes with the police, attacking police stations and killing and injuring policemen. The police response, in turn, was heavy-handed. Many real or suspected OPC members were arrested and several killed. In August, prominent OPC leader Ganiyu Adams was arrested and charged with several offences including murder, torture, arson, and armed robbery; he was released in November.

In the north, civilian groups were used by the state authorities to enforce Sharia (Islamic law) in those states which had extended its application to criminal law. Some administered instant punishments to those caught violating Sharia law. In January, the governor of Zamfara state announced that he was giving powers of arrest and prosecution to local Islamic "vigilante" groups as the police had failed in their duties.

Sharia criminal courts handed down judgments in several northern states; until 1999, they had operated only for personal status law. Punishments amounting to cruel, inhuman, and degrading treatment included floggings and amputations, for offenses ranging from extra-marital sex to consumption or sale of alcohol, or theft. Floggings were carried out in public, sometimes immediately after the sentence was handed down by the court, apparently disregarding the right to appeal. The victims included minors, such as a seventeen-year-old mother convicted for pre-marital sex who was flogged in Zamfara state in January, less than a month after giving birth. In June, a court in Kebbi state ordered that a fifteen-year-old boy's hand be amputated after he was found guilty of theft; it was not known whether the sen-

tence was carried out. At least two people were sentenced to death by stoning, including a pregnant woman in Sokoto; by November these death sentences had not been carried out.

While government officials repeatedly stated that Sharia law only applied to Muslims, it inevitably had consequences for Christians living in the northern states. On several occasions, civilian groups attacked establishments owned by Christians and destroyed consignments of alcohol. Rules such as those that forbid women from traveling with men in public vehicles were applied to Christians as well as Muslims. In January, a group claiming to enforce Sharia flogged a Christian man for selling alcohol.

There were several waves of serious inter-communal violence in various parts of the country. In the central state of Nasarawa, between one hundred and two hundred people were killed in June and July in clashes between the Tiv and several other ethnic groups; tens of thousands fleeing the violence were internally displaced. There had been earlier spates of violence in this area, particularly during April and May. In July and August, violence broke out between Christians and Muslims in Tafawa Balewa in Bauchi state, apparently in response to the introduction of Sharia there. In September, more than 1,000 people were estimated to have been killed in violence between Muslims and Christians in Jos, Plateau State; Human Rights Watch researchers who visited Jos in October gathered eyewitness testimony of the violence from both communities. In October, further violence erupted in the northern city of Kano following protests at the United States attacks on Afghanistan.

The Niger Delta continued to experience tension between different ethnic groups. There was also continuing conflict between local communities and the oil companies operating in the area, as well as government representatives. Communities continued to complain bitterly about the absence of local benefits from the exploitation of natural resources and lack of compensation for damage to the environment. The creation by the government of a Nigeria Delta Development Commission in 2000 did little to pacify them and was not very effective. There were several incidents in which security personnel posted at oil facilities shot and wounded or killed young men protesting oil production. Other protesters were arrested.

There were widespread violations of the rights of women and children. Reports were common of trafficking of Nigerian women and teenage girls for prostitution or slavery, to other West African countries as well as to Europe. In some cases trafficked women or girls were deported back to Nigeria. In June, a report by the International Labour Organization (ILO) identified a number of states in Nigeria as central points for child trafficking, both in terms of supplying and receiving children as well as acting as transit routes. There were also reports of trafficking of boys and girls under the age of ten for child labor. Government officials repeatedly declared their resolve to stamp out trafficking. A number of alleged traffickers were arrested, but overall, the practice remained entrenched, despite initiatives by several governmental and nongovernmental bodies, including the Presidential Task Force on Human Trafficking and Child Labour.

While female genital mutilation remained a common practice, some states took

welcome steps to eradicate it. The Rivers State House of Assembly passed a bill to abolish female circumcision. There were moves towards adopting similar legislation in Delta State. In March, it was reported that the Enugu State House of Assembly passed a bill to protect women from traditional practices which are considered physically, psychologically, or emotionally harmful to them.

Prison conditions remained poor and sometimes life-threatening, despite government promises to release funds for improvements as part of longer-term prison reform plans. Prisons were congested, with inadequate facilities and very limited access to medical care. More than two-thirds of detainees were held without trial, many having spent several years in detention. Torture and ill-treatment were widespread, especially in police custody.

## **DEFENDING HUMAN RIGHTS**

A broad range of nongovernmental organizations continued to work actively on a variety of issues including freedom of expression, women's rights, and proposals for reform of law enforcement agencies and the judiciary. They were generally able to carry out their activities without hindrance or obstruction from the authorities. Likewise, journalists were mostly able to report critically and encourage public debate, including on sensitive issues. The NGO Media Rights Agenda, along with journalists' groups, initiated discussion of proposals for a draft law which would harmonize laws governing the media and enshrine freedom of expression in the legislation.

The National Human Rights Commission, a government-appointed body created in 1996, suffered from a lack of resources and complained of difficulties in compelling alleged human rights violators to cooperate with its investigations. Nevertheless it attempted to carry out a range of activities as part of an ambitious national program, including several workshops with nongovernmental human rights organizations.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

### **United States**

Nigeria, the fifth largest supplier of U.S. crude oil imports in 2000, assumed further importance to the United States as a leader in West Africa and throughout the continent, often referred to by U.S. officials as an "anchor state." U.S. policy focused on supporting democratic and economic reform, including civil-military relations and police reform, but rarely including public criticism on human rights grounds.

U.S. assistance to the Nigerian military came in two main forms. Military Professional Resources International (MPRI), a consulting firm on contract with the U.S. government, carried out a retraining and restructuring program as part of the Nigerian government's plans to reform the army. The stated aims of the program, initially paid for by the U.S. Agency for International Development (USAID) along

with the Nigerian government, included restoring greater civilian control over the military. A separate military training program conducted by United States Special Forces and designed for peacekeeping duty in Sierra Leone, known as Operation Focus Relief, involved training and equipment for five Nigerian battalions. The training was reportedly aimed at enhancing combat skills and strengthening command and control, and included a human rights component; the equipment included small arms, communications equipment and vehicles. However, the program lacked an effective monitoring and accountability component, a serious shortcoming given the history of abuses by the Nigerian military.

The United States, in part through USAID, was one of the major bilateral donors to Nigeria, with an annual USAID budget of U.S. \$20 million for support to democracy and good governance and economic reform. The program of the Office of Transition Initiatives (OTI), set up by USAID to assist Nigeria's transition towards reconciliation and democracy, concluded in 2001. It sponsored workshops on various themes including election-related violence, conflict management, and relations between police and local communities. Its annual budget was U.S. \$6 million; the majority of its grants were allocated to nongovernmental organizations and civil society groups.

The U.S. Department of State country report on human rights practices for 2000 provided an accurate assessment of the human rights situation; it stated that the Nigerian government's human rights record remained poor, while commenting on some improvements. It highlighted extrajudicial executions and excessive use of force by the police and military, prolonged pre-trial detention, violence between ethnic and religious groups, and violations of the rights of women as some of the main human rights problems.

In May, the U.S. Commission on International Religious Freedom published a report in which it expressed heightened concern about violent clashes between Nigerian Muslims and Christians in 2000 and threats to religious freedom, including reports of discrimination against Muslims in the south and Christians in the north. The report commented on tensions sparked off by the extension of Sharia law. A report on religious freedom published by the U.S. Department of State in October also commented on a deterioration of religious freedom particularly in northern states.

President Obasanjo visited the United States in May 2001 to meet President George W. Bush and other U.S. government officials, and again in November to discuss anti-terrorism measures. After the September 11 attacks on the United States, President Bush called President Obasanjo to brief him on U.S. actions.

### **European Union**

The United Kingdom was the main country providing assistance to Nigeria. The Department for International Development (DFID) had an extensive program and identified safety, security, and access to justice as priority themes. In January, a workshop in Abuja on justice sector reform was sponsored jointly by DFID and USAID. The European Commission also funded a variety of projects to promote democracy and justice.

In September, the United Kingdom and Nigeria signed a Memorandum of Understanding on military cooperation, under which advice on training and re-equipment would be supplied to the Nigerian armed forces through British personnel on secondment to the Nigerian Ministry of Defense. President Obasanjo visited the United Kingdom in September for a meeting of several African heads of state called by British Prime Minister Tony Blair.

In August a re-admission agreement was signed between the Irish and Nigerian governments to facilitate the deportation of Nigerians whose claims for asylum in Ireland had been turned down, as well as other Nigerian immigrants rejected by Ireland. The Irish Government denied claims that the deal was linked to an increase in Irish aid to Nigeria.

The European Union (E.U.) itself worked towards strengthening relations with Nigeria. A special joint meeting on Nigeria of the Africa Working Group and the Africa, Caribbean and Pacific Working Group was held in March. It resulted in a Common Position on Nigeria that will constitute the basis for regular political dialogue, aimed at supporting consolidation of democracy, respect for human rights, the rule of law, and good governance. In January, the E.U. condemned the use of corporal punishment in the flogging sentence imposed on a seventeen-year-old girl in Zamfara state.

