

## **AFRICA OVERVIEW**

### **NEW LIFE FOR AFRICAN MULTILATERALISM**

The outlook for human rights in Africa at the close of 2002 was more hopeful than it had been for several years. During the year, there were significant moves towards resolving longstanding conflicts in Angola, Sudan, and the Democratic Republic of Congo (DRC). At the same time, African leaders made significant commitments to transparent and accountable governance and respect for human rights with the creation of the African Union (A.U.), and its adoption of the New Partnership for Africa's Development (NEPAD), a comprehensive economic and political reform program. Yet, African leaders had promised reform on many previous occasions while continuing to embezzle national funds and to violate human rights. In addition, new or ongoing crises in the Central African Republic, Côte d'Ivoire, Madagascar, and Zimbabwe; continued war in Liberia, Burundi, and the DRC; as well as longstanding repression in countries such as Equatorial Guinea, Eritrea, Gabon, Sudan, Swaziland, and Togo continued to undermine progress towards respect for human rights and the rule of law across the continent.

The African Union officially replaced the Organization of African Unity (OAU) at the July summit of African heads of state in Durban, South Africa. The creation of the A.U. was the culmination of a process that began with an extraordinary OAU summit in 1999. The Constitutive Act of the A.U. proposed future institutional reforms that would make the A.U. less a loose collection of states that meet once a year and more akin to the European Union (E.U.). The Constitutive Act of the A.U. also included significant new language for the promotion of human rights, democratic principles and good governance. Further, the Act empowered the A.U. to "intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity." In addition, noncompliance with A.U. decisions and policies might lead to sanctions.

At the Durban summit, the A.U. formally adopted NEPAD and the related African Peer Review Mechanism (APRM) and Declaration on Democracy, Political, Economic, and Corporate Governance. NEPAD—the final incarnation of reform proposals put forward over several years by South Africa and Senegal, with the support of Algeria, Egypt and Nigeria—put forth a comprehensive, multi-sectoral development program, outlining a partnership between Africa and the West, Africa's leaders and the African people, and among the leaders themselves. It pro-

posed that the industrialized world provide financial, political and strategic support for Africa as its leaders embraced responsibility for Africa's development, political as well as economic. NEPAD included a significant commitment to good governance, peace, security, and democracy, as prerequisites for effective economic development, although its main emphasis was on economics and infrastructure.

Despite the welcome commitments to political and economic reform and respect for human rights, the NEPAD document failed to acknowledge the particular needs of Africa's most marginalized and vulnerable people—women, children, refugees, the internally displaced, and those affected by HIV/AIDS. According to the United Nations High Commissioner for Refugees (UNHCR), African countries hosted 3.3 million refugees at the beginning of 2002, almost 30 percent of the world's refugee population; a Norwegian Refugee Council survey commissioned by the United Nations (U.N.) and published in June found that around 13.5 million or more than half of the world's twenty-five million internally displaced persons were in Africa (concentrated in Angola, the DRC, and Sudan). NEPAD was silent on the protection and other needs of these uprooted people. NEPAD spoke of "promoting the role of women in social and economic development" and "assuring their participation in political and economic life," but failed to address issues of systemic violence, including rape and harmful traditional practices, and discrimination against women. NEPAD made a welcome reaffirmation of the Millennium Development Goals with respect to children, including in the areas of infant and child mortality and primary schooling. But it offered few concrete strategies to ensure children's rights are a priority focus for development.

NEPAD and the A.U. would also be challenged to deal with the HIV/AIDS crisis that continued to engulf the continent. In June, the U.N. projected that between 2000 and 2020, some fifty-five million Africans would die prematurely because of AIDS, underlining the continuing catastrophic impact of the epidemic on the continent. Sexual abuse of women and girls, often those orphaned by AIDS, contributed significantly to the spread of HIV among women across Africa, especially in conflict zones where rape was systematically used as a weapon of war. During the year, Human Rights Watch investigated appalling reports of extreme sexual violence—gang rape, violent abduction followed by repeated rapes, amputation of breasts and sexual organs—in several conflicts, including in the ongoing war in the DRC and during the past civil war in Sierra Leone. The horror that confronted victims of these attacks was often compounded by their contracting HIV/AIDS from their attackers, leading to even greater discrimination and ostracism.

In several countries, including South Africa where sexual violence remained at levels constituting a crisis for all women, the police force and justice system provided little protection or redress against violent sexual crimes. In addition, increasing poverty, including the food crisis in southern Africa, led to a high rate of school drop out among girls in many countries. Once out of school, girls were pressured to work, often becoming prostitutes or domestic laborers subject to sexual harassment and abuse and thus at high risk of HIV/AIDS. Research in Zambia conducted by Human Rights Watch found that this kind of abuse was particularly widespread among the rapidly growing population of children orphaned by AIDS. Numerous girl orphans reported that their male guardians had sexually abused them. In some

cases, the abuser suggested that they could not refuse sexual advances because no one else would take care of them.

NEPAD's peer review mechanism was generally viewed as the lynchpin for NEPAD's success. The mechanism would function on a voluntary basis: submission to peer review would be an additional step to membership in NEPAD, itself a separate commitment to membership in the A.U. Those countries that chose to participate would be expected to reform their governance to meet the standards specified by the Declaration on Democracy, Political, Economic, and Corporate Governance. Their progress towards and commitment to political reform would be evaluated through regular investigations of governance practices and policies by an appointed team of reviewers. These evaluations would be presented to and discussed by the APRM members and subsequently made public. No sanctions were specified for noncompliance.

The APRM was pivotal to NEPAD's success because NEPAD's programs would be largely dependant on an inflow of funds from foreign "partners." These partners, individually and collectively, made it clear that their support would come only with a demonstrated commitment from Africa to political and economic reform. Though the proof of the initiative would come in future practice, the APRM in concept broke new ground for African multilateralism. Unlike other regional African organizations and OAU programs, the APRM asked its members to surrender a certain degree of political sovereignty and to subject themselves to collective governance; sub-regional bodies such as the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS) were conceived to encourage economic cooperation and did not seek to hold each other accountable. At a November 2002 meeting in Abuja, Nigeria, twelve states signed a declaration of intent to accede to the APRM: Algeria, Republic of Congo, Egypt, Ethiopia, Gabon, Ghana, Mali, Mauritius, Mozambique, Nigeria, Rwanda and South Africa.

Despite the enormous potential of the APRM and the optimism it embodied, it was not clear that the mechanism, as it stood, would successfully instigate political reform. There would be little reason for oppressive, non-declaration-compliant governments to join the APRM and submit themselves to review. States such as Algeria, Angola or Nigeria whose revenue was derived almost entirely from oil or other natural resources, would have little additional incentive to submit to standards designed in large part to attract foreign aid, foreign investment, and debt relief. Further, the APRM would evaluate compliance with Declaration standards against a country's overall level of development. This decision created an opening for subjective and politically motivated evaluations.

NEPAD was also heavily criticized as a top-down—or even top-top—initiative. African and international civil society organizations (CSOs) repeatedly stated that information about NEPAD was not readily accessible and was poorly distributed. CSOs charged that NEPAD's designers had placed greater importance on addressing the priorities of NEPAD's Western partners than those of African actors and stakeholders. The poor efforts that were made to actively involve civil society were especially concerning given that NEPAD's governance programs would depend heavily on strong nongovernmental voices: NEPAD would not undertake direct

implementation of its initiatives; rather, it would rely on national governments. The nongovernmental community would, therefore, play a key role in holding governments accountable.

Events in Madagascar raised additional questions about the A.U.'s capacity to influence its members and African governments' ability—individually and collectively—to oppose international pressures. For much of the year, disputes over the December 2001 presidential elections kept Madagascar on the brink of civil war between supporters of incumbent President Didier Ratsiraka and challenger Marc Ravalomanana. In April, Zambian President Levy Patrick Mwanawasa, the outgoing OAU chairman, and Senegal's President Abdoulaye Wade, as well as other heads of state, sought to facilitate a resolution of the ongoing conflict; these efforts were ultimately unsuccessful though Ravalomanana was subsequently inaugurated. A.U. leaders initially refused to recognize Ravalomanana, saying the election had not been legally constituted. But, the larger international community did not follow the A.U., and Senegal's President Wade soon broke with the A.U. decision. The A.U. was essentially forced to reconsider its position in September when the U.N. invited Ravalomanana to the World Summit on Sustainable Development and thus cemented Ravalomanana's authority.

### **AMBIGUITY AND DUPLICITY ON HUMAN RIGHTS**

African leaders' efforts throughout 2002 demonstrated a commitment to peace and stability but sent ambiguous messages as to the primacy of human rights. The A.U. successfully pressured Rwanda and Uganda to reach an agreement with President Joseph Kabila's government to move towards an end to the war in the DRC; as of this writing both Rwanda and Uganda had for the most part disengaged from the war in the DRC. However, the A.U. gave no indication of what, if anything, would be done to hold Rwandan and Ugandan forces and other parties accountable for human rights violations and war crimes committed in the DRC.

Even more disconcerting was the A.U. decision to select Libya, with its long record of human rights abuse, as chair for the 2003 session of the U.N. Commission on Human Rights (UNCHR). Libya had a long record of detaining government opponents without charge or trial, prohibiting the formation of political parties or independent nongovernmental groups, and muzzling its press. The Libyan government had also been responsible for torture, "disappearances" and the assassination of political opponents abroad. In selecting Libya to chair the UNCHR, African leaders demonstrated disrespect for the commission and for human rights in general.

Meanwhile, oppressive governments continued to deny basic freedoms and new or renewed conflicts led to greater repression, increased human rights abuse, and large numbers of refugees and displaced persons, without any effective African response. In the context of the strong NEPAD and A.U. commitments to promoting and protecting human rights, African leaders' customary silence on many of these developments was all the more discouraging. One commonly cited example of this silence was African endorsement of the election in Zimbabwe. The election was strongly criticized within and outside Africa for not being free and fair. It took

place amidst widespread, politically motivated violence by supporters of President Robert Mugabe's Zimbabwe African National Union Patriotic Front (ZANU-PF) against supporters of the Movement for Democratic Change (MDC), the main opposition party. These abuses were highly publicized in the international and African press. Yet, SADC's official monitors—though not, significantly, the SADC parliamentarians' delegation—determined that the elections were legitimate. African leaders, including South Africa's President Thabo Mbeki and Nigeria's President Olusegun Obasanjo, two of NEPAD's architects and champions, failed to speak out against the violence inflicted on MDC supporters. However, in the end, both Mbeki and Obasanjo voted to suspend Zimbabwe from the Commonwealth in the "troika" set up by that intergovernmental body to consider irregularities during the elections.

African leaders may have been justified in criticizing Western governments for placing undue emphasis on events in Zimbabwe when they had overlooked so many other oppressive situations in Africa, including the simultaneous election crisis in Madagascar. But African leaders also said little as across the continent, in country after country, endemic human rights abuse continued, and daily violations of civil and political liberties persisted. There were several nations in sub-Saharan Africa that were all but invisible to public attention and scrutiny where severe human rights abuse went unabated in 2002, including Equatorial Guinea, Eritrea, Gabon, Swaziland, and Togo. In Swaziland and Eritrea, political pluralism was banned. The only party allowed to operate in Eritrea was the government-affiliated People's Front for Democracy and Justice. In both countries, civil liberties were basically nonexistent and civil society was severely restricted. Labor unions were the only CSOs allowed in Swaziland, and they were allowed only in the interest of maintaining trade relations with the United States (U.S.). The Swaziland government maintained tight control of the media; in Eritrea the government completely silenced the private press and arrested all the editors and publishers except those who managed to flee abroad. In June, the Swazi nongovernmental organization Lawyers for Human Rights filed a complaint with the OAU's African Commission on Human and Peoples' Rights against King Mswati for consistent human rights abuses despite Swaziland's 1995 ratification of the African Charter on Human and Peoples' Rights.

The hostile environment often faced by civil society in sub-Saharan Africa was yet another example of the ambiguity that characterized African leaders' statements in support of human rights. In general, nongovernmental organizations, human rights defenders and other CSOs operated in highly limiting political environments and faced serious security risks. Research and advocacy efforts were significantly constricted and even entirely shut down in many countries, among them Cameroon, Côte d'Ivoire, the DRC, Ethiopia, Eritrea, Liberia, Mauritania, Sudan, and Togo. Nevertheless, human rights advocates and defenders managed to increase the pressure on their governments to address human rights abuses and hold accountable those who committed human rights violations. And, a handful of countries, including Botswana, Kenya, Mauritius, Malawi, Mali, Nigeria, Senegal, Sierra Leone, South Africa, and Tanzania, enabled civil society to operate in an environment of relative freedom and openness.

## **SOUTH AFRICA AND NIGERIA: REGIONAL LEADERS**

South Africa was a key political force throughout the year. President Thabo Mbeki was one of the five principal NEPAD architects and was the *de facto* point person for dealings with the Group of Eight (G8) industrialized countries in the run-up to the June Kananaskis G8 Summit—at which he presented the NEPAD program. Mbeki was elected inaugural A.U. chair at the Durban summit. South Africa's leaders were active participants in the many controversies and challenges that faced the region during the year. Recognizing that the international “face-off” surrounding Zimbabwe's presidential election threatened NEPAD's future, Mbeki balanced competing pressures to preserve relations between Africa and the West. Western leaders looked to Mbeki as a spokesperson for all of Africa, pressuring him, as a symbol of the new African commitment to good governance, to denounce Zimbabwe's President Robert Mugabe and reject the election results. Meanwhile, many Africans judged such pressure to be based on concerns for the white farmers in Zimbabwe—an assessment ably played upon by Mugabe himself—and judged Mbeki's words and actions as indicators of whether NEPAD truly meant African leadership or was simply pandering to Western interests for foreign aid. Others were simply appalled at this politicization of the African response to the precipitate descent of a relatively prosperous and stable country into a self-reinforcing cycle of ever-worsening disrespect for the rule of law, economic chaos and hunger.

Mbeki was the principal mediator in the DRC peace process. He was a constant voice for peace and compromise from the initial Inter-Congolese Dialogue in Sun City, through the conversations between DRC President Joseph Kabila and Rwandan President Paul Kagame during the A.U. Summit, and into the talks in Pretoria that led to the signing of a “memorandum of understanding” on the withdrawal of Rwandan troops from the DRC and the disarming and disbanding of the ex-FAR (former Rwandan armed forces) and the Interhamwe (Rwandan Hutu militia) forces in the DRC. In the last week of October, Mbeki again hosted the Congolese factions in Pretoria to reach an agreement on an interim power-sharing government.

South Africa also played a key role in bringing Burundi closer to peace. Without incident, South African troops, deployed late in 2001, protected the interim power-sharing government. The interim government had been agreed to in 2001 during talks mediated by former South African President Nelson Mandela. South African Deputy President Jacob Zuma made numerous attempts to bring all fighting parties to the negotiating table for a peace based on the 2000 Arusha Accord. On October 7, the transitional government signed a cease-fire with two rebel factions at the Great Lakes summit convened by regional African leaders. The leaders gave two hard-line factions thirty days to begin talks for a cease-fire agreement.

President Olusegun Obasanjo of Nigeria, like Mbeki, was outspoken about the need for change in Africa and the importance of good governance and human rights. Yet his actions cast serious doubts on the veracity of his words. At this writing, Obasanjo was under impeachment by the National Assembly: he was charged with violating the constitution by not implementing the approved national budget,

abetting corruption, and ordering army forces to attack civilians in two incidents in 1999 and 2001.

Since Obasanjo took office in 1999, inter-communal violence and ethnic tensions escalated in Nigeria and threatened to undermine elections scheduled for 2003. The authorities made little effort to prevent conflicts or limit the escalation of political violence. Human rights abuses by the Nigerian police forces abounded in 2002. This pattern of abuse, coupled with the general failure of Nigerian authorities to provide security, spurred vigilante activity. In some instances, state governments supported these vigilante groups as they committed brutal executions, systematic torture and unlawful arrests. In August and September, efforts were made to crack down on vigilante activity in the southeast but little was done to address the underlying conditions that had led to its proliferation. Further, the efforts of the Independent National Electoral Commission to register voters were marked by significant irregularities, and in a closed decision process, the commission approved only three new parties. Given Obasanjo's leading role in NEPAD and the A.U., the significant level of ongoing human rights abuse in Nigeria did not reflect well on the degree of reform to be expected from other African leaders.

## **TOWARDS PEACE IN SUB-SAHARAN AFRICA?**

Moves towards peace were not limited to the Great Lakes. Fighting in Angola came to an end in 2002, prompted by the February 22 death of Jonas Savimbi, leader of the National Union for the Total Independence of Angola (UNITA). In March, President José Eduardo dos Santos, under considerable pressure from Western and African leaders, as well as Angolan civil society, announced that the government and the UNITA rebels had agreed to a truce. The cease-fire went into effect on April 4. Shortly thereafter, the UNITA soldiers were quickly demobilized and the various UNITA factions began unity talks, which were successfully completed in early October. Lasting peace would depend largely on the Angolan government's ability to rehabilitate and reintegrate demilitarized UNITA combatants and Angola's displaced—4.1 million internally displaced persons and 430,000 refugees, according to UN sources.

Sierra Leone moved closer to ongoing stability after January 18 when President Ahmad Tejan Kabbah declared that the decade-long civil war had ended. Kabbah lifted the four-year state of emergency on March 1. Then in May, presidential elections were successfully completed with little violence. The successful disarmament of combatants by the U.N. Mission in Sierra Leone and their subsequent rehabilitation through British-led efforts contributed significantly to prospects for continued and ongoing peace and stability. Major steps were made towards justice and accountability with the establishment of the Special Court for Sierra Leone and the Truth and Reconciliation Commission. However, the poor performance of the International Criminal Tribunal for Rwanda (ICTR) cast serious doubts over the Special Court. In addition, concerns for Sierra Leone's peace rose as the year progressed and the civil war in neighboring Liberia intensified. (See below.)

Peace was, for the first time in at least twenty years, a possibility in Sudan due to

the joint efforts of the U.S., the United Kingdom (U.K.) and Norway. U.S. Special Presidential Envoy for Peace in Sudan John Danforth brokered four significant agreements between the Sudan government and the Sudan People's Liberation Movement/Army (SPLM/A) in early 2002, all of which specifically highlighted the importance of human rights. In particular, the government and the SPLA agreed to end attacks on civilians and civilian objects in the south, with independent international monitoring.

Subsequently, the Sudan government and the SPLM entered peace negotiations, which were sponsored by the Kenya-led Inter-Government Authority on Development. The parties signed a peace protocol in Kenya on July 20, agreeing that after an interim period of six and a half years, a self-determination referendum would be held to determine whether the south wished to secede. The interim period would begin after a final peace agreement had been signed. They also agreed that *shari'a* (Islamic law) would not apply in the south for the interim period. Although, during negotiations, the government continued to deny humanitarian access in the south and to bomb oil-rich areas despite the presence of civilians, on October 15 the parties agreed to a military standstill until December 31 and later agreed to full humanitarian access during that period.

Elsewhere on the continent, these positive trends were contradicted. In mid-September, Côte d'Ivoire erupted in conflict when roughly 750 soldiers mutinied out of anger over their imminent dismissal, returning the country to the instability that took hold following a 1999 military coup. The incident provoked rapid international support of the government, with Nigeria and Ghana committing military support to government efforts to suppress the rebellion. ECOWAS dispatched a mediation team of high-level delegates to Bouaké, the rebel stronghold, in early October, and on October 21 the rebels conceded to sign a cease-fire agreement. Multinational ECOWAS troops under Nigerian leadership were dispatched to monitor the peace. However, concerns arose over Côte d'Ivoire's long-term prospects for stability as violence caused by reignited ethnic, religious and political tensions spread independently of rebel activity. It was uncertain that this violence would subside once the rebels and the government had come to terms.

While concerted regional efforts seemed to prevent the Côte d'Ivoire rebellion from escalating into civil war, internal conflicts continued in Liberia and Uganda, and abuses in these countries received little attention. Fighting between the Liberian government and Liberians United for Reconciliation and Democracy (LURD) threatened stability in the Mano River Union area (Liberia, Sierra Leone, and Guinea) as Liberians sought refuge in neighboring countries such as Guinea, where serious violations of their human rights were documented. While abuses inside Liberia were generally worse in areas under government control, both government and LURD forces committed serious human rights violations against civilians, including killing, torture, rape, forced labor and forced recruitment. Liberia's President Charles Taylor declared a state of emergency for a large portion of the year, enabling the government to harass all perceived opponents or rebel supporters.

Civilians in northern Uganda and southern Sudan were subjected to similar abuses due to fighting between the government and the rebel Lord's Resistance Army (LRA). LRA forces in particular targeted civilians, though the Ugandan army

also committed abuses. The LRA raided and looted villages and refugee camps and abducted children, forcing them to fight as child soldiers. It also attacked humanitarian aid workers and camps. As in Liberia, the Ugandan government arbitrarily arrested and detained those suspected of being rebel sympathizers or political opponents. In addition, the already limited political activity permitted under Uganda's no-party "Movement" system was further constrained when the parliament passed the Political Organizations Law.

### DE FACTO INTERNATIONAL DISENGAGEMENT

At the Kananaskis summit, the G8 pledged its support for NEPAD and highlighted the centrality of embracing good governance and human rights. Previously, Western governments had denounced Africa's leaders for continued "cronyism" when they failed to reject President Robert Mugabe's victory in Zimbabwe's March election. Yet, the international community's actions in 2002 suggested that Africa—despite its many conflicts and human rights crises—generally remained a low priority. When Africa did receive international attention, human rights took a back seat to geopolitical interests.

Throughout 2002, the international community emphasized the importance of peace in the DRC. The U.N. and the E.U. both condemned any violations of the tentative truce that had been reached in 2001. U.S. President George W. Bush met with presidents Kagame and Kabila, and the U.K. also played a key role in brokering the eventual agreement between Rwanda and the DRC, which Uganda subsequently joined. But, amidst these concerted international efforts, the U.N. mission in the DRC (MONUC) did little to address the ongoing fighting between DRC rebel groups, whether home-grown or sponsored from outside by the same powers that had nominally withdrawn. Granted insufficient troops and resources by the U.N. Security Council, MONUC also failed to protect civilians. Once Rwanda, Uganda and Zimbabwe had signed a peace agreement with the DRC, international interests turned to monitoring the withdrawal of foreign troops, with little concern for issues of international justice and accountability for war crimes. Calls for an international tribunal by Kabila and other Congolese were essentially brushed aside. In mid-October, the U.N. Security Council was presented with a report detailing how Rwandan, Ugandan and Zimbabwean officers, as well as Congolese authorities, manipulated internal conflicts to facilitate the looting of natural resources. The report also stated that the withdrawal of foreign troops would not end this exploitation. At this writing, there had been no indication that the Security Council intended to take further steps to end the plundering of the DRC's resources.

International commitment to justice was also lacking vis-à-vis the ICTR. Encouragingly, several important genocidaires were arrested and rendered to the ICTR during the year, including Augustin Bizimungu, chief of staff of the former Rwandan army, but the ICTR was understaffed and under-funded. However, these were not the most significant problems: Kagame's government effectively refused to cooperate if the ICTR prosecutor insisted on indicting soldiers from the current Rwandan government (the Rwandan Patriotic Front, RPF) for war crimes. In

response, both the U.S. and the U.N. pressured Kagame not to disrupt the prosecution of Hutu genocidaires but did not insist on prosecuting RPF members. If the RPF were granted this de facto immunity, the legitimacy of the entire justice process would be undermined.

With respect to Angola, the U.N. and the E.U. pledged support for the demobilization and reintegration of UNITA combatants, giving reason to be cautiously hopeful of sustained peace. However, the cease-fire revealed a humanitarian crisis of widespread malnutrition and medical neglect, which received insufficient international attention. Humanitarian agencies repeatedly stressed the need for greater U.N. commitment to the dire conditions facing the internally displaced but the international community did little in 2002 to address these concerns. In August, the United Nations Mission in Angola (UNMA) was established and mandated to assist the Angolan government in protecting human rights. However, little material improvement resulted for the internally displaced; they continued to be physically harassed and abused by the security forces. They were also subjected to violations of their freedom of movement and forced removal from camps.

France responded rapidly to the rebellion in Côte d'Ivoire, focusing on providing safety for French nationals (roughly twenty thousand inhabitants) and evacuating those in highly unstable areas. As of October, significant numbers of French nationals were still trapped in the rebel-controlled northern city of Bouaké. France also deployed reinforcements for the standing force of six hundred troops it maintained in Côte d'Ivoire: by late October, a total of seven hundred French troops were securing the areas between rebel-controlled and government-controlled territory. It was proposed that an ECOWAS peacekeeping force would take over from the French.

The primacy of the "war on terrorism" for the Bush administration affected U.S. policies towards Africa in two ways: The U.S. gave even less attention to much of the continent than might otherwise have been expected, and, in those few African countries with a strategically valuable role to play, particularly in the Horn of Africa, the U.S. de-emphasized human rights issues. The E.U. and the U.N. both denounced the Eritrean government's continued human rights abuses and the E.U. largely limited aid to humanitarian aid. In October, the U.S. State Department publicly rebuked Eritrea for human rights abuses. In contrast, the U.S., considering Ethiopia to be a well-positioned potential ally, continued non-humanitarian aid to Ethiopia and was markedly quiet about ongoing human rights violations. Also in October, U.S. defense officials confirmed that they were planning to establish a military headquarters in the Horn of Africa to help in the hunt for suspected terrorists.

Sudan, governed by an Islamist party, received significant attention from the Bush administration and the U.S. Congress as well as from a grassroots movement concerned in part about the treatment of Christians in Sudan. U.S. attention contributed to the year's substantial progress towards peace in Sudan, as it did in the DRC. Like the E.U. and the U.K., the U.S. administration and Congress also focused on the deteriorating situation in Zimbabwe, calling for President Mugabe to respect the rule of law, denouncing irregularities in the elections, and urging President Mbeki of South Africa to take the lead in an African response to the situation.

Energy security was a key concern for the Bush administration in 2002. The administration specifically highlighted its interest in pursuing African oil resources as substitutes for oil from the Middle East. Although the U.S. periodically raised the issue of transparency and good governance in countries like Angola, it appeared to place a greater priority on solidifying relationships with major and emerging African oil producers. For example, during a July visit to Nigeria, Assistant Secretary of State for Africa Walter Kansteiner focused his public statements almost entirely on the importance of Nigerian oil to the U.S. (Nigeria was its fifth largest supplier). No mention was made of the extrajudicial killings and other abuses by Nigerian security forces in the Niger Delta oil region or elsewhere. In contrast, international nongovernmental voices continued to pressure oil companies about human rights abuses. In fact, an international human rights campaign may have been partially responsible for the decision by Talisman Energy Inc., a Canadian oil company, to sell its Sudan assets.

## ANGOLA

### HUMAN RIGHTS DEVELOPMENTS

Angola's twenty-seven-year civil war formally ended in August. The death in February of Jonas Savimbi, leader of the rebel National Union for the Total Independence of Angola (UNITA), was the final event that forced his greatly weakened and fragmented forces to agree to a ceasefire. On April 4, the Angolan armed forces (FAA) and UNITA signed a memorandum of understanding halting the fighting, and peace was formally declared on August 2.

Although the ceasefire meant a reduction in conflict-related abuses, a new humanitarian crisis emerged. Some eighty-five thousand demobilized and impoverished UNITA soldiers and their 340,000 family members became dependent on government or international aid, joining more than half a million civilians living in previously UNITA-controlled areas who had not been able to access humanitarian relief since 1998. The total number of people requiring food assistance reached 1.8 million by October 2002.

