

## HUMAN RIGHTS IN AFRICA AND U.S. POLICY

A special report by Human Rights Watch/Africa  
for the White House Conference on Africa held June 26-27, 1994

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The White House conference on Africa comes at a time when the Clinton administration's cautious response to the monstrous crime of genocide in Rwanda is increasingly under attack at home and abroad. The conference offers an opportunity for the Clinton administration to adopt a much-needed change of course on Rwanda, and to announce a new and vigorous policy toward the African continent which puts human rights in the forefront of its foreign policy agenda.

President Clinton's failure to make the prevention and punishment of genocide in Rwanda a priority reflects the low level of American interest in Africa. The fact that U.S. objections and foot-dragging caused critical delays in the deployment of African peacekeeping forces which might have saved tens of thousands of Rwandan lives, that no senior administration official has visited Rwanda during the ten-week-old crisis, that virtually no public action has been taken to stigmatize and isolate the rump government, and that no serious efforts have been made to provide American military technology to jam the Rwandan radio stations that have promoted ethnic slaughter, suggest that human rights abuses in Africa do not become priorities, even when they amount to genocide. Yet while the Clinton administration has failed to elevate Rwanda to a foreign policy priority, genocide has proceeded apace, and now threatens Rwanda's neighbors. Soon Rwanda may join the growing list of "failed" states on the continent, where international engagement, when it did come, came too late.

In the case of Rwanda, the U.S. hung back from effective engagement in part because of fears of becoming involved in "another Somalia." But even beyond the difficult issues of how best to deploy U.N. peacekeeping forces in Rwanda, the United States failed to take the lead diplomatically, deferring instead to Rwanda's former European patrons, France and Belgium. This deference to France, in particular, is also characteristic of U.S. policy towards other African countries, such as Zaire. In the case of Zaire, France refuses to use its considerable influence to persuade President Mobutu to leave office and has been engaged more recently in efforts to rehabilitate the Zairian dictator. For the United States to have a more effective policy in Francophone Africa, the Clinton administration should come out from behind France's shadow, articulate its own human rights policy, and encourage the French government to support it.

Elsewhere on the African continent, where the United States has not insisted upon taking a back seat to other governments, human rights policy has been more vigorous. In the case of Nigeria, for example, the United States responded strongly to President Babangida's disruption of the democratic electoral process and the subsequent military coup by General Abacha, imposing economic sanctions and sharply condemning the human rights abuses that accompanied the political upheaval. Similarly, a strong human rights stance on Malawi, adopted in cooperation with Malawi's other donors, played a key role in persuading the Banda regime to submit to demands for multiparty elections. In South Africa, U.S. involvement in the tense period preceding the elections was useful in encouraging the Inkatha party to participate and helping minimize the threat of violence. Significant political and economic support for the new South African government, and a high-level delegation at President Mandela's inauguration, sent a welcome signal that multi-racial democracy in South Africa is of deep interest to the United States.

The cases of Nigeria, Malawi, and South Africa suggest that the Clinton administration does have the capacity to support human rights and democracy vigorously on the African continent. But the executive branch has failed to devote the political and diplomatic resources to the continent's human rights disasters, particularly Angola, Sudan, Rwanda, Somalia, and Liberia. In Angola, for example, the United States has been engaged in the peace process (and appointed a special envoy to add weight to diplomatic efforts), but the action comes only after some 500,000 Angolans have lost their lives in the resumption of hostilities that followed the aborted elections of 1992.

Clearly, the United States' bitter experience in Somalia -- where eighteen American troops were killed by General Aidid's forces in October 1993 -- is the key factor in the Clinton administration's disinterest in humanitarian engagement elsewhere on the African continent. Yet a retreat from leadership in some of the worst human rights crises of our time is the wrong lesson to be drawn from

Somalia. In fact, the United Nations' ill-fated experiment in "peace enforcement" in Somalia points to the need to incorporate human rights protection into humanitarian operations, and to limit those operations to the protection of civilians.

Throughout the Cold War, the United States' involvement with Africa was largely determined by support for anti-communist regimes. In the 1980s, for example, the top recipients of American assistance were Sudan, Somalia, Kenya, Zaire, Liberia, and UNITA in Angola. In all cases, political and economic support to such regimes contributed considerably to gross abuses of human rights. Today, anti-communism is no longer an organizing principle and the U.S. has largely abandoned such "friends." Yet it is not clear that another framework for U.S. relations with Africa has taken its place. Consequently, events in Africa seldom receive the attention they deserve, and the Clinton White House and State Department appear disinclined to commit the political, economic, and diplomatic resources needed to help resolve the continent's most intractable human rights disasters.

Human Rights Watch calls upon the Clinton administration to undertake the following actions to invigorate its human rights policy in Africa:

1. Review the record of American inaction and obstructionism in addressing genocide in Rwanda, and announce a vigorous new policy. Elements should include: denouncing publicly those Rwandan military and civilian leaders responsible for the genocide and urging our allies to do the same; providing material assistance to the African peacekeeping force so that it can successfully protect endangered civilians; and sending a senior administration official, such as Vice President Gore, to Central Africa to investigate means of ending genocide and protecting the survivors. High-level engagement on Rwanda might also help defuse the possibility of similar killings in Burundi.

2. Include the issue of human rights in Africa in diplomatic dealings with the United States' European allies, which have leverage with abusive regimes that received their support for decades. The Clinton administration should make a top priority at the upcoming G-7 meeting the creation of a coordinated human rights strategy for the continent's largest human rights disasters -- Angola, Zaire, Rwanda, Liberia, and Sudan.

3. Take the lead in assuring that the United Nations incorporates human rights protection, monitoring, and promotion within its peacekeeping and humanitarian efforts on the African continent, such as in southern Sudan, and provide the assistance necessary to carry out such programs.

4. Direct American ambassadors and their staff in African countries to upgrade their contacts with local human rights monitors and to enhance public diplomacy by denouncing human rights abuses and those responsible for them. In such African capitals as Nairobi and Addis Ababa, the U.S. has considerable influence, but human rights representation has largely been of the "quiet" variety.

5. Coordinate at the World Bank with other donors (including Europe and Japan) to limit loans to repressive regimes as a means of encouraging human rights improvements. In the meantime, direct funding to "basic human needs" projects that benefit the poor.

A summary of human rights developments and U.S. human rights policy in ten African countries follows:

## ANGOLA

**Human Rights Developments:** Angola's civil war, which resumed following the aborted electoral process of 1992, continues unabated. Since late May of this year, the situation has again deteriorated significantly, with both sides pursuing a military victory that neither can win. The rebel

forces of the National Union for the Total Independence of Angola (UNITA) are indiscriminately shelling the divided city of Kuito (Bie province) and other besieged cities such as Malanje are also coming under intensive fire. The government has also intensified its bombardment of UNITA-held cities such as Huambo. Relief flights that cross rebel-held areas were suspended on June 15. Civilians continue to be the greatest casualty in the conflict.

Renewed fighting between government forces and UNITA first broke out after the September 1992 elections. These elections were regarded as "generally free and fair" by United Nations and other foreign observers. In the presidential election, President dos Santos, as winner, received 49.56 percent of the vote compared with 40.7 percent for his rival, UNITA leader Jonas Savimbi. In the legislative election, the Popular Movement for the Liberation of Angola (MPLA), dos Santos's party, obtained 53.7 percent of the votes compared to UNITA's 34.09 percent. Under Angolan law, the failure of the winner in the presidential election to receive 50 percent of the votes requires an election run-off. But a second round of the 1992 election did not occur because UNITA rejected the results and returned the country to civil war. In the ensuing conflict, as many as 500,000 Angolans died in the fighting or from a combination of starvation and disease, directly attributable to the actions of the warring parties.

Human Rights Watch/Africa conducted a mission to Angola in May-June 1994 and recorded widespread violations of international laws of war. Civilians are being indiscriminately killed by non-targeted bombing, or by hidden land mines when they attempt to seek food around the besieged cities. The suspension of relief flights in late May to towns under siege from UNITA bombing, could quickly prompt a serious humanitarian disaster. Civilians have limited access to food supplies and they must forage for food. Human Rights Watch/Africa has noted that in cities such as Kuito and Malanje, mine casualty rates increase rapidly when food aid flights are suspended, as civilians venture into mine-infested areas in desperate search of food. UNITA's indiscriminate military action and its impact on the transport of relief supplies have jeopardized the vast improvement in humanitarian conditions in Angola earlier this year during a lull in hostilities.

Both UNITA and the Angolan government engage in indiscriminate shelling of towns. Human Rights Watch/Africa interviewed many civilians injured by UNITA shelling. Churches and hospitals have been hit in addition to civilian neighborhoods. Those aiming UNITA's guns do not often attempt to discriminate between civilian and military targets. The government is also responsible for indiscriminate bombing by its air force. The Angolan vice minister for defense denied this occurred, telling Human Rights Watch/Africa, "We don't waste our money bombing civilians." However, Human Rights Watch/Africa recorded many incidents of indiscriminate bombing and rocket attacks on civilian residences in Huambo, leading to deaths and wounding of civilians, including women and children.

The Angolan government has been able to buy the weapons to continue the pursuit of all-out war with UNITA by mortgaging its economic future. The government is using its access to oil production profits, especially from Cabinda, to fund the war, procuring over the last year a record level of weaponry. In 1993 the government pledged on short-term loans the next five years of potential oil production -- some \$2 billion. In the first quarter of 1994, a further estimated \$1 billion has been spent. Large shipments of weapons are on the way to Angola at the time of this writing. Significant purchases have been made in countries including Bulgaria, Russia, Ukraine, and Uzbekistan. Brazil, Spain, Portugal and Israel have also supplied weapons. The Angolan government today is the largest purchaser of weapons in Africa, and, over the past two years, has rearmed and restructured its forces.

External support for UNITA has declined significantly since the elections, and the rebels are now facing international sanctions, including a U.N. oil and arms embargo, imposed against the rebel force on September 25, 1993, following its failure to abide by the results of the elections. Human Rights Watch/Africa has obtained evidence that UNITA is violating international sanctions extensively. A stream of flights passes through the Ndjili international airport in Kinshasa, Zaire at night into Angola. Much of the cargo appears to be fuel, although UNITA also seems to have imported some artillery since

January. Private firms and entrepreneurs service UNITA, paid from revenue obtained mainly by diamond vending from the zones it occupies in the northern provinces of Lunda Norte and Sul.

**U.S. Policy:** The Clinton administration initially delayed recognizing the MPLA government in the hope that this would give it extra leverage over UNITA. The State Department was divided at the time, with some officers arguing that prompt recognition following the elections would show UNITA clearly that the US fully supported the democratic process. Others hoped to draw UNITA back into the political process by delaying recognition until the electoral run-off that UNITA ultimately boycotted. There is little evidence that the leverage of recognition was used to extract human rights concessions from Luanda, or that delaying recognition was employed to encourage comparable improvements from UNITA. Eventually, increasing frustration at UNITA's continued intransigence convinced the administration to recognize the Angolan government on May 19, 1993. By then, however, the country was immersed in full-scale civil war, with thousands of civilians killed by the warring parties.

Soon after the recognition, the U.S. upgraded its Luanda liaison office to embassy status and sent its first ambassador. An arms embargo on selling U.S. government non-lethal military equipment to the Angolan government was lifted that June. (Equipment is largely limited to that which is used in humanitarian operations, such as airlifts, though there is some potential for dual military usage with some of the material provided.)

With the exception of the Clinton administration's recognition of the MPLA government, U.S. policy has largely tracked that of the Bush administration. In 1993, Robert Cabelly, then a special advisor to Assistant Secretary of State for African Affairs George Moose, drafted a policy document on Angola. The policy articulated what was already the case: that the United States would substitute diplomatic initiatives for its previous policy of arming UNITA, and encourage both sides to return to peace talks. At the urging of key members of Congress, for example, the administration in late October 1993 appointed a special envoy to assist U.N. peace efforts and attend the talks that began that month in Lusaka.

Apparently fearing that public attention to human rights abuses by the MPLA government and UNITA might jeopardize the peace process, the State Department has largely kept silent about human rights in Angola. Testimony before Congress over the past two years has concentrated on developments in the peace process and humanitarian concerns, but there has been little public censure of the warring parties for violations against noncombatants. The resurgence of hostilities in 1994 has led to growing coolness between the U.S. and the MPLA government. Luanda appears to be increasingly critical of international mediation efforts.