### **World Bank and International Monetary Fund (IMF)**

In 2001 two World Bank projects were approved: a community-based poverty reduction project for U.S. \$60 million and a privatization support project for U.S. \$114.3 million. Two projects were approved for 2002, including a U.S. \$90.3 million HIV/AIDS project.

NGOs in the Niger Delta complained to the World Bank about a decision to establish the Niger Delta Contractor Revolving Credit Facility, a controversial scheme set up by the International Finance Corporation (part of the World Bank Group) in conjunction with Shell. The complaint centered around the absence of consultation with local communities about the benefits of the scheme, which was intended to relieve poverty by providing credit facilities to Nigerian contractors working with Shell, and lack of confidence in Shell in the light of the company's past environmental and human rights record.

Representatives of the International Monetary Fund (IMF) visited Nigeria. In a review of Nigeria's economy, the IMF expressed concern about macroeconomic imbalances, increased inflation and foreign exchange instability.

**RWANDA****HUMAN RIGHTS DEVELOPMENTS**

Rwanda appeared to be moving towards greater democracy by decentralizing the administration, drafting a new constitution, and holding local elections. But at the same time the government suppressed a new political party and imposed new limits on civil society. The dominant Rwandan Patriotic Front (RPF) was permitted to recruit extensively while other political parties were banned from any local activities. Justice for the 1994 genocide that killed at least half a million Tutsi advanced slowly in both national and international jurisdictions. Elections for judges under a new system of “popular” justice called *gacaca* spurred hopes of faster resolution of the cases of over 100,000 people still jailed on accusations of genocide, but trials under the new system were unlikely before mid-2002.

Rwanda professed commitment to ending the war in neighboring Congo, but its troops, allied with the Congolese Rally for Democracy (RCD), intensified combat in the eastern provinces of North and South Kivu during September and October. At the same time Rwandan troops were reported fighting rebels inside Burundi, some of them Rwandan, some Burundian, and late in the year troop movements fed speculation about possible war with Uganda.

Rwandan army soldiers assisted their RCD allies in abducting and forcibly recruiting children and men to serve in the RCD armed forces. Rwandan military and civilian authorities continued to use some children as part of the official paramilitary Local Defense Force which sometimes engaged in combat.

From May through July, Rwandan troops fought and defeated the rebel Rwandan Liberation Army (ALIR) which had crossed from bases in the Democratic Republic of Congo (DRC) into northwestern Rwanda. The Rwandan army reportedly killed some 2,000 combatants and captured about the same number who were then detained for “re-education” in “solidarity” camps. In contrast to previous practices, neither Rwandan government soldiers nor ALIR rebels targeted civilians during these months of combat. The ALIR forces had several hundred child soldiers in their ranks, some of whom served in combat. In September and October, rebel combatants fought several skirmishes with Rwandan army soldiers in southwestern Rwanda. Assailants, said by the government to be rebels, ambushed a vehicle in that region and killed one passenger.

In March, Rwandans voted, generally without incident, for district councils. A complicated system of indirect elections gave disproportionate importance to the vote of officials, many of whom had taken office since 1999. In some places RPF representatives and some officials manipulated the registration of candidates, some 45 percent of whom ran unopposed. Party and administrative officials also exerted pressure on voters in some cases, ordinarily in favor of the incumbent. More than 80 percent of incumbent district mayors were re-elected. The law organizing these local elections prohibited political party activity in apparent violation of the con-

stitution. Parties generally observed a moratorium on grass-roots activities, as demanded by the RPF. Ignoring both the electoral law and the moratorium, the RPF recruited new members and did electoral campaigning in some areas. It was not called to account for its activities.

While a commission worked to prepare a new constitution which would supposedly guarantee political freedoms, the government did not honor those guaranteed under the existing fundamental law. In June, former president Pasteur Bizimungu sought to organize a new political party, as permitted by the current constitution. But the government declared the party illegal and twice put Bizimungu under house arrest for brief periods after he had spoken with journalists. Street gangs attacked Bizimungu and another prominent supporter of the new party and several other founding members were threatened and felt obliged to resign to protect themselves.

Others said to have been critical of the government were assassinated or fled the country. A well-known military officer and diplomat, Alphonse Mbayire, was shot in the head twenty-eight times by a RPF soldier in February. Although the assassin was identified by several eyewitnesses, he escaped arrest. At least two other military officers "disappeared" during the year. One, Major Alexis Ruzindana, was believed to have been assassinated as well. Both Mbayire and Ruzindana were reportedly suspected of dissatisfaction with the government and of contacts with dissidents outside the country. These killings resembled that of leading genocide survivor Assiel Kabera in 2000, a crime for which no one was charged.

A military officer of the former government's army, taken into custody by Rwandan military authorities in the DRC last year, was later traced to military detention facilities in Gisenyi and Kigali, but subsequently "disappeared." Civilians last known to have been in custody also "disappeared" during the year, including a Congolese tailor last known to have been detained in a military camp in May. A farmer from Kigali Rural was reportedly last seen at the home of an influential member of the RPF in February 2001 with whom he had a dispute. His family received no official help in locating him.

A number of dissatisfied RPA soldiers fled to Uganda where the Rwandan government said they were organizing rebel forces to attack it. Rwanda accused Uganda of aiding these efforts, one of the reasons for heightened tensions and rumors of war between Rwanda and Uganda near the end of the year. In April, seven jurists were detained for several weeks without charge, all of them returned former refugees from Uganda and reportedly accused of links with Rwandan dissidents there.

Several prominent civilians known to have been critical of the government also fled Rwanda. They included a former cabinet minister who was Hutu and a bank president who was Tutsi. In the latter case, the government accused the financier of fraud and sought his arrest on an international warrant. A colonel suspected of having favored Bizimungu's new party was arrested when the new party was suppressed; he was convicted of financial misconduct in a family affair and sentenced to prison. A former parliamentarian who was arrested on charges of fraud in 2000 shortly after he issued a statement criticizing the government remained in prison without trial.

In April, the government published a new law giving authorities broad powers to control the management, finances, and projects of local and international non-governmental organizations. Ministerial directives to implement the law, under discussion at the end of the year, seemed meant to tighten control further. Authorities sent police to disrupt meetings of two human rights organizations in June and August. Security agents detained and interrogated representatives of the Rwanda Debt Relief Network in September after they made critical statements about poverty in Rwanda. Authorities accused these civil society actors of representing political parties and of inciting ethnic divisions.

The government permitted numerous journals to publish, some of them representing independent voices, and granted the Voice of America FM broadcast rights in Rwanda. But security agents called in staff of one critical newspaper twelve times for questioning and the journal ceased publication of its English edition. Rwandan journalists who interviewed Bizimungu when he tried to establish his new party were questioned by security agents and intimidated into handing over a tape recording of the interview. Authorities also threatened action against the British Broadcasting Corporation after it aired an interview with Bizimungu.

With well over 100,000 persons still detained on accusations of genocide, the government gave new attention to improving the delivery of justice. In April, the government published a law creating more than 11,000 jurisdictions for *gacaca*, an innovative system of popular justice. Supposedly inspired by the spirit of local conflict-resolution practices, the system in fact reflects the highly centralized administrative system and will work from materials prepared by prosecutors. According to the law, neither accused nor victim has the right to counsel. Nor has the accused any right to appeal the categorization of his or her crime into one of four levels of gravity, a designation with major consequences for punishment. Those assigned to category one by *gacaca* jurisdictions are to be tried in regular courts and will likely be sentenced to death if found guilty. Despite the absence of some basic guarantees of due process, the innovative system offered the only hope of trial within the foreseeable future for the tens of thousands now suffering inhumane conditions in prisons and communal lockups. The election of more than 200,000 *gacaca* judges in October raised expectations that trials would soon begin, but proceedings seemed unlikely before mid-2002 at the earliest. Judges must be trained and prosecutors, overburdened with work in the regular courts, must prepare case files and summaries of them from which the *gacaca* jurisdictions will work. The legislature must pass a law on the indemnization of victims and authorities must work out implementation of the community labor which may be imposed as punishment on the guilty.

Throughout the year authorities made some efforts to deal with the thousands of detainees who still have no specific charges against them, sometimes after seven years in prison. Prosecutors continued the practice begun in late 2000 of bringing such persons before their home communities to ask for testimonies against them, in the absence of which the persons were provisionally freed. Hundreds were liberated in this way. Authorities also encouraged detainees to confess in a plea-bargaining procedure which was meant to shorten trials but seemed unlikely to speed proceedings greatly since prosecutors must establish the validity of each confession and over 15,000 confessions awaited examination.

As of March 2001, 5,310 persons had been tried on charges of genocide in the formal court system, some 17 percent of whom were acquitted. Courts worked at a slightly faster pace in the two last years and sentenced fewer of the convicted to death. From 1996 to 1999 more than 30 percent of those found guilty were sentenced to die, but in 2000 only 8.5 percent received this penalty and no one was executed. Despite the widespread prevalence of rape during the genocide, few accused have been tried on this charge, in part because the predominantly male judicial personnel showed little concern for such prosecutions, in part because victims hesitated to come forward.