UNITA abuses against civilians continued during the last months of the war. In UNITA-controlled areas, inhabitants were regularly subjected to violence including extrajudicial killings and mutilations, and looting. A fragmented UNITA carried out hit-and-run attacks and also reprisals against civilians believed to support the government, causing massive displacement: villagers fled their homes and often spent days hiding in the surrounding bush, foraging for food. At times, UNITA also displaced entire villages, forbidding people to leave with their belongings and forcing them to survive in new locations, without clothes, food, or medicines. Fleeing civilians sometimes traveled for weeks and over hundreds of kilometers before reaching relative safety in government-controlled areas, where some assistance was

available. Some died along the way, or only narrowly survived lack of food, landmine injuries, or disease.

Civilians who could not escape UNITA-controlled areas were often made to supply the rebels with food, or were forcibly conscripted or abducted by UNITA as forced laborers to carry arms, cut firewood, or loot. UNITA fighters sexually abused women and girls, including by using them as sexual slaves, as well as forcing them to wash uniforms, prepare campsites, and cook.

The Angolan National Police (PNA) and the FAA also contributed to the immense displacement of civilians. FAA “cleansing” operations in areas taken from UNITA involved clearing out the entire population in the name of securing the countryside, as well as rooting out possible UNITA supporters and recruiting able-bodied men for civilian militia groups to assist in fighting UNITA. With the FAA suspecting villagers in the conquered areas of generally having supported or collaborated with UNITA, harsh and abusive treatment including harassment, indiscriminate beatings, and sexual abuse were routine during such operations. Looting by FAA troops was also widespread. The FAA sent people cleared from the secured areas to the nearest municipality, which they were then forbidden to leave. These operations led to overcrowded municipalities where the health and welfare of the displaced deteriorated rapidly. In some cases, soldiers—themselves poorly supplied—rounded up the displaced to assist them in foraging expeditions for food, and the civilians were killed after they became trapped in skirmishes with UNITA.

When a municipality could no longer contain the growing numbers of people, the displaced were moved to camps in provincial capitals or in their surrounding areas by military trucks and sometimes helicopters. Often this was done without sufficient consultation with those affected, or adequate preparation. Some camps were located in insecure areas or adjacent to active minefields. Some displaced were subsequently forcibly moved again to more distant provincial capitals or to Luanda, the national capital.

After the ceasefire, the gathering of UNITA troops in cantonment camps was the government’s immediate priority. As an incentive, on April 2 the National Assembly approved a general amnesty law for all infractions of military discipline and crimes against the state security forces committed during the conflict. United Nations (U.N.) Under-Secretary-General and Special Adviser on Africa Ibrahim Gambari reported to the U.N. Security Council on April 23 that, in signing the memorandum relating to the amnesty, he had entered a reservation that the U.N. did not recognize any amnesty as applicable to genocide, crimes against humanity, and war crimes. The demobilization of UNITA military forces was successfully completed on July 30. Some five thousand former UNITA soldiers were then incorporated into the FAA and national police. The remainder and their families were in October still gathered in forty-two camps distributed around the country.

The process of “reintegrating” the internally displaced—their return or resettlement to rural communities and establishing sustainable livelihoods—represented a major challenge for the government, even though more than half a million displaced made their way home without formal assistance. Destroyed infrastructure such as broken bridges, mined areas, and houses destroyed and fields burnt under a scorched earth policy applied by both sides during the conflict were serious obsta-

cles to the reintegration of displaced persons. Officials estimated that, out of 4.6 million internally displaced persons, the reintegration process would involve some 1.75 million. Despite a law adopted in January 2001—the Norms for the Resettlement of the Internally Displaced—and training given to provincial officials on its implementation, there were many reports of abuses associated with the reintegration process. In May 2002 the entire population of Trumba, in Bié province, was forced back to its area of origin by the local authorities without proper assistance. Forced return and restrictions to freedom of movement were also recorded in Huambo, Lunda Sul, and Kuando Kubango provinces.

Even after the ceasefire, there were frequent reports of widespread indiscipline within the army and the national police in the provinces of Bié, Huambo, Lunda Sul, Moxico, Uíge and Zaire. Harassment of displaced people and extortion were common practices at checkpoints, as well as violence including rape of women. Unidentified armed groups were reportedly engaged in banditry and operating unofficial checkpoints in southern Bié in July, while in August unidentified individuals in uniform ambushed and killed civilians in Cuango, Xa-Muteba and Caungula municipalities, Lunda Norte province.

Moreover, there were suspicions about the genuineness of UNITA’s disarmament, given that by October 2002 only some twenty-six thousand light weapons (and little ammunition) were handed over to the FAA—equivalent to one weapon for every three UNITA soldiers.

There were no reports of new use of antipersonnel mines after the April ceasefire. The government created a new Inter-Sectoral Commission on Demining and Humanitarian Assistance to be responsible for policy-making, coordination of mine action and victim assistance, and the design of a new National Mine Action Plan. According to mine action organizations operating in Angola, 6.8 million square meters of land were cleared during 2001. A total of 339 mine and unexploded ordnance accidents, resulting in 660 casualties, were reported in 2001, a significant decline from the previous year; 75 percent of the victims were displaced people. Angola ratified the Mine Ban Treaty on July 5, 2002.

Unaffected by the August peace declaration was continuing fighting in Cabinda, an Angolan enclave separated by Congolese territory. In September the FAA launched an offensive against separatist groups linked to the Front for the Liberation of the Cabinda Enclave/State (FLEC). Widespread abuses against the civilian population were reported, including killings and forced displacement.

Freedom of expression improved, albeit outside Luanda and some of the main coastal cities it was difficult to access sources of information other than the state-controlled media. In July a technical committee was created to draft a new press law to regulate press activities in the country. The committee included members from the Bar Association of Angola, the Presidency, representatives of the Union of Angolan Journalists and the independent Media Institute of Southern Africa. There were fewer restrictions on journalists than in previous years, but there were still cases of government intimidation and harassment. On May 31 Manuel Vieira, a correspondent in Lubango of Rádio Ecclesia, a station owned by the Roman Catholic Church, was summoned by the Office of Criminal Investigation (DNIC) after he reported on high death rates in a demobilization camp for UNITA soldiers.

Vieira had quoted a spokesperson from the Military Joint Commission (CMM), who said that forty-five deaths occurred in the camps in one two-day period. After being interrogated by the DNIC, Vieira was summoned by the police on June 3, and had to hand over his recording of the CMM spokesman's statement

Conditions of detention in prison continued to be of great concern, with overcrowding, poor hygiene, and lack of basic facilities. More than 60 percent of people in prison were held without any formal charge beyond the legal limit of pretrial detention, albeit civil society organizations succeeded in obtaining the release of a number of these.

## DEFENDING HUMAN RIGHTS

The space for free public debate on human rights and reconciliation issues expanded with the end of the war.

In February, the Open Society Institute (OSI) organized a conference—broadcast countrywide by Rádio Ecclesia—on the role of the international community and civil society in the resolution of the Angolan conflict. In a unique effort to expand to the interior of the country the debate regarding the role of the churches and civil society in the search for peace, the Inter-Ecclesiastical Committee for Peace in Angola (COIEPA) organized in March a forum in the provincial capital of Huambo, in the central plateau region.

In September, a conference on “The Agenda of Peace and Reconciliation in Angola” was held in Luanda, under the auspices of OSI and the civil society coalition Reconciliation, Transparency and Citizenship. The conference called for an immediate ceasefire in Cabinda.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### United Nations

In March 2002, in an “Arria Formula” oral briefing to the members of the U.N. Security Council, four international nongovernmental organizations—including Human Rights Watch—urged the Angolan government, the U.N., and the international community to address the humanitarian crisis and pay more attention to the protection needs of the internally displaced. They also argued that lack of good governance, transparency, and accountability was impeding greater respect for human rights.

In Resolution 1433 adopted on August 15, the U.N. Security Council authorized the establishment of the United Nations Mission in Angola (UNMA) as a follow-on mission to the United Nations Office in Angola (UNOA). A resident special representative of the secretary-general was appointed to complete the outstanding tasks under the 1994 Lusaka Peace Agreement (also in August the “troika” monitors of the 1994 Lusaka Peace Agreement—Portugal, Russia, and the United States—confirmed their observer function under the Lusaka process in August 2002, albeit

did not pay particular attention to human rights issues). UNMA was requested to assist the Angolan government in ensuring the promotion and protection of human rights. Until the establishment of the new mission, UNOA continued to support capacity-building projects, including human rights training of army and police, facilitating access to the judicial system, monitoring prison conditions, and supporting media programs.

U.N. Secretary-General Kofi Annan visited Angola shortly after Resolution 1433 was adopted, to assist with winding up the work on the peace agreement and with coordination of the humanitarian and development efforts of the ten U.N. operational agencies working in the country.

The U.N. ban on senior UNITA officials traveling outside Angola was temporarily suspended twice, in May and August, in order to allow the participation of UNITA in the revitalized peace process, and the travel ban was finally ended in November. Arms and petroleum embargos, a prohibition on diamond trading, and a freeze on UNITA's financial assets remained in place. The U.N. monitoring mechanism that verified compliance was, at this writing, to run until December 19.

In July, the U.N. emergency relief coordinator visited Angola. The increasing numbers of people to be assisted forced the U.N. to twice revise its appeals to the donor community, reaching an overall request of U.S.\$290 million.

On September 28, Angola was elected to the U.N. Security Council for two years from January 2003.

## International Financial Institutions

The Angolan government's relationship with the International Monetary Fund (IMF) remained strained throughout 2002, primarily because of the government's refusal to comply with the terms of the expired Staff Monitored Program (SMP), and in particular the government's failure to publicly account for its oil revenues and actual expenditures. On February 19, the IMF reaffirmed that in order to qualify for a formal program, the government would have to “record and transfer to the treasury all revenues, including the total amount of signature oil bonuses” and “publish data on oil and other government revenues and expenditures, as well as on external debt; and conduct independent financial audits of the 2001 accounts of Sonangol [the state oil company] and of the central bank” as part of the key steps that would need to be completed before a program could commence.

In a positive government step, responding to parliamentary inquiries on June 5 Oil Minister José Bothelho de Vaconcelos told parliament that the government received a U.S.\$30 million signature bonus payment from the consortium partners in Block 16. Although the amount was relatively small compared to other bonus payments, it was believed to be the first time that the government disclosed this type of information publicly and suggested that there would be greater scrutiny of the government's activities.

Nevertheless, serious problems remained with corruption scandals involving oil revenues, and the limited positive steps the government took were overshadowed by more hostility towards allegations of corruption. Swiss authorities investigated allegedly irregular transactions involving oil for arms deals during the course of the



year. The investigation involved the renegotiation of Angola's approximately U.S.\$5 billion debt to Russia. Swiss authorities reportedly froze more than U.S.\$700 million held in Swiss bank accounts that were part of a complex debt repayment deal after Swiss authorities alleged that hundreds of millions of dollars were paid to "Russian and Angolan dignitaries" as part of this deal. After these investigations became public, the Angolan state media reported in June that the government planned to "take legal action" against the Swiss investigating magistrate for "defamation of the image and prestige of Angolan authorities, particularly of the Head of State, José Eduardo dos Santos." President dos Santos also reportedly wrote to Swiss President Kaspar Villiger to protest the investigation, and the government withdrew its ambassador to Switzerland in June.

The World Bank funded a project resettling twenty thousand displaced people in Huambo province, and in October allocated funds over the next three years to support resettlement in other areas of the country. In October, it confirmed support for a program of vocational training and small business microcredits for ex-combatants and their families.

### European Union

The E.U.'s 2002 contribution to humanitarian relief and development totalled €125 million (U.S.\$122 million), double the amount in the previous year.

Both the European Parliament and the Joint Parliamentary Assembly of E.U. and African-Caribbean-Pacific countries endorsed the military and political steps taken by the Angolan government and UNITA to consolidate the ceasefire and urged development of an inclusive peace and reconciliation process.

### United States

The end of the war, coupled with the strategic importance of Angolan oil to the United States, led to increased U.S. government attention to developments in the country. Soon after the death of Savimbi, President dos Santos visited the U.S., meeting with President George W. Bush and Vice-President Dick Cheney.

Assistant Secretary of State for Africa Walter Kansteiner visited Angola in July, and in his public statements focused on the important role that the private sector—foreign and domestic—would play in the new phase begun with the end of the war, and on the importance of the country's oil exports to the U.S. Angola, not a member of the oil producers' cartel OPEC, supplied 5 percent of U.S. oil needs in 2002, a figure that was projected to triple within ten years. In August, U.S. Secretary of State Colin Powell stopped briefly in Luanda on his way to Gabon, and spoke, among other things, on the need to reduce corruption within the Angolan government.

The U.S. was the largest bilateral donor to Angola providing more than \$122 million in emergency assistance in fiscal year 2002, and began implementing a new strategy covering the period 2001-05, based on a mix of emergency, transitional, and development assistance. The total amount earmarked for the five-year period was \$73 million.

The U.S. House of Representatives held hearings on Angola in June, showing interest in the consolidation of Angolan civil society and the role of church groups in reconciliation work. Among those who addressed the House Subcommittee on Africa was Reverend Daniel Ntoni-Nzinga, executive director of COIEPA.

## BURUNDI

### HUMAN RIGHTS DEVELOPMENTS

In the year following the November 2001 installation of a transitional government comprising seventeen political parties, hopes that the nine-year-old civil war might end remained unfulfilled. Government leaders, both Hutu and Tutsi, pledged serious negotiations with the two largely Hutu rebel groups that had refused to sign the Arusha Accord of 2000, the Forces for the Defense of Democracy (Forces pour la défense de la démocratie, FDD) and the National Forces of Liberation (Forces nationales de libération, FNL). But as of mid-November 2002 the war dragged on with widespread suffering for the population.

Both government and rebel forces killed, raped, or otherwise injured hundreds of civilians and pillaged or destroyed their property. Rebel forces ambushed civilian vehicles and killed and robbed the passengers. As in the past, government military and rebel groups alike coerced men, women, and children into transporting goods, a practice that sometimes placed the civilians in the direct line of fire. The government continued a program of "civilian self-defense" and did little to curb or punish human rights abuses committed by its participants. Courts continued to function badly. In early 2002 an international commission recommended prison reforms and the freeing of political prisoners, but such measures were not taken and prisoners remained in inhumane conditions in overcrowded jails: at 8,400, the prison population declined slightly from the previous year.

The transitional government set up under the terms of the Arusha Accord of August 2000 incorporated various political tendencies as well as a careful balance between Hutu and Tutsi. For the first eighteen months of the transition, beginning in November 2001, the Tutsi Pierre Buyoya was to be president and the Hutu Domitien Ndayizeye vice-president, then Buyoya was to step down and Ndayizeye was to become president. Only once before had a Hutu been president: in 1993 Melchior Ndadaye served a brief term in office and then was assassinated by Tutsi soldiers, setting off the current instability and violence.

The hopes raised by the November 2001 government soon faded as the FDD and FNL at first refused negotiations, then both sides stepped up military activities. Efforts to broker a cease-fire, including those by Tanzanian and South African mediators, foundered on divisions in the rebel movements, personal and policy differences among mediators, and a reluctance by some in the army and the government to share power. The FDD split in late 2001, and its stronger wing negotiated

directly with the government for the first time in September 2002 but without reaching an agreement. The FNL split in August 2002, with the weaker group expressing a willingness to negotiate for the first time, although by late in the year there had been no real progress. Regional leaders gathered to discuss Burundi at a summit in October, but also found no way to end the war.

Under the terms of the accord, the government undertook to uphold human rights, end impunity, protect civilians and the displaced, and improve the justice system. It failed to make significant progress in any of these areas, with divisions among political leaders, pressures of the war, and severe economic difficulties all contributing to the failure. In September the government jailed Charles Mukasi, head of a branch of the National Unity and Progress Party (Parti de l'unité et du progrès national, UPRONA) opposed to peace negotiations, and on November 1 it placed former President Jean-Baptiste Bagaza under house arrest and suspended his political party, the Party for National Renewal (Parti pour le Redressement National, PARENA). Eleven supposed PARENA supporters were jailed in early November after they tried to close down parts of Bujumbura, the capital, as a political protest. The national legislature failed to ratify critical legislation on genocide, on provisional amnesty for persons accused of politically-motivated crimes, and on the establishment of a truth and reconciliation commission. Nor did it establish a national commission to reintegrate refugees and internally displaced persons. Disagreement between the Ministry of Justice and judicial personnel blocked promised and much needed improvements in the judicial and penal systems. Authorities undertook few investigations or prosecutions of the war-related killing, rape and injury of civilians occurring during the year.

The civil war spilled over Burundi's borders into the neighboring Democratic Republic of Congo (DRC) and Tanzania, further complicating peace prospects in Burundi. The FDD used bases in the DRC to launch attacks against Burundi. The Burundian military operated its own bases in the DRC province of South Kivu along Lake Tanganyika, supporting the Rwandan government army and Congolese groups opposed to the DRC government. Both the FDD and the Burundian military committed human rights abuses in Congo, killing, raping, and robbing civilians. Perhaps in exchange for Burundian support in the DRC, soldiers of the Rwandan Patriotic Army supported the Burundian military fighting the FDD and the FNL in Burundi's northern provinces. Burundian rebels also operated from bases in Tanzania, crossing into Burundi to raid communities and launch offensives against the military. Burundian officials repeatedly asked the Tanzanian government to halt such attacks and in July called for an international force to police the border.

During the year both the army and the rebels launched major offensives often with little regard for civilian lives. When rebels increased their attacks in July, the military responded with harsh attacks on civilians. They killed some thirty persons in one commune in Muramvya in July and some fifty more in another commune in the same province in August. Dozens more were killed in Bujumbura-rural in September and October. In the worst single incident of civilian casualties, Burundian army soldiers slaughtered at least 173 civilians in Itaba commune, Gitega province, during combat with FDD fighters in September. At first, military officials blamed

the rebels, but then—in a rare admission of responsibility—said that there had been “an error of judgment” and arrested two officers. In late 2001 soldiers killed at least forty-two civilians in Bujumbura-rural, and scores more in early 2002 as they drove the FNL from bases in Tenga forest near Bujumbura and in the nearby hills. Victims included eight civilians (among them four children) killed by soldiers on March 3 in Mutambu commune, and at least thirteen civilians killed and several others wounded in an attack in Nyabibondo commune on March 19. On April 6, the military killed more than twenty civilians and burnt eight houses to the ground in a surprise attack in Gihanga, Bubanza province.

In November 2001, FDD rebels attacked the village of Munini, Bururi province, killing a local government official and eighteen civilians including women and children. In February 2002, the FDD killed a local official and his wife in Minyare, Cankuzo province. On April 18, FDD combatants killed three civilians and burned forty-five homes in the Biniganyi camp for displaced persons in Makamba province. Rebels, apparently of the FDD, shelled Bujumbura in early June and destroyed homes and property in residential neighborhoods. The FDD also shelled residential areas in Makamba and Ruyigi towns in July, wounding one man, and damaging homes and a public school. They shelled civilian areas of Gitega town in early November 2002.

FNL fighters were less active in 2002 than in years past, in part because of successful military operations against their bases near Bujumbura, and in part because of divisions among their leaders. In January, members of the FNL killed a twenty-four-year-old student in Bujumbura-rural for having allegedly collaborated with the military. The FNL shelled Bujumbura in April, wounding four civilians, two of them children. The FNL was apparently responsible for shelling Bujumbura again at the end of July, killing and wounding several civilians and damaging property. FNL fighters killed ten civilians in Nyabiraba commune, Bujumbura-rural, in May for allegedly supporting the military. Two FNL fighters killed the zone chief of Kamenge, Bujumbura, in a local bar one evening in early September.

During the year rebel groups ambushed vehicles throughout the country, killing and looting from passengers. On November 5, 2001, FDD fighters in Ruyigi held up three vehicles coming from Cankuzo province and robbed and killed eleven people. On January 2, 2002, nine people were killed in three separate ambushes orchestrated by the FDD and the FNL on roads from Cibitoke to Bujumbura. FNL fighters ambushed a minibus in May killing Senator Jean Bosco Rutagenwa and ten others. On June 24, FDD fighters attacked a convoy of vehicles waiting for the road to open near Bugarama, Muramvya. They killed eight passengers and robbed the others; several wounded persons later died at a local hospital.

The new government continued a paramilitary program known as Guardians of the Peace, justifying it as a form of civilian self-defense. These militias, sometimes including boys as well as young men, were armed, trained, and controlled by the military but they received no pay and no regular benefits. Some of the guardians committed killings, rapes, robberies and torture against the population they were meant to protect. Several dozen were arrested in 2002 for their crimes, but many more went unpunished. In December 2001, seventeen guards from Kayanza province were arrested and charged with murder and theft. Tortured in detention,

they were still awaiting trial at this writing. Guardians working in Bubanza province killed three civilians and wounded several others in January 2002.

Many women and girls were raped by men in uniform, particularly in urban areas. Victims were often unable to identify their attackers. In cases where they did recognize the perpetrators, victims were too afraid to bring action against them. In one such instance, a young mother of three children was raped by a soldier and a civilian charged with local security in mid-February, but she refused to press charges against them. Even when women reported the crime, they rarely got justice. One displaced woman was raped by a soldier in early March. When she complained to a captain at a nearby military position, he told her that the criminal was likely a rebel. Also in March three Guardians of the Peace raped a woman. They were arrested the following day but were subsequently released without charge. In Kayanza province local people accused Guardians of taking advantage of their firearms to rape women. In a number of cases FDD rebels abducted women and then forced them to serve as “wives” for weeks or longer at their bases in the bush.

Both the FDD and the FNL abducted hundreds of civilians during operations to transport looted goods, carry wounded combatants, or serve as guides. They often obliged civilians to provide such services during military operations and sometimes put them at risk of enemy fire by making them march at the head of the column. In November 2001, FDD fighters kidnapped three hundred primary and secondary school students in Ruyigi and Kayanza provinces and forced them to carry supplies. Most of the students escaped in the following days, but only after having been caught in combat and after having endured long marches and abuse by their captors. The FDD kidnapped the bishop of Ruyigi in May and held him for several days. Burundian soldiers obliged residents of displaced persons camps and others living near military positions to supply water and firewood and to provide other services without pay.

During repeated fighting in 2002, tens of thousands fled their homes, particularly around Bujumbura and in the east and center of the country. Most took shelter with neighbors and friends and received little or no humanitarian assistance. When FDD rebels stepped up attacks in the east in April and May, the government reinstated its regroupment or forced displacement practice. Soldiers obliged some thirty thousand residents to leave their homes and move near military positions. Authorities provided no shelter, food, or water at the camps and, for five weeks, did not allow humanitarian agencies access to them. The camps were closed in June. Meanwhile, over three hundred thousand Burundians previously displaced by combat were living in semi-permanent camps throughout the countryside.

By October approximately forty-five thousand Burundian refugees who lived in Tanzania had returned home in a program of voluntary repatriation, albeit in August and September there was also reverse movement as hundreds of Burundians fled to Tanzania to escape renewed combat.

In December 2001 and January 2002, the Burundian military joined soldiers of the rebel Congolese Rally for Democracy (RCD) and of the Rwandan army in forcibly repatriating over three hundred Burundians from Congo, apparently believing that they offered support for Burundian rebels operating there. Some of the Burundians had been refugees in Congo for years and others had been born

there. In January gendarmes in Burundi assisted Rwandan and RCD officials in rounding up thirteen Congolese nationals suspected of opposing the RCD. They were taken back to Congo, where eleven remained in a military prison at the time of writing. Burundian officials arbitrarily detained other Congolese in Bujumbura in March, April and July.

Disagreements among political leaders over how to restructure the judicial system, lack of resources, and problems of transport and communication hampered the performance of the justice system. Officials largely ignored procedural rules meant to protect the accused and to limit time in detention without charge. Torture and beating of detainees to obtain confessions was widespread. An international commission on political prisoners recommended the release of hundreds of prisoners and improvements in prison facilities, but little progress was made on these measures. In two high profile cases—the December 2000 shooting at a Belgian passenger airplane approaching Bujumbura airport, and a massacre committed in Teza—Hutu defendants assisted by international attorneys were found not guilty. These two decisions enhanced the credibility of courts often seen as prejudiced against Hutu.

As the war continued, economic conditions worsened. Promised international aid was not delivered, the currency was devalued, and the prices of basic commodities rose. Primary and secondary school teachers went on strike for better conditions from May through July, returning to work with the promise of salary increases in 2003. Two students, aged fourteen and sixteen, were killed during student demonstrations to support their teachers.

Independent radio and news organizations operated in Burundi, but authorities occasionally harassed or arrested journalists. They imprisoned the director of Net Press, a web-based information service in December 2001, and accused him of publishing information which undermined national unity. Authorities closed down Net Press for two months in early 2002 on similar accusations. A journalist of the Studio Ijambo radio station was briefly detained and beaten in March as he was gathering information on a meeting of PA-Amasekanya, a Tutsi extremist group. Journalists from the African Public Radio (RPA) were arrested and detained for trying to report on regroupment in Ruyigi in May. RPA was also threatened with being closed down if it continued investigating the November 2001 murder of the World Health Organization Burundi country director. (See below.) Military authorities repeatedly warned journalists to limit their contact with rebel leaders and banned the broadcast of interviews with them. In July, journalists were banned from reporting on the death of soldiers killed in the war.

## DEFENDING HUMAN RIGHTS

Local and international human rights organizations functioned with relative freedom in 2002. The government became increasingly vocal in responding to their criticism. The Ligue Iteka, the principal human rights organization in the country, published reports and press releases, and maintained a web site. Military and governmental officials occasionally threatened Iteka observers in the provinces in con-

nection with their work. The Burundian Association for the Defense of Prisoners (ABDP) monitored conditions in the prisons, provided judicial assistance, and released a report on pretrial detention. The Association for the Promotion of Human Rights (APRODH) was established in 2002 and produced press releases on prison conditions and the displaced. All three groups organized workshops and conferences on international justice, the fight against torture, and freedom of expression.

The national human rights commission, composed of government officials from several ministries and the offices of the president and vice-president, operated but in October had not yet produced the annual report due under its mandate. The parliamentary human rights commission was more active than in years past, with members speaking out against human rights abuses. Its president played an important role in drawing attention to the Itaba massacre.

### THE ROLE OF THE INTERNATIONAL COMMUNITY

The international community invested considerable time and money in promoting negotiations between the government and rebel groups. Members of the Security Council, the European Union (E.U.) and other governments repeatedly urged the rebels to negotiate and called on all parties to halt human rights abuses. Donors pledged some U.S.\$830 million in aid at a November 2001 meeting but delivered little of it because they were awaiting a cease-fire. The World Bank approved a U.S.\$54 million credit to Burundi in September in the fields of health, education and justice. This followed another World Bank approved credit in April for U.S.\$36 million.

The E.U. promised U.S.\$17.5 million in humanitarian aid to Burundi in March.

Belgium promised an additional grant of U.S.\$4.2 million to cover teachers' salary arrears in September. The United States provided \$12.9 million in humanitarian assistance to Burundi for fiscal year 2002, funding health and nutritional programs and refugee assistance.

South African troops sent to Burundi at the installation of the transitional government provided security for politicians. Troops pledged by Senegal, Nigeria and Ghana to provide additional security did not arrive. A planned Burundian protection force to replace the South Africans and to be composed half of Tutsi, half of Hutu, was not established.