Assistant Secretary of State George Moose, unlike his three predecessors going back to the Carter administration, appears to have distanced himself deliberately from Angola policy. His absence from the Angolan government's celebration of the presentation of credentials of its first ambassador to Washington was a diplomatic signal that was widely noted in Washington. Angola policy appears to have been delegated to the director of the Southern Africa Office, April Glaspie, though Glaspie herself has openly said that she spends little time on Angola issues. It was the Congress, in response to this perceived passivity on Angola, which encouraged the appointment of a special presidential envoy. The subsequent appointment of Amb. Paul Hare in October was the result, and it was indeed an indicator that Angola may be getting more attention within the Clinton administration.

U.S. policy in Angola during 1994 has been focused on the slow and tortuous peace talks taking place in Lusaka, Zambia. In an attempt to push the process forward, President Clinton, on advice from Ambassador Hare, sent two letters (April and May) to President dos Santos. The letters urged the Angolan president to accept proposals put forward by the mediators. President dos Santos replied on May 27, agreeing to the proposals but also adding a list of his government's conditions. These details were also discussed by the Angolan president with a delegation of U.S. senators, led by Sen. Paul Simon, chairman of the Senate Foreign Relations Subcommittee on Africa, who were on a fact-finding visit at the

time. The government had formally offered UNITA a list of positions in central administration, provincial administration and local administration. One main stumbling block remains that UNITA continues to demand the governorship of Huambo for itself. President Clinton himself signed a letter last week to Savimbi, urging him to accept the government's offer.

Human Rights Watch/Africa welcomes the recent attention to the peace process by the special envoy and President Clinton, but urges the administration to incorporate human rights concerns into all of its communications with the parties to the conflict.

## ETHIOPIA

**Human Rights Developments:** Since May 1991 when the Ethiopian People's Revolutionary Democratic Front (EPRDF) assumed power in Ethiopia, the government has brought about significant positive changes in the country, yet it is increasingly renegeing on its human rights commitments.

A number of factors set the stage for the problems in the country today. The EPRDF maintains a dominant position in the transitional government, holding thirty-two out of the remaining sixty-four seats in the Council of Representatives. And the EPRDF army currently serves as the national army of the country, while other armed forces have not been integrated into a national army. Moreover, the government has adopted controversial and divisive policies on land, language, secession and regionalization which should have waited until a democratically elected government is established.

In its early days the transitional government of Ethiopia adopted a Transitional Charter (the Charter) which guaranteed basic human rights. The Constitutional Commission was established to draft the constitution, and a National Electoral Board was created to conduct elections in the country. The government ratified major international human rights instruments and has allowed for the emergence of more political parties and other associations than ever before in the history of Ethiopia. Similarly, about 192 licenses have been issued for independent journals. These measures represent considerable improvement from human rights conditions during the Derg regime, when massive violations were the norm.

The human rights picture is far from satisfactory, however. There are increasing allegations of human rights abuses, intimidation of political opponents, lack of due process and a perceived reluctance of the government to hand over power to a democratically elected government. The situation in Ethiopia appears to be deteriorating, and serious tensions are mounting.

Members of the opposition parties suffer intimidation, harassment and other abuses particularly at the hands of local officials. In many areas, political opponents do not have the freedom to organize. The Peaceful Demonstration and Public Political Meeting Proclamation, No. 3/1991, which guarantees the right to peaceful demonstration and public political meeting, has been ignored or misinterpreted.

For example, although this proclamation does not require political parties to obtain permission for holding public meetings, parties now need permission to hold a political meeting. Furthermore, permission has on a number of occasions been refused or delayed to such an extent that parties do not have the time to organize effectively or to inform the public of their activities. Some political parties have had their meetings surrounded by security personnel who could be seen in the streets advising people not to attend.

The harassment of political opponents extends to personal intimidation and harassment of party members and officials. In Addis Ababa, Mr. Aberra Yemane Ab, of the Council of Ethiopian Democratic Forces (COEDF), was arrested in December 1993 when he arrived in the country for a peace conference, and is still in prison. Though the charges against Mr. Aberra have been dismissed by the court, he is now detained indefinitely, by virtue of a fresh order by a lower court. At least six members of the All Amhara People's Organization (AAPO), an opposition political party, are currently held at the Addis Ababa Central Prison on different charges and without bail. At least one thousand members, and possibly as many as two thousand, of the Oromo Liberation Front (OLF), which helped form the transitional government in 1991, are still detained in Hurso.

Outside Addis Ababa and a few other major cities, political activities are minimal, and in some regions the local chiefs do not abide by the guidelines given by the EPRDF. Supporters of opposition parties are often regarded as enemies of the government. In the Tigray region, members of the Ethiopian Democratic Union (EDU) complain of intimidation and harassment.

Unequal access to the mass media has been another major concern. Out of over one hundred political parties existing in Ethiopia, only sixty-two were given regular access to television and radio air time, by a decision of the Council of Representatives. Every other party is entitled only to "campaign time" (available only during the campaign period). Some parties were specifically denied air time because the council believed that this privilege was being abused. The current practice is arbitrary and liable to be abused, thereby raising the risk or perception of unfair competition among political parties.

The fairness of the political process continues to be a cause for concern. It has become increasingly difficult to distinguish between EPRDF as a political party and EPRDF as the government in power. Opposition parties lack equal opportunities and facilities to compete effectively with the government. In some regions the government administrative building also houses an EPRDF party, and security men in military uniform guard EPRDF party offices in some regions.

On June 5, 1994, Ethiopia held elections for the Constituent Assembly, the body responsible for approving the draft constitution. The elections were reported to be generally free and fair in their procedures; however, the major opposition political parties all boycotted.

The government's ongoing suppression of the press has heightened the feeling of anxiety, fear and confusion in the country. To date at least twenty-three journalists have either been arrested, detained or subjected to disproportionate fines. This has had a profound impact on the fledgling press, a number of private newspapers have shut down as a result.

A number of factors contribute to the press's current problems, including the provisions of the press law itself and the government's apparent disposition to secrecy. The press law contains such terms as "criminal instigation of one nationality against another," "incitement of conflicts between people" and agitation of war." Such terminology opens the door to abuse and arbitrary application; and is in fact being used abusively.

Another factor fuelling insecurity is the presence of soldiers moving about in civilian communities. The national army, which also serves as the armed wing of the EPRDF, is not restricted to the border areas or areas presenting high security risks as contemplated in the Deployment of the State Defence Army of the Central Transitional government Proclamation. These soldiers are in most cases fully armed, often without any form of identification and often not in full military uniform. Though EPRDF soldiers are generally reported to be more responsible than soldiers during the Derg regime, reliable accounts of intimidation, harassment, and other forms of abuse nevertheless abound. A good number of the soldiers do not speak the language of the community where they dwell, which has led to increased tension, fear, abuse and misunderstanding.

In the interest of a free, fair and smooth transition to democracy, the government must consider the adoption of regulations to govern the powers and conduct of its military. The government should also consider, as a matter of urgency, the restriction of EPRDF soldiers to designated camps and the limitation of their movement in civilian areas, except in cases where they are performing absolutely vital state functions. Such encampment should be maintained until the final elections in Ethiopia, tentatively scheduled for early 1995, or until the government is able to form a representative national army.

The government's policies on regionalization, ethnicity and language continue to have profound effect on human rights in the country. The transitional government created fourteen self-governing regions divided along ethnic lines and guaranteed, in the Transitional Charter, the right of every nation (defined as a people living in the same geographic area with a common language and identity) to self-determination. This includes the right of "self-determination of independence" when the concerned nation is convinced that its rights are denied. Each region has the added right to adopt its own language.

Though ethnic hostilities have decreased in intensity and frequency since the adoption of the new ethnic policy, they nevertheless continue. This is largely due to failure, on the government's part, to expressly provide for the protection of minorities and ethnic groups dwelling outside their home regions. Inflammatory remarks by the government and local officials, including allusion to some ethnic groups as "the oppressors", continues to perpetuate ethnic tensions and hostilities in the country.

The ongoing struggle for secession in the Somali land (region five) has resulted in continuing bloodshed and threatens future peace and stability in the country. It also provides a worrying picture of the problem which would face the country in the future if the issue of secession is not settled. The Charter guarantees a right to secession of a people if they are "convinced that their rights are denied, abridged or abrogated". It remains unclear how secession can be peacefully accomplished in Ethiopia under the new policy.

It is imperative that the government review its policies on land and language, which have contributed to loss of life and enhanced ethnic tensions in the country. The government must adopt specific policies to protect ethnic minorities, define the rights of ethnic groups in divided communities and provide specific protection for dispersed groups and persons living outside their ethnic base. Much is now dependent on the deliberations of the newly elected constituent assembly. Unfortunately, the constituent assembly election was boycotted by major opposition groups, and the constitutional process currently lacks a much-needed consensus.

Since 1991 when the EPRDF assumed powers in Ethiopia, about 400 officials of the former Derg regime have been in detention for their alleged involvement in various atrocities committed by the regime. While most of the detainees are held in Addis Ababa, others are held in detention centers in other parts of the country. After three years of detention, none of the detainees has been charged. The Office of the Special Prosecutor (SPO) has since been created to handle the trials but trials have yet to begin. The SPO claims the delays are due to difficulties in gathering of evidence. Among the concerns about the trials are how soon they can begin and how long they will continue. Another concern is with the venue of the trials, particularly for persons held outside Addis Ababa, most of whom are fearful; they would prefer detention and trials in Addis Ababa where there is publicity and greater international attention.

A key factor in establishing confidence is the right of human rights organizations to monitor. The transitional government in Ethiopia has generally been very open to monitoring by human rights organizations based outside the country. Human rights monitoring by indigenous human rights groups is more difficult, however. Several human rights and development organizations now exist in Ethiopia. Such organizations are required to obtain a permit which must be renewed annually and some have not been able to procure this license, or have experienced extensive delays in obtaining it.

Only one human rights organization in Ethiopia is seriously involved in receiving complaints, documenting abuses and publishing its findings. Unfortunately this organization -- the Ethiopian Human Rights Council -- is at odds with the government. The government has accused the organization of siding with the opposition, of being ethnically oriented and of failure to report accurately. The chairman of the organization, Prof. Mesfin Wolde Mariam, has on occasions been the target of verbal attacks by the government. Detained in 1993 and since released on bail, he has yet to be charged or taken to court.

**U.S. Policy:** The U.S. has moved from unequivocal support of the transitional government to more cautious expressions of solidarity and support, but stops short of seriously criticizing the government on human rights. Generally, the United States appears reluctant to stigmatize the government that it helped set up or to deal with mounting complaints by opposition parties.

The U.S. government provides significant foreign assistance to Ethiopia, and should use that leverage to encourage human rights improvements. After South Africa, Ethiopia is the largest recipient

of U.S. aid in sub-Saharan Africa. As of May 25, in fiscal year 94 the U.S. has provided \$135.69 million in economic aid (\$37.31 million in the Development Fund for Africa; under PL480, \$55.80 under Title II and \$42.50 million under Title III), as well as \$100,000 in IMET and \$70,000 in small projects, including democracy and human rights programs. The U.S. has also supported the constitutional commission and the special prosecutor's office.

The U.S. Embassy in Addis Ababa has not been a forceful public proponent of human rights, and has refrained from criticizing the government for its human rights record. The U.S. ambassador to Ethiopia, Marc Baas, noted in a May 1994 interview with *The Ethiopian Herald*, a government-owned English-language daily, that the U.S. was concerned about the number of people detained without charge, but he went on to applaud the government for some recent releases and said: "I believe a large part of the problem is simply that no infrastructure exists for the processing of persons suspected of crimes." When asked about the conduct of the private press, the ambassador again answered so as to excuse the government's actions: "I remain concerned about the unintentional signal that the transitional government may be sending by arresting and prosecuting journalists."

Similar cautious approaches are used by the State Department. In February 1994, Assistant Secretary of State for African Affairs George Moose gave an interview to *The Ethiopian Herald* in which he was asked about the state of human rights in Ethiopia. His only vaguely critical response was: "We recognize ... that there are still improvements to be made. We intend to continue making our views known, as in the annual human rights report and in our ongoing discussions with Ethiopian authorities."

U.S. officials do give rhetorical support to the need for respect for human rights. In a press conference in December 1993, Ambassador Baas stated that "[s]upport for democratization, as I said earlier, is the keystone of U.S. policy toward Ethiopia, in addition to promotion and respect for human rights and the development of economic reform program."

## KENYA

**Human Rights Developments:** On December 29, 1992, Kenya held its first genuinely multiparty elections since independence. Incumbent president Daniel arap Moi was reelected, and the Kenya African National Union (KANU), the ruling party since independence in 1963, returned as the largest party to the National Assembly. Despite widespread allegations of irregularities in the conduct of the poll, observers concluded that "the results in many instances directly reflect[ed], however imperfectly, the will of the people." The election victory was based on only thirty-six percent of the popular vote and owed much to the division of the original coalition calling for the end of one-party rule in Kenya, the Forum for the Restoration of Democracy (FORD), into two parties, FORD-Kenya and FORD-Asili ("Original" FORD), to which was added a breakaway group from KANU, the Democratic Party.