Hundreds of minors under the age of fourteen at the time of their supposed crime and as such not criminally responsible under Rwandan law were held in prison on charges of genocide until December 2000. After years of promises, authorities finally released over four hundred to a "solidarity camp" for re-education. Hundreds of others remained illegally in detention until September 2001 when they were sent for "re-education;" they were released in November. Thousands of detainees who were aged fourteen to eighteen at the time of their alleged crimes remained in detention. Although supposed to benefit from priority in processing, most did not.

In several cases persons tried, acquitted, and released were later re-arrested after public protest against the verdicts. Eight detainees acquitted in Butare in December 2000 were never released and were to be tried a second time on "new facts." In November 2001, one died, still in detention. Magistrates involved in their acquittal were transferred to other posts with the result that no judgments in genocide cases were issued in that jurisdiction in the first quarter of 2001. Three judges arrested in 2000 on charges of genocide remained in jail; two had served on panels that had acquitted accused persons in well-publicized cases prior to their own arrests.

Authorities recognized corruption in the judiciary as widespread and serious and called on judicial personnel to reform. Both prosecutors and judges were accused of accepting bribes, either to free the accused or to assure their conviction regardless of guilt.

In March the attorney general issued a revised list of category one genocide suspects, those charged with the worst crimes. Some eight hundred persons had been added to the previous list issued in 1999, bringing the total to nearly 2,900. Among the additions was Pierre-Celestin Rwigema, prime minister of Rwanda from 1995 to 2000 and currently living in exile. Also listed was Col. Pierre Habimana of the former Rwandan army, in the hands of Rwandan authorities since July 2001 but not yet charged with genocide as of late 2001.

Authorities did little to protect children from abuse and exploitation and in the capital local officials supervised a harsh campaign to rid Kigali of thousands of street children. Police and members of the Local Defense Force forcibly rounded up the children and sometimes beat them before detaining them in ill-equipped centers. An estimated 400,000 orphans lived in child-headed households or in unofficial fostering arrangements. Many were exploited as domestic laborers or lost their property to adults.

The government debated a new policy on land holdings while at the local level disputes over acquisition of large holdings by the powerful continued. Authorities

slowed implementation of the forced villagization which had displaced hundreds of thousands of persons in previous years.

## **DEFENDING HUMAN RIGHTS**

Authorities harassed the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR), the most important human rights organization in the country, after it published a press release criticizing conditions at one prison. A journalist lost his job at the national radio after giving an internationally-broadcast interview about the press release. Authorities threatened a LIPRODHOR representative with arrest in one province and banned educational programs by the organization in three provinces. Government officials attempted to interfere in staffing decisions and blocked disbursement of funds granted LIPRODHOR by an international agency.

Police disrupted an initial meeting of a new human rights organization, Justice and Peace, but authorities later permitted the new group to meet.

The National Human Rights Commission expanded both staff and activities. In its first substantial report on the human rights situation, the commission showed some independence from authorities and detailed a number of cases of abuses.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

As the international community became increasingly critical of the Rwandan role in the Congo war, the U.N. Security Council in October called upon Rwanda and other signatories to the Lusaka Accords to implement their commitments, including withdrawing their troops. The council also urged all parties to end their continuing human rights abuses. In April a panel of experts named by the Security Council published a report documenting the illegal exploitation of Congolese resources by Rwandans and other foreign actors and suggesting that economic rather than security considerations explained the continued presence of Rwandan troops in the eastern DRC. After those criticized contested the findings, the Security Council mandated a second report. Issued in November, it confirmed the original conclusions regarding Rwandan conduct and added new criticism of Zimbabwe and others.

The U.N. Commission on Human Rights ended the mandate of its special representative for Rwanda. The result of extensive lobbying by Rwandan delegates, this decision underestimated the gravity of continuing human rights abuses in Rwanda.

The European Union pressed for an end to the Congo war, sending a high level delegation to the region in November. It budgeted some \$100 million in assistance to Rwanda for 2000-2001 but not all of that amount was spent. It granted \$1.2 million to the National Human Rights Commission to help it monitor gacaca proceedings.

Despite reservations about Rwandan involvement in the Congo war, international actors expressed continued confidence in the Rwandan domestic political

and economic situation. The International Monetary Fund (IMF) released U.S.\$ 12 million for a three year poverty reduction plan and the World Bank, the IMF, the African Development Fund, and the International Fund for Agricultural Development cancelled \$25 million of Rwandan foreign debt. France, in the past critical of the Rwandan government, showed new willingness to support such international aid measures after Foreign Minister Herbert Vedrine was well received in Kigali. Germany granted \$16.8 million for development and China granted \$3.6 million and forgave more than \$16 million in Rwandan debt. The United Kingdom, still the most enthusiastic supporter of the Rwandan government, continued its ten-year program of \$70 million in general budget support.

In the United States the Bush administration adopted a more neutral position in the Great Lakes crisis coincidental with its general reduction of engagement elsewhere in Africa and joined other donors in criticizing Rwandan involvement in the Congo war. Embassy staff closely monitored the conduct of both Rwandan troops and ALIR rebels during the combat in northwestern Rwanda in May through July, thus encouraging observation of international humanitarian law. Permitted to establish FM service for the Voice of America (VOA) in Rwanda, the U.S. failed to criticize publicly government intimidation of the press even though a VOA journalist was among those harassed. Although State Department officials privately expressed more reservations about the Rwandan government than in the past, the U.S. provided \$14 million in development assistance and another \$1.5 million under the Great Lakes Justice Initiative.

The International Criminal Tribunal for Rwanda had fifty-two persons in custody, eight of whom had been tried and convicted of genocide. One accused person was acquitted in 2001. The tribunal continued to suffer from serious management problems and was increasingly criticized for its expense and delays in delivering justice. A Belgian court found four persons guilty of genocide in the first jury trial held anywhere in connection with the 1994 slaughter and sentenced them to prison terms ranging from twelve to twenty years.

### **Relevant Human Rights Watch Reports:**

*Uprooting the Rural Poor in Rwanda, 5/01*

## **SIERRA LEONE**

### **HUMAN RIGHTS DEVELOPMENTS**

Three agreements between the Sierra Leonean government and the rebel Revolutionary United Front (RUF) contributed to an improvement in the human rights situation in Sierra Leone in 2001. The first, signed in Abuja, Nigeria in November 2000, led to a ceasefire. The second and third agreements, signed in

May 2001, committed both parties to restart the disarmament process, provide for the reestablishment of government authority in former rebel held areas, and release all child combatants and abductees. Military pressure on the RUF by both the Guinean army, which responded to RUF cross-border raids by launching ground and air attacks into Sierra Leone, and the British-trained and led Sierra Leonean army, contributed to this process. Over 16,700 United Nations peacekeepers deployed into RUF strongholds, including the diamond-rich Kono District, and over 29,300 combatants were disarmed. The release of over 3,000 child soldiers, abductees, and separated children by the RUF and by pro-government civil defense militias was one of the most positive human rights developments of the year. However, serious violations, which often involved victims and perpetrators not only from Sierra Leone but also from neighboring Liberia and Guinea, were persistent and served to highlight the region's conflicts. The government extended its own mandate, but announced that elections due in 2001 would take place on May 14, 2002.

In 2001, Sierra Leone ratified the Mine Ban Treaty, the Convention against Torture, and the optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution, and child pornography.

Within government-controlled areas, pro-government militias committed numerous human rights violations with impunity. In the southern city of Bo, Kamajor militiamen intimidated and threatened police officers attempting to question several Kamajor suspects, forcing the police to later release them. There were numerous cases of sexual assault by Kamajor militiamen, including gang rape and the rape of children. Members of civil defense militias returning from refugee camps in Guinea through RUF-held areas attacked, looted, and burned several villages, and in June massacred at least twenty-two civilians, including nine children, in Yiriai village, in northern Koinadugu District, in what was the worst single atrocity of the year.

From January through November 2001, the government released 137 detainees, including thirteen children, who since May 2000 had been held without charge under the 1991 State of Emergency Act. However, scores remained in detention and were systematically denied the right to counsel and to have contact with their families. The whereabouts of RUF leader Foday Sankoh remained undisclosed. At least ten RUF prisoners died in custody. In December 2000, the International Committee of the Red Cross received government authorization to visit detention facilities, although its delegates were again excluded for some two months following a March 14 riot over poor prison conditions within Freetown's central prison.

The human rights picture within RUF-held areas improved somewhat relative to previous years. Some RUF commanders attempted to discipline combatants who committed abuses. Nevertheless, RUF forces, often acting together with Liberian government troops, committed scores of serious abuses including rape, murder, abduction, and subjection to forced labor. The victims of these abuses included Sierra Leoneans returning from refugee camps in Guinea; Guinean civilians, attacked during a campaign of cross-border raids from September 2000 through April 2001; and Liberians fleeing renewed fighting in Lofa county from April 2001.