In November 2001, the head of the World Health Organization in Burundi, Dr Kassi Manlan, was murdered in the capital. A government committee created to investigate his death moved slowly and published no findings; a new commission was created in September 2002.

The field office of the United Nations (U.N.) high commissioner for human rights provided legal assistance, monitored prison conditions, and worked closely with the national human rights commission. It published no reports but raised abuses with authorities privately. The U.N. special rapporteur for Burundi, Marie-Therese Keita Boucom, continued to denounce human rights violations through press conferences and reports.

### 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

The catastrophic five-year war pitting the Congolese government against ever-splintering rebel groups continued through most of the year with belligerents killing, raping and otherwise injuring thousands of civilians. After intensified international efforts to end the war, Angola and Zimbabwe withdrew most of the troops they had deployed to support the Congolese government. Rwanda returned home most of its soldiers backing the Goma branch of the rebel Congolese Rally for Democracy (RCD-Goma), while Burundi, also a supporter of RCD-Goma, and Uganda, backer of three other RCD factions, also announced troop withdrawal plans, albeit in October Rwandan and Burundian forces were reported once more to be in action alongside RCD-Goma as eastern Congo descended further into inter-factional and inter-ethnic conflict. In return for the Rwandan military withdrawal, the Congolese government banned Rwandan rebel groups based in eastern Congo and expelled the leaders of one of them, the Democratic Forces for Rwandan Liberation (FDLR). The government also agreed to facilitate the disarmament and repatriation of Rwandan rebels, but initial efforts at persuading them to return home were largely futile.

In the year or so up to their withdrawal the major foreign actors generally observed a truce, but local forces, some of which received support from the Congolese government or from one of the foreign actors, continued combat behind the front lines in eastern Congo through much of 2002. According to a report by a United Nations (U.N.) Security Council investigating commission released in October, Rwandan, Ugandan, and Zimbabwean army officers and Congolese authorities spurred these local conflicts in order to more easily plunder Congolese resources. It said these high-ranking officials collaborated with "criminal groups" in stealing Congolese wealth, and warned that the withdrawal of foreign troops would not end this exploitation.

Various parties to the conflict met in February 2002 in the inter-Congolese dialogue called for by the Lusaka Peace Accord of 1999, but they reached only a fragile power-sharing agreement that left undecided important questions about national reunification and the political transition. RCD-Goma refused to sign the agreement, as did veteran opposition leaders like Etienne Tshisekedi of the Union for Democracy and Social Progress. RCD-Goma boycotted a scheduled renewal of negotiations in late October.

The government became a state party to the Rome Convention for the International Criminal Court and also called for the establishment of an international criminal tribunal to try crimes against humanity committed in Congo before the date when the ICC came into being. Other actors, too, called for an international tribunal in the agreement reached as a conclusion to the inter-Congolese dialogue, but the international community showed little interest in this.

In May some RCD-Goma troops mutinied in Kisangani. In putting down that uprising, RCD-Goma soldiers, apparently backed by Rwandans, massacred civilians and military personnel: According to a report presented to the U.N. Security Council, more than 160 persons were slain.

In August and September hundreds of civilians were killed in the northeastern province of Ituri, where Ugandan army troops that were supposed to be keeping order there instead gave backing to one side in a conflict between competing rebel factions and ethnic militias. In August the Union of Patriotic Congolese (UPC), a faction predominantly of Hema ethnicity and supported by Ugandan troops, drove forces of the RCD-Liberation Movement (RCD-ML), led by Mbusa Nyamwisi, from the provincial capital, Bunia, and killed members of the Lendu and Ngiti ethnic groups, seen as RCD-ML supporters. RCD-ML forces and predominantly Ngiti militia then attacked the town of Nyankunde and killed hundreds of civilians, including hospital staff and patients, the latter slaughtered in their beds.

In Orientale province Nyamwisi's RCD-ML also lost territory in October to the Movement for the Liberation of the Congo (MLC) led by Jean-Pierre Bemba. Advancing eastwards out of Equateur province and reinforced by another RCD splinter, the RCD-National (RCD-N) led by Roger Lumbala, Bemba's forces captured Epulu and Mambasa, driving thousands of frightened civilians before them, and at this writing were bearing down on Beni in North Kivu.

As Rwandan troops left North and South Kivu provinces in October, local forces including groups of Mai-Mai and Banyamulenge (Congolese people of Rwandan ancestry) drove RCD-Goma soldiers from Uvira and surrounding areas, but then yielded before a new RCD-Goma thrust, reportedly reinforced by Burundian and Rwandan forces. RCD-Goma troops and Mai-Mai all reportedly killed civilians and plundered their property during this combat.

Many Banyamulenge originally supported RCD-Goma, but in early 2002 an important group followed former RCD-Goma officer Patrick Mazunzu in rejecting the rebel movement's authority. RCD-Goma troops tried unsuccessfully to suppress Masunzu's group. Rwandan government soldiers then joined in attacking the Banyamulenge, a people whose security had once been a pretext for the Rwandan army presence in Congo. Rwandan and RCD-Goma troops killed scores of civilians, including some shot from helicopter gunships, and forced thousands from their homes.

Combatants from all sides raped and otherwise sexually assaulted women and girls in the October fighting, as throughout the year. In some cases, victims were abducted and held for weeks or months to provide sexual and other services.

According to U.N. figures, some two million persons had been displaced by the conflict in eastern Congo by late October. Humanitarian agencies could meet the needs of relatively few of them and had to reduce even this limited assistance with

October's intensified fighting. Combatants sometimes hindered humanitarian work: Mai-Mai took staff of the Merlin nongovernmental organization hostage for three days in January, and UPC authorities prevented humanitarian flights from landing at Bunia airport in October.

On taking power in 2001, President Joseph Kabila had pledged to honor civil and political rights, but throughout 2002 he continued to exercise autocratic powers inherited from his late father and predecessor, Laurent-Desiré Kabila. According to decree-law number 3 of 1997, all executive, legislative and judicial powers are vested in the president. Authorities carried out many abuses under the guise of delivering justice through the Court of Military Order. In October the prosecutor demanded the death penalty for 115 of 135 persons accused of having participated in plotting the late President Kabila's assassination. Shortly before, the government had announced the end to a moratorium on the death penalty in place since March 2001.

In December 2001 authorities beat and otherwise injured hundreds of Kinshasa university students whom they arrested after they had protested against tuition fee increases. According to the government, three policemen were killed during the protests. Leaders accused of organizing the protests were arbitrarily detained for three months, during which time they were severely beaten to induce them to confess to supposed links with political opposition leaders.

During the year authorities arrested fifteen journalists for publishing articles of which they disapproved. The publication director of the daily *Alerte Plus* reported that he was tortured in detention to force him to reveal sources of a news story published by the paper. The reporter who wrote the story was also arrested. In the East Kasai provincial capital, Mbuji-Mayi, the director of the National Intelligence Agency reportedly ordered three local radio and television stations not to cover news concerning opposition leader Tshisekedi.

In the zone controlled by RCD-Goma, authorities often detained civilians in unofficial places of detention, brought no charges against them, and refused them outside contact. Such detainees included a dozen Banyamulenge whom RCD-Goma agents arrested in Burundi in January with the help of Burundian authorities. They were reportedly transferred to a container located a short distance from Goma; at this writing their whereabouts were unknown.

In August and September, RCD-Goma authorities cooperated with Rwandan officials in forcibly repatriating thousands of Congolese refugees who had sought safety in Rwanda several years earlier. They made no provision for those who returned and initially refused to allow humanitarian workers access to them.

## DEFENDING HUMAN RIGHTS

Human rights activists faced harassment, abduction, beatings, and arbitrary arrest in the course of their efforts to work in an extremely hostile environment in both government-held and rebel-controlled areas of Congo.

In April government agents detained N'sii Luanda Shandwe, head of the Committee for the Observation of Human Rights, and charged him with treason and

sheltering criminals. N'sii faces trial before the Court of Military Order and a possible death sentence if found guilty. Human Rights Watch and other local and international advocates asked President Kabila to release N'sii or transfer his case to a civilian court to be tried in accordance with international fair trial standards, but at this writing N'sii—who fell ill in prison—remained under military jurisdiction. Willy Wenga Ilombe, a lawyer and member of the nongovernmental Center for Peace, Democracy and Human Rights, detained in February for criticizing the government, was still held at this writing. Golden Misabiko, chairman in Katanga province of the leading national organization the African Association for the Defense of Human Rights (ASADHO), was detained for eight months and tortured in 2001, and in March 2002 was forced to flee the country after the prosecutor of the Court of Military Order ordered his arrest for having criticized government policy in a radio interview.

In the zone controlled by the Ugandan-backed MLC, authorities detained a local correspondent of the U.N.-supported Radio Okapi for a week because he had interviewed child soldiers. In Bunia in early September, agents of RCD-ML, also backed by Uganda, detained Honore Musoko, founding member of the association Justice Plus, because he had criticized the human rights record of the faction during an interview with Voice of America. In late 2001 and early 2002, RCD-ML agents repeatedly detained Hangi Bin Talent, the representative in Beni of ASADHO. By mid-year, he had fled Congo.

Human rights defenders were harassed and arrested also by RCD-Goma authorities. On March 15 agents detained and severely beat Richard Bayunda of the Research Center for Environment, Development and Human Rights (CRED-DHO). They were apparently reacting to his efforts to protect detainees whose rights were being abused. After the May mutiny in Kisangani, RCD-Goma authorities threatened several human rights activists. They detained Dunia Ruyenzi, a lawyer, in late May when he sought information about the whereabouts of some detainees. They held Djento Mahundu Bwenge for over a week at the Direction Générale de Migration (DGM) because he gave an interview to Radio France International. Also in May RCD-Goma soldiers raided the office of the Study and Action Group for a Well-Defined Development (GEAD). They seized documents and equipment and, at the time of this writing, were still prohibiting access to the office. Soldiers later attempted to intimidate Delphine Itongwa, a leading member of GEAD, by making a menacing nighttime visit to her house.

In the RCD-Goma-held city of Bukavu, a civil society leader and teacher at the Catholic University, Professor Byamungu, was assassinated by uniformed soldiers in July. As of this writing, no one had been arrested for this crime.

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

Having spent much effort trying to end the war in the DRC, and satisfied with the withdrawal of foreign troops and Congo's disavowal of Rwandan rebels, the international community appeared willing to mute its calls for accountability in hopes of ensuring the hard-won semblance of stability.

### **United Nations**

Ambassadors of the U.N. Security Council traveled to countries involved in the Congo war in May, the third such visit in as many years, underlining the importance they gave to ending the conflict. On several occasions the council deplored efforts by belligerents to increase their territory in violation of the truce, condemned the resurgence of violence, and encouraged steps such as the withdrawal of foreign troops.

The United Nations Organization Mission in the Democratic Republic of Congo (MONUC) monitored observance of the truce by the primary belligerents effectively, but did nothing to halt combat among local parties behind the lines. With some 5,500 troops, most of them stationed far from the eastern region where local conflicts were most prevalent, MONUC was ill-equipped to carry out the part of its mandate calling for the protection of civilians at "imminent risk of physical violence." This failure was evident during the Kisangani massacre in May. On the first day of violence no MONUC personnel went out on patrol to deter killing, although there were dozens of military observers in the city and some one thousand troops there to defend U.N. personnel. On the second day, MONUC officers did call for calm, obtained the release of two detained priests, and protected seven other civilians. Officers of the force subsequently joined representatives of the U.N. High Commissioner for Human Rights Field Office in Congo in conducting a detailed investigation of the events. As a number of international actors were calling for increased resources for MONUC in October, U.N. Secretary-General Kofi Annan proposed increasing the force to 8,700 troops and stationing two strong mobile units near the zones of conflict in the east.

Following critical comments by U.N. personnel about the conduct of RCD-Goma soldiers, the rebel authorities expelled two U.N. staff members from the town of Goma and a third from Kisangani. It also declared the secretary-general's special representative persona non grata after MONUC reported on the Kisangani killings as "unjustifiable." On June 5, the Security Council condemned "in the strongest terms" acts of intimidation by RCD-Goma against U.N. officials and called on Rwanda to use its influence to ensure that RCD-Goma obey Security Council resolutions without delay.

On several occasions during the year, such as on September 30 after combat had intensified in the east, the Security Council called for an end to human rights abuses committed by all sides during the war. It issued a particularly strong presidential statement on July 23 condemning the Kisangani massacres and demanding that RCD-Goma bring the officers responsible to justice. It also said that Rwanda had a duty to use its influence over RCD-Goma to see that no further war crimes were committed.

The special rapporteur on extrajudicial, summary or arbitrary executions went to Kisangani to investigate the massacre and gathered information that formed the basis of a report presented by the high commissioner for human rights to the Security Council in July. This marked the first time that the high commissioner had addressed the council on the human rights situation in a single country. At its 2002 meeting, the Commission on Human Rights extended the mandate of the special rapporteur for the DRC.

The Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo presented its final report to the Security Council in mid-October. Drawing on extensive documentary evidence and witness statements, the panel described the networks through which Rwandan, Ugandan, Zimbabwean, and Congolese authorities had been growing rich at the expense of the Congolese people. The report explained that various foreign actors worked to keep local authorities weak and local peoples in conflict in order to make it easier for them to extract wealth from the area. It also concluded that Rwanda was not in Congo to protect its security, as it frequently claimed, but rather to “secure property.” It named not just individual officers but also various corporations—some international, some national—involved in illegally exploiting the DRC’s wealth. It called for sanctions against the individuals and corporations if they failed, after a brief grace period, to halt their activities.

### European Union

The E.U. sought to encourage peace by combining incentives and pressures on all parties to the conflict. The United Kingdom (U.K.) foreign secretary and his French counterpart visited Central Africa together in January. They were followed soon after by the Belgian foreign minister and a joint delegation of the U.K., Netherlands, and Norwegian ministers for international development.

The E.U. condemned violations of the truce, such as when RCD-Goma forces took Moliro and Pweto in March. In demanding that these forces retreat, the E.U. called upon Rwanda to use its influence to see that this was accomplished. On October 22 the E.U. deplored the resurgence of violence in the east and expressed concern about human rights violations, particularly in Ituri. It endorsed an expansion of MONUC forces. Shortly after the Kisangani massacre, the E.U. Presidency and the European Parliament condemned the killings and “the repression of the Congolese people by RCD-Goma members and Rwandan troops.” The U.K., known to favor Rwanda, nonetheless played a key role in brokering the agreement between the Congolese government and Rwanda in July.

As the year-long Congolese program of economic reform yielded some improvements, various donors rewarded this success and promised further support if efforts at peace, reconciliation, and democratization continued. In January, the E.U. approved a National Indicative Program of €120 million (U.S.\$118 million) for a five-year effort to alleviate poverty and strengthen institutions. This resumption of development assistance signaled a departure from previous years when the E.U. denied Congo funds for development while delivering extremely generous assistance to Rwanda and Uganda, notwithstanding condemnation of both these governments for their military presence in Congo.

International financial institutions joined in offering new support to Congo. The donors grouped in the Paris club wrote off more than half of U.S.\$9 billion in debt and agreed to reschedule the rest and to seek similar relief for Congo from other donors. The World Bank proposed canceling more than 80 percent of outstanding Congolese debt (to be finally decided on in early 2003). In June, the World Bank resumed cooperation with Congo by giving a loan of \$450 million and a grant

of \$44 million to help finance part of a \$1.7 billion emergency and reconstruction program.

### United States

Like others in the international community, the U.S. focused on ending the war, a message that President George W. Bush himself delivered to the Congolese and Rwandan presidents in September. The U.S. condemned the Kisangani massacre, and its ambassador for war crimes issues traveled to the scene in October. The ambassador also pushed Congolese authorities to surrender important suspects sought by the International Criminal Tribunal for Rwanda, an effort that netted one important suspect by October. The U.S. State Department *Country Report on Human Rights Practices for 2001* detailed abuses by government and rebel authorities, but recognition of the abuses had only limited impact on policy.

### RELEVANT HUMAN RIGHTS WATCH REPORTS:

*War Crimes in Kisangani: The Response of Rwandan-backed Rebels to the May 2002 Mutiny*, 8/02

*The War Within the War: Sexual Violence Against Women and Girls in Eastern Congo*, 6/02

## ERITREA

### HUMAN RIGHTS DEVELOPMENTS

Despite a Pyrrhic victory in the 1997-2000 border war with Ethiopia, Eritrea remained a country under siege—from its own government. In April 2002, a boundary commission established under the cease-fire agreement between the two countries gave a ruling favorable to Eritrea. Although the exact boundary between the two countries was still to be demarcated, many of the most intensively disputed areas would fall on the Eritrean side of the border. The government continued to use the war as an excuse for not implementing a constitution ratified in a 1997 referendum and for not holding elections. Nine years after Eritrea obtained its independence, no institutions existed to restrain government abuses, and presidential rule by decree continued unfettered. The ruling People’s Front for Democracy and Justice (PFDJ) was the sole political party allowed to operate.

Ignoring penal code requirements, the government continued to detain without charge eleven members of the so-called Group of 15 (G-15), prominent critics in the PFDJ central council arrested in September 2001 after publishing an open letter to President Isayas Afeworki requesting democratic reforms. In response to crit-

icism by the European Parliament, the government asserted that the eleven had participated in a “conspiracy to oust the president illegally,” had attempted to negotiate independently with the Ethiopian government during the war, and had engaged in “sedition” by infiltrating government offices and the military through the creation of “clandestine cells.”

In April eleven editors and reporters arrested in a September 2001 clampdown on the independent media, and since held at a police station in the capital, Asmara, began a hunger strike to demand their release. After three days, the government moved them to secret locations and cut off all contact by the detainees with the outside world (they had previously been allowed family visits). One of the journalists, Dawit Isaac, was briefly hospitalized, reportedly as a result of torture while in police custody. None of the journalists were charged with a crime as of October 2002. Three other journalists, one of whom had been arrested in July 2000, remained unaccounted for.

All private newspapers remained closed. The government controlled all sources of information within the country. It operated the sole radio and television stations and news agency and published all remaining newspapers and magazines. There were unconfirmed reports that the government used its control over the only local internet server to read e-mail traffic to and from Eritrea.

The government arrested dozens of others it deemed sympathetic to its critics, including a former consul general, journalists working for the government press, businessmen, the solicitor-general, local government administrators, and members of the families of people previously arrested. Also in detention were two local employees of the United States embassy, who had been arrested in September 2001, reportedly for trying to arrange political asylum for G-15 members. Their whereabouts, at an Asmara police station, were not kept secret; but they, too, were not charged or allowed visitors.

In January 2002, the government reconvened an interim “National Assembly” that had not met since September 2000. The assembly consisted of seventy-five PFDJ central committee members and seventy-five party members selected by the leadership in 1993. The assembly approved the government’s arrests and press closings. It accused those arrested of having committed “grave crimes.” A resolution claimed that the closed newspapers had been “foreign-funded” and had “engaged in defamation and rumor-mongering.”

The assembly approved an election law designed to preserve the PFDJ’s monopoly on power. Under the law, no political party other than the PFDJ would be allowed to operate. The assembly resolution criticized previous attempts to permit political pluralism. The election law disenfranchised anyone who commits treason or “crimes against the nation.” It permitted members of the armed forces to be candidates for office. Although President Isayas appointed a five-person electoral commission at the end of January 2002, no elections had been scheduled as of October.

As government repression intensified, several government officials resigned; they included the ambassador to Sudan and the chargé d’affaires in Djibouti, both of whom left their posts in September. In mid-2002, the government extended mandatory national service obligations for another two years, providing cheap labor for government projects. Widespread enforcement round-ups were carried

out around the country, and as a result hundreds of Eritreans fled to neighboring countries and beyond. In October, Malta deported over two hundred recent refugees. They were arrested upon arrival in Asmara, taken to a military camp, and held incommunicado. Eritreans caught attempting to flee the country were reportedly beaten and tortured.

One of the more notable escapes was that by University of Asmara student union president Semere Kesete. He had been arrested in July 2001 after protesting the university’s management of a forced labor national service program for university students. Semere had been imprisoned in an Asmara police station but was never charged with a crime. In July 2002 he managed to escape to Ethiopia with the assistance of one of his guards.

In 2002, the government ordered all houses of worship other than those affiliated with the Eritrean Orthodox, Roman Catholic, and Lutheran Christian faiths and Moslem mosques to close. The ban affected Jehovah’s Witnesses, Seventh Day Adventists, and Pentecostal adherents from practicing their religions. Jehovah’s Witnesses were especially harshly treated because of their religious practices and beliefs. Four Jehovah’s Witnesses were still imprisoned after more than five years without charge or trial for refusing to participate in the national service program, even though the maximum penalty for refusal to serve is three years. Jehovah’s Witnesses were denied national identity cards, making them ineligible for government employment and government permits, such as passports and driver’s licenses.

In a positive development, Eritrea acceded to the Mine Ban Treaty on August 27, 2001. Mine survey, clearance and mine risk education activities increased greatly. The United Nations (U.N.) Mission in Ethiopia and Eritrea (UNMEE) Mine Action Coordination Center reported that from November 2000 through December 2001 over 10 million square meters of land and 989 kilometers of roads were cleared.

## DEFENDING HUMAN RIGHTS

Only one human rights organization has been allowed to exist in Eritrea, Citizens for Peace. It limited its advocacy to the rights of war victims. It was not reported as active in 2002.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

The European Union remained critical of Eritrea, but the United States muted its criticism in light of Eritrea’s potential importance as a military ally in the region. Speaking at Eritrea’s eleventh independence anniversary celebration, President Isayas repudiated widespread international criticism: “To those few who intervene in our internal political matters and who pretend to be our mentors of democracy, . . . we have this simple message. We shall not choose slavery to get their assistance.”



### United Nations

The U.N. expected to provide U.S.\$120 million in assistance in 2002, primarily in food aid. Forty-two hundred peacekeeping troops assigned to UNMEE patrolled a twenty-five kilometer-wide buffer zone between Eritrea and Ethiopia. (See also Ethiopia.) The U.N. High Commissioner for Refugees (UNHCR) concluded that by the end of 2002 Eritreans in Sudan would no longer automatically be entitled to refugee status but could apply individually if they feared persecution on return to Eritrea. UNHCR reported that it had voluntarily repatriated fifty thousand Eritreans from Sudan between May 2001 and mid-October 2002. Even so, well over one hundred thousand Eritreans remained in refugee camps in Sudan as of October 2002.

### African Commission

The African Commission on Human and Peoples' Rights wrote to President Isayas asking for the release of political prisoners. The letter stated that incommunicado detentions without trial and violated the African Charter on Human and Peoples' Rights.

### European Union

The E.U. and its member states frequently voiced complaints about the government's human rights record; the European Commission limited its financial assistance largely to humanitarian aid. A total of €23.775 million (U.S.\$23.47 million) was newly allocated to projects including refugee support and resettlement assistance; food aid and food security; demining and border demarcation; and emergency assistance. In September 2002, the commission committed €27 million (\$26.49 million) to support military demobilization, a program the Eritrean government frequently proclaimed in 2001 and 2002 but rarely implemented. Denmark, which provided about 40 percent of the Ministry of Agriculture budget, announced that it would end financial assistance to Eritrea by 2005 because it did not "want to maintain dictators in power." In September Eritrea and Italy named new ambassadors, healing the diplomatic rift created by Eritrea's 2001 expulsion of the Italian ambassador—who was also the European Union's representative—after he delivered a demarche expressing concern for about deteriorating human rights conditions. In response, Italy had cut off further assistance and had expelled the Eritrean ambassador.

### United States

Although U.S. aid to Eritrea remained small, U.S. Defense Department officials saw Eritrea as a strategic ally. The commander of the U.S. central command visited Asmara in March and was reported to have expressed interest in creation of a naval bombardment and gunnery range along Eritrea's coast with the southern Red Sea. The Defense Department's African affairs director told the Voice of America that a

"military-to-military" relationship with Eritrea would provide "a lot of benefits" but that the American government had not yet decided to proceed. One stumbling block to a closer relationship was the continued incarceration of the two U.S. embassy employees.

In mid-October 2002, the State Department issued a press statement demanding release of the two employees or a fair and open trial for them. Referring to the detention of government critics and journalists, the shut-down of the private press, and restrictions on religious affiliation, the statement also called on the Eritrean government to "return to the basic values of democracy and human rights, as it has repeatedly committed itself to do." Eritrea labeled the statement "unacceptable" and accused the CIA of unlawfully having attempted "to change the government" during the war with Ethiopia by conspiring with "some senior [Eritrean government] officials," presumably those arrested in 2001.

## ETHIOPIA

### HUMAN RIGHTS DEVELOPMENTS

Human rights conditions in Ethiopia did not perceptibly improve in 2002. In southern Ethiopia they significantly worsened: Police shot into groups of civilians and conducted mass arrests. Arbitrary arrests, however, were not confined to the south. Those who were arrested were subjected to prison conditions that did not meet international standards and some prisoners, particularly in Oromiya regional state, were tortured. Courts rarely intervened to stop human rights abuses, parliament not at all. The print media was allowed to publish but was frequently harassed. The ruling coalition Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) led by Prime Minister Meles Zenawi maintained a firm grip over the federal and state governments. Local elections were subject to intimidation and fraud. The EPRDF also continued to exert control over the judiciary.

Police violence in Tepi and Awassa, in the Southern Nations, Nationalities, and Peoples (SNNP) regional state, resulted in the deaths of more than one hundred civilians and the arrest of hundreds. In Tepi, members of two minority ethnic groups, the Sheko and Majenger, clashed in March with local officials and police over political rights. Some civilians were reported to have been armed with machetes. At least eighteen civilians and one local official died. In the following days, more than one hundred were killed and villages razed on the order of local authorities, leaving some 5,800 homeless. Nearly one thousand civilians were arrested after the disturbance, and 269 remained in detention when a diplomatic delegation visited in June.

In the city of Awassa on May 24, soldiers using machine guns mounted on armored cars shot into a crowd of farmers protesting a change in the administrative status of the city. The government acknowledged seventeen deaths but inde-

pendent reports said that twenty-five civilians were killed and twenty-six injured.

Police also shot at crowds of unarmed students in March and April in Oromiya, Ethiopia's most populous state. State officials acknowledged that five high school students were killed and over a dozen wounded when police shot into groups protesting government educational and economic policies. The Oromiya state parliament justified the police tactics by asserting that the police had no funds to purchase non-lethal crowd control equipment.

Police subsequently arrested several hundred students, teachers, and others whom it accused of being members or sympathizers of the Oromo Liberation Front (OLF), an armed movement that the government claimed had instigated the student protests. In June, over three hundred people were incarcerated in Dembi Dolo, including some seventy school children. Some of those detained there and in Ambo town, about 130 kilometers west of Addis Ababa (the capital), were tortured. Most of the prisoners were released on bail two months after their arrests. The government suspended teachers and civil servants from their jobs.

The government failed to bring police accused of killing civilians to justice in the above-mentioned incidents, or similar previous incidents, including the killing of forty students during a strike at Addis Ababa University in April 2001. The federal government arrested ten officials in August 2002 for their involvement in the Awassa or Tepi violence. It was not clear, however, whether those arrested were accused of using excessive force to put down the protests or of having encouraged civilians to demonstrate in the first place.

Human rights violations continued to be particularly egregious in Oromiya. Since the government banned the OLF a decade before, thousands of alleged OLF members or sympathizers had been arrested, and this trend continued in 2002. (Oromos constitute the largest single ethnic group in Ethiopia, some 40 percent of the population.) As of March more than 1,700 such prisoners were reportedly held at the Ghimbi central prison, half of them arrested recently and the rest having been there for five to ten years, some without charge. Hundreds more were detained in prisons and police jails across Oromiya state. Prisoners who were released or escaped from incarceration reported severe torture while imprisoned. The Oromiya state minister for capacity building, who fled the country in May, denounced the state government for indiscriminately accusing the Oromo people of supporting the OLF.