Although the political system was opened up to some extent by the elections, Kenya's government has remained intolerant of criticism. Despite plans announced in June 1993 by Attorney General Amos Wako to look into the need for law reform, repressive legislation such as the Preservation of Public Security Act, the Public Order Act, the Societies Act, the Nongovernmental Organization Coordination Act, the Chiefs' Authorities Act and the Local Authorities Act remain in force and in use. Opposition politicians are regularly denied licenses to hold meetings in their constituencies; riot police have been used to disperse meetings called by MPs or others, and mysterious attacks have taken place on opposition MPs' houses. Freedom of expression remains under threat.

Moreover, despite the replacement in March 1993 of British expatriate Chief Justice, Alan Hancox, much-criticized by human rights activists for political bias, by Ghanaian judge Fred Apaloo, the judiciary has remained susceptible to political pressure. A number of political trials have been brought, which have violated the rights of due process guaranteed by international law and by the Kenyan constitution.

Most recently, charges of contempt of court were brought against lawyer G.B.M. Kariuki, editor of *The People*, Bedan Mbugua, and journalist David Makali, together with the company publishing *The People* owned by Kenneth Matiba, the leader of FORD-Asili. In June 1994, they were collectively fined the equivalent of approximately \$25,000 in connection with an article in which Kariuki was quoted describing an earlier case as a "judicial lynching." (Mbugua and Makali refused to pay their fines and are in prison at the time of this writing.) Another case is proceeding against former MP and political prisoner Koigi wa Wamwere and three others, who are charged with armed robbery. Wamwere has witnesses that he was several hundred miles away at the time of the incident in connection with which he is charged. An observer attending the trial on behalf of the International Bar Association concluded that "procedural anomalies would result in miscarriage of justice to the accused persons."

Notwithstanding continuing concerns on such cases, the most worrying issue in Kenya today is the continuation of political violence in the rural areas in the west of the country. Although many predicted that the so-called tribal clashes that erupted at the end of 1991 and became fiercer as the 1992 election campaign progressed would cease once elections were held, this was not the case. In late 1993, Human Rights Watch/Africa estimated that a total of approximately 1,500 Kenyans had been killed and perhaps as many as 300,000 internally displaced since the clashes began. The conflict has pitted members of the Kalenjin or Maasai ethnic groups, to which President Moi and several of his ministers belong, against the Kikuyu and other groups from whom the opposition parties draw their support. Allegations of government promotion of this violence, verified by the report of a parliamentary committee in September 1992, continue to be made to date. As recently as April 1994, eyewitness reports of the latest clashes described members of the security forces standing by while homes were attacked. No effort has been made to investigate the allegations of the involvement of government officials in instigating the clashes.

At a minimum, the Kenyan government has failed to take adequate measures to stop the violence. Although arrests have been made, those arrested are often released without charge, or charges are not vigorously pursued. The State Department's country report on human rights in Kenya during 1993 reported that "only one clash-related case has resulted in a conviction, and that was overturned." Strong action is taken in response to inflammatory statements by opposition figures, but similar comments made by ministers are ignored. After two years of inaction, in September 1993, the government declared several districts to be "security operation zones" where emergency-type regulations, promulgated under the Preservation of Public Security Act, gave the government extraordinary powers to limit access to outsiders and to enforce law and order. Disturbingly, however, renewed clashes broke out in late March 1994 within one of the security zones, despite these measures. Because of restrictions on reporting, the behavior of security forces in the security operation zones is difficult to monitor.

The great majority of relief to the victims of the violence has been carried out by church groups, principally the National Council of Churches of Kenya (NCCCK) and the Catholic Church. Church members engaged in relief efforts have been subject to official harassment. Others who have reported accounts of security force inaction or attempted to draw attention to the political violence have also been attacked. Although a plan for the resettlement of the displaced was announced in October 1993, with the joint backing of the Kenyan government and the United Nations Development Programme (UNDP), the majority of clash victims have not been able to return to their land. In many areas the security situation remains precarious.

Journalists reporting on the clashes have been repeatedly harassed, and several attempting to gain entry to the security operation zones have been detained and charged with criminal offenses such as subversion. In early September 1993, after the declaration of security zones, a visiting group of Dutch MPs was barred from visiting the clash areas. Shortly thereafter, thirteen opposition MPs were arrested as they tried to travel to one of the worst areas; even clergy ministering to congregations in the clash zones have been denied access at times. Koigi wa Wamwere, currently on trial in a different matter, also faces charges for entering the clash zones.

Political violence has also affected Kenya's coastal cities, where the Islamic Party of Kenya (IPK), denied permission to register as a party for the elections, has clashed both with police, and with a rival party, the United Muslims of Africa, set up by pro-KANU politicians — apparently in an attempt to divide the allegedly Arab IPK from Muslims of African descent. In September 1993, one KANU politician announced the formation of the Coast Protective Group, with the stated aim of ending "the domination and oppression of indigenous African tribes by rich Arabs."

The situation in Kenya's North East province, along the border with Somalia, remains insecure. Bandits known as *shiftas* operate throughout the region, preying on local residents, refugees and relief workers. According to UNHCR, however, the incidence of rape among Somali women living in refugee camps has fallen dramatically since a rape protection program was instituted at the camps — following critical reports from Human Rights Watch/Africa and African Rights — with the aid of funding from several countries including the U.S. and the European Union. According to the UNHCR, the number of night-time attacks on the refugee camps has diminished, though new cases continue to be reported. The majority of new cases take place outside the camp when women or girls go to gather firewood or to herd goats. Unfortunately, the Kenyan government has little effective action against members of its own police force who have been responsible for a small portion of the rapes themselves.

**U.S. Policy:** U.S. Ambassador Smith Hempstone, regarded as a hero by many Kenyans for his leadership in a campaign of international pressure on President Moi to hold elections, resigned from his position, as is customary, at the end of the Bush administration. Aurelia Brazeal, a career diplomat previously ambassador to Micronesia, was finally confirmed as Hempstone's replacement in August 1993, and took up her position in September. Since the arrival of Ms. Brazeal, U.S. policy towards Kenya has been less publicly critical of the government.

In November 1991, the U.S. took part in the decision of the consultative group of bilateral donors to suspend balance of payments support to Kenya on governance, economic and human rights grounds; although the U.S. continued to provide development aid, totalling about \$18 million a year, to nongovernmental organizations working in Kenya. However, in September 1993, the State Department announced the release of \$3.73 million of pipeline money in military assistance to assist the Kenyan government in providing security along the border with Somalia. The Department issued a public statement that "[t]he decision to release these funds is based solely on the need to respond to an extraordinary security threat. The release does not constitute satisfaction with the human rights situation in Kenya, a matter which remains of deep and fundamental concern to the United States."

Several statements were also issued throughout 1993, by the State Department or by the Embassy in Nairobi, protesting actions taken by the government against freedom of expression. Nevertheless, in contrast to the critical stand previously taken by Ambassador Hempstone, the U.S. failed to take a strong position holding the Kenyan government responsible for the violence in the Rift Valley Province. In September 1993, the only statement issued on the violence publicly welcomed the government's decision to declare security zones, showing uncalled-for faith in the good behavior of the security forces in these circumstances. The statement was subject only to the "hope that the increased security measures will be accompanied by measures to allow access to the affected areas by the press and political representatives of all concerned."

On November 9, 1993 Ambassador Brazeal declared a disaster area as a result of recent clashes, and released \$25,000 for the purchase of shelter materials and water to the displaced. U.S.AID announced in April 1994 that it had programmed \$22,422,954, including emergency food aid, in assistance during FY 1994, for the relief of clash victims and to alleviate the effects of drought.

The Department of State's report on human rights in Kenya, released in February 1994, reported the "substantial evidence" of the complicity of high level government officials in instigating the clashes,

yet public statements by the Ambassador or other senior officials have not called for investigation of these allegations. On April 7, 1994, the day following the announcement of a curfew in one of the security operation zones, Assistant Secretary of State for African Affairs, George Moose, visiting Kenya at that time, simply commended President Moi for taking "decisive steps ... to curb the resurgence of ethnic violence," and failed to raise other serious concerns. In June 1994, after returning from a visit to the U.S. and a few days after the decision in the Kariuki case mentioned above, Ambassador Brazeal praised political and economic reforms, though "regretting" that permits to hold meetings were still being denied to some politicians.

More recently, in a welcome statement at a graduation ceremony at the U.S. International University in Nairobi on June 12, Ambassador Brazeal said that the government should permit rallies and other gatherings for all political parties. She went on to state that the U.S. supported the process of political reform in Kenya because respect for human rights was a "moral necessity."

## LIBERIA

**Human Rights Developments:** Liberia remains a divided country plagued by the proliferation of warring factions, all of which are responsible for human rights abuses. The Liberian National Transitional government (LNTG), a coalition government, took power from the Interim government of National Unity (IGNU) on March 7, 1994, and now governs the capital, Monrovia, backed by the West African peacekeeping force (ECOMOG); Charles Taylor's National Patriotic Front of Liberia (NPFL), still claims to control 60 percent of the country; the United Liberation Movement for Democracy in Liberia (ULIMO), made up primarily of soldiers from former President Samuel Doe's army, the Armed Forces of Liberia (AFL), controls at least two western counties; and a new faction, the Liberian Peace Council (LPC), made up largely of former AFL soldiers from the Krahn ethnic group, controls significant areas of the southeast. In addition, the Lofa Defense Force (LDF) has been fighting ULIMO in Lofa County.

Although progress was made in late 1993 and early 1994 toward ending Liberia's bloody civil war, the situation is now very precarious. Political infighting and renewed combat have brought disarmament to a virtual standstill. As of late April only some 2,500 combatants had been demobilized, out of a possible total of 40-60,000. One warring faction, ULIMO, has split into two along ethnic lines: the Krahn group, headed by General Roosevelt Johnson, is battling the Mandingos, led by Alhadji Kromah. The inter-ULIMO fighting in the western counties of Bomi and Cape Mount has reportedly claimed hundreds of civilian lives since it flared up in March. Two other factions, the NPFL and LPC, have been fighting in the southeast, taking a heavy toll on the civilian population. Some 100,000 displaced persons have fled into the area around Buchanan.

Indeed, a characteristic of the Liberian civil war has been that civilians suffer the most, and are killed in far greater numbers than combatants. The lack of protection for civilians from abuses by all sides and the profound distrust among the warring factions remain obstacles to lasting peace.

The peace agreement signed in July 1993, known as the Cotonou accord, was believed to be Liberia's last, best hope. The accord stipulated that concomitant with disarmament, a five-person Council of State elected by all the factions would take power from the interim government until elections were held. A thirty-five-member transitional parliament would include thirteen members from the NPFL and the interim government, and nine from ULIMO. Between August 1993 and February 1994, political wrangling prevented the LNTG from being seated. In February 1994, it was agreed that David Kpomakpor, a lawyer representing IGNU, would chair the LNTG; with Dexter Tahyor of ULIMO and Isaac Mussah of the NPFL as vice chairs. Finally, in mid-May, Dorothy Musuleng Cooper was named Foreign Minister, although she has not yet been confirmed.

An important element of the plan involved the creation of a U.N. Observer Mission in Liberia (UNOMIL) to help supervise and monitor the agreement, in conjunction with ECOMOG. The plan also provided for an expanded ECOMOG force, under the auspices of the Organization of African Unity (OAU), to be composed of African troops from outside the West African region. By early 1994, some 800 Tanzanians were deployed in Kakata, and 900 Ugandans were in Buchanan.

A number of former officials of the Doe regime who were known for their involvement in human rights abuses were also named to the Transitional government and the Electoral Commission. In addition to the nomination of Isaac Mussah, a notorious NPFL general, the most serious concerns focus on two ULIMO nominees -- George Dweh, reputedly linked to killings during the height of the civil war; and Jenkins Scott, former justice minister and closely associated with Doe's repressive policies.

All the warring factions have been responsible for human rights abuses during 1993 and 1994. The following are some of the most notable incidents:

The Armed Forces of Liberia (AFL), Doe's army, was thoroughly discredited by its gross abuses

during the 1980s and especially during the war in 1990, when it massacred civilians and devastated Monrovia. In June 1993, approximately 547 civilians, mostly women and children, were massacred at Carter Camp, a displaced persons camp outside Harbel. The victims were shot, beaten or hacked to death, and mutilated. A U.N. investigation later concluded unequivocally that the massacre was carried out by the AFL. The report went on to recommend that three soldiers be prosecuted in connection with the massacre. In September 1993, the interim government detained the three soldiers named in the report, but openly questioned the U.N.'s findings. Reports indicate that the soldiers have been released, and no further action has been taken on this case.