The RUF abducted at least one hundred Guineans, including children and the elderly, and held them in Kailahun for up to five months. UNHCR and other aid agencies were on a few occasions refused permission to evacuate sick and severely malnourished refugees. Refugees were very often forced to work in exchange for permission to leave rebel held areas. Scores of refugees died of illness and hundreds suffered moderate to severe malnourishment. While the RUF released or demobilized more than 1,500 male child combatants, they were reluctant to release Sierra Leonean and Guinean female abductees, most of whom were suspected of having been sexually abused.

Fighting between the RUF and civil defense militias in the east of the country in June through August 2001 left tens of civilians dead. In June and July, RUF combatants attacked several villages, including Porpon, in which they killed at least three children, hacked off the ear of one man, and abducted at least sixteen civilians. On July 19, RUF combatants attacked Henekuma village and massacred at least ten civilians. There were several reports of members of pro-government militias having been tortured and summarily executed by the RUF, including the October 2000 execution of ten militiamen in Kambia District, and the May 2001 execution of two militiamen in Kono. In July, RUF rebels cut off the ear and severed the Achilles tendons of a militiaman captured in Koinadugu District.

From September 2000 through April 2001, RUF rebels and Liberian government forces acting together attacked refugee camps and villages just across the border with Guinea, then home to several hundred thousand Sierra Leonean and Liberian refugees. Following the attacks, Guinean security forces and the local population retaliated against the refugees, frequently looting, extorting, raping, and unlawfully detaining them. At least eleven refugees were tortured or beaten to death while detained within the Forecariah Prison in Southwestern Guinean, and several more detainees died of illness and starvation.

Guinean forces responded to RUF raids into Guinea by killing and wounding dozens of civilians in indiscriminate helicopter and artillery attacks against rebel-held areas of Sierra Leone in northern Kambia, Bombali, and Koinadugu districts. At least forty-two civilians, including eleven children, were killed during at least thirteen attacks between September 2000 and April 2001. Guinean troops also conducted several ground attacks during which several civilians were gunned down, several girls and women were raped, and houses were set on fire. Captured RUF combatants were summarily executed and at least eighteen RUF detainees "disappeared" following capture. In March 2001, Guinean troops amputated the hands of several RUF combatants detained during attacks on the towns of Kychom and Kasiri.

There were two reported cases of rape by U.N. peacekeepers, one involving a Guinean soldier accused of raping a twelve-year-old girl in Bo, and another involving a Nigerian. Both were at this writing under investigation. There were also reports of excessive use of force and illegal detention of civilians by Nigerian peacekeepers. In the most serious incident, in July 2001, the peacekeepers beat and in some cases tortured civilians they had detained after a riot in Port Loko. Following a UNAMSIL board of inquiry, disciplinary action was taken against two peacekeepers, including one lieutenant.

## **DEFENDING HUMAN RIGHTS**

Numerous nongovernmental human rights organizations operated in Sierra Leone, including the Campaign for Good Governance, Forum of Conscience, and Network Movement for Peace and Justice. Thirty-three of these groups were part of a coalition called the National Forum for Human Rights (NFHR) whose purpose was coordination and technical advice to the member groups. The establishment of government control over previously inaccessible areas allowed human rights groups to start operating outside the capital Freetown. However, most of these lacked proper funding, expertise, and institutional support. Most of their activities focused on human rights education for the public and preparing the groundwork for the planned Truth and Reconciliation Commission (TRC). As in past years, these groups did very little monitoring of continuing human rights abuses. Local human rights groups denounced the indiscriminate attack on civilians by a Guinean helicopter gunship, and governmental failure to provide due process for RUF prisoners, but in general remained reluctant to document and publicly denounce persistent abuses by either rebel or government forces.

The TRC mandated under the 1999 Lomé Peace Accord, was yet to be set up, though its establishment was a priority for both local human rights groups and the U.N. Mission in Sierra Leone (UNAMSIL) human rights section. The formation of an autonomous, quasi-judicial national human rights commission, also provided for in the 1999 Lomé Peace Accord, was slow and received little national or international attention. Legislation to establish the commission had yet to be presented to parliament.

Meanwhile, the existing governmental body, the National Commission for Democracy and Human Rights (NCDHR), formed in 1996, was severely constrained by lack of funds. It did little or no monitoring or documentation of human rights violations. Its activities consisted of human rights and civic education, and raising public awareness about the role of the TRC. It also continued to run a successful legal aid clinic for indigents.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

The activities of all key members of the international community were aimed at salvaging the fragile peace process shattered by the RUF in May 2000. Pressing human rights concerns received inadequate attention.

### **United Nations**

UNAMSIL's budget for 2001 was an estimated U.S.\$744 million. Security Council Resolution 1346, passed in March 2001, mandated that UNAMSIL's troop strength be increased from 13,000, to 17,500. At regular U.N.-chaired meetings between the RUF and the Sierra Leonean government, UNAMSIL failed to aggressively interpret the part of its mandate that allowed for the protection of civilians

or to emphasize concerns regarding ongoing violations against civilians. Members of the UNAMSIL human rights section were, for most of the year, not allowed to attend these meetings. The number of UNAMSIL human rights monitors—mandated in 2000 to be fourteen—was in mid-2001 increased to twenty by the Department of Peacekeeping Operations, but as of this writing, the unit never operated with more than fifteen. For most of the year the unit concentrated on conducting human rights education, and preparation for the TRC, rather than monitoring ongoing violations. However, the unit did complete thorough reports on RUF and Civil Defense Forces (CDF) violence in the east and on prison conditions, but lacked a regular channel for disseminating information.

On August 14, 2000, the Security Council adopted Resolution 1315, which authorized the secretary-general to enter into negotiations with the government of Sierra Leone to establish a Special Court for Sierra Leone, using both international and Sierra Leonean law, judges, and prosecutors, to bring the perpetrators of the most serious violations since 1996 to justice. At this writing, the draft statute for the court was yet to be finalized and, despite considerable efforts on the part of the secretary-general, funds for its operation were yet to be secured. By May 2001, the lack of member state contributions for the original budget of U.S.\$114 (for the first three years) led to budget revision. On June 14, 2001, the secretary-general submitted a revised three-year budget of U.S.\$56.8 million. On July 24, 2001, the Security Council approved the plans to go ahead with the Special Court despite a shortfall of one million dollars for the first year and forty million dollars for the next two years. A Sierra Leonean government proposal that the temporal jurisdiction of the court be extended back to 1991, the commencement of the war, was not supported.

In 2000, the U.N. Security Council adopted Resolution 1306, which imposed an eighteen month ban on the trade in rough diamonds from Sierra Leone that did not have a government certificate, and mandated setting up a five-person panel of experts to look into violations of sanctions and the link between the trade in diamonds and arms. On December 20, 2000, the findings of the panel of experts were published in a report which implicated, among others, the governments of Liberia, Burkina Faso, United Arab Emirates, and Belgium in facilitating illicit arms and diamond sales to the RUF. On March 7, 2001, the Security Council voted unanimously in support of Resolution 1343, which placed a global ban on the direct or indirect import of all rough diamonds from Liberia, and placed an international travel ban on senior member of the Liberian government. The ban came into effect two months later. On March 26, the U.N. secretary-general appointed a Panel of Experts to investigate any violations of the sanctions and possible links between the exploitation of natural resources and the fuelling of the conflict.

On October 30, the Panel of Experts published its findings. The panel found widespread violations of sanctions against Liberia and recommended that the council impose an arms embargo on all rebel groups in Mano River Union countries, extend the Liberian arms embargo and the rough diamonds sanctions and urged all U.N. members to stop supplying weapons to Guinea and Sierra Leone. The panel also focused on the importance of timber revenues for the government,

and called for the U.N. to impose a ban on all log exports from Liberia starting in July 2002.

Several high-level U.N. officials visited Sierra Leone, including Deputy Secretary-General Louise Frechette who visited in April, and Undersecretary-General of United Nations Peacekeeping Operations Hedi Annabi, in May. An August visit by U.N. Special Rapporteur on Violence against Women Radhika Coomaraswamy resulted in a call for more donor support to help victims of sexual violence.

UNHCR struggled to respond to the subregional crisis. After visiting the area in February 2001, High Commissioner Ruud Lubbers proposed a policy of humanitarian corridors for Sierra Leonean refugees in Guinea to return through rebel-held territory. However, following international criticism, it was decided rather to relocate the refugees to camps further within Guinea.

### **Organization of African Unity (OAU) and Economic Community of West African States (ECOWAS)**

Responding to the unfolding regional crisis brought on by cross-border raids, the ECOWAS Defense and Security Commission in December 2000 proposed to deploy a force of some 1,700 troops to secure the borders between Guinea, Sierra Leone, and Liberia. Although the OAU endorsed this plan in May, Guinea argued that the protection and monitoring mandate of the force was too weak. When neither Guinea nor Liberia had signed the status of forces agreement, and after ECOWAS heads of states insisted upon Security Council involvement and funding, the plan was dropped.