The government continued to crack down on teachers who criticized changes in education policy and supported the banned Ethiopian Teachers' Association (ETA). Dr. Taye Wolde Semayat, president of ETA, was released in May 2002 after an appeals court reduced his sentence to less time than he had already served. He had been placed in a fetid cell and shackled while in solitary confinement during part of his six-year incarceration (Taye had been convicted of plotting to overthrow the government, though independent observers believed the charges were fabricated). ETA continued to work to protect teachers' rights despite the fact that the government had created a puppet organization with the same name, seized the original organization's funds, and sealed parts of its offices. Seven teachers who supported ETA were arrested in May in Sendafa and held for two months on trumped-up charges, and more than forty teachers who attended a February ETA

conference on education for all and teaching about HIV/AIDS were arrested and held for two weeks when they returned home. Between August and October authorities refused permission for and police interrupted and dispersed ETA meetings. Government officials threatened teachers with dismissal or withholding of salary if they failed to disassociate themselves from ETA.

Prison conditions were harsh in the provinces and in Addis Ababa. Medical care was rudimentary and rationed to a handful of prisoners per day. Prisoners with AIDS reportedly received no treatment, and former prisoners reported having witnessed deaths of prisoners with serious diseases such as tuberculosis. Prisoners were denied access to bathing facilities, mattresses, and blankets. Some released in 2002 told of being detained in such crowded confinement that they had had to take turns sleeping. Food was meager but adequate. Prisoners who had family living nearby were normally allowed to receive food from family members. In May the International Committee of the Red Cross reported it had access to 4,800 security detainees in 150 places of detention.

The judiciary remained unable or unwilling to stop human rights violations. In May, the federal minister for capacity building acknowledged that the justice system was generally backward and incapable of enforcing constitutional guarantees. Often judges refused to release prisoners on bail even when the police or prosecutor had no proper grounds for their detention. Instead, hearings were adjourned for two weeks at a time to allow police to investigate. Occasionally, a court would order the release of a prisoner only for the prisoner to be rearrested and jailed within a day or two outside that court's geographical jurisdiction. For example, police arrested an Addis Ababa businesswoman, Dinkinesh Deressa Kitila, in early June on accusations she had transported OLF documents in her car. She appeared in court several times over two months before the local court ordered her released for lack of evidence. Two days after her release on bail, she was rearrested in another district. As of October, she remained imprisoned.

Prisoners held for non-bailable offenses were incarcerated for years while their cases were investigated. In 2001, parliament enacted legislation to prevent anyone accused of corruption from being released on bail. The law was immediately applied to the former Defense Minister Siye Abraha, who was also Prime Minister Meles' chief political adversary. The former minister and several alleged co-conspirators had not been brought to trial by October 2002, well over a year after their arrests. In July the presiding court ordered the prosecution to revise its charges, assuring further delay. Businesspeople arrested in 2001 on corruption charges also continued to languish in jail without trial.

The largest single group of long-term prisoners were members of the previous government, the Derg, accused of genocide, crimes against humanity, and other serious offenses. Several dozen former Derg officials were brought to trial in 2002, about a third of whom were acquitted. Hundreds more who had been in prison for a decade or more still awaited trial, but the Federal High Court claimed to be able to complete their trials by September 2003.

In some cases, the police and courts began to enforce laws protecting women and children more seriously than in the past, in particular by making greater efforts to arrest men who raped children and, when convictions were secured, by imposing

prison sentences on some rapists. In Addis Ababa two policewomen were assigned to each district. However, women's groups claimed that police often did not investigate reports of adult rape, while prosecutors took over a year to bring charges and then only for infractions with the lowest possible penalty. Outside the major cities, customary law continued to govern intra-family relations including inheritance.

The private print media was allowed to operate but was periodically harassed. The prime minister called the newspapers organs of illegal political parties and the minister of information accused them of practicing hate politics. In July, the former editor of a weekly newspaper was sentenced to two years of imprisonment for defamation and disseminating false information. Early in 2002, the government released another journalist on U.S.\$2,000 bail after ten months of incarceration. He had been accused of inciting violence after he had written articles about mismanagement at a government-owned tannery and about a former general's prediction of the government's imminent overthrow. Other journalists were also briefly detained and then released on bail for articles they had written. In March, one was fined U.S.\$1,400 for a 1997 article quoting a speech given in the United States in which the American speaker asserted that the present Ethiopian government was as bad as the Derg. In each case, the government invoked a Derg-era press law making defamation, the publication of false information, and incitement criminal offenses. The government was drafting a new press law and code of ethics, but advocates for an independent press feared it would be even more restrictive and intrusive than existing law.

The editor of the only newspaper in Tigray state was arrested in December 2001. After a state court ordered her release and dismissed the criminal charges she closed the newspaper and fled the country. The Addis Ababa private print media had no circulation outside the capital, partly as a result of transportation problems but also partly because of intimidation by local authorities who regarded the possession of nongovernment newspapers with suspicion. The government owned the only television and all radio stations except for one FM station owned by the Tigray Peoples' Liberation Front (TPLF), the lead political party in the government coalition. Although the government periodically stated that it would permit others to enter broadcasting, implementing legislation remained stalled.

Political parties were permitted to exist but their activities were sometimes hindered, especially at local levels. In December 2001, opposition groups in the SNNP state boycotted zonal elections, claiming that their candidates had been denied access to the ballot and had been molested by government party supporters. The chairman of the South Ethiopian Peoples' Democratic Coalition (SEPDC), Beyene Petros, one of a handful of opposition members of the federal parliament, accused the National Elections Board of having assigned government officials and government party members as election judges. The chairman of the commission deemed the charge without merit and threatened to sue Beyene. In March 2002, people known to be government party functionaries disrupted a meeting of the Ethiopian Democratic Party (EDP) in Awassa at which members were protesting government acquiescence to revision of the border between Ethiopia and Eritrea. (See below.) Police present at the meeting failed to intervene.

Issues remaining from the border war Ethiopia fought with Eritrea between

1998 and 2000 continued to fester. In late August 2002, Eritrea repatriated 279 Ethiopian prisoners of war (POWs), stating that it had thereby returned all POWs, but the Ethiopian government accused Eritrea of still holding prisoners in undisclosed locations. It demanded information about seventy-three police and militia members who remained unaccounted for, and about a pilot who had been paraded through the streets of the Eritrean capital after his plane was shot down in 1998. As of October 2002, the Ethiopian government continued to hold about 1,300 Eritrean POWs despite its pledge to release them. Persons of Ethiopian descent who were deported from Eritrea continued to live under difficult circumstances in fourteen camps around the country. The Ethiopian government abruptly closed three of the camps, forcing inhabitants to leave, and announced plans to do the same with the remaining eleven.

Reliable sources reported that the Eritrean government was giving logistical support, training, and weapons to OLF guerillas attempting to infiltrate Ethiopia from Sudan, and to armed Tigrean groups opposed to the current Ethiopian government.

## DEFENDING HUMAN RIGHTS

The Ethiopian Human Rights Council (EHRCO), the most prominent human rights group, issued a number of reports on human rights violations in 2002, including on the shootings and arrests in Tepi, Awassa, and Oromiya; on forced roundups of street children who were then dumped in a remote forest; and on abuses against deportees from Eritrea. Two leading members of EHRCO who had been arrested and bailed in 2001, charged with inciting university students to riot, appeared in court periodically in 2002 but a trial on the merits had not begun at this writing. The Ethiopian Women Lawyers Association, which like EHRCO had been temporarily shut down by the government in 2001, faced no overt government interference in 2002. The government continued to refuse to register the Human Rights League.

The constitution and legislation empower parliament to establish a human rights commission and ombudsman to investigate government abuses. A parliamentary committee solicited nominations to these bodies in 2002 but, as of October, neither organization had been established.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

Following the end of the war with Eritrea in 2000, international donors began to provide Ethiopia with more generous aid packages. The United States, European Union, and United Nations were preparing to respond to a looming humanitarian crisis due to severe drought. Most international donors remained silent in the face of human rights violations, preferring to support Ethiopia's fragile, relative peace in a troubled region and not wishing to jeopardize Ethiopia's cooperation in fighting terrorism.

### United Nations and World Bank

An independent boundary commission established as part of the December 1999 cease-fire agreement released a report with preliminary findings in April. The report generally rejected Ethiopian claims including (without mentioning it by name) the claim to the village of Badme, where the war had started. Both countries initially announced that they accepted the commission's decision, but in June the Ethiopian government defied the ruling by voluntarily resettling 210 people from central Tigray to Badme. Actual demarcation of the border in accordance with the commission's directions had not begun as of October.

The U.N. Security Council extended until March 15, 2003 the mandate of the United Nations Mission to Ethiopia and Eritrea (UNMEE) to monitor the cease-fire agreement. The border remained calm but for occasional tense confrontations by local civilians and militia with UNMEE peacekeepers. In April 2002, the Ethiopian government accused the UNMEE force commander of bias after he drove foreign journalists into Badme from Eritrea, and refused to meet with him thereafter. The U.N. replaced him in October.

The U.N. Emergencies Unit reported in February that some areas, notably in eastern Tigray, were still uninhabitable due to the presence of landmines. While no demining had started in Ethiopia, two demining companies were trained, and some survey work had started. In April, after many months of prodding, Ethiopia provided detailed maps of mines its forces had laid in Eritrea to UNMEE. There was a significant decrease in deaths and injuries from landmines and unexploded ordnance from the previous year. Nevertheless, from June to August alone, twelve people were injured and four killed in eleven incidents.

Ethiopia obtained a measure of debt relief in 2002 from the World Bank and Western countries in 2002, enough to save it U.S.\$96 million in annual debt service until 2021 if fully implemented. As part of the arrangement, Ethiopia would be required to revise its tax structure, carry out privatization, cut defense spending, and reorganize the banking sector. The promised debt relief represented only about 10 percent of Ethiopia's estimated external debt burden of U.S.\$10.3 billion.

### United States

Ethiopia's international standing grew during the year as its strategic location, bordering Sudan and Somalia, made it a "frontline state" in the U.S.-led "war against terrorism." The U.S. provided substantial military assistance to Ethiopia within this context. Yet the U.S. failed to press for accountability of Ethiopian security forces accused of human rights violations, including the shooting of civilian protesters. A senior state department official claimed that the U.S. wielded virtually no leverage over Ethiopia because it was dependent on the country's assistance in rooting out al-Qaeda. U.S. economic and humanitarian assistance amounted to about U.S.\$170 million, one third of which represented funds for education, health, and governance, and the remainder food and emergency aid.

### European Union

The E.U. issued a statement in June condemning the violence in Tepi and Awassa and demanding an inquiry into these events. The E.U. declined to provide police assistance to the Ethiopian government to improve its ability to manage disturbances with less than lethal force because it could not guarantee Ethiopia would use such assistance responsibly (in the past, Ethiopia has misused assistance provided to the police actually to commit human rights violations, including using a British government-donated vehicle in the 1997 assassination of ETA leader Assefa Maru). The E.U. and its member states provided about €60 million (U.S.\$59.1 million) in humanitarian assistance during 2002.

## KENYA

### HUMAN RIGHTS DEVELOPMENTS

After twenty-four years of autocratic rule by President Daniel arap Moi, Kenya looked forward to a general (presidential and parliamentary) election scheduled for December 2002. Kenyans also awaited a new constitution, after two years of procedural wrangles. Widespread corruption and lawlessness eroded the country's social and economic fabric, as living standards hovered at their lowest level in decades, but pressure also mounted to hold officials accountable for past crimes. There were continuing concerns over police brutality, judicial wrongdoing, and attacks on freedom of expression.

In October 2001, quelling rumors that he would run for another term, President Moi agreed to step down in January 2003. However, his public promotion of Uhuru Kenyatta, son of Kenya's founding president, Jomo Kenyatta, as his hand-picked successor outraged civil society groups and opposition politicians. Kenyatta, an inexperienced legislator appointed by the president in October 2001, was viewed as beholden to Moi. This interference in the process of choosing a new leader divided the ruling Kenya African National Union (KANU), which nevertheless voted to grant Moi sweeping powers within the party upon retirement as president. Bolstering KANU's chances going into the election was its March merger with the largest opposition party, the National Development Party, but deepening divisions within the new KANU threatened to offset that advantage. In September, a coalition of opponents, the National Alliance Party of Kenya (NAK), sought to capitalize on the KANU divisions by uniting to field its own presidential candidate, Mwai Kibaki, a former vice-president who had unsuccessfully run for president twice before. The next month, NAK and a KANU faction known as the Rainbow Coalition joined forces in a "super alliance" called the National Rainbow Coalition that posed the first serious challenge to the ruling party in Kenya's history.

The Constitution of Kenya Review Commission, made up of government

appointees and civil society representatives, originally planned to produce a draft constitution by September 2002. However, riven by internal bickering and dogged by government attempts to delay and disband it, ahead of the deadline the commission requested and won an extension until January 2003 to complete its work. It conducted civic education countrywide to gather views about a new constitution. KANU attempted to link the commission's extension with an extension of the life of Parliament by as many months, but, after a public outcry, President Moi told Parliament to end its term in February 2003, as required in law. The commission issued its draft constitution in September after all, despite Moi's efforts to block it through the courts. The document outlined radical recommendations to reduce the power of the executive by creating the posts of prime minister and two deputy prime ministers, adding a second parliamentary chamber, and providing for presidential impeachment. It also recommended a complete judicial overhaul and replacing appointed local authorities with locally elected officials. In October, just as delegates to a national constitutional conference were preparing to debate the draft, Moi dissolved Parliament, effectively halting the constitutional review because the conference by law had to include members of parliament (MPs). Three days later, Moi moved to disband the constitutional review team and had the conference venue sealed off by armed police. Bolstered by a mounting campaign by lawyers and civil society representatives against Moi's heavy-handed tactics, the review commission refused to disband, although it was forced to adjourn the national constitutional conference until a new Parliament was in place.

With a leadership turnover imminent, the issue of official accountability escalated into a debate over amnesty for economic crimes and government-sponsored violence. In defiance of a July court order, President Moi refused to release a three-year-old report by the presidential Commission on the Ethnic Clashes (known as the Akiwumi Commission) on politically motivated ethnic violence that occurred throughout the country between 1991 and 1998. In October, Moi released the report, which implicated several high government officials. At a function marking the 1997 attacks in Likoni, near Mombasa in Coast Province, which had sparked armed ethnic attacks in Mombasa in the run-up to the last general election, human rights activists urged presidential candidates to promise to investigate and prosecute these and other political killings. Human Rights Watch published a report on the 1997 Coast Province violence in May, documenting the role of the ruling party in the violence and emphasizing the dangerous nexus between arms availability and politically motivated ethnic violence in Kenya. Perpetrators of the Likoni attacks told Human Rights Watch they had been backed by ruling party officials.

The arms flow from neighboring war zones continued to undermine Kenya's security, increasing the death toll from inter-ethnic violence, especially in Tana River and North Rift regions. The spread of small arms, combined with the manipulation of ethnic tensions by politicians, presented particular risks in an election year. Kenya's two previous general elections had been marked by bloodshed.

In Nairobi, the capital, violence erupted in two slums, Kibera in late 2001 and Kariobangi in March 2002. At least twenty-five people died in Kariobangi at the hands of vigilante gangs allied to certain ethnic groups and politicians, and while the police—who had ignored warnings of impending violence—made thirty-one

arrests, they had not followed through with prosecutions as of this writing. In Kibera police went on their own rampage, raping, beating, looting and destroying property, and thousands of residents fled. The government ignored charges of political incitement in Kibera and ordered no independent inquiry. Although the police commissioner banned eighteen vigilante groups and private armies tied to prominent politicians in March, little enforcement took place. In fact, in August the armed Mungiki faction, the main vigilante group involved in the Kariobangi massacre, staged a massive demonstration in Nairobi in support of Uhuru Kenyatta, with no police interference.

Police violently broke up or canceled numerous opposition party rallies, denying freedom of assembly to thousands of Kenyans whose main source of information about candidates was such gatherings. For example, in August, an opposition MP, James Orengo, was jailed for a few days for trying to hold a meeting. With political opposition higher in cities than in the countryside, the ruling party used youth gangs and local civic authorities in the run-up to the election to conduct sweeps of certain urban populations perceived to traditionally vote against the government. Repeated sweeps in Mombasa by police and gangs acting with public encouragement by a local KANU MP displaced eight thousand street hawkers belonging to Kikuyu and other ethnic groups thought to be anti-KANU. Hundreds of families in the slums of Nairobi and four other cities were also evicted.

Women's rights groups focused on the December election as an opportunity to boost their low numbers in elected office and win passage in a new Parliament of legislation on domestic violence, property rights, and other issues affecting women.

Kenya hosted close to 250,000 refugees at the beginning of 2002, principally from Somalia, Sudan and Ethiopia. In two new waves, ten thousand Somali refugees fled fighting in southwest Somalia in the spring. Nearly half of the new arrivals returned to Somalia after at least four refugees were killed by gunfire from the Somali side of the border, and amid reports of intimidation by the Kenyan police. Kenya's two major refugee camp complexes, Kakuma and Dadaab, were plagued with insecurity, incidents of rape and other violent crimes, and a serious reduction in food distribution because of inadequate supplies and donations.

Refugees living in Nairobi also suffered from rights abuses, many of which were linked to the Kenyan government's insistence that they reside in camps and not in urban areas. While no accurate numbers existed, the United Nations High Commissioner for Refugees (UNHCR) estimated that as many as sixty thousand refugees were living in Nairobi in 2002. Two young refugee children from Rwanda were murdered, and their mother seriously injured, during a nighttime knife attack in a UNHCR-run residence on April 17. In another incident in May, police conducted raids against "foreigners," arresting approximately eight hundred individuals who were held for several days in dismal conditions in an outdoor pen next to the Kasarani police station. At least 145 of the detainees were documented refugees who were charged with failing to register with the government—a statutory provision that was enforced for the first time, and with which no refugee could comply since government registration stopped in 1991. Similar group arrests took place in October 2001 and February 2002. Foreigners, including refugees, were often blamed for crime and insecurity and targeted for arbitrary arrest and detention.

Despite mounting public outrage over police brutality, incidents of killings and beatings in jail, rape, unlawful confinement, and excessive force continued. The government had yet to reflect the United Nations (U.N.) Convention Against Torture in domestic law, despite having ratified it in 1997, and reports of torture persisted, especially of jailed opposition supporters in rural areas. In January, President Moi ordered authorities to build confidence in the jail system, commenting, in reference to torture and HIV/AIDS, "Currently, the public believes that once you are jailed, you will be lucky to come out alive." Prison conditions nevertheless remained harsh, although accountability improved somewhat under new leadership, as symbolized by the arrest of four wardens accused of the September 2000 killing of six prisoners; the four were charged in July 2002 with murder.

The judicial system was described in July by Yash Pal Ghai, chairman of the constitutional review commission, as "incompetent and lethargic." Echoing an advisory panel of Commonwealth judicial experts, Professor Ghai said the judiciary had watched as the country's human rights record deteriorated, and that without urgent court reforms, a new constitution by itself could not fully guarantee Kenyans' rights. In a rare show of independence, a Kenyan court in May ordered the electoral commission to correct the imbalance whereby some constituencies had far fewer voters than others, yet had equal representation in Parliament.

Freedom of expression lost ground when courts awarded a series of record damages to establishment figures bringing libel suits against the media over unflattering stories. Although the press published freely, Parliament passed a law aimed at government control of newspapers: An amendment to the Books and Newspapers Act, the new law imposed exorbitant publishing fees that could handicap newspapers economically and silence new voices. Both these developments appeared designed to mute public criticism in an election year.

The government also continued harassing journalists. For example, in August, a magazine publisher and opposition MP, Njehu Gatabaki, was sentenced to six months' imprisonment for his magazine's coverage of politically instigated ethnic killings in Rift Valley before the 1997 general election. President Moi ordered his release a week later following public criticism. Some radio stations, especially those in rural areas, faced long delays before they could air programs, while the state-run Kenya Broadcasting Corporation enjoyed nationwide broadcast. In a potentially positive development, however, the government announced that both radio licenses and frequencies would now be issued from the Communication Commission of Kenya, rather than separately from the commission and the government—a move that could speed up the issuing of licenses.

As regards children's rights, the year began positively with a new children's law guaranteeing free primary school education and criminalizing forced marriages and female genital cutting. But reports of high rates of child labor and teenage girls' recruitment into the sex trade, as well as the caning death of a thirteen-year-old pupil, highlighted serious abuses perpetrated against children. Kenya had the third highest number of AIDS orphans in the world, according to a U.N. report.

Kenya is a party to the Mine Ban Treaty, and in December 2001 declared it had a total of 38,774 antipersonnel mines, some three thousand of which would be retained for training. In September 2001, Kenya was chosen as co-rapporteur of the

Standing Committee on Mine Clearance. Kenya's military was involved in the U.N. demining operation along the Eritrea/Ethiopia border.

## DEFENDING HUMAN RIGHTS

After years of inaction on human rights, Parliament passed a bill creating an autonomous Kenya National Commission on Human Rights, to replace a standing committee appointed by President Moi several years ago. The president had not signed the bill as of this writing. The traditionally weak standing committee grew more aggressive in the last few years, even prodding the government to produce a long-overdue National Action Plan on the Protection and Promotion of Human Rights. A new national steering committee of standing committee members and civil society groups was to submit a draft plan to the government for endorsement and forwarding to the U.N.

Sporadic government harassment of human rights activists occurred, for instance in August, when police broke up a Mombasa meeting to elect officials for the Coast Civil Society Forum. Other human rights groups—pressing for an end to police brutality, curbs on freedom of assembly, government corruption and violations of the right to life and property—routinely faced similar harassment by police and local authorities when they attempted to hold civic education meetings.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

Kenya's importance as a strategic ally in the war against terrorism prompted Western governments to be muted on human rights, albeit their focus on government mismanagement and corruption remained strong. The United States in particular increased support for Kenya. International donors continued to withhold funding until anti-corruption conditions set by the International Monetary Fund (IMF) and World Bank in January 2000 were met. While Kenya made some progress on conditions, it still had to pass anti-corruption legislation, prosecute significant graft cases, and speed up privatization. The donors also insisted on a code of ethics for public servants, repeal of a law controlling interest rates, and strengthening of a new anti-corruption police unit. President Moi and government officials accused lenders of coercion and "shifting goalposts."

Kenya's endemic corruption reached inside the World Bank itself: in May its officer in charge of Kenya's roads program pleaded guilty to bribery. Earlier in the year, three Nairobi employees of UNHCR were charged with taking bribes from people seeking resettlement to third countries.

## European Union

A gap deepened between E.U. donors and Kenya's ruling party, as donors stood firm with the IMF on aid conditions. The United Kingdom (U.K.), once a staunch supporter of Moi's regime, toughened its stance. In a January visit to Nairobi, the

foreign affairs minister Baroness Valerie Amos said there would be no softening of U.K. policy on aid to Kenya as a result of Kenyan support for British and American anti-terrorism efforts. The U.K. also warned KANU against delaying the election. The British government withheld half its aid after Kenya failed to pass anti-corruption legislation, but continued to give support in other areas, such as the war on HIV/AIDS, reproductive health, and education. Citing mismanagement, Belgium ended aid to Kenya, while the Netherlands scaled back its assistance. Despite cooling relations, Kenya allowed the U.K., along with Germany, to fly reconnaissance missions along the coast in search of al-Qaeda elements in the region.

### United States

Despite a stinging State Department report cataloguing widespread human rights abuses, and the Bush administration's concerns over poor governance, the U.S. maintained strong support for Kenya, its strategic ally in East Africa. The war on terrorism dominated relations. In December, U.S. anti-terror teams advised Kenyan officials on security and money-laundering issues, and Walter Kansteiner, assistant secretary of state for Africa, met with President Moi to discuss terrorism. Soon after, three thousand U.S. troops held joint military exercises with Kenyan soldiers on the coast. In March, General Tommy Franks, head of the U.S. military's Central Command, included Kenya in a tour of Horn nations as he sought support for anti-terrorism.

The U.S. provided support for constitutional review and anti-graft police training by the Federal Bureau of Investigation. Overall, assistance to Kenya in fiscal year 2002 was \$53.1 million, primarily for fighting HIV/AIDS, but also for food and rural development. A supplemental request to Congress for \$7 million in economic support and \$15 million for military aid (up from \$1 million the previous year) targeted border security in the northern and eastern regions, reflecting U.S.-Kenyan cooperation in the war on terrorism. Trade between the two countries rose. In the first visit ever to sub-Saharan Africa by a U.S. trade representative, Robert Zoellick met with President Moi and his cabinet to discuss economic growth, investment, trade and terrorism.

### RELEVANT HUMAN RIGHTS WATCH REPORTS:

*Hidden in Plain View: Refugees Living Without Protection in Nairobi and Kampala*, 11/02

*Playing with Fire: Weapons Proliferation, Political Violence, and Human Rights in Kenya*, 5/02

## LIBERIA

### HUMAN RIGHTS DEVELOPMENTS

Only five years after Liberia began a shaky transition to peace following elections in 1997, the country continued its re-descent into war. Fighting between Liberian government forces and rebels from Liberians United for Reconciliation and Democracy (LURD) continued in the northwest of the country, where the rebel incursion began in July 2000, with both sides committing war crimes and other serious human rights abuses. Tens of thousands of Liberians fled their homes, and hundreds if not thousands of civilians were killed, either deliberately or in crossfire. For eight months of 2002, a state of emergency in government-held areas led to a crackdown on perceived opponents of President Charles Taylor's government.

In the northwest of the country, government troops and pro-government militias were responsible for summarily killing, torturing and abusing civilians, raping women and girls, and abducting civilians for forced labor and combat. They systematically looted and burned towns, and in some cases government troops at checkpoints blocked displaced civilians from moving to safety. Government soldiers systematically extorted money and other goods from those seeking refuge. Citing the rebel threat, the Liberian government continued to remilitarize society including by remobilizing ex-combatants, and permitting the proliferation of militia groups. Hundreds of civilians, including children, were forcibly conscripted by the government and sent to the battlefield in an arbitrary manner, without advance notice or any set procedures, and often with little or no military training. In the course of combat, they were often ordered to commit human rights violations.

LURD rebel forces also carried out serious abuses, although to a lesser extent than government forces, including summary executions of alleged government collaborators, rape, and the forced recruitment of civilians, including child soldiers. LURD forces subjected hundreds of civilians to forced labor, restricted those wanting to flee the country, and abducted refugees who had recently crossed into Guinea. On June 20, LURD abducted five nurses from the Liberian humanitarian organization, Merci, and held them for almost three months.

The conflict kept its ethnic dimension, with the Taylor government indiscriminately accusing ethnic Mandingo, Krahn, and Gbandi citizens of Liberia of supporting the rebel incursion. Members of these groups faced growing discrimination, arbitrary arrests, and violence at the hands of the government and its supporters, based solely on their ethnicity. Many LURD fighters were Mandingo or Krahn who had fought with the two former factions of the United Liberation Movement for Democracy in Liberia (ULIMO) during the pre-1997 civil war. For their part, LURD forces committed some of their worst abuses against ethnic Kissi civilians, perhaps because the Revolutionary United Front (RUF) rebel group in Sierra Leone, which had a longstanding alliance with the Taylor government, formerly had its stronghold in an ethnic Kissi area in Sierra Leone.