The National Patriotic Front of Liberia (NPFL) has committed serious abuses against the civilian population, including harassment, looting, torture, rape, and summary executions. During the height of the war in 1990, the NPFL committed egregious human rights abuses against civilians, especially people from the Krahn and Mandingo ethnic groups, considered to have supported the government of Samuel Doe. There were persistent reports that the NPFL was responsible for a May 1993 massacre at Fassama that left approximately one hundred civilians dead, although this incident was never fully verified. The NPFL has engaged in attacks against civilians in its war against the Liberian Peace Council in the southeast. NPFL fighters continue to act with impunity in their territory. The human rights abuses and intransigent attitude of the NPFL have constituted a serious obstacle to ECOMOG's efforts at peacekeeping.

The United Liberation Movement for Democracy in Liberia (ULIMO) was formed in 1991 by AFL soldiers who fled to Sierra Leone. ULIMO's conduct in the areas it captures has included attacks on civilians, looting, and executions of suspected NPFL sympathizers. On December 23, 1993, ULIMO attacked the United Nations base in Vahun in Lofa County: U.N. and nongovernmental organizations' vehicles were confiscated, and their warehouses were looted. The U.N. was forced to evacuate all its staff, in addition to 82 orphans. In March 1994, ULIMO split into two factions, Krahn versus Mandingo. The fighting in the western counties has been fierce, with civilians being targeted by both sides. On May 27, the Mandingo faction of ULIMO captured sixteen Nigerian ECOMOG soldiers, blaming them for cooperating with the Krahn faction; eleven were released in a couple of days, the remaining five were being held pending negotiations. ULIMO is also believed to be responsible for cross-border attacks on Liberian refugees in Guinea.

The Liberian Peace Council (LPC) emerged in late 1993 and threatened to disrupt the peace process by attacking the NPFL. The LPC is not a signatory to the Cotonou Accord, and has been demanding a seat in the LNTG. Reports indicate that the LPC is largely Krahn and includes many former AFL soldiers, some of whom had also fought with ULIMO. In 1994, the LPC has stepped up its campaign against civilians. Displaced persons describe LPC abuses as systematic and gratuitous. Thousands of civilians have been displaced by the fighting, with some 100,000 registered in the city of Buchanan alone, according to international relief organizations. Testimony from displaced persons and foreign observers indicates that the LPC is responsible for serious human rights abuses against the civilian population, especially those the LPC considers to have supported the NPFL. Abuses include extrajudicial executions, arbitrary arrest and detention, torture, rape, and looting. In late May, the LPC abducted ten soldiers from the Ugandan contingent of ECOMOG, but they were released the following day.

There have been consistent reports that members of the Nigerian contingent of ECOMOG -- not the Ugandans or the Ghanaians, who are also stationed in the Buchanan area -- are aiding the LPC. Displaced persons and foreign observers believe that the Nigerians are supplying arms and ammunition to the LPC as a way to weaken the NPFL, while profiteering on the side. The implications of this are very serious, even though it is not clear how high up the collaboration goes in the Nigerian contingent.

A very disturbing characteristic of the Liberian war has been the use of child soldiers. International law -- the Protocols of the Geneva Conventions and the United Nations Convention on the Rights of the Child -- forbids the use of children under the age of fifteen as soldiers in armed conflict. The

African Charter on the Rights of the Child has a higher threshold, stating that no one under the age of eighteen can serve in armed hostilities. In spite of these protections, thousands of children are being used as soldiers in Liberia.

There are no precise figures on the number of child soldiers in Liberia; even the total number of combatants in all the factions is unknown. Most observers estimate that between 40,000 and 60,000 combatants are involved in the conflict. In any event, UNICEF estimates that approximately 10 percent of the fighters are under the age of fifteen; some estimate that an additional 20 percent are under eighteen. The NPFL and ULIMO have consistently used children under the age of eighteen, including thousands under the age of fifteen. There have been reports that the LPC is also using child soldiers, although the lack of access to their territory makes confirmation difficult. As a result, many thousands of children in Liberia have suffered during the war; many have been killed or wounded, or have witnessed terrible atrocities. Moreover, many children have themselves committed atrocities, killing, maiming or raping civilians, and looting homes.

The situation of the displaced civilians, estimated at approximately 500,000, and residents in many parts of central and northern Liberia became increasingly desperate by late 1993 and into 1994. Relief assistance to these areas had been effectively cut off after the October 1992 offensive, although some food and medicine continued to flow through the Ivory Coast border. Relief groups found that up to 700,000 civilians in NPFL territory were in danger, with 200,000 already suffering starvation.

Meanwhile, an estimated 711,000 Liberians remained as refugees in the neighboring countries: 415,000 in Guinea; 250,000 in the Ivory Coast; 25,000 in Ghana; 17,000 in Sierra Leone; and 4,000 in Nigeria. (The war also displaced some 400,000 Sierra Leoneans, 170,000 of whom went to Guinea and 100,000 to Liberia.) The issue of repatriation of the refugees remained subject to progress on the political front and the resolution of certain security concerns, and as of April 1994 no significant repatriation had occurred.

**U.S. Policy:** After years of supporting the brutal and corrupt regime of former President Doe in the 1980s, making it the largest recipient of U.S. aid in sub-Saharan Africa, the U.S. largely withdrew from Liberia once the war began in 1990. Toward the end of 1993, however, when it became clear that the latest peace plan required substantial U.S. assistance if it was to succeed, Liberia finally became a higher priority.

The main tenets of U.S. policy toward Liberia are to support conflict resolution efforts by ECOWAS and the U.N., to withhold recognition of any government in Liberia, and to promote ECOWAS and its peace plan. By the end of 1993, the conflict resolution efforts had gained new momentum: On September 30, the U.S. obligated \$19.83 million (\$13 million in Economic Support Funds and the rest in Foreign Military Financing) to the U.N. Trust Fund for peacekeeping in Liberia. The money would be used by ECOMOG and the OAU to help finance the deployment of the expanded ECOMOG troops, but not for lethal assistance. On December 20, 1993, the U.S. allocated an additional \$11 million in support for the U.N.-monitored African peacekeeping operation in Liberia.

The U.S. was the leading donor to the victims of the war: since the beginning of the conflict, the U.S. had provided some \$320 million in humanitarian assistance to victims of the conflict, including more than \$57 million in fiscal year 1994. An additional \$28.7 million had been provided since April 1991 to assist the ECOWAS-led peace process.

Although the U.S. government acted quickly to condemn the June 1993 massacre in Harbel and to welcome the Cotonou peace agreement, it did not stress adequately the human rights component of the crisis in Liberia more generally. The U.S. should have made clear to all the warring factions that human rights issues would directly impact U.S. foreign assistance to any future government, and that the U.S. would distance itself from any force that continued to violate human rights and international law.

The U.S. has been aware of the human rights problems associated with the ECOMOG intervention, yet U.S. policy still revolved around full support for ECOMOG. The U.S. must make clear its concern about human rights violations by elements of ECOMOG, and condition U.S. aid on respect for human rights.

The U.S. deserves credit for pushing the U.N. to include a human rights component to UNOMIL's mandate. Although the language was not as strong as might have been hoped -- it did not establish a human rights office or provide for the deployment of human rights monitors -- at least the U.N. resolution acknowledged officially that reporting on human rights violations was part of UNOMIL's mandate in Liberia.

On three occasions in 1994, the U.S. sent officials to Liberia -- in January, Deputy Assistant Secretary of State for African Affairs, Prudence Bushnell; in February, Assistant Secretary of State for African Affairs, George Moose; and in June, Ms. Bushnell returned. All these visits involved meetings with representatives of the main warring factions and were meant to deliver a message that the U.S. had limited patience, and that the factions had to move forward on the peace process. Shortly after the first two visits, the factions announced their agreement about the seating of the LNTG.

Bushnell returned to Liberia in June, and delivered a stronger message to the factions, warning them that if there was no visible progress in the peace process, the U.S. was going to examine its options, and that those factions leaders considered to be obstructing the peace process may no longer be allowed access to the United States. This message was meant to resonate particularly with George Boley who heads the LPC, since he owns a home in Maryland.

The U.S.'s growing concern with LPC was also reflected on May 9, when acting State Department spokesperson Christine Shelly expressed increasing concern about human rights abuses in Liberia, especially those involving the LPC: "We have received numerous credible reports of gross human rights violations -- including murder, rape, mutilation and torture -- committed by the LPC against unarmed civilians. The LPC's aggressive military activities have displaced tens of thousands of Liberians and threaten to plunge the country back into full-scale war." The statement also criticized human rights abuses by both factions of ULIMO and the NPFL, and was a particularly useful contribution to promotion of human rights in Liberia.

On May 18, Assistant Secretary Moose testified about Liberia before the House Subcommittee on Africa, and articulated U.S. policy as follows: "We seek a negotiated settlement of the conflict with the assistance of the U.N. and Liberia's neighbors in ECOWAS. We believe such a settlement should include provisions for full disarmament of all Liberian warring factions, the return home of more than a million Liberian refugees and displaced persons, credible democratic elections, and the establishment of a unified government based on respect for human rights, democratic principles, and economic accountability."

## NIGERIA

**Human Rights Developments:** Nigeria's political crisis continues to threaten the stability of the country and to provide a climate for serious human rights abuses. The crisis began last year when then military ruler Ibrahim Babangida refused to recognize the victory of Moshood Abiola, a wealthy Yoruba businessman from the southwest, in the presidential election of June 12, 1993. More than 150 demonstrators died when the army was called in to quell violent protests, and many human rights and pro-democracy activists were arrested and newspapers shut down. Continuing political turmoil forced Babangida out of office in late August 1993, and his hand-picked civilian successor, industrialist Ernest Shonekan, was deposed in a coup by Gen. Sani Abacha, a high-ranking member of the previous military regimes, in November.

Upon seizing power, General Abacha disbanded the national and state legislatures, removed the elected civilian governors, and banned all political activity. Although he stated his intention to return the country to civilian rule, his plans for a transition to democracy, including an upcoming Constitutional Conference, appear to be no more than another attempt to delay the military's departure from political office.

The most critical human rights issue in Nigeria at present is the severe repression of the Ogoni ethnic group in the oil-producing Niger delta region, which has increased dramatically in recent weeks. Oil drilling has been responsible for the destruction of the environment in Ogoniland, which has led to protests by the Ogonis and has, in turn, resulted in their persecution. Oil companies, particularly Shell, have on occasion asked the government to intervene forcibly to suppress Ogoni protests, and their requests have been answered with military action. Approximately 1,000 Ogonis were shot dead and villages destroyed in raids from July to October 1993.

Another assault began in early April 1994 and is increasing in severity. On April 21, the Rivers State Commissioner of Police ordered an operation involving "the Nigerian Army, the Nigerian Airforce, the Nigerian Navy and the Nigerian Police" to "restore and maintain law and order in Ogoniland." In the past two weeks, soldiers have reportedly systematically attacked more villages. More than forty Ogonis have been killed, many women and girls have been raped, and villages have been looted and burned to the ground. Hundreds of Ogonis have apparently been arrested and are detained in military camps in the area. The Port Harcourt office of the Movement for the Survival of the Ogoni People (MOSOP) is believed to have been shut down on June 16.

Ken Saro-Wiwa, a well-known Nigerian writer and president of MOSOP, was taken from his home in the middle of the night of May 22-23, apparently in connection with the murders of four Ogoni leaders aligned with the government who were murdered on May 21. Also arrested were MOSOP deputy president Ledum Mitee and Ogoni lawyer and commissioner of the Rivers State executive council, Dr. Barinen Kiebel. Reports indicate that Mr. Saro-Wiwa was not in the area of the murders at the time they occurred.

There are fears that Mr. Saro-Wiwa and other Ogoni leaders may be charged according to a law promulgated by Rivers State military governor, Lt. Col. Dauda Komo, in late April. The law mandates the death sentence for those found guilty, by a special tribunal, of involvement in communal clashes. Trials by special tribunal, which are common in Nigeria, do not adhere to internationally recognized standards of due process. As is often the case with military decrees in Nigeria, the edict was made retroactive to December 10, 1993. It is an unwarranted addition to the existing legislation that addresses crimes involving civil disturbances and is clearly an attempt to silence the Ogoni people.