Nevertheless, members of the ECOWAS Committee of Six on Sierra Leone conducted considerable shuttle diplomacy aimed at restarting the Sierra Leonean peace process and seeking a diplomatic solution to the regional crisis. Together with the United Nations, ECOWAS was directly involved in securing the November 2000 Abuja Ceasefire Agreement, and a subsequent meeting in Abuja in May 2001 which committed the RUF and government to start disarming. During an extraordinary ECOWAS summit in Abuja, Nigeria on April 11, an ECOWAS mediation committee, comprising the presidents of Mali, Nigeria, and Togo was set up to encourage dialogue between the Mano River countries.

Ethiopian Kingsley Mamabolo, who was appointed the OAU special envoy to Sierra Leone in June 2000, made several low-profile visits to Sierra Leone, and representatives from the OAU were present as observers in several key meetings surrounding the Sierra Leonean peace process.

### **European Union**

In February 2001, the European Parliament issued a resolution on the situation in the Mano River Union strongly condemning cross-border incursions by all sides and urging all parties to respect the human rights of refugees, civilians, and humanitarian workers. In May, Hans Dahlgren, the Swedish State Secretary for Foreign Affairs, led an eight-member European Union Ministerial Delegation to the Mano

River countries. In July, Dahlgren was appointed E.U. special envoy in the Mano River region.

Since 1995 the European Commission has allocated more than 135 million ECU (U.S.\$120 million) to Sierra Leone for development, good governance, social-economic infrastructure, child protection programs, and health and rehabilitation projects over five years. In March 2001, the European Community granted 11 million ECU (U.S.\$9.7 million) to be distributed through the community's Humanitarian Office (ECHO) for humanitarian assistance in Sierra Leone, specifically to help the internally displaced, women, children, and the disabled. In May, 4.5 million ECU was dispatched to help Sierra Leonean and Liberian refugees in Guinea, and in October, an additional 5.1 million ECU was dispatched, much of it to be channeled through UNHCR, for refugees, returnees and IDP's within the Mano River Union.

At this writing, the E.U. itself has not contributed to the Sierra Leone Special Court. E.U. officials maintain that their contributions should focus on rehabilitation and reintegration, including vocational skills and education for returning refugees and IDP's. However, a number of member states contributed, including Denmark, Germany, the Netherlands, Sweden and the United Kingdom.

### **United Kingdom**

The United Kingdom continued to play a pivotal role in political and military developments in Sierra Leone. In January, Jonathan Riley, the British brigadier commanding in Sierra Leone, pledged that British troops would stay until the RUF was either defeated militarily or diplomatically. The U.K. also continued its commitment to rebuild and restructure the Sierra Leonean Army and the Sierra Leonean Police. From June 2000 through September 2001, some six hundred British troops were involved in training 8,500 Sierra Leonean Army soldiers. After September 2001, the 360 U.K. military personnel who remained continued to play a major role in advising and directing military operations, including the staffing of key positions within the Sierra Leonean Defense Headquarters. They also helped administer a program to train up to 3,000 ex-RUF and CDF combatants selected to join the new SLA. In coordination with the commonwealth secretariat, the U.K. provided officers and funds for training and administration of the Sierra Leonean police, including the secondment of the inspector general.

U.K. assistance to Sierra Leone since April 2001 was estimated to be 84.5 million pounds sterling, including funding for demobilization and reintegration programs, training and equipment for the army and police, human rights and civil society groups, rehabilitation of the legal system, humanitarian aid, and helping to restore the local Paramount Chiefs.

### **United States**

U.S. policy on Sierra Leone revolved around ending external support for the RUF, supporting the British military actions, and providing humanitarian support. The U.S. pledge of U.S. \$15 million over three years to the proposed Special Court

for Sierra Leone was the largest of any contributing nation. The U.S. total humanitarian and emergency contribution in FY 2001, including grants to aid agencies, UNHCR, and World Food Programme through USAID for food relief, assistance to refugees, and development programs was U.S. \$75 million.

After the May 2000 breakdown in the peace process, former U.S. president Bill Clinton initiated a program called Operation Focus Relief (OFR) to train and equip seven battalions of West African troops for peacekeeping with the U.N. in Sierra Leone. The training was conducted by U.S. Special Forces. The first phase of the program trained two Nigerian battalions that were deployed in January 2001 to serve with UNAMSIL. The second phase, which ended in August, trained troops from Ghana and Senegal. The third phase, which will be completed before the end of 2001, involved three further Nigerian battalions. For FY 2001, OFR was budgeted at U.S. \$24 million in peacekeeping funds, as well as U.S. \$32 million in Department of Defense funds for equipment and transportation. The U.S. also deployed three military officers to work with the Sierra Leone army as part of the British training program. These officers, as well as other U.S. Embassy officials, had some responsibility for monitoring the performance of the U.S.-trained troops.

In addition to OFR, in June the administration notified Congress of its intention to provide U.S. \$3 million in nonlethal training and equipment to the Guinean military to assist that country in defending against the destabilizing activities of the RUF and Charles Taylor in Liberia. Congressional concerns about abuses by the Guinean military led to additional reporting and monitoring requirements. At this writing, however, the program had not yet begun.

## **SOUTH AFRICA**

### **HUMAN RIGHTS DEVELOPMENTS**

President Thabo Mbeki led a government dominated by the African National Congress (ANC), though the Inkatha Freedom Party (IFP) remained a junior partner. Apparently reflecting divisions within the ruling party, Minister for Safety and Security Steve Tshwete announced in April that the police would investigate bizarre allegations of a conspiracy against the president led by three prominent members of the ANC. The Congress of South African Trades Unions (COSATU) and many other commentators expressed concern about the use of state resources for political purposes. Tensions within the tripartite alliance of the ANC, COSATU, and the South African Communist Party (SACP) also increased on other fronts during the year. In August, COSATU staged a two-day general strike in protest at the government's policies of privatization. A major investigation into corruption in relation to government arms purchases led to the arrest of former ANC chief whip Tony Yengeni in October; other arrests were expected. Later that month, the opposition

Democratic Alliance split into its constituent parts, the Democratic Party and the New National Party (NNP), provoked by clashes between the parties in the Western Cape. An alliance between the ANC and the NNP (a reincarnation of the party of government between 1948 and 1994) was mooted.

The Truth and Reconciliation Commission (TRC) continued hearing applications for amnesty until May 31, when its work was formally ended. The mandate of the TRC itself was extended only to complete the final two volumes of its report. The government stated that legislation setting the framework for reparations to the victims would be introduced to parliament in 2002. Also wrapping up business from the past, the trial of Wouter Basson, a chemical weapons expert with the old South African army, continued throughout 2001.

In November 2000, South Africa ratified the treaty to establish an International Criminal Court; legislation to bring it into effect domestically was introduced to parliament in July 2001. The Promotion of Access to Information Act came into effect in March 2001, adding flesh to the constitutional right to access government and privately held information. The Protected Disclosure Act, designed to shield “whistle-blowers,” came into effect February. Among notable decisions, the Constitutional Court ruled in May that the South African government’s deportation to the U.S. of Mohamed Khalfan, a suspect in the 1998 bombing of the U.S. embassies in Nairobi and Dar es Salaam, was unlawful. The court found that South Africa should have sought assurances from the U.S. government that Khalfan would not be subject to the death penalty.

In July, there were scenes uncomfortably reminiscent of the past when the government evicted squatters from land outside Johannesburg who had been “sold” plots by the opposition Pan Africanist Congress (PAC). In response to these developments, and land invasions taking place in Zimbabwe, the Democratic Alliance joined with the PAC in demanding a national debate on South Africa’s land reform program.

Torture and ill-treatment of criminal suspects by the police remained a serious problem. The Independent Complaints Directorate (ICD), set up in 1997 to investigate or oversee the investigation of complaints against the police, reported 650 deaths in custody or as a result of police action during the year to March 2001, a slight decrease on the previous year. The number of complaints lodged with the ICD increased by 11 percent, to 4,863. Encouragingly, the ICD reported that there had been a decrease in allegations of torture. In November 2000, a booklet titled “The ABC of Human Rights and Policing,” produced with funding from the Danish Embassy, was launched and distributed among police officers.

In July, Minister Tshwete announced that the government intended to increase the size of the police force from 121,000 to 127,000 over the next three years. In May, the minister announced progress in carrying out a review of police collection of crime statistics, and that publication of those statistics, suspended since July 2000, would be resumed at the end of the third quarter of 2001. Trial projects to establish “community safety forums” were launched in the Western Cape, involving all sectors of government in improving safety and security, and not only the police. In January 2001, it was announced that all specialized units within the police would be phased out, and their personnel redeployed to priority crime units at local police

stations. New metropolitan police forces were launched in Johannesburg and Tshwane (the greater Pretoria area).