After five years in office, President Taylor's government continued to function without accountability, exacerbating the divisions and resentments fueled by the civil war. Taylor continued to consolidate and centralize power by rewarding loyalists and intimidating critics. State power continued to be misused by high-ranking officials to further the political objectives of the executive branch, to avoid accountability, and for personal enrichment. State institutions that could provide an independent check on the Taylor administration, such as the judiciary, the legislature, and the human rights commission, remained weak and cowed. Independent voices in the media and the human rights community were steadily silenced.

Rebel attacks close to the capital Monrovia in early 2002 caused new outflows of refugees and internal displacement. By September, the United States (U.S.) Committee for Refugees estimated that there were some 250,000 new and long-term refugees in neighboring countries, and some two hundred thousand Liberians internally displaced. Liberian refugees fleeing into Guinea were often prevented from crossing by the Guinean authorities, in violation of international refugee law. The United Nations High Commissioner for Refugees (UNHCR) issued a U.S.\$10.4 million funding request in July for West Africa, to address the growing numbers of Liberian refugees. However, UNHCR protection staff in areas adjacent to Liberia and the broader sub-region remained insufficient. In September, fighting in Côte d'Ivoire between the government and rebels affected Liberian refugees who were forced to flee yet again.

The intensification of the rebel attacks prompted President Taylor to declare a state of emergency on February 8, 2002, and precipitated a crackdown. Frequent raids occurred in crowded markets, in Krahn and Mandingo neighbourhoods, and in camps for the internally displaced around Monrovia, resulting in the arrest of hundreds of young men and boys, many of Krahn and Mandingo ethnic origin. Many of these were sent to the front. The state of emergency was lifted on September 14.

Members of civil society groups, legitimate political opposition, and the independent media were also targeted. On March 20, Henry Cooper, the Bong county chairman for the opposition Unity party was reportedly taken into police custody and later found dead in Totota, fifty miles north of Monrovia. Witnesses reported that he appeared to have been shot numerous times. On March 27, Nipla Wiaplah, chair of the New Deal Movement party, was held for several days in police custody without charge as police determined whether an article in the *News* that he had authored on the war posed a national security threat. The *News* editor-in-chief Jerome Dalieh and acting news editor Bill Jarkloh were also held briefly without charge for publishing the article. Journalists Stanley Seekor, J. James, and Ellis Togba from the *Analyst* were threatened and briefly detained after their newspaper published an article discussing the state of emergency.

Several newspapers were temporarily closed, and conflict between the authorities and privately-owned radio stations over the use of radio frequencies continued. One week after the September 11, 2001 terrorist attacks in the United States, a talk show radio journalist was arrested because a caller had made "anti-American remarks" during the show.

The most worrying case was the incommunicado detention and severe ill-treat-

ment of Hassan Bility, the editor of the *Analyst*, one of Liberia's most independent newspapers. Bility was arrested on June 24, together with three other Mandingo men. Suffering from malaria, he was reportedly locked in a filled sewage tank. At the time, Minister of Information Reginald Goodridge issued a public statement announcing that Bility and the others were being held on suspicion of operating a rebel terrorist cell in Monrovia. Copying both the U.S. administration's vocabulary and its disregard for the rule of law, the Liberian government announced that Bility was part of a terrorist cell and therefore an "unlawful combatant," refusing to produce him in court and stating that he would be brought before a military court. However, as of October, the government had not convened this military court, and he remained in incommunicado detention. Hassan Bility had been previously detained and interrogated twice, and the *Analyst* twice closed down, as the result of publishing articles deemed critical of the government. The *Analyst* was closed down the second time in 2002, after reporting a speech by human rights lawyer Tiawan Gongloe on the role of civil society groups. (See also below.)

Despite a United Nations (U.N.) arms embargo, illegal arms shipments to Liberia continued. Evidence strongly suggested that a plane that crashed outside Monrovia in February carried illegal military cargo for the Taylor government. The flight was one of three suspicious flights from Chad, using planes fraudulently registered in Moldova and filing false flight plans. U.N. investigators were blocked from investigating the crash. However, international pressure and U.N. sanctions played a role in severing Liberian government support to the RUF rebels in Sierra Leone.

The renewal of war in Liberia further undermined prospects for sustainable peace in the Mano River Union, encompassing Guinea, Sierra Leone, and Liberia. As efforts continued to consolidate peace in Sierra Leone, hundreds of former fighters in Sierra Leone's civil war, both former rebel and government combatants, crossed into Liberia to fight as mercenaries either for the Liberian government or for LURD. Many former fighters from the RUF, which received direct support from Charles Taylor for years, were integrated into the Liberian government forces and were implicated in atrocities against Liberian civilians. Since at least January 2001, hundreds of former fighters from the Sierra Leonean government-affiliated civil defense militias (such as the ethnic Mende militia known as the Kamajors), from the former members of the Sierra Leonean army who rebelled to form the West Side Boys militia, and even from the RUF, were recruited as mercenaries for LURD. As a result, the border area between Liberia and Sierra Leone became more unstable.

The government of Guinea continued to play a destabilizing role by providing considerable logistical and some military support to LURD rebels who operated from Guinean territory. It also allowed LURD to use refugee camps in Guinea as a base from which to recruit.

## DEFENDING HUMAN RIGHTS

It was a particularly bad year for Liberian human rights activists. In the face of renewed rebel action, the Taylor government became increasingly intolerant of dis-



sent, and civil society groups were among those against which harassment and intimidation intensified under the state of emergency. Several human rights activists left the country during the year and applied for political asylum.

In February, the authorities detained Frances Johnson Morris, director of Liberia's Catholic Justice and Peace Commission, for several hours among male inmates at the prison at the Police Headquarters in Monrovia ostensibly on grounds of "mistaken identity," only days after she had made a public presentation questioning the state of emergency.

After the National Human Rights Center of Liberia, an umbrella organization comprising nine nongovernmental human rights groups, issued several press releases protesting government abuses, five of its members—Aloysius Toe, Tunny Zeogar, Peter Nickoson, John Okai, and Sam Nimely—were arrested on March 28 and held without charge for several days. Although they were released after a court order was filed, they were rearrested shortly after, and charged with "criminal malevolence" and "preventing arrest and discharge of other duties." The case was still pending as of early November. Meanwhile, Aloysius Toe was arrested again on November 4 and charged with treason, a non-bailable offense. Secretary general of the Liberia Coalition of Human Rights Defenders and executive director of the Movement for the Defence of Human Rights (MODHAR), Toe had been extremely active in speaking out against rights violations in Liberia. On October 29, his house had been ransacked by police, and not finding him home, the police arrested his wife Vivian Toe, releasing her later the same day. Another National Human Rights Center activist, Mike Gaydh, was interrogated for several hours on July 13 by the Anti-Terrorist Unit security forces after he accompanied a delegation from the Brussels-based International Crisis Group to the airport. He was then released without charge. Blamoh Sieh, a leading member of the National Human Rights Center, and Peter Nicholson, research and security officer at the National Human Rights Center, were arrested on October 29 along with Dempster Brown, lawyer and chair of the Liberia Coalition of Human Rights Defenders. All were released without charge by November 1.

As of early November, Sheikh K.M. Sackor, executive director of Humanist Watch, a nongovernmental group, remained in incommunicado detention following his arrest on July 25. In denying a habeas corpus application filed by lawyers acting on Sackor's behalf, the judge said that the matter was under military jurisdiction since the government was accusing Sackor of being affiliated to LURD. The arrests of human rights defenders in October and November followed a campaign launched on October 25 by the Liberia Coalition of Human Rights Defenders to secure the release of Sheikh Sackor and the journalist Hassan Bility.

On April 24, human rights lawyer Tiawan Gongloe was arrested without charge by the police, and beaten so severely that he was unable to stand and required hospitalization. He had been speaking out against security force abuses and other human rights violations. Gongloe was released after spending a week under armed guard in hospital, and later left the country.

On July 29 Dixon Gblah, the executive director of Liberia Prison Watch, was detained and interrogated by the Liberia National Police who accused him of being a LURD operative. After being released, he left the country.

The state National Human Rights Commission, created by the government in 1997, remained inactive, hampered by a lack of qualified personnel, inadequate funding, and a flawed mandate.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### United Nations

The U.N. Security Council continued to play an active role in attempting to end the arms-for-diamonds trade in Liberia and the sub-region. On May 6, the Security Council renewed sanctions against Liberia for a second year, including a ban on Liberian diamond exports (believed in fact mostly to originate in Sierra Leone), an arms embargo, and a ban on foreign travel by President Taylor and more than 130 senior government officials and their spouses. The Security Council also called for an audit of Liberia's shipping and timber revenue since Liberia's arms purchases were often financed through payments not accounted for in the state budget. The Security Council held a workshop on July 18 on the situation in the Mano River Union.

Just prior to the renewal of sanctions, the U.N. Panel of Experts—appointed by the U.N. secretary-general to conduct an independent audit of the Liberian government's compliance with the sanctions—submitted its second report in April and its third report in October. The panel recommended renewal of the arms sanctions and continued monitoring due to "credible evidence" that the government continued to violate the embargo: the third report found that Liberia had illegally imported over two hundred tons of military equipment in violation of the sanctions. The panel also recommended that all arms-producing and exporting countries abstain from supplying weapons to all the Mano River Union countries, and that an immediate embargo be imposed on all non-state actors in the Mano River Union, including LURD. In its April report, however, the panel recommended review of the other sanctions against Liberia in light of the positive peace process in Sierra Leone and the diminishing support for the RUF.

The U.N. Peace-building Support Office in Liberia (UNOL) played no active role in addressing the growing repression and abuses in Liberia. In April, the secretary-general issued his third report regarding Liberia, based on information provided by UNOL. The report was weak in raising human rights concerns and unquestioningly reiterated Liberian government denials in its discussion of sanctions compliance.

Felix Downes-Thomas, the secretary-general's representative in Liberia since February 1998, ended his term in February 2002, leaving UNOL virtually non-functional for most of the year. However, even during Downes-Thomas' tenure, human rights concerns remained marginal to UNOL's work. Efforts to appoint a more rights-concerned representative were blocked by the Taylor government. Finally, in September, Abou Moussa, former UNHCR West Africa regional director, was appointed as representative and UNOL head.

The U.N. was conspicuously silent in condemning Guinea's role in supporting

LURD. The closest it came was in May, when the secretary-general expressed concern about the deteriorating humanitarian crisis in Liberia, condemning LURD for attempting to take power through force, and called on neighboring states not to allow their territory to be used for such actions.

### **Economic Community of West African States**

Given its extensive military and diplomatic intervention in the pre-1997 Liberian civil war, Economic Community of West African States (ECOWAS) remained engaged in diplomatic efforts to address the Liberian crisis. Several meetings were organized by ECOWAS during the year to discuss the growing conflict in Liberia. The ECOWAS Mediation and Security Council held their eighth meeting in Dakar, Senegal, on March 29, 2002, to discuss ways to end the LURD incursion against the Liberian government. Also in March ECOWAS hosted a peace meeting in Abuja that was attended by representatives of the Liberian government, political opposition groups and civil society actors, although LURD was not officially present. At their twenty-fifth summit held in Dakar in December 2001, the Heads of State condemned LURD and called for sanctions against armed dissident groups. In September 2002 ECOWAS played a role in convening a meeting of African ambassadors during the U.N. General Assembly meetings in New York to discuss ways of resolving the Liberian crisis.

Other regional efforts to broker peace in Liberia and the sub-region were undertaken independently by Moroccan King Mohammed VI. In February, the presidents of Guinea, Liberia and Sierra Leone met at a summit sponsored by the King in Rabat, where they promised to enhance border security and control dissident activities in their three countries. In March and April, there were three follow-up meetings in Freetown, Conakry, and Rabat, during which the Mano River Union's Joint Security Commission, as well as justice and interior ministers met to discuss ways to enhance security and border security, as well as plan a follow-up meeting of heads of state. Following a LURD offensive in May on key Liberian towns no further meetings were held until September, when security ministers from the Mano River Union countries met in Freetown to renew efforts.

### **European Union**

Consultations since July 2001 with the Liberian government about the worsening respect for human rights, democratic principles, and the rule of law continued in 2002. The E.U. remained in negotiations over a number of specific conditions required for renewal of aid suspended in 2000 following concerns about the deteriorating situation within Liberia and the Taylor government's links with the Sierra Leonean rebels.

Specific conditions for E.U. aid renewal included tangible positive developments in respect for the rule of law; strengthening of the judiciary and judicial independence; human rights training of security personnel; a strengthened government human rights commission; respect for freedoms of association and expression; the creation of an independent elections commission in consultation with the political

opposition; good governance and anti-corruption measures; and compliance with U.N. requests. The E.U. relied on articles 96 and 97 of the June 2000 Cotonou Agreement governing trade relations between the E.U. and the African, Caribbean and Pacific (ACP) states, which committed members to ensure improved respect for human rights.

The E.U. also made a number of statements during the year expressing concern about the intensification of fighting and the harassment of civil society activists. The E.U. also condemned LURD's efforts to take power through armed force and called on neighboring countries not to support them.

In January, the European Commission pledged €17 million (U.S.\$16.75 million) in humanitarian assistance for victims of the crisis affecting the Mano River Union countries.

### **United States**

Although U.S. pressure on the Liberian government to address human rights abuses remained strong, the U.S. failed publicly to condemn both abuses by LURD rebels and the government of Guinea for providing logistical and some military support to LURD. The closest it came to doing so was in a March 1 statement by the U.S. ambassador in Monrovia condemning the renewed fighting in Liberia, and calling on the Liberian government to take steps to respect human rights and the rule of law. Although the statement stopped short of naming Guinea, the statement did call on "all parties in the region to cease supporting any group that seeks political change through violence and to respect their neighbor's borders."

The U.S. government's silence on LURD abuses and Guinea's support for LURD was particularly notable given that the U.S. government began a U.S.\$3 million program to provide training and non-lethal equipment to the Guinean military in May 2002. The long-delayed program had originally been put in place to assist the Guinean government in defending its borders against the destabilizing activities of the RUF and Charles Taylor and his supporters in Liberia. The program had been delayed due in part to the deployment of U.S. Special Forces trainers to Afghanistan and the imposition of additional reporting and monitoring requirements by the U.S. Congress. The training was designed in four six-week segments for four companies, with a mid-term and a final review. However, there were no clear mechanisms to monitor the conduct of the troops after their deployment. The troops would not be deployed in the border area.

In October, eligible Liberians living in the U.S. were granted temporary protected status for one year, which allowed them to remain and work in the U.S. This order replaced the expired presidential directive authorizing Deferred Enforced Departure (DED), a similar measure.

U.S. assistance to Liberia remained limited and targeted. In fiscal year 2002, the U.S. government provided U.S.\$800,000 for support to independent media projects, and \$650,000 in election support funds to promote political party development and the creation of an election support center with communications resources. In June, the U.S. ambassador declared Liberia a humanitarian emergency, opening the way for emergency humanitarian funding. In September, the

U.S. pledged U.S.\$6.6 million in emergency funding for refugee crises in West Africa, including to shore up programs for Liberian refugees.

### RELEVANT HUMAN RIGHTS WATCH REPORTS:

*Back to the Brink: War Crimes by Liberian Government and Rebels: A Call for Greater International Attention to Liberia and the Sub Region, 5/02*  
*No Questions Asked: The Eastern Europe Arms Pipeline to Liberia, 11/01*

## NIGERIA

### HUMAN RIGHTS DEVELOPMENTS

2002 was marked by political tension as Nigeria headed towards elections scheduled for 2003. A sharp increase in political violence worsened an already poor human rights situation, characterized by a lack of resolve on the part of the federal government to bring perpetrators of human rights abuses to justice or to enforce accountability at the level of state government authorities in Nigeria's thirty-six states. Little effective action was taken to stem killings in the context of localized disputes between different ethnic groups fighting for political control, or to bring to account members of the security forces (police, military, and the paramilitary mobile police) responsible for numerous extrajudicial executions and other abuses.

President Olusegun Obasanjo faced increasingly vocal criticism from his opponents, culminating in impeachment proceedings initiated against him by the National Assembly in September. The impeachment motion was based on seventeen charges of breaching the constitution, including the massacre of hundreds of unarmed civilians by the Nigerian military in Odi, Bayelsa State, in November 1999, and in Benue State in October 2001 (see below); most of the other charges related to allegations of financial corruption and mismanagement of government funds.

Local elections initially scheduled for May were postponed until August, then postponed again indefinitely, due in part to a lack of preparation, including the absence of an up-to-date voters' register. A voter registration exercise was eventually launched in September but was marred by widespread fraud and rigging, and interference by political party officials. Controversy also surrounded applications for registration by several new political parties. In addition to the three parties already recognized—the ruling People's Democratic Party (PDP), the All Nigeria People's Party (ANPP) and the Alliance for Democracy (AD)—applications from a further three were accepted by the Independent National Electoral Commission (INEC), bringing to six the total to contest the elections. There was a lack of transparency as to the criteria for excluding other parties that had applied, several of which challenged INEC's decision through the courts.

There were a number of assassinations of high-profile politicians. The most prominent was Minister of Justice and Attorney General Bola Ige, shot dead in his home in Ibadan in December 2001. The exact motive for his assassination was not confirmed, but there was overall consensus that it was of a political nature. Some observers believed that his death was linked to a political dispute between the governor and deputy governor of Osun State, Bola Ige's home state; Bola Ige had been perceived as a supporter of the governor. The police launched an investigation and arrested several people. In October 2002, thirteen people were formally charged with murder and conspiracy to murder, and the trial was about to begin.

The prospect of local government, state, legislative, and presidential elections in 2003 created a climate of intense competition and rivalry at all levels, between current political office-holders, their opponents, their respective sponsors, and other would-be candidates. Many resorted to physical violence, threats, and intimidation to deter their opponents. Local and state government officials, as well as their opponents, made widespread use of political thugs, militia and other armed groups, leading to scores of politically-motivated killings. Some of the worst violence took place within the ruling PDP during its primaries, especially in the south: for example, dozens of people were killed in Nembe, Bayelsa State, in July 2002, and in other areas in the Niger Delta. Plateau State, in central Nigeria, also experienced a high level of violence. Several politicians in other states were also killed for apparently political motives, such as the chairman of the PDP in Kwara State, killed in August 2002, and the vice-chairman of the United Nigeria People's Party (UNPP), killed in Kano in September. Neither a draft bill outlawing political violence, nor federal government statements condemning political violence, seemed to produce any effect.

In the southeastern state of Anambra, the chairman of the Onitsha branch of the National Bar Association, Barnabas Igwe, and his wife were killed in September; there was strong, credible evidence that they were targeted for political reasons, because of Igwe's outspoken criticisms of the state governor. He and other critics of the governor had received explicit death threats from Anambra State government officials following public statements in which they had denounced the state government's failure to pay the salaries of government workers and had given the governor an ultimatum to either pay salary arrears or resign.

The vigilante group known as the Bakassi Boys, supported by both the Anambra and Abia state governments in the southeast, continued to carry out serious human rights abuses, including extrajudicial killings, torture, and unlawful detention of alleged criminals. These were documented in a detailed report by Human Rights Watch and the Lagos-based Centre for Law Enforcement Education (CLEEN), launched in Lagos in May. In August, the police raided several of the Bakassi Boys' detention centers in Abia State and released scores of people held there illegally. In September, a similar police operation took place in Anambra State, resulting in scores of arrests of the Bakassi Boys. Many of those detained by the Bakassi Boys, and released by the police, had suffered horrific torture and mutilation.

The O'odua People's Congress (OPC), a Yoruba ethnic militia involved in vigilante activities in the southwest, was responsible for fewer killings than it had been in the previous two years; however, it continued to be active and engaged in violent clashes with the police, as well as with other groups. In January 2002, there was a

major clash between the police and the OPC in Owo, in Ondo State, in which the police ambushed a large convoy of OPC members and killed and arrested dozens of them. The OPC had previously been involved in several incidents of violence in Owo in the context of a dispute over a local chieftaincy position.

President Obasanjo put forward to the National Assembly a draft bill outlawing ethnic militia. The wording of the bill was ill-defined and there were fears that, if passed into law, the sweeping powers it would grant to the president could be abused to outlaw a broad range of organizations, including some that might not use or advocate violence, but could be targeted on the basis of their perceived opposition to the government.

The police carried out many extrajudicial executions, often shooting suspected criminals on sight, and, in some cases, killing or injuring other individuals who were not suspected of any crime. The federal government and the inspector general of police promised to address these problems and to stamp out the widespread corruption in the police force. However, some of the initiatives they launched, such as "Operation Fire for Fire," which was intended to tackle the high rate of violent crime, seemed to have the opposite effect and resulted in further shootings of suspects by the police, many of them fatal. The police force itself stated that at least 225 criminal suspects had been shot dead between March and June 2002.

The police were frequently involved in arbitrary arrests and detentions, often motivated by attempts to collect bribes. Some of these problems could be attributed to the very poor working conditions of the police, including low rates of pay, insufficient resources and equipment, and inadequate training—all of which culminated in an unprecedented police strike in January. The public continued to have very little confidence in the police to maintain law and order. Likewise, the justice system failed to deliver on many counts. Perpetrators of human rights abuses were rarely successfully prosecuted. It was estimated that more than two thirds of detainees in prisons and detention centers around the country were held awaiting trial, sometimes without charge, in some cases for several years. Conditions of detention remained very poor and ill-treatment and torture of detainees were widespread.

No action was taken to prosecute those responsible for ordering and carrying out the October 2001 massacre of more than two hundred civilians and widespread destruction by the military in several towns and villages in Benue State. A commission of inquiry, set up to study the conflicts in Benue, Taraba, Plateau, and Nasarawa states, began holding hearings in May. However, no criminal investigation into the military massacre was even begun. Senior government and military officials, including President Obasanjo himself, refused to acknowledge that the actions of the military in Benue constituted a grave human rights violation; instead, they continued to justify the operation. President Obasanjo publicly dismissed a detailed report by Human Rights Watch on the Benue massacre, published in April, and gave no indication that he would order any criminal investigation into these events.

Inter-communal violence continued in many parts of the country. There were several outbreaks of violence in Plateau State, where scores of people were killed between May and July in several local government areas. In February, more than

seventy people were killed in Idi-Araba, an area of Lagos, in clashes between the Yoruba and Hausa ethnic groups; the OPC was reported to have been involved in the violence. The police were typically absent or overstretched during such disturbances, or else intervened once most of the violence had subsided; in some cases, their participation aggravated the situation as they were seen to be taking sides. In many cases, local politicians and other influential figures in the local communities appeared to be responsible for fuelling inter-communal violence and mobilizing youths to fight.

There were continuing tensions in the oil-producing areas of the Niger Delta, often aggravated by the actions of multinational oil companies. Local communities were resentful of the absence of significant benefits for ordinary people from the continuing exploitation of natural resources, most of the profits being siphoned off by politicians. Communities staged several protests at oil facilities to demand a greater share of resources and better employment and infrastructure for the local population. For ten days in July, several hundred women occupied Chevron's Escravos terminal, demanding the oil company address their grievances. In October Human Rights Watch published a report describing the ongoing human rights problems connected with oil production, including extrajudicial executions and other abuses by the security forces deployed in the Delta, and the role of oil companies in exacerbating inter-communal disputes.

In many of the northern states, the increasingly widespread application of shari'a (Islamic law) in criminal cases led to the imposition of sentences amounting to cruel, inhuman and degrading punishments, often after unfair trials. Due process was rarely observed. Defendants, many of whom came from poor and uneducated backgrounds, were not informed about their rights and often did not have access to legal representation. Judges and other court officials were poorly trained. January 2002 saw the first execution since shari'a began to be extended to cover criminal law in 1999: A man tried in Katsina State was hanged after being found guilty of murdering a woman and her two children. He was not represented by a lawyer and had not appealed the sentence. Several other people were sentenced to death by stoning, although the sentences were not carried out. These included two women sentenced for adultery. One of them, Safiya Hussein in Sokoto State, had her conviction set aside by the appeal court. However, the other, Amina Lawal in Katsina State, had her death sentence confirmed by the appeal court. A couple (a man and a woman) were also sentenced to death by stoning for adultery in Niger State, while a man found guilty of raping a child faced the same sentence in Jigawa State. Defendants tried by shari'a courts faced a range of other sentences, including floggings and amputations, some of which were carried out. President Obasanjo publicly stated that he was not in favor of sentences of death by stoning, but did not take any action to prevent such sentences from being handed down. In March, newly-appointed Minister of Justice Kanu Agabi wrote to the governors of the states which apply shari'a, asking them to review its application on the grounds that it was unconstitutional and discriminatory against Muslims. However, none of the governors are known to have followed his request.

In addition to the discrimination against women evident in some of the sentencing by shari'a courts (for example, in the cases of Safiya Hussein and Amina

Lawal, the men allegedly involved in the adultery were acquitted), women across Nigeria suffered a range of other serious abuses. Trafficking of women, as well as children (both girls and boys), for prostitution and labor, remained a serious problem. Nigeria was a critical country for the human trafficking trade, as a receiving country, as a country of origin, and as a transit route for traffickers. Initiatives set up by the government to try to stem the trade seemed to have little effect. Women also suffered discrimination in terms of inheritance rights, especially in the south-east, and were made to undergo humiliating widowhood rites. However, a number of states took measures to end this discrimination; Oyo became the third state to adopt a law granting widows inheritance rights. Female genital mutilation remained widespread, although several states have adopted laws prohibiting it.

The Human Rights Violations Investigation Commission, known as the Oputa Panel, set up in 1999 to investigate human rights abuses committed under previous Nigerian governments since 1966, presented its final report to the government in May. President Obasanjo undertook to implement its recommendations; however, by October, neither the commission's report nor its recommendations had been made public, nor had the government announced details of how it would implement the recommendations.

Nigeria acceded to the Mine Ban Treaty on September 27, 2001. Antipersonnel mines were among the debris found after a massive explosion at a military ammunition depot in Ikeja, in Lagos, in January 2002, which killed hundreds of people.

## DEFENDING HUMAN RIGHTS

Many nongovernmental organizations continued to work actively to promote human rights, including through human rights education, advocacy, and reporting on human rights violations. Most of them intensified their activities in preparation for the 2003 elections and developed programs to raise public awareness of voter rights and election-related issues, and prevent political violence.

Members of the human rights organizations Human Rights Monitor and the Civil Liberties Organisation faced harassment by the State Security Services in connection with their individual contributions to research and report-writing on the Benue massacres. Copies of a book on impunity and state-sponsored violence in Nigeria, published by CLEEN and the World Organisation Against Torture, were blocked at customs from entering Nigeria because of the book's "perceived political undertone."

The National Human Rights Commission (NHRC), set up by the government in 1996, continued to monitor human rights developments and advise the government on human rights policies. It investigated and intervened on a number of individual cases; however, its broader impact remained limited, in part due to insufficient resources. The British Foreign and Commonwealth Office funded a new program of volunteers to work with the NHRC to develop its work on several priority themes, including the environment, communal conflicts and extrajudicial killings, and prisons.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

The United States, United Kingdom and other Western governments continued to view Nigeria as a key ally in Africa in the "war against terrorism," especially in view of its large Muslim population. These political considerations led to a reluctance to criticize Nigeria's human rights record. Overall, foreign governments remained silent on the range of serious human rights abuses taking place in Nigeria, with the exception of the sentences of death by stoning under shari'a, which were widely condemned at the international level, by government officials, parliamentarians and nongovernmental organizations in several world regions.