There are serious concerns for the health of Mr. Saro-Wiwa, who suffers from heart disease; it is feared that he is not receiving his medication. Mr. Saro-Wiwa's detention last year in abysmal conditions without medical attention resulted in serious health problems.

Ogoniland has been virtually sealed off from outsiders. Visitors to the area, both Nigerian and foreign, have been prevented from conducting investigations into the Ogonis' complaints. The Unrepresented Nations and Peoples Organization (UNPO) was denied a visa to visit Ogoniland in March. A reporter for *The Wall Street Journal* was detained for several days in April while investigating conditions in Ogoniland. A journalist from the Nigerian *Guardian* was also arrested for conducting an investigation.

Human Rights Watch/Africa is also concerned about arrests of pro-democracy activists elsewhere in Nigeria. Elections that were held in late May to choose members of a commission to lead the government's National Constitutional Conference that is supposed to convene on June 27 were boycotted in the southwest. A number of human rights and pro-democracy activists were arrested on the eve of the

elections. At around the same time, Chief Abiola stated his intention to form a rival government.

Pro-democracy activity increased in the days preceding the anniversary of the June 12 elections. A new group, the National Democratic Coalition (NADECO), composed of former military officers, politicians, and pro-democracy activists, was formed in May to press for the resignation of the military. Members of the disbanded Senate and House of Representatives also met in secret and issued calls for the military to leave office. On the eve of the anniversary of the elections, Abiola declared himself president. He was placed under house arrest, escaped, and is now in hiding, and was arrested again on the night of June 22 at his home in Lagos after addressing a rally. He was flown to Abuja, the capital and will likely be charged with treason.

Police used teargas to break up demonstrations in the south, and arrested demonstrators, and there were reports of two demonstrators killed. Some fifty activists and politicians, many of them members of NADECO, were arrested. A number of them have been released, but some, including Dr. Beko Ransome-Kuti, chairman of the Campaign for Democracy (CD) and a well-known human rights activist, and Chief Eric Aso, also a human rights activist, are detained. In a statement released on June 15 by the CD, Dr. Ransome-Kuti complained that he and Chief Aso were being held in appalling conditions. On June 17, Dr. Kuti was charged with treason. *The Daily Times*, a government-owned newspaper, reported that he looked "sickly and emaciated" at his arraignment. On June 21, he refused bail because of a stipulation that he stop his criticism of the military government. Two other pro-democracy activists, Ola Oni and Taiwo Akuju, were also scheduled to appear on charges of belonging to NADECO on June 21. Also believed to be still detained are Segun Osoba, a former state governor, and Dr. Okadigbo, a former senator. At least five former senators, Ameh Ebute, Polycarp Nwite, Maconyemечи Nwalu, Onyeka Amadi Okorapor, and Abu Ibrahim have been charged with treason. The arrests are apparently ongoing.

Two newspapers were shut down on June 11, the *Concord* group, which is owned by Mr. Abiola, and the *Punch*, which has often been critical of military rule. Bola Bolawole, *Punch* editor, was held under "office arrest" for four days. Last year, *Concord* and *Punch* were among four media houses occupied by security forces and banned by General Babangida after the election was annulled. They remained closed for approximately six months.

In addition to issues of ethnic conflict and limits on speech and expression, Human Rights Watch is also concerned with abuses against women and girls in Nigeria. Customary laws and practices that discriminate against women include discriminatory inheritance law, and the state's routine failure to address abuses against widows (such as disinheritance, and abusive and humiliating burial rites), and abuses against child brides. Even though the Nigerian constitution guarantees basic rights, in practice, most women do not have access to the legal system, and traditional practices such as child marriage and widowhood rites are authorized by Islamic and customary law, to which the state defers. Accordingly, Nigerian women and girls have little recourse or protection from cruelly abusive practices, which, in the case of child marriage, for example, can maim a child for life. The Nigerian government must eliminate discrimination, and take steps to protect women and girls from abusive treatment.

**U.S. Policy:** The Clinton administration has had a strong human rights policy towards Nigeria. It has raised criticism of the government's abuses and its manipulation of the electoral process. Less than twenty-four hours after the election was canceled in June 1993, the State Department released a statement "deploring" the move. The U.S. quickly cut off \$450,000 in aid for military training and followed by canceling an \$11 million grant to the Ministry of Health and other smaller grants totaling less than \$1 million. The rest of the bilateral aid, which funds humanitarian programs through non-governmental channels, was left intact. One of the State Department's most commendable actions on Nigeria was a suspension of some arms sales. In addition to these steps, Nigeria's military attaché in Washington was ordered to leave and a U.S. Security Assistance Officer was withdrawn from Nigeria. Military relations between the two countries were also reduced. In July, the U.S. announced that it would review

commercial military sales on a case-by-case basis with the presumption of denial. U.S. citizens were urged to defer travel to the country.

Following the installation of the interim government, some lower-level Nigerian government officials were permitted to meet with U.S. officials in Washington, but a meeting requested by Mr. Shonekan with high-ranking officials was refused.

In a statement on November 18, the State Department "condemn[ed]" General Abacha's coup, and said it was "assessing new measures...which may be necessary to reinforce those taken in the wake of the June 12 election." This was followed by a White House proclamation on December 13 "suspending the entry into the United States of immigrants and nonimmigrants who formulate or implement policies impeding a transition to democracy in Nigeria or who benefit from such policies, and the immediate families of such persons."

On June 2, 1994, the State Department issued a statement condemning the detention of fifteen human rights activists on the eve of the election for delegates to the Constitutional Conference.

One unfortunate development was the decision in the middle of the upheaval to replace Amb. William Swing, who during his brief tenure strongly promoted observance of human rights in Nigeria. Ambassador Swing was replaced by Amb. Walter Carrington, who, among various former academic and political posts, worked in the office of former Congressman Mervyn Dymally and also briefly served as Ambassador to Senegal. Ambassador Carrington has adopted a lower profile on human rights matters at a time when particular activism is required.

## RWANDA

**Human Rights Developments:** The death of president Juvénal Habyarimana of Rwanda in a suspicious plane crash on April 6, 1994 was the pretext for Hutu extremists from the late president's entourage to launch a campaign of genocide against the Tutsi, a minority who make up about fifteen percent of the population of Rwanda. The extremists also killed Hutu who had shown that they were willing to cooperate with Tutsi in forming a more democratic government. Ten weeks later, the killing continues. At least 200,000 and perhaps as many as 500,000 unarmed and unresisting civilians have been slain. The international community has failed to take any effective action to stop the slaughter.

The massacres were planned for months in advance. The Presidential Guard and other elements of the Rwandan army taught members of the political party militias, the Interahamwe and the *Impuzamugambi*, how to kill most efficiently. The Interahamwe, "Those Who Attack Together," are part of the *Mouvement Républicain National pour le Développement et la Démocratie* (MRND), the party of the late president; the *Impuzamugambi*, "Those With a Single Purpose," are attached to the *Coalition pour la Défense de la République* (CDR), an extremist Hutu party in alliance with the MRND. Created in 1992, the militias received intensified military training in late 1993 and early 1994, as groups of 300 men at a time were sent for three weeks to a military camp in the northeastern region of Mutara. In their attacks on civilians, the militia are often accompanied by a small number of soldiers or national policemen, but the militia have killed far more people than have uniformed members of the armed forces.

The Rwandan authorities distributed firearms to militia members and other Habyarimana supporters as early as 1992, and gave out many more in late 1993 and early 1994. The bishop of the important Catholic diocese of Nyundo criticized this distribution of weapons in a pastoral letter at the end of December 1993. The militia who returned from training programs in early 1994 brought firearms, including grenades, back with them.

A private radio station owned by members of Habyarimana's inner circle, the *Radio Télévision*

*Libre des Milles Collines*, last autumn began a campaign of hate-filled propaganda against the Tutsi generally and members of the opposition to the Habyarimana regime, both Tutsi and Hutu. At the end of 1993, the broadcasts became more virulent and began targeting individuals who were named as "enemies" or "traitors" who "deserved to die." Among those so labeled were Lando Ndasingwa, Minister of Labor and Social Affairs, who was one of the first killed once the massacres began (along with his mother, his wife and his children), and Monique Mujawamariya, a human rights activist, who narrowly escaped with her life. Throughout these weeks of slaughter, the Radio des Milles Collines has incited listeners to genocide, encouraging them to "fill the half-empty graves."

The current slaughter differs in scale but not otherwise from earlier massacres in Rwanda in October 1990, January-February 1991, March 1992 and December 1992-February 1993. The earlier killings, like those this year, were organized by officials of the Habyarimana government or of his political party, the MRND, and the closely allied CDR. Like those this year, the killings targeted Tutsi and those Hutu labeled as opponents of the Habyarimana regime. These attacks by the government on its own unarmed citizens cost about 2,000 lives and were condemned by both local and international human rights organizations.

The current campaign of killings began within an hour of the plane crash, the Presidential Guard had set up roadblocks around the capital of Kigali and had begun liquidating key members of the moderate opposition. Among the early victims were Prime Minister Agathe Uwilingiyimana and President of the Supreme Court Joseph Kavaruganda. Others were human rights activists, including Charles Shamukiga, Fidele Kanyabugoyi, Ignace Ruhatana, Patrick Gahizi, Father Chrysologue Mahame, S.J., and Abbé Augustin Ntagara.

The Presidential Guard was joined by the party militias, and within a week these forces had killed an estimated 20,000 people in Kigali and its immediate environs. The international community responded by evacuating foreign nationals, the first step in its withdrawal from the crisis. Perhaps encouraged by this retreat, the leaders of the genocide extended its scope outside the capital to the east and the southwest. Beginning on April 15, when most foreigners had departed, authorities distributed large quantities of firearms, including automatic and semi-automatic rifles and pistols, to militia and other supporters of Habyarimana.

Many people were killed in their homes, but others were slain in hospitals and churches, places usually recognized as sanctuaries. Among the worst such incidents were the following: **Kibungo** - 2800 people gathered in a church center were slaughtered in a four-hour period by the Interahamwe using grenades, machine guns, machetes and R4 rockets. Approximately forty people survived. **Cyahinda** - 6000 Tutsi who had taken refuge in a church were attacked by militia who left only about 200 to live. **Kibehe** - 4000 people killed in a church. **Mibirizi parish** - 2000 slain. **Shangi parish** - 4000 killed. **Rukara parish** - 500 slaughtered in the church. **Kigali and Butare** - hundreds of patients and staff were killed in hospitals. **Butare orphanage** - twenty-one children, selected solely because they were Tutsi, were slain as well as thirteen Rwandan Red Cross volunteers who tried to protect them. **Gikongoro** - eighty-eight pupils were slaughtered at their school.

Shortly after the massacres of civilians had begun, the war between the Rwandan army and the rebel Rwandan Patriotic Front (RPF) resumed, ending a cease-fire in effect since August 1993. Since early April, two kinds of violence -- the slaughter of the defenseless by government party militias or the Presidential Guard, and the battle between the two armies -- have gone on simultaneously, sometimes in the same area, as in Kigali, but often in widely separated regions. The south and west, where some of the worst massacres have taken place, are remote from the actual war zones.

Shortly after the crash and the beginning of the massacres, a group of politicians close to Habyarimana proclaimed themselves the new government. Backed by extremist military, the self-proclaimed regime also won at least tacit acceptance from Jacques-Roger Booh-Booh, the Special

Representative of the U.N. Secretary-General in Rwanda. The "ministers" of the new government purported to represent a number of political parties and thus to continue the mandate of the previous coalition government, but in fact all emerged from the same ideological position whatever their party labels.

During the first two weeks of slaughter elsewhere in Rwanda, the *préfet* (prefect or governor) of the important southern *préfecture* of Butare succeeded in keeping his region generally calm. The prefect, Jean-Baptiste Habyalimana, was a Tutsi and a member of the political opposition. His wife, Josephine, was a human rights activist. Butare, where Tutsi and Hutu had lived closely together for centuries, was generally hostile to Habyarimana and his anti-Tutsi ideology. As the site of the original campus of the National University, several research institutes, and the showplace new National Museum, it was the intellectual capital of Rwanda.

On April 19, the "President" of the rump government, Theodore Sindikubwabo, removed the prefect of Butare and replaced him with a hardline military man from the north of Rwanda. At the same time, he gave a speech on the radio calling for the killing of "accomplices" in Butare. That evening units of the Presidential Guard flew into Butare airport. The massacres began almost immediately. One eyewitness recounted that on the night of the arrival of the Guard, they dug pits in the ground and filled them with burning tires. He saw people thrown live into the pits, including his sixty-year-old mother-in-law. By noon the next day, the sound of gunfire had become continuous as Tutsi and Hutu allied with them were executed in an arboretum adjacent to the National University, in an area behind the National Museum, and on the banks of a nearby stream. The killings continued day and night for the next three days.

