

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