### United Kingdom

The U.K. continued to be among the most influential Western governments in relation to Nigeria and a strong supporter of President Obasanjo. The British government strengthened its relationship with Nigeria in the context of the New Partnership for Africa's Development (NEPAD), an initiative led by President Obasanjo and several other African heads of state to seek international support for development in Africa. There were several visits to Nigeria by U.K. government officials, including by Prime Minister Tony Blair in February, during which he re-asserted his support for NEPAD; however, he did not publicly raise human rights issues with the Nigerian government. The British government failed to condemn publicly the massacres by the Nigerian military in Benue in October 2001.

The U.K. Department for International Development launched a seven-year program of assistance to the Nigerian justice system, entitled Access to Justice, which covered all aspects of the justice sector, including the Nigerian courts, the prison service and the police, and long-term reform of these institutions. The program was set up at federal level and in the states of Jigawa, Benue, Ekiti, and Enugu. In terms of police reform, it included a human rights component in policing and suggested alternative techniques to some of those currently used by the Nigerian police, for example to limit excessive use of force. A British police adviser was to work full-time with the Nigerian Ministry of Police Affairs and the office of the inspector general of police.

### European Union

The E.U. was a major donor and had a seven-year plan for assistance to Nigeria, for the period 2001 to 2007. The program, which would concentrate on Abia, Cross River, Gombe, Kebbi, Osun, and Plateau states, focused on two main sectors: improvement of service delivery, especially water and sanitation, and state and local institutional and economic reform. The program also included support for strengthening democracy and human rights, and stressed the role of civil society in ensuring popular participation in decision-making.

## United States

Alongside the U.K, the U.S. was Nigeria's principal backer and donor in the West. The U.S. government provided assistance to Nigeria in a range of sectors. Assistance and training for the Nigerian police and the National Drug Law Enforcement Agency (NDLEA), including police reform and assistance to combat drug trafficking and corruption, was channeled through the U.S State Department's Bureau of International Narcotics and Law Enforcement Affairs and totaled U.S.\$2 million for fiscal year 2002. A separate program by the U.S. Justice Department's International Criminal Training and Assistance Program (ICITAP) was designed to focus on the physical and operational rehabilitation of the Nigerian police, as well as support for the National Assembly and nongovernmental organizations. The U.S. Agency for International Development (USAID) had a budget of almost \$80 million for assistance to Nigeria.

Assistance to the Nigerian military, to include defense reform and training for peacekeeping operations, was budgeted at \$6 million for fiscal year 2002, while \$750,000 was budgeted for U.S. training of Nigerian military under the International Military Education and Training (IMET) program. The U.S. Congress also approved \$26 million for the West African Stability Fund, part of the U.S.'s voluntary peacekeeping operations budget; however, the disbursement of the proportion of this money allocated to Nigeria was put on hold following objections by the head of the Senate Foreign Relations Africa Subcommittee, who opposed military assistance to Nigeria until the government had taken steps to enforce accountability for the killings by the military in Benue in 2001.

U.S. Assistant Secretary of State for Africa Walter Kansteiner visited Nigeria in July but failed to raise human rights issues publicly, focusing instead on Nigeria's key role as an oil producer and encouraging it to increase its production (Nigeria was the fifth largest supplier of oil to the U.S.). The U.S. State Department planned to post an officer in Abuja with responsibility for following issues of corporate responsibility in Nigeria.

The U.S. State Department's *Country Reports on Human Rights Practices for 2001* provided an accurate and comprehensive description of the situation in Nigeria. It noted numerous killings by the security forces and violence during inter-communal conflicts; however, it did not adequately stress the government's continuing failure to investigate these abuses or take preventive action, especially with regard to the military massacre in Benue—the most serious human rights incident involving the security forces during the period covered.

## World Bank

In March the World Bank approved two loans to the Nigerian government, totaling U.S.\$237 million, for the development of the health system and a community-based urban development project. It also announced a \$25 million technical assistance loan to the Niger Delta Development Commission (NDDC) for a community action program.

## RELEVANT HUMAN RIGHTS WATCH REPORTS:

*The Niger Delta: No Democratic Dividend*, 10/02

*The Bakassi Boys: The Legitimization of Murder and Torture*, 5/02

*Military Revenge in Benue: A Population Under Attack*, 4/02

*JOS: A City Torn Apart*, 12/01

## RWANDA

### HUMAN RIGHTS DEVELOPMENTS

The Rwandan government, dominated by the Rwandan Patriotic Front (RPF), demonstrated continuing hostility towards political dissent, press freedom, and an independent civil society as it moved towards a new constitution and national elections in 2003. Eight years after the 1994 genocide that killed at least half a million Tutsi, the government launched gacaca, an innovative, participatory, state-run justice system meant to speed up genocide trials and promote reconciliation. But its concern for justice had limits: It refused to let gacaca jurisdictions hear allegations of Rwandan Defense Force (RDF, formerly Rwandan Patriotic Army, RPA) war crimes, and it tried to stop the United Nations International Criminal Tribunal for Rwanda from investigating RDF suspects. Under growing international pressure over the presence of its troops in the Democratic Republic of Congo (DRC), Rwanda signed a peace treaty with the DRC and withdrew most of its soldiers, leaving unresolved the question of accountability for the crimes they committed there.

In April, authorities arrested former President Pasteur Bizimungu and former Minister Charles Ntakirutinka on charges of attacking state security, fostering ethnic division, and engaging in banned political activities. Nine months previously the two had formed a new political party, PDR-Ubuyanja, which the government had declared illegal despite there being no applicable law. In 2001, authorities confiscated notes and recordings from journalists who interviewed Bizimungu and on one occasion obliged diplomats to leave his house. They seized all copies of a memoir that Bizimungu tried to publish in late 2001. Street mobs attacked both Bizimungu and Ntakirutinka with impunity. In December 2001 unknown assailants assassinated another PDR-Ubuyanja founder, Gratien Munyarubuga, at midday in the capital, Kigali. Authorities detained another supporter, Catherine Mujawamariya, at the end of 2001 for a month and arrested twenty-four other suspected PDR-Ubuyanja members in April and May 2002, including the treasurer of the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR) as well as a Rwandan employee of the United States embassy. Some were freed within two months but others were held for longer periods. Before Bizimungu's arrest authorities restricted his movements, refusing even to allow him to

attend church services. In a highly publicized speech delivered before an international audience shortly before the arrest, President Paul Kagame warned that no one would be able to protect Bizimungu and other dissidents if the government lost patience with them. The courts denied Bizimungu's and Ntakirutinka's requests for provisional release, and as of November they remained in prison.

In January the government arrested the secretary-general of the Democratic Republican Movement (MDR), Pierre Gakwandi, accusing him of inciting ethnic division and defaming the government. Parliamentarian Jean Mbanda, arrested in 2000 immediately after he had published criticism of the government, remained jailed without trial on charges of corruption.

In March local officials were elected at the cell level (Rwanda's lowest local administrative unit) but political parties were prohibited from campaigning. Parties had been similarly limited in district council elections in 2001 and seemed likely to face similar restrictions under the new constitution. In November, a government commission issued a draft constitution that, if approved, would only allow parties to operate at the national and provincial levels, not the local level.

In February a criminal law took effect that punishes any speech or action considered to promote discrimination or sectarianism. Courts can dissolve political parties or nongovernmental organizations (NGOs) found guilty of sectarianism, and can annul election results if a candidate employed discrimination or sectarianism.

A law promising press freedom took effect in July, but not before the government had effectively closed down three journals and harassed another. In late December 2001, the police detained the editor of *Le Partisan* for three days for publishing articles criticizing the government. After his release, the editor fled the country and the journal collapsed. In January police arrested Laurien Ntezimana and Didace Muremangingo of Ubuntu, and charged them with attacking the security of the state for publishing the word "ubuyanja," a term meaning "renewal" also found in the name of Bizimungu's party. Provisionally released in February, they were ordered not to leave Butare town without permission, while a provincial administrator banned publication and distribution of Ubuntu. The government expelled the Ugandan-born editor of the *New Times* on immigration charges in May shortly after he had published an editorial calling for Bizimungu's release. In January, the government minister responsible for the press accused the journal Umuseso of publishing divisive propaganda and compared it to newspapers that incited genocide in 1994. In May, police questioned Umuseso's editor after he poked fun at a presidential speech, and in July they held three Umuseso journalists for two weeks after they stopped to observe police conduct during a dispute.

The new press law permits heavy sentences against journalists, publishers, or even street vendors of publications found guilty of broadly defined infractions like endangering law and order, defaming authorities or undermining army morale. In a welcome move, the law permits the licensing of private radio and television stations. But it also creates a national press council operating under presidential authority to accredit or ban publications and to close down radio or television stations.

The government required all local and international NGOs to register under

terms of a law passed in 2001. Although the law grants the authorities broad powers to interfere in such organizations, they appeared to have granted registration to most applicants, including those critical of the government, with the exception of the Modest and Innocent Association (AMI), a small organization that provided reconciliation training to educational and religious institutions and that published Ubuntu. The Butare provincial administrator banned all activities by AMI and warned members they could resume their work only if they disassociated themselves from Ubuntu's editors, Ntezimana, a respected lay theologian and past recipient of the Pax Christi Award, and Muremangingo, a young genocide survivor.

Gacaca was launched in twelve pilot jurisdictions in June, and was to be expanded later to some eleven thousand jurisdictions to try more than one hundred thousand detainees accused of genocide, many of whom had been languishing in overcrowded and inhumane prisons and communal lock-ups since 1994-95. In October 2001, approximately 250,000 "persons of integrity" were elected as judges and then received only six days of training. In some cases, the trainers themselves were poorly informed and differed, for example, on such important questions as the difference between intentional and unintentional homicide.

Gacaca courts at the cell level include nineteen judges who establish lists of victims and accused persons and place the accused in one of four categories depending on the gravity of the crime. They will hear cases involving crimes against property. Courts at the sector level will judge those accused of assault and unintentional homicide while those at the district level will judge persons accused of intentional homicide. The regular courts retain jurisdiction over the more than two thousand persons accused of being high-level leaders, notorious killers, and rapists, who could face the death penalty. As of September 2002, prosecutors had registered approximately twenty thousand confessions from detainees who might benefit from reduced sentences and from the chance to convert half of the prison time into community service should their confessions be accepted. Numerous detainees, having been in prison for years, might thus be eligible for release or community service immediately should they confess.

Although the President signed an order authorizing community service in February, the government had not organized its implementation or financing at this writing, nor had it prepared the survivor community for the return of confessed killers to communities.

Gacaca raised several human rights concerns. The accused, for example, have no right to legal counsel. Given the poor training of judges, defendants accused of similar crimes may be classed in different categories, resulting in sentencing disparities. The impartiality of judges was raised in several communities and in several cases those accused of having themselves participated in the genocide resigned. In addition, sentences for rape will violate the principle of non-retroactivity because the gacaca law imposes long prison terms or even the death penalty while earlier penal law imposes only terms of five to ten years. There is no protection for witnesses and detainees, who testify publicly, thus making it difficult for Tutsi—a small minority in most communities—to accuse others.

The law establishing gacaca courts authorized them to hear charges of war crimes and crimes against humanity. President Kagame and other government offi-

cials stated repeatedly, however, that these courts may not hear accusations of such crimes by RDF soldiers, which must be taken to regular courts, a position that continued to be questioned by people in several communities. There were problems obtaining the required quorum of one hundred adults at some of the gacaca sessions and local authorities threatened fines or other sanctions against absentees or used the Local Defense Forces, a government paramilitary force, to compel attendance.

The regular judicial system functioned poorly, in part because of lack of resources, and in part because of interference from the executive branch. In March, six Supreme Court judges were obliged to resign because of alleged corruption. During the first half of 2002, the regular courts tried only 757 persons for genocide (from 1997 to June 2002, the courts tried 7,211 persons, resulting in 1,386 acquittals and 689 death sentences, though no executions have occurred since 1998). The acquittal rate increased from 22 percent in 2001 to almost 27 percent in the first half of 2002, while the proportion of cases ending in death sentences fell sharply from 8.4 percent in 2001 to 3.8 percent in the same period. In July prosecutors began the latest in a series of efforts to resolve the problem of detainees whose cases had never been adequately investigated, presenting 750 detainees who had insufficient case files (of some seven thousand) before local communities to collect witness testimony. As a result, eighty were provisionally released for lack of credible evidence.

In June the Ministry of Local Affairs and local authorities directed police and members of the Local Defense Forces to round up hundreds of street children in Kigali. They detained them in overcrowded centers that lacked sufficient water, food, sanitation and supervisory staff. A member of the Local Defense Forces reportedly shot a child who tried to escape from a detention center. The United Nations Children's Fund (UNICEF) reacted slowly and with insufficient force when the Rwandan authorities rounded up street children and detained them in miserable conditions.

In September Rwanda withdrew most of its troops from the DRC, as called for in a July 30 peace treaty with the Kinshasa government. In the months before, Rwandan troops had made war against the Banyamulenge, a Congolese people of Rwandan origin, whose protection had once been advanced as a justification for Rwandan military intervention, and had fought numerous other engagements in support of its local allies the Congolese Rally for Democracy (RCD). Rwandan troops reportedly supported RCD soldiers in putting down a mutiny at Kisangani where more than a hundred civilians were killed. In the first nine months of 2002, as in earlier years, Rwandan soldiers were accused of many war crimes, including killing and rape. Military authorities claimed that such crimes were punished and that several RDF soldiers had been arrested, but no convictions had been announced at this writing.

Having in previous years encouraged Congolese of Rwandan origin to flee to Rwanda, beginning in August Rwandan authorities cooperated with the RCD in forcibly repatriating more than nine thousand such persons who had been refugees in Rwanda since 1996. Possibly the intent behind this decision was to help expand the potential base of supporters for the RCD. Rwandan officials forced refugees to destroy their shelters and closed schools for the thousands of children in camps

inside Rwanda. Those sent back to the DRC suffered lack of food, water, and medical care, in part because RCD authorities refused to allow humanitarian organizations access to them.

## DEFENDING HUMAN RIGHTS

LIPRODHOR, the country's most independent human rights organization, operated with little of the official harassment which had troubled its work in previous years (notwithstanding the arrest of its treasurer—see above). It was registered by authorities and began publishing a new monthly journal on human rights.

Supporting documentation missing from its registration application led to the League of Human Rights in the Great Lakes Region (LDGL) being attacked by a government minister for noncompliance with the legal registration requirement, and to security agents visiting its offices. In an exchange of letters published in Umuseso, a member of the government human rights commission accused the LDGL secretary-general of the serious charge of minimizing the genocide.

In a report covering 2001, the National Human Rights Commission tackled the politically sensitive issues of land rights and illegal detention but said little about political arrests. One member of the commission privately sought to excuse the arrest of Ntezimana and Muremangingo in connection with the Ubuntu affair.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### International Justice

The International Criminal Tribunal for Rwanda (ICTR) experienced its most troubled year to date. Shortly after Prosecutor Carla Del Ponte announced her intention to indict RDF soldiers for war crimes committed in 1994, a part of the mandate established for the ICTR, Rwandan genocide survivor organizations in January called on prosecution witnesses to boycott the ICTR for a number of reasons, including alleged mistreatment of witnesses. In June the government imposed new travel restrictions on prosecution witnesses that disrupted three trials, and refused to provide access to documents needed by the prosecution. In July Del Ponte informed the U.N. Security Council about these obstructions.

The U.N. delayed approval of the Tribunal's U.S.\$192 million biennial budget for three months because the Tribunal lacked a clear strategy for finishing trials by 2008. Under United States (U.S.) pressure, the U.N. in August approved hiring temporary judges to ease the backlog of cases, but those judges will not start until 2003. Even with temporary judges, the prosecutor's initial plan of issuing 136 new indictments threatened to overwhelm a tribunal that already had more than fifty suspects in custody and that had issued only eight judgments between January 1997 and October 2002. In October, the Prosecutor scaled back her plan to 26 new indictments.

The Tribunal amended its rules to allow the transfer of suspects to national



courts for trial subject to the agreement of the arresting states. It seemed unlikely that many arresting states would consent to transfer to Rwanda, however, as long as Rwanda retained the death penalty.

After the U.S. announced \$5 million in rewards for information leading to the arrest of ten prominent suspects, the ICTR was able to arrest former chief of staff General Augustin Bizimungu, former prefect of Kigali Colonel Tharcise Renzaho and the former mayor of Murambi, Jean-Baptiste Gatete.

Despite the estimated thousands of rapes committed during the 1994 genocide, as of this writing the ICTR had convicted only two defendants of crimes of sexual violence, one of whom had his sentence reversed on appeal. Crimes of sexual violence were included in nineteen outstanding indictments.

### European Union

E.U. representatives met with the Rwandan foreign minister in February to express concern over restrictions on freedom of the press and freedom of association, and again in April after the arrest of Pasteur Bizimungu. In September, E.U. representatives protested a plan to impose a 40 percent tax on the salaries of expatriates working for international NGOs, seeing this as a possible impediment to their work. The E.U. gave Rwanda, one of twenty-eight countries targeted for its European Initiative for Democracy and Human Rights, U.S.\$155 million in assistance, and gave an additional \$4 million to local and international NGOs and \$1.28 million to the National Human Rights Commission for monitoring gacaca. It gave \$475,000 towards rebuilding the Rwandan Supreme Court to make it possible for the ICTR to hold trials in Kigali.

The United Kingdom continued strong political and financial support to the Rwandan government, providing approximately \$50 million, two-thirds in budgetary support and the remaining third in technical assistance. It made modest efforts to support civil society and press freedom and to support independent research on gacaca. In October 2001, the Dutch government sought to make Rwanda a preferred aid recipient, but in the face of stiff domestic and parliamentary opposition, it compromised by granting Rwanda this special status but with restrictions: no sector-wide budget support and the obligation to meet certain benchmarks on human rights and democratization. The Netherlands disbursed \$19 million in aid, which included budget support and technical assistance to two provinces in furtherance of decentralization as well as significant political and financial support to local human rights organizations and the press.

Belgium was the single largest donor to gacaca, giving \$4.75 million to the government and NGOs, out of a total assistance package of \$17 million. Belgium also coordinated diplomatic and donor responses to gacaca.

### United States

The U.S. administration put serious diplomatic and financial pressure on the Rwandan government to withdraw from the DRC, an effort that culminated in President George W. Bush meeting with President Kagame in September. In the face

of the crisis between the Rwandan government and the ICTR, the U.S. pressured Rwanda to permit witnesses to travel so that trials could resume, but it failed to give strong backing to investigations of alleged RDF crimes. At the International Monetary Fund meeting in June, the U.S. refused to approve funding for Rwanda's Poverty Reduction Growth Facility, in part to indicate strong disapproval of Rwandan human rights abuses in the DRC. The U.S. State Department human rights report criticized Rwanda's poor record in 2001, prompting a sharp rejoinder from the Rwandan government. The U.S. Agency for International Development (USAID) gave \$32 million in assistance.

### RELEVANT HUMAN RIGHTS WATCH REPORTS:

*Rwanda: Observing the Rules of War?* 12/01

## SIERRA LEONE

### HUMAN RIGHTS DEVELOPMENTS

Sierra Leone made significant progress in 2002. On January 18, President Ahmad Tejan Kabbah declared that the decade-long civil war had ended, and on March 1, he lifted the four-year state of emergency. On May 14 the people of Sierra Leone went to the polls and re-elected President Kabbah and his Sierra Leone People's Party for a further five-year term. The elections were largely peaceful, though there were a few reports of violence and intimidation. Eleven parties vied for the presidency and 124 parliamentary seats. The seventeen thousand-strong peacekeeping force of the United Nations Mission in Sierra Leone (UNAMSIL) completed disarmament of over forty-seven thousand combatants, contributing, with British-led efforts to rehabilitate the ill-disciplined police and army, to dramatic improvement in prospects for peace, security, and respect for human rights. By October more than 195,000 Sierra Leonean refugees from Guinea, Liberia, and the broader sub-region had returned home. Two important transitional justice mechanisms aimed at ensuring accountability for the horrific abuses that characterized the war—the Special Court for Sierra Leone and the Truth and Reconciliation Commission—also began operations. Against these positive developments, the intensification of civil war in neighboring Liberia created a large refugee population in Sierra Leone, resulted in instability in the border areas, and drew in hundreds of Sierra Leonean former combatants to fight for both Liberian government and rebel forces.

From May 2001 through January 2002, UNAMSIL disarmed and demobilized close to forty-eight thousand combatants from the rebel Revolutionary United Front (RUF) and Armed Forces Revolutionary Council (AFRC), and from the gov-

ernment-allied Civil Defense Force (CDF) militias. Of these, 6,845 had been child combatants, 92 percent of them boys. The vast majority of former child soldiers have been reunited with their families and about half of them were either enrolled in educational support or skills training programs. The United Nations Children's Fund (UNICEF) identified at least four hundred girls who remained with their former RUF captors, willingly or unwillingly. There were few reports of retaliation against former RUF combatants as they returned to their villages and towns. However, in former rebel strongholds returning refugees and internally displaced civilians sometimes faced problems from former rebels including intimidation and refusal to vacate returnees' homes that they had occupied.

In addition, a December 2001 dispute over mining in the diamond-rich Kono district led to serious clashes between former RUF rebels and youths from a local organization called the Movement of Concerned Kono Youths (MOCKY). During the clashes the youths, supported by policemen and former CDF militiamen, and allegedly backed by local chiefs and leaders, attacked former RUF combatants and their families. The clashes left at least thirteen mostly former RUF combatants dead, the majority of them hacked to death with machetes. During the fighting thousands of civilians, including hundreds of former RUF fighters, fled the area. There were periodic reports of MOCKY members using intimidation to evict non-Konos from towns within Kono district in what appeared to be an attempt to consolidate ethnic Kono control over the diamond-mining area.

After being held without charge for eighteen months, former RUF leader Foday Sankoh and forty-nine other former RUF rebels on March 4 were taken to court and charged with various criminal offenses including murder. The charges related to an incident on May 8, 2000 when Sankoh's bodyguards had opened fire on demonstrators in Freetown, the capital, killing at least twenty. Separately charged to court also in March were thirty-six members of the West Side Boys, a splinter group of the AFRC, who had been captured in September 2000, during a British assault on their base.

While there were very few complaints of abuses by the army, there were frequent complaints of corrupt, unprofessional, and in some cases violent practices by the Sierra Leone Police. Hundreds of ordinary criminal suspects continued to be arrested without warrants and/or unlawfully detained, many without due process guarantees as stipulated in the constitution. The insufficient number of judges, magistrates, prosecutors, and courtrooms continued to lead to huge backlogs within the legal system and the denial of justice for hundreds of detainees. The High Court was only functional in Freetown and two other provincial towns; several magistrates courts also remained closed, though three destroyed during the war, in Kambia, Makeni and Magburaka, were refurbished and reopened.

On July 5 President Kabbah formally swore in the seven Truth and Reconciliation Commission (TRC) commissioners, three international and four national. The commission had one year to prepare a record of abuses in Sierra Leone during the civil war from 1991 and make recommendations to avoid their repetition and promote healing. Efforts to establish the TRC were spearheaded by the Office of the United Nations (U.N.) High Commissioner for Human Rights (OHCHR), and was a priority for both the UNAMSIL human rights section and local human rights

groups. In August the originally proposed budget of U.S.\$9.98 million was scaled back to \$6,276,440, of which, at this writing, barely a third had been pledged by donors. Following a three-month preparatory period, hearings were scheduled to begin in October 2002, but were pushed back until November following this poor donor response.

On January 16, after over a year of negotiations, the U.N. and the government of Sierra Leone signed an agreement that created the legal framework for the Special Court for Sierra Leone (SCSL), an independent court using both international and Sierra Leonean law, judges, and prosecutors. In March, the Sierra Leonean Parliament passed an act implementing this agreement into law. The court will be based in Freetown and will prosecute persons bearing "the greatest responsibility" for serious violations of international humanitarian law and certain crimes under national law perpetrated from November 30, 1996 onwards. On April 19, 2002, U.N. Secretary-General Kofi Annan appointed a senior attorney of the United States Department of Defense, David Crane, as the SCSL chief prosecutor, and Robin Vincent (United Kingdom) as registrar. After great delay by the U.N. Secretariat in obtaining the necessary approvals for funding the SCSL, it began operations in July. The SCSL is to operate for at least three years and has a proposed budget of U.S.\$56.8 million. While funds for the court's first year have been secured, there are shortfalls for the second and third years. A management committee representing the major donor states (United States, United Kingdom, Netherlands, and Canada) plus Lesotho and Nigeria, has oversight over the functioning of the court. UNAMSIL offered little administrative and logistical support to the SCSL, despite official commitments to do so.

Among the impacts on Sierra Leone of the renewed war in Liberia, as of October 2002 the United Nations High Commissioner for Refugees (UNHCR) had registered more than 37,500 Liberian refugees in Sierra Leonean camps. Liberian government troops and rebels of the Liberians United for Reconciliation and Democracy (LURD) often crossed into Sierra Leone to loot, buy provisions, escape fighting, or abduct people who are then forced to work for them as porters. From January to October there were at least fifteen such cross-border incursions, resulting in at least two deaths and the abduction of scores of Sierra Leoneans.

Hundreds of former RUF, West Side Boys and CDF combatants in Sierra Leone crossed over to fight as mercenaries with either the Liberian government or the LURD. There were also credible reports of recruitment from within the Liberian refugee camps in Sierra Leone. The presence of hundreds of Liberian government and rebel deserters in Sierra Leone prompted the government of Sierra Leone to move to set up an internment camp, which at this writing was under construction.

Another vulnerability of refugees was highlighted in February 2002, in a report by UNHCR and Save the Children-U.K. which alleged that refugee children in Guinea, Liberia and Sierra Leone had been subjected to sexual abuse and exploitation by employees of national and international nongovernmental organizations (NGOs), UNHCR and other U.N. agencies. The report provoked a major outcry, including from Kofi Annan who said he was "clearly shocked and disturbed." The report found that the victims were mostly teenage girls, and that the perpetrators were often "men in positions of relative power and influence who either control

access to goods and services or who have wealth and/or income.” The government of Sierra Leone, U.N. agencies and NGOs established a Coordination Committee for Sexual Exploitation and Abuse (CCSEA) to address the problem. The U.N. Office for Internal Oversight Services (OIOS) and the UNHCR inspector-general conducted an in-depth follow-up investigation, and in Geneva, the U.N. and humanitarian community formed the Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse to look at issues of protection and codes of conduct. However, the strategies adopted by the humanitarian agencies generally lacked a discussion of the importance of holding perpetrators accountable.

UNAMSIL was itself responsible for some similar and other abuses. In April witnesses saw a woman apparently being raped by two Ukrainian peacekeepers near the eastern town of Joru. There was no formal investigation into the matter. In June a Bangladeshi officer was accused of sexually assaulting a fourteen-year-old boy living in a transit camp for recently returned refugees. A formal UNAMSIL investigation came up with inconclusive results and the peacekeeper was repatriated soon after the investigation. On July 18 two people were killed and three injured after Nigerian UNAMSIL peacekeepers moved to quell violence that had erupted in Freetown after a Sierra Leonean black-market trader was allegedly murdered by Nigerian criminals. Initial reports by an ad-hoc UNAMSIL task force set up to investigate the incident found that the peacekeepers “employed a combination of persuasion, crowd dispersal tactics and firing of warning shots into the air” to break up the riot. They concluded that “the facts available to UNAMSIL indicate that at no time was firing directed at the crowd.” By contrast, an August 22 report by a committee of seven Sierra Leonean human rights groups found that the peacekeepers fired into the crowd, killing the two, and characterized the peacekeepers’ conduct as “disproportionate use of force.” The leadership of UNAMSIL was generally reluctant to investigate allegations of abuses by peacekeepers.