In late April, leaders of the militia called upon their members to finish the "cleaning up" (*nettoyage*) of Tutsi and members of the Hutu opposition who had escaped death up to that point. On April 29, military and militia killed more than 300 of 5,000 hostages who had been held since April 15 at a stadium in Cyangugu in southwestern Rwanda. Several days earlier the clergy of Bukavu diocese in neighboring Zaire had alerted the world to the suffering of these hostages who had been confined for two weeks without food and with a single water tap and no sanitary facilities. On May 11, militia and military began transferring the hostages to a former refugee camp some thirteen kilometers from the town of Cyangugu, where they could torture or kill them without drawing attention. The buses transporting the hostages were often stopped en route and some persons removed to be slaughtered and left by the side of the road. The bus making the trip on Wednesday, May 11, was halted and all men between the ages of forty and eighty were removed and killed.

Militia and military continue to make nightly visits to stadiums, church compounds and other locations where people at risk have taken refuge. They remove groups of people to be executed. Anyone who is educated or has shown capacity for leadership is targeted for elimination.

On May 16, the "Minister of Defense," Augustin Bizimana, asserted that the massacres had stopped—except for "isolated killings by extremist elements." That same day foreign journalists were still witnessing groups being removed for execution from a Tutsi refugee camp at the large church center of Kabgayi in central Rwanda, some fifteen miles from where Bizimana made his statement. Also on May 16, the International Committee of the Red Cross (ICRC) reported that the self-proclaimed Rwandan government had refused to accept the neutrality of its hospital at Kabgayi and would not guarantee its security. On that day and the two days immediately after, massacres increased in the southern prefecture of Butare. Militia manning the road blockades in that area also behaved more aggressively to passers-by. These changes resulted from the arrival of militia from the north who had been brought in because the region was "pas suffisamment nettoyé," that is, "not cleaned up enough." They were to kill the Tutsi and Hutu opposition members who had been previously protected by local officials or who had otherwise managed to escape massacre.

By mid-May, the militia had been able to create a dense network of road blocks throughout the zones controlled by the rump government. In some cases, the barriers were separated by no more than a few hundred yards, making escape virtually impossible for those targeted for elimination.

The Catholic church has been a particular focus of the killings. To date, eight-eight priests and an undetermined number of religious sisters and brothers have been killed in Rwanda. The majority have been slain by extremist militia or by the Rwandan military. In the most recent such incident, nine priests and 170 defenseless civilians who had taken refuge in their church in Kigali were slain on June 6 by Interahamwe assailants. In an unrelated incident, soldiers of the RPF killed thirteen clergy, including the Archbishop of Kigali and the bishops of Byumba and Kabgayi, in Kabgayi in central Rwanda in early June. (The RPF expressed regret, and announced that one of the soldiers responsible had been shot while trying to escape and that three others were being sought in order to be brought to trial.) The killings were apparently in response to an earlier incident when the Archbishop had permitted Interahamwe militia members to remove eleven priests and brothers, one sister, and four lay persons from church premises for certain execution.

Discipline among Rwandan army troops, lax for some time, has crumbled further in the last month, resulting in multiple abuses against civilians. In the region of Bugesera, for example, soldiers looted at will during the week of May 16, apparently in violation of orders from their commanding officer. Their attacks caused the local population, virtually all Hutu, to flee in panic towards Burundi.

Reliable accounts describe the heroism of some Rwandan authorities, both civilian and military, who have sought to prevent or halt the slaughter in their regions. In some regions, local government officials, known as burgomasters (*bourgmestres*), have done their best to protect the targeted populations and to guarantee security within their communes. Unfortunately, in some cases, they have eventually been forced to yield and permit the massacres. Military officers who have tried to maintain order or to aid the threatened to escape have later suffered reprisals for their human conduct.

The self-proclaimed government has accused the RPF of having killed hundreds of thousands of civilians, both last year and in recent weeks, but it has been unable to provide any details of time, place or circumstance where the alleged massacres have taken place. After extensive investigation among reliable sources, both Rwandan and foreign, representing clergy, staff of nongovernmental organizations, and journalists, Human Rights Watch/Africa has concluded that there is at present no credible evidence that the RPF has engaged in any widespread slaughter of civilian populations, although there are reports of less systematic abuses, including the execution of the archbishop and priests (see above.)

Refugees who fled to Tanzania at the end of April have frequently talked of RPF abuses, but the accounts are too vague to be credible. No one among the enormous number of people at Ngara camp, for example, appears to have first-hand knowledge of such alleged abuses. In the quarter of a million mostly Hutu refugees at the camp, medical authorities report that they treated only four wounds, all of them slight. This contrasts with the reports of numerous and serious wounds among the Tutsi refugees who have fled to Burundi or who have escaped to northern Rwanda. The massive flight of Hutu to Ngara drew widespread attention because it was the largest number of people ever to flee a country in such a short period of time. But these refugees fled in panic about reports that the RPF was approaching their region, not because they had been attacked or seen others attacked by the incoming troops. They had been frightened by propagandist broadcast on the radio about supposed RPF atrocities. Many refugees had taken the time, nonetheless, to gather food and even farm animals before their departure.

On May 18, a spokesman for the U.N. High Commissioner for Refugees (UNHCR) reported that RPF troops had fired on Rwandans seeking to flee across the river that marks the border between Rwanda and Tanzania. He added that UNHCR representatives had gathered credible accounts from persons who had been abused or seen others abused by the RPF. The RPF immediately denied the allegations and invited UNHCR officials to inspect the zone under their control. Human Rights

Watch/Africa has requested the details of these reports from the UNHCR, but at the time of writing had not yet received the information.

Church sources indicate that two Catholic priests were killed by the RPF at Nyinawimana, but information on the date and circumstances of these killings is not yet available.

In other cases, church sources report that refugees at a camp in Uganda relate that the RPF killed civilians at Rwantanga, seven kilometers from the Ugandan border, and at Nyambwesongezi, in Byumba prefecture. A witness from Rwantanga, a woman who arrived badly beaten, recounted that RPF soldiers had beaten her twelve year-old daughter to death with their rifle butts. Another witness reported that his wife and children had been killed by the RPF when the soldiers attacked people whom they had summoned to a meeting.

A newspaper account published in Uganda in late April related that RPF soldiers had tied up a person accused of being a local leader of the Interahamwe militia and had delivered him to any angry crowd who had kicked him to death. The story was accompanied by a photograph of the apparent victim. Other reliable sources have told Human Rights Watch/Africa that they have seen RPF soldiers execute civilians who appear to have been militia leaders.

Human Rights Watch/Africa has brought these reports to the attention of the RPF and has asked for investigation of the incidents and punishment for any soldiers found guilty of killings or other abuses of civilians.

Approximately two million Rwandans have fled their homes in the face of the massacres and the war. Within the country, Tutsi survivors are clustered in a variety of locations, some voluntarily, others held hostage by military or militia units. In addition to those frequently mentioned at sites in Kigali, there are those at the stadium at Cyangugu and in several places in Butare. In central Rwanda, there are approximately 50,000 displaced persons, largely Tutsi at Kabgayi, mostly Hutu at nearby Gitarama. In addition there are certainly other groups who remain unknown to outside observers. More than 200,000 people have sought refuge within the zone controlled by the RPF in northern and eastern Rwanda.

When the slaughter began, there were about 200,000 Burundian refugees located in camps in southern Rwanda, who had fled violence in Burundi in October 1993. Many of them have returned to Burundi or fled to Tanzania, but as many as 80,000 may still be left in Rwanda. Over 300,000 Rwandans have fled to surrounding countries, the great majority of them to Tanzania. Approximately one quarter of a million Rwandans are grouped at Ngara, Tanzania, the largest refugee camp in the world. Approximately 8,500 Rwandans have sought safety in Zaire; between 5,500 and 10,000 in Uganda, and between 16,000 and 47,000 in Burundi.

The battle for control of Kigali between the army and the RPF has made it difficult, often impossible, to deliver the supplies and services needed to keep these refugees alive. In many other cases, militia and authorities of the self-proclaimed government have hindered or prevented assistance to the displaced. In the most notorious instances of such conduct, militia and military have attacked hospitals in Kigali and Butare and killed both staff and patients. International agencies such as *Médecins sans frontières* and the ICRC have lost large numbers of local staff.

**U.S. and U.N. Policy:** After ten weeks of slaughter and hundreds of thousands of lives lost, the international community has still made no effective response to the genocide, crimes against humanity and violations of international humanitarian law in Rwanda.

Under the terms of the Arusha Accords, the United Nations was asked to provide a peacekeeping force to monitor the agreement, the United Nations Assistance Mission in Rwanda (UNAMIR). This force, which just before the crisis numbered 2,500 troops, was to monitor the cease-fire, contribute to the

security of the city of Kigali, and engage in other activities associated with the establishment of a transitional government in which members of Habyarimana's government would share power with members of the internal opposition and representatives of the RPF.

Among the duties of UNAMIR was the enforcement of a prohibition against the importation of arms and ammunition into Rwanda. On the night of January 26, UNAMIR learned of the unauthorized secret landing and unloading of a planeload of arms at Kigali airport. The U.N. force intervened and placed the arms under joint U.N.-Rwandan government supervision to prevent their distribution to the Rwandan army. During February, UNAMIR also prevented the delivery of three more planeloads of arms and ammunition for the Rwandan government. The U.N. authorities therefore knew that the Rwandan government was attempting to obtain fresh supplies for its troops, presumably in preparation for further war.

With the onset of the killing after the plane crash in which President Habyarimana died, UNAMIR again failed to act decisively. Apparently both the terms of the mandate and the lack of appropriate equipment for the troops hampered an effective response. Had there been prompt and firm action by UNAMIR to suppress the first violence, the situation would certainly have developed differently.

When Prime Minister Agathe Uwilingiyimana fled for her life to a U.N. compound, UNAMIR dispatched ten soldiers, part of the Belgian contingent, to rescue her. They encountered a hostile and armed crowd and three were disabled. The others requested instructions from headquarters and, according to a press account, were told to put down their arms and attempt to negotiate with the crowd. They were slaughtered. The Belgian government then withdrew its troops, who were the best equipped of those available to the UNAMIR force. Subsequently Bangladeshi troops also left, some of them in panic before orders were given for their withdrawal.

On April 21, the Security Council met to decide the fate of the UNAMIR force. Rather than admit that genocide was taking place, as was clearly apparent by that date, and accept the responsibility of preventing it, the Security Council voted to withdraw the majority of the remaining troops and to leave behind a skeleton force of 270 soldiers. The United States, initially in favor of removing the U.N. presence completely, led this move to retain only a token UNAMIR presence.

Proponents of the reduction of UNAMIR argued the necessity of removing the troops from a threatening situation which they were ill-equipped to handle. But with the exception of the ten Belgian soldiers killed while attempting to defend the Prime Minister, surely one of the most important targets of the extremists, no additional U.N. soldier had been killed in the weeks of subsequent violence. (One was later killed in a mortar attack in Kigali). There was no evidence that U.N. troops had been targeted by either of the hostile parties after the first day of the massacres.

In the face of the mounting disaster--and particularly following widely publicized accounts of the massive outflow of refugees on April 29--the United States and other actors decided that more troops must be sent back to Rwanda with an expanded mandate. Within the Security Council, delegates from the Czech Republic, New Zealand, Spain and Argentina played the leading role in shaming other member nations into this decision. After lengthy debate on May 16, the Council authorized a force of 5,500 troops with an enlarged mandate to protect displaced persons, refugees and civilians at risk (UNAMIR II). Unlike the mandate for the first U.N. force, that for UNAMIR II permits troops to use force if necessary to carry out their mission. However, last minute hesitations by the United States resulted in orders to deploy in the first instance only a small force of several hundred troops and about 150 unarmed observers. Deployment of the rest of the force depends upon progress towards a new cease-fire between the RPF and the government, the availability of resources, and further review and action by the Security Council.

The U.S. promised on May 16 to make available some 50 armored personnel carriers to the UNAMIR force. After an extraordinary five-week delay, the first of the APC's arrived in Uganda on June 23, where Ghanaian soldiers in the UNAMIR contingent will begin training with them. (The Ghanaian force is not expected to enter Rwanda for several more months.) The cause of the delay has apparently been disagreement between the U.S. and U.N. over the cost of the vehicles and the terms under which they are to be provided. Weeks -- and thousands of lives -- have been lost as Washington and New York continued to quarrel over modalities for providing the equipment, as the long delay prevented the deployment of some 5,500 soldiers pledged to UNAMIR by Ghana and other African nations.