In February 2001, the first of sixty planned government-funded legal assistance centers opened in Benoni, outside Johannesburg. A new management team was installed at the Legal Aid Board in the same month, leading to hopes that the improvements since Mohammed Navsa took over as chairman of the board would continue. In October, the board announced a range of cooperative agreements aimed at improving access to legal services among the poor. However, a backlog of court cases continued to plague the system despite government initiatives to clear it, contributing to the crisis of overcrowding in prisons. Following several strikes, large increases in pay to prosecutors were awarded in July, backdated to January. The office of the National Director for Public Prosecutions (NDPP) and its elite crime fighting unit known as the Scorpions, carried out investigations of high priority crimes; tensions between the Scorpions and the regular police were reported.

At the end of 2000, South Africa's prisons held 160,003 people, a slight fall on the previous year; approved prison accommodation grew from 99,834 to 101,991, and four additional prisons were under construction. In March 2001, the minister of correctional services signed a contract with a private company, the Ikwezi Consortium, to design, build, and operate a maximum security prison in Bloemfontein, the first such contract in South Africa. More than 55,000 of those being held were awaiting trial, of whom almost 13,000 had been locked up for more than six months. More than 4,000 were under eighteen years of age; legislation and practical measures to improve the situation of children charged with violent crimes was still not in place. By April 2001, the total prison population had risen again to 172,000, of whom 64,000 were awaiting trial, according to a report to parliament by Inspecting Judge Johannes Fagan. Draft legislation aimed at improving the parole system was tabled in Parliament in February 2001. Assaults on prisoners by warders and other prisoners remained serious problems, including widespread prisoner-on-prisoner rape: a spokesperson for the inspecting judge estimated that 70 to 80 percent of all suspects were sodomized by fellow prisoners before they were even officially charged. In October 2000, it was revealed that AIDS-related deaths in South African prisons had increased by 300 percent from 1995 to 1999. The doctor in charge of medical services for prisoners in Cape Town's Pollsmoor prison stated that conditions in the prison represented a health hazard for the Western Cape.

In November, legislation was approved by parliament to regulate South Africa's private security industry, long plagued with allegations of abuse. Vigilante violence remained a serious problem, with groups such as People Against Gangsterism and Drugs (PAGAD) and Mapogo a Mathamaga responsible for beatings and execution-style murders. A witness due to testify in a trial of PAGAD members was shot dead in April. "Taxi violence" between rival operators of minibus taxis continued; reports implicated members of the police in this violence. In KwaZulu-Natal, long standing tensions between the ANC and IFP broke out into violence at different times. In May, a workshop organized by the Parliamentary Participation Unit in rural KwaZulu-Natal was disrupted by a group of thirty-five IFP supporters who claimed that the unit had not gained IFP consent to hold the meeting in their area.

Violence against women and girls, including sexual violence, remained a very serious problem. Human Rights Watch published a report in March concluding that rape and other sexual violence were part of the normal environment for girls in schools, as well as in the wider community. In September 2001, a report from the Eastern Cape legislature's standing committee on education detailed horrific abuse by teachers at the province's schools. In March, the ICD reported for the first time to parliament on its duties to monitor the implementation by police of the Domestic Violence Act, and noted serious deficiencies at many police stations. In August, National Police Commissioner Jackie Selebi said that violence against women was a priority crime for the police, but that the Domestic Violence Act was effectively not enforceable. In August, the Constitutional Court handed down an important decision ruling that the state's duty to protect the security of women could form the basis of a case for damages. The case considered involved a woman who had been raped by a man out on bail on charges of attempting to rape another woman; it was referred back to the High Court for rehearing on the facts. The Recognition of Customary Marriages Act came into effect in November 2000, bringing the protection of the law to people in such unions. In the same month, Molo Songololo, an NGO, launched a report on the trafficking of children within South Africa for the purposes of sexual exploitation, identifying this as a serious but unquantified problem to which the state response was wholly inadequate. Another study, published in January 2001, suggested that child poverty was increasing, contributing to children's vulnerability to such exploitation. In August, the Pretoria High Court ruled that sections of the Sexual Offences Act banning prostitution were unconstitutional.

Violence on commercial farms—documented in an August Human Rights Watch report—remained a high profile issue. Commercial farmers, highly vulnerable to violent crime, called for greater security force protection, while organizations representing farm workers denounced assaults on farm workers. In October, the government held a conference on rural safety, focusing on several aspects of crime in commercial farming areas. In the same month, commercial farmers in the Western Cape launched a code of conduct committing farmers to promoting “decent livelihoods” for their workers.

Widespread xenophobia led to violence against foreigners on several occasions, including attacks on Zimbabweans resident in a squatter camp in Gauteng in October, in which seventy-four shacks were gutted by fire. Police were deployed to patrol the settlement. In May, the Department of Home Affairs agreed to withdraw a directive to immigration officers to refuse asylum to applicants who had transited a “safe” third country before reaching South Africa, in a settlement following a court application by the NGO Lawyers for Human Rights. In the same month, the department began to issue new identity documents to refugees, in accordance with the 1998 Refugees Act. In June, the department was defeated in court, when the Constitutional Court upheld the High Court's declaration that two sections of the existing Aliens Control Act relating to applications for work permits for foreign spouses of South African citizens were unconstitutional. In June, the department tabled in parliament a new draft of a long-awaited Immigration Bill; but by November it had yet to make any progress.

In April, the Pharmaceutical Manufacturers' Association of South Africa with-

drew a case from the Pretoria High Court that it had brought against the government to strike down legislative provisions that would allow the government to produce or import anti-retroviral drugs at low cost. However, the government did not go on to announce any plans to make such drugs available in public hospitals. The government also opposed in court a legal challenge brought by the Treatment Action Campaign (TAC) to require the government to supply in the public health sector anti-retroviral drugs to prevent mother-to-child transmission. President Mbeki continued to question the link between HIV and AIDS, but spoke less on the subject than in previous years. In October, a report by the Medical Research Council was published, indicating that in 2000, 40 percent of adult deaths and 25 percent of total deaths in South Africa were HIV-related, thus contradicting a statement by President Mbeki that violence was the main cause of death.

## **DEFENDING HUMAN RIGHTS**

South Africa's vigorous human rights community continued to monitor adherence to national and international standards. Occasional government hostility to NGO criticism was counteracted by strong collaboration in government-NGO partnerships elsewhere. The constitutionally mandated South African Human Rights Commission (SAHRC) criticized the government for often ignoring its recommendations. The commission took a high profile on issues related to racism, including in programs related to the World Conference Against Racism, held in Durban, in August and September. In July, it announced a major investigation into human rights violations on commercial farms. In May, a new set of commissioners joined the Commission on Gender Equality (CGE), also established by constitutional mandate. In August, the CGE hosted a national gender summit.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

South Africa's pivotal position in the continent was underlined during the year by several high profile visits to South Africa by foreign leaders (including Japanese Prime Minister Yoshiro Mori, during the first visit by a Japanese head of government to sub-Saharan Africa), and President Mbeki's involvement in a number of key initiatives, including the New Partnership for Africa's Development (NEPAD) launched at the OAU summit in July. In October, South Africa deployed seven hundred soldiers to Burundi, as part of a peacekeeping force to protect the transitional government. In August and September, South Africa hosted the World Conference Against Racism.

### **United States**

Outgoing Secretary of State Madeleine Albright visited South Africa in December 2000, as did her successor Colin Powell in May 2001. In June 2001 President Mbeki visited the U.S., his second visit as head of state, and met with President

Bush. The two leaders reaffirmed “excellent ties” between the two countries and signed treaties related to the fight against international crime, including on extradition. However, the U.S./South Africa bi-national commission set up under President Clinton was scrapped. Following the September 11 attacks, South Africa stated that it would cooperate with U.S. efforts to bring the culprits to justice, but that any action taken should be based on “thorough investigation and incontrovertible evidence.”

The U.S. Agency for International Development (USAID) program for South Africa funded projects worth U.S. \$46.68 million to South Africa in 2000, and projected spending \$50 million in 2001. The critical areas for funding in 2001 identified in a December 2000 declaration on development assistance included job creation, the criminal justice system, HIV/AIDS, education, and small business development.

### **European Union**

Several European heads of government visited South Africa during the year. In these and other discussions, E.U. member states indicated their commitment to NEPAD, and reliance on South Africa as leader in the region.

The E.U. Foundation for Human Rights in South Africa continued funding human rights projects, with funds from the European Commission’s Program for Reconstruction and Development in South Africa. The E.U. remained South Africa’s largest donor, having given an average 125 million euro per year for development since 1994. Individual E.U. member states also made bilateral contributions to human rights initiatives.

Britain in particular continued its close ties to South Africa. In June, President Mbeki visited the U.K. for meetings with Prime Minister Tony Blair and other ministers, including a meeting of the U.K.-South Africa bilateral forum. Blair and Mbeki published a joint article committing resources to development in Africa. The presence of the British Military Advisory and Training Team (BMATT) in South Africa was extended to 2003.