## DEFENDING HUMAN RIGHTS

Numerous human rights NGOs operated in Sierra Leone. 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 membership. The establishment of government control over previously inaccessible areas of the country allowed human rights groups to start operating outside Freetown. However, most of these lacked funding, expertise, and institutional support.

As in past years, these groups did little monitoring of human rights abuses. Most of their activities focused on human rights and civic education for the public, promoting reconciliation, and preparing for the TRC. Local groups did not generally document and publicly denounce governmental non-compliance with due process, and abuses by the police or army.

The formation of an autonomous, quasi-judicial national human rights commission, as provided for in the 1999 Lomé Peace Agreement, received little national or international attention and neither UNAMSIL nor the government actively

advocated for its formation. Meanwhile, the existing governmental body, the National Commission for Democracy and Human Rights (NCDHR), formed in 1996, continued to be severely constrained by lack of funds. As in past years, it did little or no monitoring or documentation of human rights violations. Its activities consisted of voter education; human rights education for the army, police and members of Parliament; and preparation for the TRC. It did, however, continue to run a successful legal aid clinic for indigents.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

International election observers, including the Carter Center, European Union, Commonwealth Observer Group, Organization of African Unity, and Economic Community of West African States, praised the manner in which the elections had been held, although they noted irregularities including multiple voting, underage voting, and direct interference with the marking of ballots. With the successful completion of disarmament and the peaceful elections, international donors turned their attention to post-conflict issues, including the reintegration of former combatants, resettlement of refugees and the internally displaced, consolidation of state authority, and the fight against corruption. While there was donor support for the Special Court for Sierra Leone, at least for its first year of operations, there was inadequate support for other accountability mechanisms including the Truth and Reconciliation Commission (to which, at this writing only U.S.\$2.1 million—\$500,000 each from the United Kingdom, the United States, and the Netherlands, \$400,000 from Norway, and \$200,000 from Sweden—had been pledged towards the more than \$6.2 million budget) and rehabilitation of the judicial system.

## United Nations

The presence of 17,500 peacekeepers, currently the largest and most expensive U.N. military mission in the world, contributed significantly to the successful completion of both disarmament and elections. UNAMSIL’s budget for 2002 was an estimated U.S.\$717 million. In a June 19 report to the U.N. Security Council on UNAMSIL, Kofi Annan said that existing governmental security apparatus was not yet capable of protecting Sierra Leone from both internal and external threats and warned that the international community must protect the major investments that had made possible the progress achieved so far. On September 24, the Security Council extended UNAMSIL’s mandate for a further six months, following a further report on UNAMSIL which laid out benchmarks to govern the withdrawal of the U.N. from Sierra Leone, including the ability of the police and army to maintain security, the successful re-integration of ex-combatants, and the situation in the broader sub-region. The resolution also encouraged UNAMSIL to promote zero tolerance of sexual violence and exploitation and called on states to bring to justice their own nationals responsible for such crimes in Sierra Leone.

The UNAMSIL human rights unit—mandated in 2001 to be twenty persons strong—usually operated with at least seventeen monitors and operated four

regional human rights offices, in Kenema, Port Loko, Makeni, and Koidu. The monitors conducted investigations into ongoing and past abuses, including an in depth project on victims of amputation and sexual violence, and set up a database to map human rights abuses during the conflict. UNAMSIL supported a research project on war-related sexual violence by Physicians for Human Rights, and in February jointly launched the project's comprehensive report. In June 2002, OHCHR funded a month-long mission to Sierra Leone by a team of Argentinian forensic experts who conducted preliminary investigations into numerous mass grave sites and alleged "execution houses."

In December 2001, the Security Council extended for an additional eleven months the ban on imports of rough diamonds from Sierra Leone that did not have a government certificate.

The Mine Ban Treaty entered into force for Sierra Leone on October 1. Sierra Leone had not submitted its initial Article 7 Report, which was due on March 20.

### **Organization of African Unity/African Union and Economic Community of West African States**

Diplomatic activity by the OAU/African Union and Economic Community of West African States (ECOWAS) focused on resolving the crisis in Liberia, including by addressing its regional aspects. However, there was reluctance to address the presence of LURD rebels in Sierra Leone.

### **European Union**

The E.U. Special Envoy for the Mano River region (i.e. Guinea, Liberia, and Sierra Leone), Hans Dahlgren, had by October 2002 visited the region five times following his appointment in 2001.

Ongoing European Commission development cooperation projects in Sierra Leone totaled €142 million (approximately U.S.\$139 million), and were primarily focused on social sector development. In late 2001, the European Commission gave €10 million (\$9.85 million) to the Disarmament, Demobilization, and Reintegration (DDR) Multi-Donor Trust Fund to assist former combatants. In January 2002, the European Commission granted €17 million (\$16.75 million) for humanitarian assistance to refugees and internally displaced persons affected by crisis within the Mano River Union. Out of this, €11 million (\$10.8 million) was granted to projects in Sierra Leone.

The European Initiative for Democracy and Human Rights chose Sierra Leone as one of its "focus countries," and made available €2 million per year over three years (2002-04) to be allocated to NGOs working on human rights and good governance.

At this writing, the E.U. itself had not decided on any joint E.U. contribution to the Sierra Leone Special Court, though a number of member states contributed, including Denmark, Germany, the Netherlands, Sweden, and the United Kingdom.

### **United Kingdom**

The U.K. continued to play a pivotal role in political and military developments in Sierra Leone. Priorities were the rehabilitation of the army and police, the fight against corruption, and the provision of humanitarian relief. During a visit to Sierra Leone in February, Prime Minister Tony Blair gave reassurance of the U.K.'s long-term commitment to Sierra Leone. However, Secretary of State for International Development Clair Short, visiting in February, warned that governmental failure to address "endemic" corruption could jeopardize the U.K.'s willingness to invest in and assist the country.

The U.K. continued its efforts to rebuild, restructure and equip the Sierra Leone Army and the Sierra Leone Police. In May, the British-led International Military Advisory and Training Team (IMATT) completed the training of over fourteen thousand Sierra Leonean soldiers, some three thousand of whom were former rebels or government militia members. In July, 220 British combat support troops left Sierra Leone, albeit 114 mostly U.K. military personnel continued to play a major role in advising and directing military operations, including the staffing of key positions within the Sierra Leone defense headquarters. In coordination with the Commonwealth Secretariat, the U.K. also provided officers and funds for training and administration of the Sierra Leone Police, including the secondment of a British officer as inspector general.

During 2002, U.K. assistance to Sierra Leone, mostly administered through the Department for International Development (DFID), was estimated to be €38.3 million (U.S.\$59 million). This included funding for the Anti-Corruption Commission, rehabilitation of the legal system, reintegration programs for combatants, training of the army and police, assistance to the National Electoral Commission and to human rights and civil society groups, humanitarian aid, and helping to restore the local Paramount Chiefs. The U.K. pledged €5.9 million (\$9.1 million) over three years to the Special Court, €322,000 (\$500,000) to the TRC, and spent an estimated €16 million (\$24 million) on IMATT.

### **United States**

U.S. policy on Sierra Leone revolved around supporting the consolidation of civil authority, fighting corruption, combating the spread of HIV/AIDS, and providing humanitarian support. The U.S. pledge of \$15 million over three years to the SCSL was the largest of any contributing nation. The U.S. total humanitarian and emergency contribution in fiscal year 2002, including grants to aid agencies, World Food Programme, assistance to refugees, programs to combat HIV/AIDS, reintegration of combatants, and development programs was \$56 million. In March, the U.S. contributed \$1.9 million to the DDR program. In September, the U.S. dispatched an additional \$6.6 million from the Emergency Refugee and Migration Fund (ERMA) to respond to the refugee crisis brought on by the renewed war in Liberia. The U.S. provided three military officers to work with the IMATT.

Of the seven West African battalions trained by the U.S. for peacekeeping with UNAMSIL, five—four Nigerian and one Ghanaian—were in 2001-02 deployed to

Sierra Leone. There was no mechanism set up to monitor the behavior and performance of the soldiers.

## SOUTH AFRICA

### HUMAN RIGHTS DEVELOPMENTS

President Thabo Mbeki continued to head a government dominated by the African National Congress (ANC) without serious challenge to his leadership, though the year saw significant tests of the political status quo. Tensions grew between the ANC and the Inkatha Freedom Party (IFP), a junior partner in the national government. The ANC's alliance partners, the South African Communist Party (SACP) and Congress of South African Trade Unions (COSATU), challenged the government's liberal economic strategy, including by calling a two-day strike in October. In a worrisome trend, several independent-minded members of parliament (MPs) were removed or resigned from positions as chairs of parliamentary portfolio committees during the year. The main opposition party, the Democratic Alliance, incongruously grouping together the former governing party, the New National Party (NNP), with the opposition party of the apartheid era, fell apart in late 2001. Smaller parties also developed splits, and a new party, the Black Consciousness Forum, was created. The Constitutional Court held in October that a "floor-crossing" law, aimed at allowing elected representatives to join other parties without losing their seats, was valid only in the municipal sphere of government, but left the door open to amendments allowing floor crossing in the provincial and national spheres as well. Soon after the decision, control of the Cape Town municipal council passed to a new ANC/NNP alliance. A coup plot by a militant right-wing group was uncovered in August, leading to the indictment of ten people, including three senior army officers. In late October, right-wingers were again blamed for a series of bomb blasts that exploded in Soweto.

In May, President Mbeki pardoned thirty-three convicted prisoners, primarily from the ANC and Pan-Africanist Congress, even though some of them had been denied amnesty by the Truth and Reconciliation Commission (TRC). Other parties protested the pardons or demanded similar treatment for their own members. Human Rights Watch wrote to President Mbeki expressing its concern at the pardons and at the suggestion that a further amnesty for apartheid-era politically motivated crimes might be granted, as well as at the government's failure to make arrangements for reparation payments to approximately twenty-two thousand victims identified by the TRC. South African victims of apartheid brought a multi-billion dollar suit in the United States against U.S., Swiss and German banks as well as the IBM corporation, claiming loans to the apartheid government helped prop it up in defiance of a 1985 to 1993 United Nations (U.N.) embargo.

After finalizing the last two volumes of its report, the TRC was formally dis-

solved in March. Publication of the final volumes was, however, delayed by an IFP court challenge to its findings. The army denied accusations that it had failed to turn over thousands of documents to the commission, and there was concern that TRC documents relating to the previous government's chemical and biological weapons program had disappeared after having been handed to the National Intelligence Agency. Wouter Basson, a chemical weapons expert with the old South African army, was acquitted in April on charges including embezzlement from an apartheid-era defense project, murder, and drug trafficking, after a thirty-month trial. There were suggestions that he might stand trial again in Namibia. In another trial relating to apartheid-era crimes, two former Ciskei Defence Force members charged with the 1992 "Bisho massacre" were acquitted in March.

The Constitutional Court continued to play a prominent role. In July it ordered the government to develop a plan for providing a short course of the drug nevirapine to HIV-positive pregnant women in order to prevent mother-to-child transmission of the virus in childbirth. Controversy surrounding the government's policy on HIV/AIDS continued despite the court ruling, though Mbeki withdrew somewhat from making direct statements on the epidemic. Though several large employers announced their own plans to provide antiretroviral treatment to employees, the vast majority of the approximately five million people living with AIDS were without any treatment. AIDS-related nongovernmental organizations in Mpumalanga continued to battle the province's ban on their supplying free post-rape antiretroviral treatment in state hospitals.

The Constitutional Court also struck down a controversial section of the Criminal Procedure Act that gave immunity from prosecution to officers using deadly force to arrest criminal suspects even when no life was in danger. Despite this ruling, the government had at this writing yet to bring into force a 1998 amendment to the act that would address the constitutional issues, though the police service had issued an instruction that members should comply with the ruling. In September, the court struck down as discriminatory a law that prevented same-sex life partners from adopting children. Lesbian and gay rights activists also won a victory through a settlement granting pension benefits to same-sex partners of state employees. Despite several government defeats, notably on the HIV/AIDS case, Justice Minister Penuell Maduna praised the role of the court in a speech in August.

South Africa's vast internal economic disparities continued to generate human rights abuses. It was estimated that twenty-two million people lived in abject poverty and went hungry almost every day. Although basic access to public schooling for both boys and girls was widely available, there were wide disparities in schools' resources: more than 45 percent of schools had no electricity and more than a quarter no clean water. Access to clean water generally improved, but continuing problems were indicated by an ongoing cholera epidemic; almost 108,000 infections had been reported since August 2000. A new minimum wage regime for domestic workers, among the poorest paid, was set to take effect in November 2002; a proposed minimum wage for farm workers had yet to be finalized.

The slow pace of land reform generated controversy. In May, police in Mpumalanga arrested more than two hundred marching protesters from the Landless People's Movement. Police also arrested around seventy-five protesting land

rights activists on the eve of the World Summit on Sustainable Development, held in Gauteng in August; after two nights in prison, during which one woman allegedly was denied medical treatment and suffered a miscarriage, they were charged with violation of a little-used 1993 law regulating public gatherings, and released. In July, the constitutionally-created South African Human Rights Commission began a major investigation into human rights abuses in rural areas. On June 20, the agriculture and land affairs minister announced that nearly thirty thousand land restitution claims had been settled in the previous financial year, benefiting 332,243 people. In Alexandra township in Gauteng, an urban renewal project resulted in the eviction of hundreds of residents without the necessary support for relocation. Evictions from informal settlements also continued in the Western Cape. In September, the Supreme Court of Appeal ruled that the law preventing illegal eviction protected not only informal settlers but also occupants whose tenancies had expired or who had defaulted on home loans. Protests against electricity cut-offs in Soweto also resulted in the jailing of dozens of protesters.

The South African Human Rights Commission severely criticized the handling of reported rape cases by police, prosecutors and community leaders. The government responded that initiatives had been undertaken to improve the system, including a new program to train police in handling domestic violence cases. Civil society groups launched a "Justice for Women" campaign in April to expand the definition of self-defence to cover women who killed abusive husbands, and to secure presidential pardons for such women who were serving sentences under past laws. In October, the South African Law Commission completed a major consultation process on a new Sexual Offences Bill, designed to completely overhaul the law in this area.

More than twenty thousand rapes of children were reported in 2001. Rapes of infants and very young children continued to be widely reported in the media. Fully one third of children under age eighteen had been victims of sexual abuse, according to an independent medical study released in March. Government investigations continued into widespread sexual abuse of children by educators, reported on by Human Rights Watch in 2001. More than seven hundred thousand children had been orphaned by AIDS, according to a study released in March, increasing their risk of exposure to sexual and other abuse. Domestic and international child trafficking were problems in South Africa. The illegal use of child labor was also widespread; the February conviction of an employer for using child labor was reportedly the first such conviction in South Africa. The U.N. special rapporteur on the sale of children, child prostitution and child pornography visited South Africa in September and recommended the creation of a national agency to coordinate responses to child abuse and neglect.

After a one-year moratorium, the South African Police Service (SAPS) resumed the reporting of crime statistics and said crime levels had stabilized in 2001. The reported murder rate continued its seven-year downward trend. Nevertheless, violent crime remained a major problem, with more than fifteen thousand murders in the first nine months of 2001, the latest period for which statistics were available. Among these deaths were 103 farmers and farm workers; in February 2002, there was a spate of apparently racist murders of blacks in Mpumalanga. The police

"rural protection plan," criticized by Human Rights Watch in 2001, continued to focus more attention on the killings of farm owners and their workers than on other rural residents. The Independent Complaints Directorate (ICD), a statutory body, reported 214 deaths in police custody and 371 otherwise as a result of police action in the year to April 2002, a 12.8 percent decline on the previous year, though complaints to the ICD had increased by 15 percent. The ICD called for greater civilian oversight of police to help discover and prevent torture, and criticized the lack of a legal duty to report incidents of torture.

Prisons remained seriously overcrowded, with the total prison population reaching 175,290 at the end of 2001, outstripping the system's capacity by around sixty-five thousand. About a third of the total prison population consisted of persons awaiting trial, with more than half of incarcerated juveniles (under the age of twenty-one) still awaiting trial, and 40 percent of pretrial prisoners unable to afford relatively low bail. To address these problems, an increase in the number of courts was planned, and the justice minister said measures such as plea-bargaining and modified bail conditions would be considered for non-violent crimes. The national director of public prosecutions reported a 20 percent increase in the volume of criminal court cases heard from 2000 to 2001. Calling for greater volunteerism among attorneys to help reduce court dockets, the Legal Aid Board continued to phase out the use of private lawyers in favor of salaried employees.

Children were particularly ill served by the justice system, though efforts were under way to improve the situation. In September 2002, around 3,960 children (under age eighteen) were being held in custody, of whom 2,157 were awaiting trial. Many were held unsegregated from adults. A Child Justice Bill tabled in September 2002 emphasized alternatives to incarceration for child offenders and would raise the minimum age for criminal capacity from seven years to ten. By October two "one-stop" Child Justice Centers for arrested children had been opened; more were planned for 2003.

The Department of Correctional Services reported that prison assaults increased by 4 percent in the year ending March 2001, and official-on-prisoner assault increased by almost 11 percent. Violence resulted in twelve deaths in prison in the same period, the report said. As part of a national commission investigating prison corruption, investigators uncovered thirty-two cases in one KwaZulu-Natal prison where warders had used prisoners to carry out crimes including robbery and murder. President Mbeki in August authorized the Special Investigation Unit in the office of the national director of public prosecutions to conduct a wide-ranging probe into corruption in prisons procurement and management. The Judicial Inspectorate of Prisons reported that more than half of the prisoners released from jail in South Africa were HIV-positive.

A new Immigration Act was finally passed after heated last-minute debate in May, as the provisions of the old law struck down by the Constitutional Court had to be replaced by June 2002. Controversial provisions of the law were the policing of borders by the defence force rather than the Department of Home Affairs, a quota system for work permits, and the creation of special new immigration courts. The department agreed in late 2001 to temporarily postpone deporting thousands of Zimbabwean farm workers in the Northern Province, in return for farmers'

promises to cease employing foreigners. In January 2002, new guidelines were created for the police in relation to the arrest and detention of undocumented migrants, requiring officers to have “reasonable grounds” to arrest someone on suspicion of being illegally in the country. However, police raids rounding up suspected foreigners on arbitrary grounds continued. Immigrants also continued to be vulnerable to violent xenophobic attacks. An undocumented migrant was beaten to death at a privately-run repatriation center in March. His death led to the suspension of five guards accused of his murder and sparked a riot at the center, which had been criticized in the past by human rights organizations. Human rights lawyers won a court order in March recognizing the right to apply for asylum while in the transit area of an airport, including the right to legal representation. But problems continued: Human Rights Watch wrote to Home Affairs Minister Mangosuthu Buthelezi in May expressing concern at the detention and deportation of foreigners at Johannesburg international airport, in some cases without the opportunity to apply for asylum.

The report of a major investigation into corruption in government arms purchases was released late in 2001, amidst controversy over information omitted from the final report. There were allegations that investment setoffs promised in return for costly government munitions deals had proven far less valuable than originally claimed and were in any case very difficult to enforce. A new Prevention of Corruption Bill was published in April 2002.

A government report in August revealed that South Africa had sold arms to India, Israel, Pakistan, Rwanda, and Zimbabwe, among others, in 2000 and 2001. Critics stated that these sales were in contravention of the government’s stated policy of not selling arms to countries that consistently violate human rights. Parliament and the executive debated the National Conventional Arms Control Bill, with some MPs arguing for increased parliamentary oversight of arms sales, while the Defence Ministry supported greater secrecy. South Africa was a leader in promoting universalization and full implementation of the Mine Ban Treaty in Africa. In September 2002, a bill to enact the Mine Ban Treaty into South African law was introduced to parliament. Joint operations between the police of South Africa and neighboring countries successfully destroyed thousands of guns, ammunition, mortars and mines.

Following the terrorist attacks of September 11, 2001, the South African Law Commission resumed work on revisions to a 1999 draft anti-terrorism bill, releasing a new version for public comment in August 2002. The bill made the commission of a terrorist act punishable by life in prison, and criminalized membership in and the provision of material support to designated terrorist organizations. The bill would require police to obtain written consent from a prosecutor and a judge before detaining a person suspected of having information on terrorist activity, and would require interrogation through judicial hearings. These last provisions replaced previous much harsher proposals allowing a fourteen-day detention period. The President signed the International Convention for the Suppression of the Financing of Terrorism in November 2001, though neither it nor the International Convention for the Suppression of Terrorist Bombings (signed in 1999) had been ratified at this writing. South Africa ratified the OAU Convention on the Prevention and Combating of Terrorism in September 2002.

South Africa ratified the Protocol to the African Charter on the establishment of the African Court on Human and Peoples’ Rights in June, but did not make a declaration allowing South African individuals and organizations to petition the prospective court directly.

## **DEFENDING HUMAN RIGHTS**

The South African Human Rights Commission continued to complain of official indifference to its activities, under-funding and a lack of full independence. In August, National Assembly Speaker Frene Ginwala broached the need for parliamentary oversight of the commission and other independent constitutional bodies, including the Commission for Gender Equality and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities. Civil society in general was strong, with one study finding close to one hundred thousand non-profit organizations in the country, more than half of which had cooperative relationships with the government.

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

President Mbeki traveled extensively during the year to promote the New Partnership for Africa’s Development (NEPAD) to world leaders, including at the G8 summit in Canada in June. South Africa hosted the World Summit on Sustainable Development in August. At the 2002 session of the U.N. Commission on Human Rights in Geneva, however, South Africa failed to maintain its previously positive role.

South Africa’s central political and economic role in southern Africa continued, though Mbeki was cautious in criticizing irregularities in the Zimbabwean national elections in March and ongoing harassment of the opposition there. He was active in diplomatic efforts to bring peace to the Democratic Republic of Congo (DRC), agreeing in September to provide 1,500 troops to a U.N. peacekeeping force. South African troops in Burundi since late 2001 to protect the transitional government there extended their stay by another six months in May.

## **European Union**

The E.U. remained South Africa’s largest international aid, trade and investment partner, with €127 million (U.S.\$110 million) available for development cooperation in 2002. South Africa maintained strong diplomatic ties to the E.U. and its member states, with several high-level visits throughout the year. The United Kingdom gave £36.75 million (U.S.\$57.7 million) in development assistance in 2000-01, and Prime Minister Tony Blair “warmly endorsed” NEPAD, recognizing President Mbeki’s leadership. Germany, France, and Denmark also pledged support for various projects including improvement of the justice system, housing in rural areas, and the fight against HIV/AIDS. The E.U. Foundation for Human Rights in South Africa continued to support a large number of human rights initiatives.

## United States

The first meeting of the South Africa-United States Bilateral Cooperation Forum took place in February. The U.S. Trade Representative said that the “next logical step” was a free trade agreement. The U.S. ambassador to South Africa stated that the U.S. endorsed NEPAD and South Africa’s economic policies, and was committed to helping South Africa remain at the “vanguard” of African progress through trade and development assistance. The U.S. Agency for International Development (USAID) spent \$51.3 million in development assistance to South Africa in 2001, and projected \$56.4 million in 2002, with a focus on crime, unemployment, housing, and HIV/AIDS prevention. The United States’ National Institutes of Health also granted R110 million (\$10.57 million) over five years to a South African university for HIV/AIDS research.

## SUDAN

### HUMAN RIGHTS DEVELOPMENTS

The Sudan government and the rebel Sudan People’s Liberation Movement/Army (SPLM/A) made great strides in 2002, on paper, toward respect for human rights and settlement of the nineteen-year civil war. The war, however, heated up as the parties fought over oilfields and key garrisons; it was not brought to a halt until the parties agreed on October 15 to a standstill during peace negotiations. On October 30, Talisman Energy Inc., the Canadian oil company leading the development of the only concession producing oil for export in Sudan, announced that it would sell off its Sudan assets, thus bringing to a successful close a major campaign against the company by nongovernmental organizations in Canada, the United States (U.S.), and Europe.

The first agreements between the warring parties took place between January and March—these were four agreements proposed by U.S. Special Presidential Envoy for Peace in Sudan John Danforth. On July 20 the parties signed initial peace protocols in Machakos, Kenya, agreeing to a referendum in which the south would be able to chose between unity or independence, following a six-month pre-interim and six-year interim period after the signing of a final peace agreement.

The four Danforth agreements were: (1) an internationally monitored cease-fire in the Nuba Mountains for humanitarian access purposes; (2) “zones of tranquility” for polio, rinderpest, and guinea worm health programs; (3) an international commission to investigate slavery; and (4) an internationally monitored end to attacks on civilians and civilian objects.

The Nuba Mountains agreement, concluded first and signed in Switzerland on January 19, resulted in a six-month cease-fire in the Nuba Mountains, extended in July, allowing food drops to neglected areas and permitting free access by civilians to all areas of the Nuba Mountains—access that, however, the government did not

provide. This and other human rights aspects of the cease-fire agreement did not receive sufficient attention from the Joint Verification Mission, composed under the agreement of military personnel seconded by various European countries and the U.S. under Norwegian leadership—and chronically understaffed and underfunded.

The government army strikingly lacked captured combatants, leading to a conclusion it had a forbidden “take no prisoners” order. The government continued to deny access by the International Committee of the Red Cross (ICRC) to anyone detained in connection with the conflict, despite an explicit provision in the Nuba Mountains agreement for ICRC access to those persons.

More positively, a series of new mine action projects were initiated in the Nuba Mountains, with a number of assessments on both sides. The U.S. deployed part of its quick reaction demining force to conduct an assessment on both sides. Operation Save Innocent Lives, a southern Sudanese NGO, cleared a total of 526 kilometers of road and 263,093 square meters of land between April 2001 and March 2002. Both the government and the SPLM/A renewed pledges not to use antipersonnel mines anywhere in Sudan, although there were still unconfirmed allegations of use by both sides. Evidence that landmines were used by the Sudanese government emerged with the death on June 11 of six agricultural aid workers in a project on the SPLM/A side of the Nuba Mountains, close to government lines. The SPLA apparently mined a road in the oilfields of Sudan north of Ler, Western Upper Nile/Unity State, in September, killing four or five road construction workers in a military convoy.

The Danforth-proposed slavery commission, composed of eminent international persons and field workers, conducted its research and wrote a well-received report on slavery and abductions in Sudan issued in May, with many recommendations. Most had yet to be realized as of this writing. Negotiations on zones of tranquility were more difficult than envisioned, and enforcement consumed much diplomatic time.

The Sudan government originally balked at the fourth Danforth agreement, for no targeted attacks on civilians. On February 20 its helicopter gunships attacked Bieh, a food distribution site in Western Upper Nile/Unity State oilfield region, and killed twenty-four civilians, injuring many more. The attack was witnessed by United Nations (U.N.) food monitors, and condemned worldwide. The Sudan government later apologized for the “accident,” and in March it and the SPLM/A signed the agreement not to attack civilians or civilian objects.

In June-July, the U.S., United Kingdom, and Norway took a role as lead mediators at the Intergovernmental Authority on Development (IGAD, a regional organization comprising Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, and Uganda) peace talks between the Sudanese government and the SPLM/A, hosted and led by the Kenyan government. The protocol signed at Machakos on July 20 referred in the preamble to human rights and the parties’ desire to establish a “framework for governance through which human rights would be guaranteed,” and stated their desire to find “a comprehensive solution that respected the fundamental human and political rights of all Sudanese peoples, including agreement to establish a democratic system of governance.”