General Romeo Dallaire, the Canadian military commander of UNAMIR, has played a constructive role, particularly in maintaining communication with both sides of the civil war. He is currently negotiating with both parties to obtain neutrality for Kigali airport. Were the U.N. assured control of the airport, the work of UNAMIR II would be greatly facilitated. Fighting over the control of the airport has often made it impossible for relief flights to land there.

In response to urging by the United States and others, the new United Nations High Commissioner for Human Rights, José Ayala Lasso (who took office on April 5, the day before the crisis began), undertook a mission to Rwanda and Burundi in mid-May, five weeks after the massacres had begun. In a statement on his return, he condemned the widespread violence, but did not label the systematic killing of Tutsi as genocide. At the request of Canada, an emergency meeting of the United Nations Commission on Human Rights was convened on May 24. It was only the third time that this body has met in such a special session, the preceding meetings having been called to deal with the Bosnian crisis. The session will call for the appointment of a special rapporteur to investigate the situation in Rwanda, and endorsed the concept of accountability for those responsible for acts of genocide in Rwanda.

On June 22, the Security Council, at the request of France, authorized a unilateral intervention by France into Rwanda in an operation distinct from UNAMIR. The Resolution stressed the need for the intervention to be strictly humanitarian in character, to be conducted in an "impartial and neutral fashion," and that the French force should not constitute an "inter-position force between the two parties." The reason for the United Nations's caution is clear: France supported the Habyarimana regime for many years, even sending French troops to assist in the army's actions against the RPF, in October 1990 and again in February 1993. France continued to strongly support the Rwandan army through the events of April 1994, and has since met with representatives of the rump Rwandan government in Paris at high levels. In light of France's strong support for the Habyarimana regime and for the Rwandan army the Rwandan Patriotic Front has vowed to attack any French forces which enter Rwanda.

## SOMALIA

**Human Rights Developments:** Somalia today presents a difficult situation where gross and systematic violations of human rights and humanitarian law continue to occur, yet there is no government in place in the country which can be held accountable for abuses, or with which the international community can work to eliminate those violations. Yet the disintegration of the state and the difficult legal questions that that poses are no justification for the international community to abandon Somalia. On the contrary, the inadequacy of traditional means of redress clearly indicates the need for greater engagement by the international community to find and implement appropriate and effective means of protecting victims of abuse and holding those responsible for violations accountable.

Sixteen months after the original intervention, the U.N. remains in Somalia with a force of about 18,000. (U.S. and European troops left by the end of March 1994.) Stability remains elusive, however. Various clan and faction leaders conclude one "peace accord" after another, with no serious prospects of implementation as the rival militias remain fully armed and ready to pursue competing political and

economic agendas. As illustrated by the difficulties facing the "Kismayo peace agreement" of June 19, 1994, the issues are too complex and entangled to permit partial or local solutions for parts of Somalia, while the general security and political situation precludes the achievement of comprehensive settlement as a basis for national reconstruction for the whole country. Occasional killings by different clans still occurs, especially in and around Kismayu and Mogadishu, although on the whole there are serious hostilities. The U.N. policy of supporting Somalis in peaceful areas seems to have helped reduce inter-clan tensions, as potentially belligerent clans appear to be limiting their hostilities in order to qualify for food and non-food aid from donor organizations.

A government has been established in breakaway Somaliland, though it has not been recognized by any regional or international body. Northern Somaliland experiences human rights abuses, including, reportedly, the execution under Sharia Law (with the apparent concurrence of the government) of five women for alleged adultery in 1993.

In crisis for most of the 1980s, Somalia was abandoned by U.N. assistance agencies in January 1991, the same month that the longtime dictator Siad Barre fled the country. Somalia became a nation without a government, central security force, formal administration or essential services. The decision to leave was apparently due to the U.N.'s lack of experience in working without governmental approval and assistance, and fear for the security of the personnel of U.N. agencies in Somalia. By the time the U.N. secretary-general appointed an envoy, Amb. Mohamed Sahnoun, to seek an end to the conflict in Somalia, the tactics used by all parties were playing a major role in creating and spreading famine. When Ambassador Sahnoun criticized the U.N. inaction and called for stronger action, he was forced to resign in October 1992, at a time when hundreds of thousands of Somali civilians faced starvation, thousands more were being killed by the armed factions and two million had fled their homes to become internally displaced persons within their country or refugees in neighboring countries.

With a small unit of U.N. peacekeepers largely confined to barracks in Mogadishu, President Bush in late November 1992 determined to send a U.S. force under U.N. auspices to secure the port and airports and facilitate an expansion and protection of the international relief effort. The Unified Task Force (UNITAF), composed of 38,000 troops (led by the U.S., and including 25,000 American troops) was sent to Somalia under Security Council Resolution 794 of December 1992, in order to "establish a secure environment for humanitarian relief operations." Despite its initial success in stabilizing the security situation so that relief efforts could go forward, it soon became evident that, for long-term recovery, security would have to be restored, which would require the disarmament of the armed militias of the various factions and clans and the formation of a new police force. This expanded mission was authorized by the Security Council in May 1993, which replaced UNITAF with the United Nations Operation in Somalia (UNOSOM). UNOSOM was given an explicit mandate to restore peace and help to rebuild civil society and government in Somalia.

Fundamental problems arose from the U.N.'s expanded mandate. Even the initial mandate "to establish a secure environment for humanitarian relief operations" of December 1992 was open to differing interpretations, particularly concerning disarmament. UNITAF troops were left without clear guidelines for their mission. Irregular, even arbitrary, disarmament at times tipped the military balance in favor of one faction over another. In Kismayo, for example, the disarming of Colonel Jess's forces led directly to General Morgan's success in taking that important southern city.

The ambiguity of mandate became an even more acute problem under UNOSOM. Following an attack on a unit of Pakistani peacekeepers in June by General Aidid's followers, UNOSOM became involved in what was, in effect, a war with Aidid's Somali National Alliance (SNA) until the effort was abandoned in mid-November 1993. In military operations largely initiated and directed by the American force, UNOSOM attempted to apprehend the Somali military leader and his top lieutenants.

Throughout those crucial five months, humanitarian and political issues took a back seat to

military activity, thereby distracting the U.N. (and the U.S., as the main contributor to UNOSOM and effectively an independent actor in Somalia) from their primary objectives and undermining their neutrality. While there is no question that General Aidid himself was responsible for grave abuses of human rights against Somalis as well as attacking the U.N. peacekeepers, UNOSOM's singling out Aidid for punishment, while failing to criticize other factional leaders for abuses against civilians and violations of the laws of war, seriously compromised the force's neutrality.

Furthermore, as parties to the conflict that they were supposed to mediate and resolve, UNOSOM forces themselves engaged in illegitimate tactics, including the use of indiscriminate force against civilians and the arbitrary and prolonged detention of Somali prisoners, both combatants and civilian sympathizers. The U.S. decision to withdraw its troops from Somalia altogether after suffering eighteen casualties in October, reinforced the perception among Somalis that the U.S. lost interest when it could not achieve military victory against an adversary.

As documented in Human Rights Watch/Africa's forthcoming report (*Somalia in U.N. Hands*), all parties to the conflict were responsible for violations of human rights and humanitarian law. Substantial evidence indicates that General Aidid's forces used civilians, particularly women and children, as shields, violated the protected status of hospitals, and generally disregarded the safety of civilians in conflict. The report also demonstrates that UNOSOM on some occasions compromised the safety of civilians in conflict situations, disregarded the protected status of hospitals, failed to give due warning of assaults on targets, and used excessive force on a number of occasions. An even more serious flaw is UNOSOM's failure to investigate alleged offenses, either by Somalis or by its own forces. The results of any investigations, including claims of war crimes allegedly committed by its own forces in June and July of 1993, and allegations of unlawful killings, have seldom been made public. The U.N. has even tried to keep secret the report of its own Commission of Enquiry into the fighting.

Within the U.N. system, some effort was made to bring human rights concerns to the attention of UNOSOM. An independent expert for Somalia was appointed by the U.N. Commission on Human Rights in March 1993, and the commission also recommended to the secretary-general the establishment of a human rights unit for UNOSOM, but neither initiative produced significant results. In an October 1993 report, written without the benefit of a visit to Somalia, the expert concluded that it was premature to propose any concrete activity because Somali political forces lacked a serious commitment to the Addis Ababa peace agreement of March 1993. When the proposed human rights unit was established within UNOSOM in mid-November 1993, seven months after the mission began, it consisted of one person. The U.N. Commission on Human Rights had requested nineteen.

The actions of UNOSOM raise many questions about the viability of peace enforcement without any accompanying consideration of such questions as sovereignty and applicable law where the state has collapsed. An example is detention without charge, which was a tactic used by the UNOSOM forces in their hunt for General Aidid. Most detainees were released quickly, but fifty-eight were held longer, some for nearly four months without charge, trial, or access to a lawyer. Three were held incommunicado. The failure of U.N. officials to clarify the rules for detention, or the length of time detainees might be held, and the denial of the right to legal counsel, were violations of United Nations' own standards, as well as violations of human rights.

UNOSOM plans that general elections for officials for a viable civil government will take place in March 1995. In preparation for the election, UNOSOM has been assisting Somalis in establishing local and regional governments. In some cases, those efforts were premature, and the establishment of district and district and regional councils has led to bloodshed. UNOSOM has also neglected the issue of population displacement in its efforts to rebuild Somalia's government and political process. In some areas, the consequence of the UNOSOM effort to create regional governing structures was to bring into the process the very people responsible for the brutality of the previous few years, whose deliberate involvement in massive inter-clan violence, in some cases going back to 1988 or even earlier, were well

known. Human rights abuses were ignored and no effort was made to document atrocities attributable to "warlords," to set up tribunals of investigation on alleged atrocities, or to exclude from the political process those who might have been responsible. Finding a way to provide accountability for the crimes of the past will be an essential step in establishing respect for human rights and rebuilding civil society.

**U.N. and U.S. Policy:** The U.N.'s failings in Somalia have resonance beyond that country's borders. The concept of international intervention to assist the victims of governments, factions, and warlords who failed to feed the people they despoiled and abused, has been seriously damaged by the failure of UNOSOM in Somalia.

Human Rights Watch/Africa urges the international community to rectify past failings in Somalia. Accountability should be the basic element in any process of political reconciliation and reconstruction. Victims of human rights and humanitarian law violations must know that their suffering will not be forgotten in pursuit of a false reconciliation. Clan and village elders, local Somali nongovernmental organizations and civil society must be permitted to engage in open discussions about responsibility for crimes and human rights violations, to identify those whose past brutality should disqualify them for future office, and to participate in the political process without any fear of reprisal.

The U.N. mission in Somalia should also broaden the peace process to encourage local discussions at all levels to settle clan conflicts (over, for example, land and other resources, return of looted property), as a prelude to inter-factional and inter-clan agreement. In the Somali context, this involves raising the eroded status of elders whose capacity to influence political factions should not be ignored. A population census should be organized as soon as possible to provide realistic information as a basis for local government, to be followed by local elections for district councils, to replace those now appointed.

The United Nations High Commissioner for Refugees should be actively involved in the return and settlement of Somali refugees; and take much more active role in ensuring security in the refugees abroad, especially in Kenya.

One encouraging development in Somalia is the progress that has been made toward creating a Somali police force. In the absence of a political settlement, such a force can be made operative on a local and regional level. It is of critical importance, however, that recruits at all levels of the force are adequately screened to exclude those who might have been involved in human rights abuses. A similar screening effort should be made for community-based review boards and committees.

Disarmament remains a crucial factor in creating a secure environment, though it is difficult to implement. Pressure must be applied through all available means to ensure that the factions disarm themselves even-handedly and publicly, with verified destruction of large weapons. Assistance should be provided with registration, demobilization and rehabilitation for former militia. Meanwhile, a stringent arms embargo should be enforced, including patrols along the Kenya and Ethiopian borders as well as naval off-shore patrols to ensure that weapons shipments are excluded.

## SOUTH AFRICA

**Human Rights Developments:** South Africa's first all-race elections, held on April 26 to 29, 1994, opened a new era in the country's history. A new interim constitution came into effect on the first day of voting, under which all South Africans will for the first time have the protection of a bill of rights. At the same time, the ten ethnically determined homelands, the foundation of the apartheid system, were finally reincorporated and replaced by nine new geographical regions. In a landslide victory, the African National Congress (ANC) won 62.6 percent of the national vote, and on May 10, Nelson Mandela, the president of the ANC, was inaugurated as State President. He leads a five-year government of national unity (GNU) in which both the National Party (NP), led by outgoing president F.W. de Klerk, and Chief Mangosuthu Gatsha Buthelezi's Zulu-dominated Inkatha Freedom Party (IFP) are represented in the

cabinet. Within two years, the new national assembly must draw up and adopt by a two-thirds majority a final constitution for South Africa.