### **Relevant Human Rights Watch Reports:**

*Unequal Protection: The State Response to Violent Crime on South African Farms*, 8/01

*Scared at School: Sexual Violence Against Girls in South African Schools*, 3/01

## SUDAN

### HUMAN RIGHTS DEVELOPMENTS

Despite openings in the political arena, the human rights situation in Sudan was grim. The government kept in force a state of emergency to suppress Islamist and other opposition to the ruling Islamist party. It was increasingly aggressive in pursuing the eighteen-year civil war, particularly in southern oil fields where its militias and army forcibly displaced thousands of residents. The war reflected a failure among Sudanese to agree on the role of religion in government, tolerance of diversity, and sharing of resources between the marginalized majority and the politically dominant Arab-Muslim minority. As Sudan comprised 35 million people divided into nineteen major African and Arab ethnic groups, about 70 percent Muslim and the rest Christian and traditional believers, lack of tolerance was an invitation to strife.

President Omar El Bashir's ruling National Congress (NC) party won the December 2000 presidential and legislative elections, which were boycotted by all the main opposition parties and excluded those living in rebel-held areas. That month the government amended the National Security Act permitting suspects to be detained indefinitely without charge and denied judicial review for up to six months. It extended the state of emergency through a second year, until December 31, 2001.

In late December 2000, security forces arrested seven civilian members of the opposition National Democratic Alliance (NDA) while they met with a U.S. diplomat. The NDA had not registered a political party registration required an oath of allegiance to the ruling party's goals. The NDA civilians in Khartoum had ties to the military wing of the NDA, operating from exile, but their presence and low-key meetings in Khartoum were usually ignored by the authorities, who sought to woo the entire organization and its component parties back from exile. Charges of treason (carrying the death penalty) and threatening the existing government were brought against the NDA members. Defense lawyers protested numerous violations of fair trial rights.

Government opponents in the People's National Congress (PNC), a NC splinter party founded by Islamist political leader Hassan Turabi in 2000, were also harassed and jailed, but not charged with any crime. In February 2001, Turabi signed a memorandum of understanding with the rebel Sudan People's Liberation Movement/Army (SPLM/A), and called on Sudanese to rise against El Bashir. Security forces arrested Turabi and at least twenty other PNC leaders. Turabi was charged with crimes punishable by death or life imprisonment, and authorities periodically rounded up PNC members.

After September 11, the Sudan government dismissed the charges against the NDA members, Turabi, and other PNC members, and freed all but Turabi—who remained under house arrest. Some thirty-five PNC activists were rearrested at their post-release press conference.

Reports of torture and ill-treatment continued. A Sudatel employee fleeing the July 2001 SPLA capture of Raga reportedly was beaten daily and was given little food or water after his detention by government forces. Security forces reportedly pulled out the fingernails of another man detained during the same exodus. Security forces in Juba reportedly continued to use a large metal shipping container as a detention cell, a years-long practice that subjected detainees to life-threatening heat.

The two English-language newspapers in Khartoum, *Khartoum Monitor* and *Nile Courier*, provided a political forum for southerners. The *Khartoum Monitor* was periodically suspended by security forces or by the Press National Council, however, and on April 12, 2001, security forces briefly detained its editor-in-chief Alfred Taban at a church-called news conference. In February 2001, a Sudanese court fined the independent *Al Rai Al Akhar* newspaper an astounding U.S. \$390,000, and fined the editor and a journalist another \$5,800 or three months in jail each, for libeling local government. A government censor was permanently based in all newspaper offices. Censorship of English-language newspapers was tightened during the visit of the ACP-EU mission, and papers were forbidden to publish blank spaces indicating where censorship was imposed.

The government harassed and discriminated against Christians. In April 2001, police injured and briefly detained Christians demonstrating against a government order transferring an Easter service (convoked by a visiting German evangelist) from Khartoum to a suburb. The following day police teargassed students protesting these arrests outside All Saints' Episcopal church, then stormed the protest meeting inside the church, damaging windows and chairs, and tear-gassing the interior; three were seriously injured and fifty-seven arrested on this second day of disturbances. They had no legal representation at their trial the following day, which lasted less than one hour. The six girls detained and several boys were flogged; the rest were sentenced to twenty days in jail each.

Half of the Omdurman headquarters of the Episcopal Church of Sudan was illegally occupied by the ministry of health of Khartoum State, which continued its two-year battle to take over the other half of this church's freehold plot. Churches complained that Christian students undergoing obligatory military training in camps near Khartoum were denied their right to worship, in contrast to Muslim students. The law against apostasy—banning Muslims from conversion to another religion—was enforced on several occasions. In June 2001, security arrested an alleged convert to Christianity and held him incommunicado for three months, while reportedly torturing him and demanding that he reconvert to Islam.

In the north, destitute southern women continued to brew and sell traditional southern alcoholic drinks, for which they were arrested. More than nine hundred women were held in the Women's Prison in Omdurman (designed for two hundred) as of December 2000 in grossly poor conditions. The prison also housed southern women with twenty-year sentences for dealing in cannabis, and women sentenced, sometimes for indeterminate periods, for financial crimes.

On June 23, 2001, the authorities raided a workshop on "Democracy and Gender Issues" organized by the Gender Centre in Khartoum. Four speakers were arrested and released the same night. All participants in the workshop were interrogated about their political affiliations and their addresses were taken.

The most severe abuses occurred in the civil war fought in the south, the central Nuba Mountains, and the east. The Sudan government and its ethnic militias continued to displace, starve, abduct, rape, and kill civilians outright—while burning, and bombing, villages, churches, hospitals, and schools.

The rebel-held Nuba Mountains were hit especially hard in 2001. In May 2001, the government attacked the region, bombing extensively and burning down six villages, resulting in the displacement of more than 15,000 people. According to the Nuba relief office, an estimated 400,000 people were in SPLA-controlled territory as of June 2001, cut off from rest of rebel-held Sudan, with the lives of more than 50,000 displaced and 30,000 others unable to harvest crops at risk because of government attacks. The government persistently denied humanitarian access to civilians in the SPLA-held Nuba Mountains, through flight denials and shelling of airstrips used for unapproved relief deliveries. After years of negotiations, the U.N. in October 2001 succeeded in making the first-ever delivery there of relief with government permission. Another month of delivery was promised by the government, with no guarantee of access on an as-needed basis.

Following the brief capture of Kassala in eastern Sudan by opposition NDA forces (mostly SPLA) in November 2000, security forces arrested and reportedly tortured hundreds of southerners living in Kassala, in some cases extrajudicially executing them, according to the exiled Sudan Human Rights Organization.

Oil exploration and development in concession areas in Upper Nile exacerbated the conflict, with continuing displacement of civilians. Some 40,000-55,000 Nuer were displaced from the oilfields in the first half of 2001, according to two different reports, by government and its Nuer militias which were fighting the SPLA and its Nuer commanders. Often fighting resulted from government efforts to claim and to clear the people from the land, using its Nuer militias to push fellow Nuer out of the oilfields. More dependable government soldiers and *mujahedeen* then guarded construction equipment for roads, pipelines, drilling, and other oil infrastructure. Each oil facility was given a twenty-four hour guard of soldiers; up to four hundred soldiers were at Timsa, a location attacked by the SPLA in early 2001. The government imposed a long-term relief flight ban on most oil field areas in inaccessible Western Upper Nile (except for garrison towns), making the situation for civilians there even more acute.

Government use of new, heavier arms, including surface-to-surface missiles and helicopter gunships, and high-altitude Antonov bombing of southern and Nuba operations took a toll on the civilian population. Government aerial bombing destroyed the Episcopal Cathedral in Lui, Eastern Equatoria on December 29, 2000. Despite government pledges to stop bombing civilians and civilian structures, more bombing raids occurred: Tali, a center for relief food distribution in Eastern Equatoria, was bombed three times in December 2000, twice in January 2001, and again in May 2001. In June 2001, government Antonovs bombed three towns in Bahr El Ghazal, including one in which a World Food Program (WFP) relief operation was underway. Such attacks targeting relief deliveries in progress were increasing. Although bombing seemed to decline in September 2001, government planes bombed the little civilian village of Mangayat, twenty-five miles outside of rebel-held Raga in October on three different days, while WFP deliveries were in

progress to aid an estimated 20,000 displaced people. The WFP gave up its attempt to distribute food.

Although the government of Sudan signed the 1997 Mine Ban Treaty, it did not ratify it and had not begun to destroy its stockpiled antipersonnel land mines. There were strong indications that both government and rebel forces in Sudan continued to use antipersonnel mines, but the government denied its forces did so. In October 2001, the SPLA signed an agreement at an NGO conference in Geneva to ban the use, production, storage, or transfer of antipersonnel land mines in its territory. Small arms and ammunition were produced by three new arms factories near Khartoum in partnership with Chinese companies, using government oil revenue.

Recruitment of boys aged sixteen and seventeen into the Popular Defence Force, a government Islamist militia, proceeded as government policy, and occasional press-gangs seized even younger children for this military service. The government-backed ethnic militias also recruited child soldiers in the south, sometimes forcibly, as did rebel groups. The SPLA admitted in 2000 it had about 10,000 child soldiers. Following an agreement with the SPLA, in February 2001 UNICEF began demobilizing some 3,000 SPLA child soldiers from northern Bahr El Ghazal. The children were disarmed and given schooling in transition camps, and by late August returned to their villages of origin. Some NGOs questioned the effectiveness of the program because, with no real job or school opportunities, the demobilized boys were likely to go back to the SPLA to survive. In late October, UNICEF said it was ready for another phase of demobilization, involving 1,000 children. The SPLA said it still had more than 7,000 child soldiers within its ranks.