Meanwhile, the government of Sudan built several arms plants to become self-



sufficient in weapons and ammunition. In August 2002 Russia confirmed the export to Sudan in 2001 of twenty-two armored combat vehicles and twelve attack helicopters. Under a defense cooperation agreement with Russia, first discussed in December 2001, Sudan negotiated to buy some twelve MiG-29 fighter planes said to be worth U.S.\$120 million. The contract was to be finalized in May 2002, according to media reports citing Russian defense industry sources. In September 2002, the U.S. government imposed sanctions on three state-owned Russian companies (though not the Russian government) for arms supplies to Sudan, which was still on the U.S. list of countries it considered sponsors of terrorism. A Bulgarian company lost its arms trading license in May 2002 pending a criminal investigation into alleged illegal arms transfers (reportedly dismantled tanks) to the Sudanese government. The company maintained its innocence, saying it was making final deliveries under a mid-1990s contract to help build an arms factory. Bulgarian officials acknowledged such a contract had been approved, but said new shipments to Sudan had not been authorized.

In December 2001, the National Assembly, dominated by the ruling (Islamist) National Congress (N.C.), approved the extension for another year of the state of emergency in effect since December 1999. It amended the constitution in May 2002, granting President Omar El Bashir greater executive powers and allowing for his indefinite rule, and additional powers to the security forces and police.

Repression of opposition political activity remained the norm. The opposition Popular National Congress (PNC)—founded by President Bashir's erstwhile Islamist ally, Dr. Hassan Turabi—suffered a series of arrests and rearrests; by September some 150 activists throughout the country were in detention. Dr. Turabi continued in prolonged arbitrary detention, mandated by presidential decree, contrary to a court decision in October 2000 ordering his release. One wing of the Umma Party joined the government in 2002, but the main faction under Sadiq al Mahdi remained outside the government and its followers continued to suffer arrests; in late May security forces arrested at least twenty-five student Umma members for attempting to form a students' union.

Moderate students' protests at mass arrests and security and police attacks against them during October demonstrations led to Islamist student militia attacks against them, injuring many, and subsequent torture after the hospitalized were taken to security detention. Five of the University of Khartoum's twelve faculties remained closed as of this writing.

The press was faced with intermittent increased repression: journalists and editors were detained and questioned about the publications' content; newspapers were fined heavily; and editions of many papers were confiscated because of articles the censors did not like, although all papers were subjected to prior censorship. While outside support arrived for the English-language Khartoum Monitor, there was less support for equally harassed colleagues in the Arabic-language press. Al Ayam was punished by one day's closure for an article discussing the health hazards of female genital cutting, although official government policy opposes the practice.

Another instrument of repression were "emergency tribunals" established under the 1998 State of Emergency Act. These courts, composed of one civilian and two military judges, handed down stringent sentences summarily, without any

respect for the right to a fair trial. By July 1, 2002, at least nineteen people had been executed in the Darfur region after sentencing by these tribunals. The emergency tribunals summarily sentenced eighty-eight people to death in Darfur, allegedly in response to lethal raids by the Riziegat Baggara ethnic group on the smaller Ma'alia tribe.

Other courts also imposed draconian penalties without fair trial, as in the Darfur region where six men were sentenced to amputations and cross amputations (one hand and the opposite foot amputated) for crimes such as robbery and the unlicensed possession of weapons in December 2001. In that month, a court in Southern Darfur sentenced an eighteen-year-old Dinka woman to death by stoning under *shari'a* (Islamic law) for the crime of adultery; she did not have legal representation or an interpreter. After international protest the sentence was overturned on appeal, but the trial court imposed forty lashes, administered on the spot, without counsel or right of appeal.

The war continued to lead to pervasive human rights abuses. The Sudanese government continued to displace and kill civilian populations, the most active theatre of war being the oilfield areas of Western Upper Nile/Unity State. There, the government brought in Islamist militia and Arab Baggara militia troops (*muraheleen*) to supplement its regular troops in attacking the civilian population and occasionally the rebels.

In early 2002 the pro-government Nuer (southern) militia of Gen. Paulino Matiep joined forces with the *muraheleen* and conducted scorched earth campaigns to drive tens of thousands of Nuer residents from their homes. The horse-backed *muraheleen* crossed rivers to Nuer areas (inaccessible before the oil companies built bridges). Women and children in Western Upper Nile/Unity State were abducted and raped by the *muraheleen*, this Nuer militia, and government army forces in early 2002; it was feared that the *muraheleen* enslaved those abducted. The World Food Program (WFP) and Operation Lifeline Sudan in March 2002 conservatively estimated that 174,200 individuals remained displaced due to the oilfields war.

In January 2002, Cmdr. Riek Machar (who in 1991 led a breakaway faction from the SPLM/A and in 1997 signed a peace agreement with the government) and the SPLM/A announced their forces were merging, and a local Nuer commander in Block 5A switched loyalties to the SPLM/A. The oil consortium operating south of Bentiu in Block 5A led by Swedish company Lundin then announced its operations were suspended due to insecurity, and until a negotiated peace was reached. At this writing, only the consortium led by Talisman continued to produce oil for export, at 230,000 barrels per day, from one concession. Oil revenue was at least 20 percent of government income in 2001, and the military budget consumed about 60 percent of oil revenue in that year.

The *muraheleen* who with the government army "protected" the rail line from Babanusa to Wau in Bahr El Ghazal used this role also to carry out several slave raids in 2002. The government's Committee for the Eradication of Abduction of Women and Children (CEAWC) continued to exist but failed to alleviate the slavery problem as local administrations in Baggara areas refused to cooperate in turning over enslaved persons.

The government relied more heavily in 2002 on its growing air force to bomb locations throughout the rebel areas and to reinforce garrison towns. Numerous well-documented incidents of intentional aerial bombing of civilian targets (with no military significance) occurred during 2001-2002, as in Bieh, above. According to the church, in June government aircraft bombed the compound of the Roman Catholic bishop of Torit in Ikotos, Eastern Equatoria, injuring at least four construction workers. On September 21, the government bombed a cattle camp near Lui, Bahr El Ghazal, and killed thirteen Dinka cattle herders (four of them children) and more than fifty cattle.

The government continued to require high school students ages sixteen and older to serve in the Popular Defense Force (PDF, an Islamist government militia), often sending them—with inadequate training—as child soldiers to the front lines. Its militias continued to forcibly recruit southerners residing in Khartoum as well as those living in the south, among them many underage boys.

The SPLA, which took the garrison town of Kapoeta earlier in 2002, on August 31 captured Torit, 100 kilometers east of the largest southern town, Juba (under government control since the beginning of the war). Reportedly government casualties, many by SPLA summary execution of captured or wounded combatants, were high.

The day after the SPLA took Torit, the government announced that it was withdrawing from the peace negotiations on the pretext that the SPLA had broken a non-existent “cease-fire.” The government then bombed Torit and areas untouched for years, such as the Samaritan’s Purse hospital in Lui, Bahr El Ghazal.

After retaking Torit in October, the government returned to the peace negotiations and on October 15 it and the SPLM/A reached an agreement on a military standstill, extended until March 31, 2003. On October 26, the parties agreed with the U.N. that they would permit full humanitarian access to all parts of Sudan, through December 31.

The agreement to full humanitarian access was a reprieve from prior government bans: it had maintained a two-year-plus ban on relief flights in many areas, including Eastern Equatoria and most of Western Upper Nile/Unity State. The most draconian ban to date was a September 27-October 6 ban effectively blocking all humanitarian assistance to the non-government areas of the south.

When instances of rape and other abuses by SPLA soldiers against persons displaced from Raga, Western Bahr El Ghazal, were reported, the SPLA authorities singled out those thought responsible and summarily executed several soldiers, on the basis of summary courts martial not subject to appeal. Reports of summary executions of captured non-southern enemy soldiers ordered by SPLA Cmdr. Peter Gatdet circulated, but the SPLA seemingly took no action to rein in this commander.

According to local sources, on March 13, 2002, SPLA forces attacked the village of Tuhubak, already under SPLA control east of Torit. Some 200 forces burned all the 173 homes in this village, population 970, and killed at least twenty-five civilians, mostly elderly, women, and children. North of Abyei, on September 21, an SPLA pre-dawn attack on the village of Todaj captured some forty-five civilians, including many children under the age of fifteen, for conscription. The SPLA forces reportedly tortured and humiliated the chief, and looted the village and all the cat-

tle. The forty-five captives were taken to SPLA territory and held for two weeks, then released. Human Rights Watch written inquiries to the SPLM/A regarding these attacks went unanswered.

In a positive move, a settlement was reached in the Eastern Equatoria area around Chukudum in August between the Didinga and the SPLA army and their Bor Dinka relatives living as displaced persons in the area. The reconciliation conference, sponsored by the New Sudan Council of Churches, came after years of low-level warfare with many civilian casualties between the Didinga and SPLA. The area remained heavily mined (mostly by the SPLA).

The SPLA continued to recruit underage soldiers in or near battlefields, while at the same time it demobilized thousands of underage soldiers elsewhere. Child soldiers were still common: Human Rights Watch in August interviewed SPLA soldiers aged fifteen and sixteen (recruited two years earlier) from small tribes of Southern Blue Nile.

The SPLM/A permitted ICRC access in five or six locations to its “prisoners of war,” mostly non-southerners.

The Sudanese government had for years provided bases and other military support for the abusive Ugandan rebel forces of the Lord’s Resistance Movement (LRA), in retaliation for the Ugandan government’s backing of the SPLA. After September 11, 2001, the U.S. put the LRA on its list of terrorist organizations, and the Sudanese government hastened its promised withdrawal of support from the LRA. The Sudanese government had provided bases for the LRA south of Juba, but after it began to withdraw its support the LRA began raiding and looting Sudanese villages for food, and killing Sudanese civilians. The Sudanese government gave the Ugandan government permission to pursue the LRA inside Sudan, starting in March 2002. As a result of the campaign, LRA forces returned to Uganda, where they carried out further abuses. (See Uganda.) The Sudanese government clashed several times with units of LRA remaining in the Imatong Mountains and elsewhere in southern Sudan, but did not offer much protection to the thousands the LRA displaced.

## DEFENDING HUMAN RIGHTS

Fledgling human rights organizations and monitors in the capital Khartoum (the only place in government areas they could exist) continued to be at risk of arbitrary arrest and harassment. They were subjected to harassment and arrest of their leaders by security forces; Toby Madut, head of one southern human rights group in Khartoum, was briefly jailed in 2002.

In SPLA-controlled southern and Nuba areas, small steps were taken in building a civil administration, funded by foreign governments. Although SPLA relations with the New Sudan Council of Churches improved in 2001, there was still little space for the establishment and growth of an independent human rights entity, albeit several indigenous nongovernmental organizations, including women’s groups, said they were attempting to play that role informally.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

One effect of the U.S. government “war on terror” was continued engagement with Sudan, which had already been cooperating since 2000 in some intelligence and counterterrorism matters.

### United Nations

Special Rapporteur on Human Rights in Sudan Gerhart Baum delivered a report critical of the government and the SPLA to the U.N. Commission on Human Rights in April, noting that the “overall human rights situation remains a matter of concern” and that the “human rights situation has not yet changed and no tangible improvement can yet be appreciated.”

The commission passed by one vote the resolution to reauthorize the rapporteur’s mandate. Baum subsequently expressed cautious optimism about the Machakos process, but called for a more comprehensive agreement, one that would incorporate a role for human rights, democracy, and civil society in the ongoing peace negotiations. The commission resolved that the Sudan government should consider how to expand the office of the commission’s adviser in Sudan to include monitoring, but the government did not respond.

When the special rapporteur called on the government in August to provide transparency in accounting for its oil revenues, the government refused to permit him to enter Sudan for his regular visit in the latter half of 2002, although through the intervention of the German government, he was finally invited to visit in October.

### United States

As noted above, the U.S. vigorously supported the IGAD peace negotiations. At the same time, the Bush administration prolonged to November 2003 existing extensive U.S. economic sanctions on U.S. citizens and corporations doing business with Sudan.

The U.S. Congress increased pressure on the Sudanese government in October 2002 with passage of the Sudan Peace Act. The law would impose greater sanctions on the Sudan government should it walk away from talks or not negotiate in good faith with the SPLM/A. It separately provided that U.S.\$100 million would go to the areas controlled by the opposition political and military umbrella group National Democratic Alliance (NDA), of which the SPLA was the largest member. Although the Danforth-negotiated agreement to halt targeted attacks on civilians and civilian objects was signed by both parties in March 2002, as of this writing the U.S. State Department, which undertook to enforce this agreement, had not seen its contractor, PAE Government Services, Inc., conduct the first investigation.

In September, a New York federal court declined to strike down a lawsuit, commenced in November 2001, against Talisman for harm to the Sudanese plaintiffs including displacement and destruction of personal property, on account of Talisman’s oil activities.

## European Union

The E.U. in late 2001 agreed to continue its “critical engagement” with the government of Sudan for another year, envisioning resumption of E.U. development aid to Sudan by the end of 2002 if certain benchmarks (in human rights) were met. As the peace talks under IGAD got underway, however, with E.U. members playing a leading role, the goal shifted to one of encouraging Sudan and the SPLM/A to take serious steps on the road to peace through the IGAD process, and maintaining a common donor/international front on the peace issue.

As the year progressed, the E.U. expressed public concern about ongoing abuses (such as the February bombing of the Bieh relief site). The E.U. demanded unrestricted access for aid agencies to reach civilians affected by the civil war, which was eventually accomplished in the context of the IGAD peace talks at Machakos.

## UGANDA

### HUMAN RIGHTS DEVELOPMENTS

The Ugandan political landscape in 2002 was characterized by continued conflict over the “movement” system, by which Uganda is governed. As a result, political and civil rights were violated, though on a somewhat lesser scale than during the violent election year 2001. Uganda was a major player in armed conflicts in the region: Continuing during most of the year, the occupation by the UPDF (Uganda’s army) of the northeastern part of the Democratic Republic of Congo (DRC) began to be scaled back in September; meanwhile, the UPDF fought a major military offensive against the rebel Lord’s Resistance Army in northern Uganda and southern Sudan. In both wars, civilians were victims of widespread abuse.

Legal restrictions as well as arbitrary arrest and detention were used to suppress political dissent. On May 9, parliament adopted the highly contested Political Organizations Law, which retained current constitutional restrictions on political parties and added new ones. It outlawed most activities normally associated with political parties, such as opening and operating branch offices, and holding delegates’ conferences and rallies. Existing political parties would “legally cease to exist” if they failed to register within six months of the law’s entry into force.

A parliamentary commission investigating the violence during the 2001 presidential and parliamentary elections unearthed cases of detention of suspected opposition politicians in illegal locations, torture, and state-sponsored violence against opposition supporters. For example, Kidima Mubarak, who had campaigned in 2001 for a parliamentary candidate opposing the brother of army commander James Kazini, testified before parliament in March 2002 about his arrest in June 2001 followed by two months of detention at military barracks in the Ugandan-controlled areas of the DRC.

On January 12, 2002, police broke up a peaceful rally in Kampala organized by an opposition party, the Uganda's People's Congress (UPC), by firing on demonstrators with live ammunition. They killed a young journalist, Jimmy Higenyi, and injured several other persons with gunfire. They briefly detained several UPC leaders and two journalists. Local elections held in February were the occasion for cases to manipulation and abuse by government forces. Plainclothes agents abducted a campaign worker for Kampala's mayor, took him to the headquarters of Chief-taincy Military Intelligence (CMI—a government security agency), and later to an unacknowledged detention center in Kampala. They accused him of cooperating with armed rebel groups and beat him severely. Nevertheless, the overall level of violence was reduced compared to the elections of the previous year, and in some areas opposition representatives were voted into leadership positions in the local administration.

Not only known or suspected political opposition supporters but civilians at large continued to be subject to arbitrary arrest and detention by government security forces, including the police, UPDF, Presidential Protection Unit (PPU), CMI, and members of the Kalangala Action Plan (a militia close to Presidential Advisor Kakooza Mutale). In many cases agents carrying out the arrest wore civilian clothes with no identifying insignia. Civilians were held in army barracks in different parts of the country (although by law the army is allowed to carry out arrests only in emergency situations), at CMI headquarters and at a facility controlled by the Joint Anti Terrorism Task Force in Kampala. Detainees were held in overcrowded cells and sometimes tortured. One woman, released in April 2002, testified how her detention had included being held for a week in March 2001 in a hole dug in the ground; another detainee told Human Rights Watch how he had been tortured on the genitals. On July 23, 2002, a detainee of the CMI, Patrick Manenero, died while being rushed to hospital. According to the death certificate, his death was caused by internal bleeding due to blunt force trauma.

In previous years, the government held large numbers of people on treason charges, particularly in western Uganda, where suspects were accused of supporting the rebel Allied Democratic Front (ADF). During 2002, civilians continued to be held without trial for prolonged periods under constitutional provisions allowing detention of treason suspects without charge for up to 360 days. In April, Human Rights Watch interviewed several treason suspects in western Uganda who had just been released after months or years of detention, only to be told that there were no charges against them. A few victims submitted complaints to the Ugandan Human Rights Commission.

In May, a tough anti-terrorism law came into force. The Anti-Terrorism Act has a broad definition of terrorism, describing it as the "use of violence or threat of violence with intent to promote or achieve political, religious, economic and cultural or social ends in an unlawful manner." The law carried a mandatory death sentence for those found to be terrorists. It could threaten also the legitimate work of journalists who publish material considered "likely to promote terrorism."

In June, Ugandan security forces started a crackdown on criminals or alleged criminals in Kampala, called "Operation Wembley," to deal with an apparent increase in crime. According to the nongovernmental Foundation for Human

Rights Initiative, nine persons were killed by security operatives in action, in circumstances that might have been extralegal. Over four hundred people were arrested, and in late August a court martial was set up to try the suspects, including civilians, undermining due process protections.

Uganda's human rights record was also tainted by its involvement in two armed conflicts wracking the region. The Lord's Resistance Army (LRA), which had been waging a war in northern Uganda and committing gross human rights violations since 1989, had been supported by the Sudan government in retaliation for Uganda's support of the Sudanese rebels, the Sudan People's Liberation Movement/Army (SPLM/A). Under United States (U.S.) pressure the Sudan government cut off assistance to the LRA, and in March 2002, with the permission of the Sudan government, the UPDF launched a major offensive against the LRA in southern Sudan, called "Operation Iron Fist." The initial plan to eliminate the LRA failed, as the LRA fled to mountains in southern Sudan and then crossed back into Uganda. These military operations had a horrendous impact on the civilian population in northern Uganda and southern Sudan. (See also Sudan.) From May the LRA increased its attacks in northern Uganda, abducting and killing civilians, looting villages, and attacking camps for internally displaced persons; United Nations (U.N.) sources indicated that the LRA had attacked sixteen such camps by July. On July 24 and 25 LRA soldiers killed an estimated fifty-seven people in several villages about twenty-two kilometers from Kitgum town. In mid-August the rebels announced that all nongovernmental organizations (NGOs) working in northern Uganda—most of them providing humanitarian aid—had to withdraw, or risk becoming targets of new attacks. Despite this warning, relief agencies continued operations. The LRA also attacked and looted camps for Sudanese refugees in Uganda, causing casualties among the refugees, and attacked humanitarian aid trucks serving the displaced in southern Sudan. In early July, LRA forces attacked a refugee camp in Adjumani, killing six refugees, and causing over half of the twelve thousand inhabitants to flee. On August 5 an LRA raid on the Achol-pii settlement in Pader district resulted in the deaths of about sixty people. The rebels looted all the recently-delivered food, and burned what they could not carry. They forced the camp's twenty-four thousand refugees and relief staff to flee the site. The refugees were provisionally moved to a site in western Uganda, and by September their permanent relocation to other camps was underway, a measure that was long overdue.

Since the outbreak of hostilities in northern Uganda, the LRA have abducted Ugandan children, trained them in southern Sudan and forced them to fight in the front lines. Abductions continued in 2002, albeit on a lesser scale than in previous years. As protection parents in affected areas sent their children to towns, where they stayed overnight in hospitals, schools or other places under poor conditions. Despite the return of the LRA to northern Uganda in May, few child soldiers managed to escape their captors. The LRA did release some one hundred sick and elderly people including children with their mothers in June.

UPDF forces also committed human rights abuses in the context of the northern war. From 1996, Ugandan civilians in the north of the country were forced by the army to move into camps for internally displaced people, and living conditions for the over four hundred thousand civilians in the camps remained very poor in

2002. The camps provided little or no protection from the LRA, and residents were vulnerable to abuse by the UPDF and individual soldiers. The Ugandan army recruited children in the camps as “home guards”—a reserve force used to guard the camps and fulfill other security functions. In response to the LRA’s 2002 campaign in northern Uganda, the army stepped up the existing pattern of arbitrary long-term detention of civilians suspected of collaborating with the LRA, and tortured some detainees.

For most of the year the UPDF continued to occupy the northeastern parts of the Democratic Republic of Congo (DRC), where it trained, equipped, and supported several rival rebel groups and competing ethnic militias, which committed gross abuses and continued to recruit child soldiers. The Ugandan involvement fueled conflict among different communities. Members of the UPDF continued to be involved in highly profitable business in the northeastern DRC, such as the exploitation of timber, diamonds, and gold, as well as collecting fees for the “protection” of farms and trucks. The role of Ugandan elite networks in the exploitation of resources was highlighted in a widely publicized report by the U.N. Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in DRC, published in October. The Sun City Accord, a power-sharing agreement between the Congolese government and the Ugandan-backed Movement for the Liberation of Congo (MLC) concluded in April, did not end the war in the northeastern DRC. By August, the Ugandan army chased away the rebel Congolese Rally for Democracy-Liberation Movement from Bunia, and handed over control to the Union of Congolese Patriots, comprising extremists from the Hema ethnic group, which committed gross abuses against civilians. In September, the Ugandan and Congolese governments struck a peace deal in Luanda, and Uganda withdrew its troops from parts of the northeastern DRC, but left two battalions in Bunia (See also DRC.)

As a result of regional conflict, Uganda hosted close to two hundred thousand refugees at the beginning of 2002, coming principally from Sudan, Rwanda, and the DRC. The Ugandan government estimated in 2002 that as many as fifty thousand refugees lived in Kampala. These refugees suffered from a variety of protection problems, stemming partly from the government’s preference that refugees reside in camps. Some refugees, including victims of torture, suffered from a lack of medical assistance on the part of UNHCR and its local subcontractor. Other refugees faced insecurity at the hands of agents linked to their original persecutors. Human rights activists and other prominent community leaders from the Rwandan-controlled parts of the DRC were followed by agents of the security services of the rebel Congolese Rally for Democracy-Goma, and sometimes threatened. Refugees who had fled the Ugandan-held territories of the DRC were in an especially difficult situation as they were effectively under the control of the same authorities responsible for their original persecution. Rwandan refugees also faced severe problems. In one particularly egregious case, approximately forty-five Rwandan army officers sought asylum in Uganda, but were detained for weeks at the end of 2001 and in early 2002, and later held under house arrest, by the Ugandan authorities. UNHCR was denied access to these refugees. Finally, the Ugandan and Rwandan governments established a Joint Verification Team to question the officers and other

alleged military dissidents. The confidentiality of the officers’ claims was seriously compromised since detailed information was disclosed to the Rwandan government.

## DEFENDING HUMAN RIGHTS

Human rights organizations, church bodies, and other independent associations continued to play a vital role in Uganda’s public life, but their freedom was threatened by the Non-Governmental Organizations Amendment Bill brought before parliament. The bill would introduce more complicated registration procedures and allow the suspension of NGOs whose objectives “are in contravention of any government policy or plan,” and NGO leaders could be imprisoned if they violated the bill. A coalition of Ugandan organizations campaigned against this law, which was still before parliament at this writing.

Several human rights organizations published important studies on the plight of the internally displaced. Human Rights Focus, a Gulu-based organization, published a report on the “protected villages” of northern Uganda. It documented attacks by the LRA on the displaced, as well as abuses by the Ugandan security forces administering the camps. This was followed by the publication of a report on human rights abuses against internally displaced people in the Rwenzori region of western Uganda, by the Kabarole Research Centre and two international organizations.

On World Press Freedom day, May 3, the Eastern Africa Media Institute organized a conference on press freedom in Uganda, raising among other issues the threats against journalists in the new anti-terrorism law.

The Foundation for Human Rights Initiative continued to carry out an impressive program of work on Uganda’s prisons. Early in the year, the organization met with the prime minister and the minister of internal affairs to discuss recent cases of arrest and torture.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

In the context of the geopolitical changes after the attacks on September 11, 2001, Uganda reasserted its role as a key African ally for the United States, United Kingdom and other Western governments.

### United Nations

The U.N. was involved at several levels in addressing the war in northern Uganda and the war in the DRC.

In March, UNICEF called on the LRA to release all child soldiers. The plight of children abducted by the LRA in northern Uganda was also highlighted in a resolution by the U.N. Commission on Human Rights in April and at the United Nations General Assembly Special Session on Children in May. However, preoccu-

pied with the serious abuses against children by the LRA, UNICEF and other relevant U.N. agencies failed to make the issue of recruitment of children by the Ugandan army itself in northern Uganda a priority. Later in the year, U.N. agencies in northern Uganda faced major problems delivering humanitarian aid.

In the DRC, the U.N. pushed for a peaceful solution to the conflict, while increasing its peacekeeping force—MONUC—on the ground. Unfortunately, the presence of MONUC in Ugandan-held territories was very thin and largely unable to monitor and report on the severe human rights abuse that continued to shatter the Ituri region. The U.N. Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth in the DRC continued its investigations, building on findings from its first two reports, published in April and November 2001. In these reports the Panel accused several persons close to Uganda's President Yoweri Museveni, as well as UPDF officers and soldiers, of involvement in illegal business with diamonds, timber, gold and other resources.

The situation of refugees remained precarious, and in the absence of adequate governmental protection, UNHCR failed to perform its protection responsibilities on behalf of some refugees in camps as well as in urban areas in Uganda who faced serious human rights violations.

### **European Union**

The E.U. underlined the need for peace in the DRC, and as relations between the Ugandan and Rwandan governments continued to deteriorate, Uganda's key E.U. interlocutor, the United Kingdom (U.K.), played an important mediation role in late 2001 and during 2002, and arranged several meetings between the two country's leaders. The U.K. failed, however, to exert pressure to ensure respect for human rights in the Ugandan-held areas of the DRC. It remained, overall, supportive of Ugandan policies: the U.K. was the largest bilateral donor and carried out large reform programs in a variety of sectors. In general the E.U. continued to support the Ugandan government politically and financially, albeit cautious E.U. criticism was expressed concerning the state of civil liberties, in particular the Political Organizations Law.

### **United States**

The U.S. government welcomed the adoption of the anti-terrorism act and put the LRA on its official list of "terrorist organizations," providing legitimacy for the government military offensive in the north and in Sudan. While the U.S. government noted a number of serious human rights issues in the State Department's *Country Report on Human Rights Practices*, it avoided putting pressure on the Ugandan government to remedy abuses, and remained largely quiet on the human rights violations in the Ugandan-held areas of the northeastern DRC. The U.S. was Uganda's second largest donor, and its strong political support was reiterated during President Museveni's visit to the U.S. in May.

### **RELEVANT HUMAN RIGHTS WATCH REPORTS:**

*Hidden in Plain View: Refugees Living Without Protection in Nairobi and Kampala*, 11/02