Government army and militia forces continued to abduct women and children during ongoing raids in the south, mostly in northern Bahr El Ghazal and often in connection with the military train they accompanied to Wau, a garrison town. The Committee to Eradicate the Abduction of Women and Children (CEAWC), created by the government, was ineffective: the government admitted that abductors, even from among their own forces, were seldom prosecuted, although it announced in November 2001 its intention to set up a tribunal to try the abductors. UNICEF said 670 children were reunited with their families and 270 retrieved children were in CEAWC transit facilities, but retrievals had stalled. The Geneva-based solidarity organization Christian Solidarity International (CSI) claimed that between 1995 and 2001 it had "bought back" 56,000 enslaved Sudanese during sporadic CSI visits to SPLA territory. CSI estimated that there were an additional 200,000 enslaved in northern Sudan. (The CSI estimates doubled from 100,000 in 2000, without explanation.)

The Sudan government stopped supplying the Lord's Resistance Army (LRA), a Ugandan rebel group with a horrendous human rights record, in 2001 pursuant to an agreement with Uganda. The LRA subsequently began forcibly looting food from southern Sudanese, thousands of whom took refuge in Nimele and in northern Ugandan refugee camps. An LRA ambush on a relief agency vehicle traveling from northern Uganda to southern Sudan killed six Sudanese.

The SPLA openly opposed a broadening of civil society when it prevented civilians in its territory from attending two south-south peace and reconciliation con-

ferences convened by the New Sudan Council of Churches (NSCC) in 2001. The NSCC and others condemned the SPLA's violations of freedom of movement, association, and speech. The Africa-Caribbean-Pacific-European Union (ACP-E.U.) mission noted that the SPLA's record on human rights was "far from being acceptable." The U.N. special rapporteur also criticized the SPLA.

In late February 2001, Nuer SPLA commander Peter Gatdet attacked and set fire to Nyal in Western Upper Nile, the base of the Riek Machar Nuer faction and a U.N. relief hub. The SPLA sponsored the attack. The U.S. government forcefully condemned the attack. Abuses proliferated as the forces of Nuer leader Riek Machar, lacking material support, allied themselves alternatively with the government or the SPLA, and sought to reestablish their control over their home territory.

## **DEFENDING HUMAN RIGHTS**

The Sudan government persecuted human rights defenders. Ghazi Suleiman and Ali Mahmoud Hassanein, well-known advocates and human rights activists, were detained without charge by security forces from December 9, 2000 until February 17, 2001, after they condemned the arrests. Suleiman was reportedly tortured, sustaining a head injury and being hospitalized twice during detention. The principal lawyer/advocate for the NDA defendants, Mustafa Abdel Gadir, was arrested and interrogated on the eve of the trial which started in May. On March 11, 2001, security forces arrested director Dr. Nageed Nagmeldin el Toum and two staff members from the Amal Centre, where free medical treatment and assistance to victims of torture and other human rights violations was provided. The staffers were released the same day but Dr. Nageed, former president of the banned Doctors' Union, was not released until March 29, 2001, after an international campaign. The confiscated office equipment was returned and the center reopened on June 27, 2001, the day before the ACP-EU visit. Another associate of Amal, Faisal el Bagir Mohamed, a journalist and human rights advocate, was detained without charges from June 13 to 26, 2001. On November 2, 2001, four lawyers/advocates and two members of the Sudanese Communist Party (banned) were detained and released within a few days and told to report daily to Security offices. All members of the loose coalition National Alliance for the Restoration of Democracy, it was believed that their detention was in connection with the upcoming bar association elections in December 2001. The last such elections were held in 1997 and were reportedly accompanied by widespread fraud on the part of the ruling party. One lawyer who failed to report on time to the Security offices was beaten with hoses and knotted wire when he arrived. Others were made to stand outside in the hot sun for two hours, a common form of ill-treatment in Sudan.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

### **United Nations**

The U.N. Security Council in late September 2001 lifted sanctions imposed in 1996 because of Sudan's noncompliance with an Ethiopian extradition warrant for three suspects sought for attempted assassination of the Egyptian president. The United States abstained on the issue. The sanctions had required member states to reduce the number of Sudanese diplomatic personnel and restrict the travel of Sudanese government officials in their respective countries, though they were not generally enforced.

Although Sudan was reelected to its seat on the U.N. Commission on Human Rights in April 2001, reports by the special rapporteur on human rights in Sudan to the commission in April and to the General Assembly in October warned that human rights in Sudan were worsening in many respects, and that oil development was exacerbating the conflict.

### **United States**

Oil and religion combined to bring Sudan higher up on the agenda of the new U.S. administration in 2001. It was the main African issue on which President Bush expressed interest, and Secretary of State Colin Powell remarked that "There is perhaps no greater tragedy on the face of the earth today than the tragedy unfolding in the Sudan."

Stringent prohibitions on U.S. citizens doing business with Sudan under a Clinton administration executive order remained in place. The Bush administration in May 2001 appointed Andrew Natsios, newly-named head of U.S. Agency for International Development, as the president's special envoy to Sudan for humanitarian issues. In early September, the president named former senator John Danforth his special envoy for peace in Sudan.

Natsios headed a U.S. delegation to Khartoum in July 2001 and announced U.S. emergency relief for drought victims in western Sudan, the first such aid to government-controlled areas for years. Total U.S. humanitarian assistance to Sudan for the year October 2000-September 2001 was U.S. \$161 million.

In mid-2001, the State Department contracted with a U.S.-based contractor, Dyncorp, to assist the NDA (consisting of military and civilian wings) to set up offices and improve its "negotiating skills." The state department claimed none of the funding allocated would be used for "nonlethal" aid to the SPLA (defining "nonlethal aid" to include dual-use supplies such as boots, communications equipment, and tents).

Before September 11, U.S. policy on Sudan was a contested domestic issue between some members of Congress and conservative and religious rights groups—who sought to isolate Khartoum and aid the SPLA—and moderates in the administration, the business community, and elsewhere who argued that the isolation policy had not worked. After September 11, the antiterrorism agenda trumped this contest.

Following the September 11 attacks, the Sudan government opportunistically announced its cooperation with the U.S. on terrorism. According to the U.S. government, U.S. counterterrorism teams had been in Sudan for more than a year already, and had been receiving “satisfactory” cooperation from the Sudan government. In late September, the Sudan government reportedly deported several persons sought by the U.S. for terrorist activities or associations, but the details were not publicly released; Khartoum continued to deny any such cooperation to the domestic and Arabic press.

The Bush administration maintained, however, that it would persist with its full agenda of human rights issues requiring Sudan’s resolution before normalization of relations. The U.S. strongly protested Sudan government’s three days’ bombings of a relief operation in October 2001.

### **European Union**

The European Union (E.U.) began a political dialogue in November 1999 with the Sudan government, with regular meetings between E.U. ambassadors in Khartoum and government officials. An ACP-E.U. Joint Parliamentary Assembly mission to Sudan in June-July 2001, reported disappointment with the government’s lack of cooperation in the dialogue since the end of 2000. It noted several areas of human rights concerns that were discussed but not addressed by the government, such as detention without charge, press freedom, abduction and forced labor, and bombing.

The E.U. maintained its arms embargo on Sudan, but without any enforcement mechanism. There were no E.U. restrictions on its members’ investments in the Sudan oil industry. In June, however, the E.U. presidency stated concern at renewed SPLA military activity in Bahr El Ghazal—the capture of Raga—and the Sudan government’s resumption of aerial bombings in response. A group of nations, predominantly European, formed the International Partners’ Forum Working Group to provide funding and diplomatic support for the efforts of the east African Inter-Governmental Authority on Development (IGAD). IGAD peace negotiations between the Sudan government and the SPLA foundered nevertheless.

In May 2001, a broad coalition of European NGOs formed the European Campaign on Oil in Sudan to lobby European governments and companies in the oil business in Sudan to pull out of Sudan, because of the Sudan government’s gross human rights abuses.

### **Africa**

The Sudan government used its new oil resources—and more than U.S. \$ 400 million in extra revenue—to strengthen its position in the Horn of Africa. In June 2001, Sudan and Ethiopia announced a project to supply Ethiopia with Sudanese gasoline and kerosene equivalent to 85 percent of the country’s needs for the year 2002. Ethiopia, previously supportive of Sudanese rebels, had already cut relations with them.

Kenya was to import tax-free Sudanese oil through its port Mombasa until the

Kenyan churches strongly protested. In July 2001, Kenyan authorities banned delivery of Sudan oil shipments to Kenya, causing Sudan to threaten that it might stop importing Kenyan tea and coffee. The situation remains unresolved.

South Africa's state-owned oil company Soekor denied reports that it too intended to explore for Sudanese oil, after South African churches denounced reported Soekor meetings on the topic.