Although ultimately certified as "free and fair" by the Independent Electoral Commission (IEC), charged with the conduct of the election, serious concerns were raised during the election campaign and the days of voting, particularly in Natal, the stronghold of the IFP. Until one week before the poll, the IFP, which — together with several right wing parties and the homeland governments of KwaZulu (where Buthelezi was chief minister), Ciskei and Bophuthatswana — withdrew from multiparty negotiations in August 1993, had maintained that it would boycott the vote. On April 19, 1994, well after all nominal deadlines had passed, Buthelezi announced that the IFP would after all participate. Although the criticisms of the IEC mostly centered on lack of planning and disorganization rather than fraud or deliberate sabotage, there were allegations of ballot-stuffing, intimidation, and even of "pirate" voting stations in rural KwaZulu, where independent monitoring proved difficult to arrange at such short notice. With 50.3 percent of the regional vote, Inkatha received much greater support than had been predicted by opinion polls, although the IEC stated that it was satisfied that the final result had not been significantly affected by any irregularities in the poll.

The governments of the homelands of Bophuthatswana and Ciskei, both hostile to the elections, collapsed in the weeks before the vote. In Bophuthatswana, a wave of mass strikes and protests by civil servants provoked a crisis in the second week in March in which the homeland president, Lucas Mangope, was deposed. Several thousand members of the extreme right-wing Afrikaner Resistance Movement invaded the homeland in support of the government, engaging in a rampage of shootings. At least 27 black civilians were killed in the course of the disturbances, many of them in drive-by shootings by the right-wing contingent, others by security forces while engaged in looting. Two wounded members of the Afrikaner movement were summarily executed by Bophuthatswana police; one was killed in an exchange of fire in the same incident. The remainder of the group were eventually escorted back to South Africa by South African troops. Three were summarily executed, reports of up to 60 in Ciskei, which had for some months shown signs of weakening in its resistance to the elections, civil servant strikes led the government to invite South African intervention and voluntarily step down.

Political violence, which had been the principal threat to the transition process and was expected to disrupt voting in Natal and on the East Rand near Johannesburg, did not affect the election days themselves, which were among the most peaceful in several years. However, it is difficult to assess the effect that violence prior to the election had on voting behavior. 4,398 people died in political violence during 1993, largely in clashes between supporters of the ANC and IFP, according to the Human Rights Committee of South Africa (HRC), a nongovernmental monitoring organization based in Johannesburg. Violence escalated in the first months of 1994, especially in Natal and in the KwaZulu homeland, within Natal's borders. During the last two weeks of March and first two weeks of April, 429 people were recorded killed in political violence in Natal/KwaZulu. In an attempt to contain the crisis, the government declared a regional state of emergency on March 31. Levels of violence decreased dramatically after Chief Buthelezi announced that the IFP would contest the elections, and the death toll for May was the lowest recorded by the HRC since January 1993. Despite calls by Inkatha for it to be lifted, the state of emergency remains in force.

During the election campaign, long-standing allegations that political violence had been deliberately provoked, by elements within the security forces and members of extreme right wing parties and paramilitary groups, were confirmed by the investigations of a standing commission of inquiry headed by Mr. Justice Richard Goldstone. On December 6, 1993, the Goldstone Commission's fourth interim report concluded that there was a "high probability" that at least one hit squad had been operating in the KwaZulu Police (KZP). On March 18, 1994, the Goldstone Commission published a report which finally confirmed that senior SAP officials had been involved in supplying Inkatha with weapons and financial support. On March 22, 1994, a task force appointed by the TEC to carry out an investigation into the operation of hit squads concluded that hit squad activity was responsible for "a

significant proportion of those who have died in political violence in Natal/KwaZulu." On May 18, 1994, the task group issued a further report concluding that paramilitary training camps set up by Inkatha in KwaZulu at the end of 1993 were illegal and "may have provided elements within the IFP and KwaZulu government with the capacity for large scale insurrection." Despite this conclusion, the official in charge of the training camps is now an Inkatha senator in the new upper house of the national assembly. A third report, leaked to the press, linked the minister of police in the new KwaZulu/Natal administration, to allegations of gun running for Inkatha.

The white right wing, which had posed a potentially serious threat to the elections, was split into more moderate and hardline wings by the failed "invasion" of Bophuthatswana. Although the hardliners continued to boycott the elections, ex-General Constand Viljoen contested the elections as leader of a new party, the Freedom Front, which won 2.2 percent of the national vote, and nine seats in the new national assembly. However, a right-wing bombing campaign culminated in several massive blasts which killed at least twenty-one people in and around the greater Johannesburg metropolitan area in the days immediately preceding the election. Thirty-four members of extreme right wing organizations opposed to the elections were arrested during the next few days and charged with murder and attempted murder. Although the Freedom Front supports the idea of a "white homeland," it appears that the threat of widespread white violence in resistance to a black government has receded.

Reforms begun by the National Party government or the Transitional Executive Council (TEC), the body charged by the multiparty negotiating forum with facilitating the transition to a democratic order in South Africa, have already been accelerated by the new government. For example, Minister of Safety and Security (as the Minister of Police has been renamed) Sydney Mufamadi stated that the police force would be decentralized and military ranks abolished as part of a much wider reform, including the reintegration of homeland security forces. President Mandela announced a new child welfare program, including health care, primary education and the promise that all children would be removed from South Africa's prisons. The day before the election, following weeks of controversial debate within the TEC, President de Klerk signed a declaration abolishing the principal provision of the general law allowing detention without trial. However, detention without trial remains possible under the Natal state of emergency and in some other cases.

Unrest in prisons — a feature of the entire negotiations process, in connection with disputes over the release of political prisoners and the extension of the franchise to prisoners — continues to be a serious problem. Riots have once more affected prisons since the election, and President Mandela announced on June 10 a six month reduction in all prison sentences in an effort to quell the latest disturbances. Prisons are overcrowded and violent institutions, despite important reforms in recent years. Over 350 people are on death row, although a moratorium on executions has been in place since 1990 and the ANC is opposed to the death penalty.

The question of accountability for past abuses will be one of the major issues to be addressed by the new government. The Minister of Justice, Dullah Omar, a longtime human rights activist, has announced that there will be amnesty legislation — as required by the interim constitution — but that each person seeking immunity from prosecution must make a separate application, and that amnesty will be linked to the operation of a truth commission, to be appointed to investigate responsibility for the crimes of apartheid. The detailed terms of the truth commission and amnesty will be set out in legislation in August, and there will be heavy pressure on the government from the security forces and right wing to limit the mandate of the commission and to extend amnesty even to those guilty of the worst offenses.

In September 1993, following the passing of the legislation to establish a Transitional Executive Council to regulate the period until elections in 1994, Nelson Mandela called on the U.N. General Assembly to lift all sanctions against South Africa save the oil and arms embargoes. Most countries and intergovernmental organizations immediately began to undo sanctions provisions. In May 1994, the United Nations Security Council finally lifted the arms embargo in force against South Africa since 1977,

opening the alarming possibility of South Africa becoming a major weapons supplier to the rest of Africa. The chief executive of Armscor, the procurement agency for the South African army and the armaments industry's marketing organization, announced that he expected South Africa to double arms exports as a result — and to gain 25,000 jobs in arms manufacture. Although South Africa is a world leader in mine clearance technology, most exports would be expected in small arms, armored vehicles, combat helicopters and artillery. A draft document approved by the TEC as the basis of a national policy for the defense industry stated that a list of purchasing governments would be approved by a cabinet committee, which would consider the human rights record of the recipient country, and that South Africa would contribute to the United Nations conventional arms registers.

**U.S. Policy:** Nelson Mandela was the only African leader invited to President Clinton's inauguration; although Clinton did not himself attend Mandela's own inauguration, a high level delegation headed by Vice-President Al Gore and First Lady Hillary Rodham Clinton represented the U.S. at the ceremony. The Vice-President spoke of the "beginning of a new partnership" between the U.S. and South Africa, at both government and commercial levels.

During the negotiations leading up to the election, U.S. Ambassador Princeton Lyman played a positive role in maintaining contacts with all parties and urging participation of the right-wing and the IFP in the vote. Ex-Secretary of State Henry Kissinger was part of an international mission to South Africa to persuade Chief Buthelezi to take part in the elections: although the mission appeared to have failed when the international representatives left the country after only three days, their refusal to consider delaying the election date was reported to have been important in Buthelezi's later decision to participate.

All U.S. aid to South Africa has since 1985 been paid through non-governmental channels. In 1993, the U.S. AID program in South Africa amounted to \$80 million, making it the second largest donor to South Africa after the European Union. In addition, \$35 million was provided by the U.S. government for support of the election process, \$21 million of this in FY 1994. In May 1994, President Clinton announced that U.S. assistance would be increased to \$600 million over three years; including a doubling of U.S. AID's contribution to \$166 million for 1994. Although continuing support for the nongovernmental sector, U.S. agencies will for the first time work directly with the South African government. In addition to previously announced investment guarantees by the Overseas Private Investment Corporation, other components of the aid package included trade promotion services by the Commerce Department; a thirty percent increase, to \$3.4 million, in the U.S. Information Agency budget for South Africa; a \$100,000 Department of Defense training program for the South African military, and negotiation of a double taxation treaty. The State Department stated that it hoped to work with the new South African government to assist it in developing a regime for responsible conventional arms transfers and to encourage transparency.

Legislation lifting the ban on U.S. support for IMF and World Bank loans to South Africa, and removing all conditions on Export-Import Bank guarantees, was passed through Congress shortly after the formal lifting of U.N. sanctions in September 1993. In June 1994, the U.S. Information Agency hosted a two-day conference for representatives from the business, government and nonprofit sectors of both South Africa and the U.S., to stimulate ties between the two countries. The Clinton administration was reported to be considering the creation of a government fund to promote joint ventures with South Africa.

## SUDAN

**Human Rights Developments:** All parts of the Sudan continue to suffer under the repressive policies of the present totalitarian Islamic regime which came to power through a military coup in June 1989, but the southern part of the country is particularly hit by a massive and chronic human rights and

humanitarian crisis in which 4.5 million people have been trapped for years. The U.N. estimates that in 1993 alone excess ("abnormal") mortality in south Sudan was 220,000.

The war is being fought over many political, economic and cultural issues; among these are questions of power sharing and disproportionate development, national identity and the role of Islam in the state. But to the masses of civilians in the south, who are barely surviving under environmental distress of flooding and drought, the war has come to mean massive death and destruction or looting of property, manipulation of food and of access to international aid by all sides to the conflict. Even the flight of civilian populations in search of food and safety is manipulated by the warring parties, which use starving civilians to attract international food relief, only to take the food from civilians as "taxation" at gunpoint or by diverting it before it reaches civilian hands.

Most violations of human rights and humanitarian law in Sudan today take place in the context of the armed conflict in southern Sudan, where the government forces and two rebel Sudanese People's Liberation Movement/Army (SPLM/A) factions have brought about a state of permanent emergency and massive loss of civilian life. The way all sides wage war violates the rules of war and is directly responsible for the suffering of the southern Sudanese population of 4.3 million.

In early 1994, the Sudan government undertook another dry-season offensive in the south, and succeeded in breaking through the front line south of Juba at the Kit river where they have been held at bay by the SPLA for years. This campaign has been marked by a series of frightening indiscriminate aerial bombardments by the government in many southern towns, adding some 70,000 newly displaced persons to the pre-existing displaced population of 100,000 in the area between Juba and the Ugandan border.

Both sides have extended the civil war has been extended by both sides to the Nuba Mountains area, in the transition zone between north and south but traditionally considered part of the "north". Under the guise of counterinsurgency operations, the government army and militia have for several years subjected this area to a scorched earth campaign, and its African population has been massively displaced as part of that campaign, which has all the hallmarks of "ethnic cleansing" and is a violation of humanitarian law. Despite the residents' desperate need for assistance, the Nuba Mountains have been placed off limits to all but those allied with the government's counterinsurgency scheme.

Often the principal objective of attacks on civilians during this eleven-year war has been to loot or destroy civilian grain stocks and cattle as well as to displace and kill civilians. Attacks on civilian economic survival are equated by the armed parties with depriving their enemies of their sustenance. All these acts violate the rules of war. This militarily motivated displacement and killing of civilians, as well as the destruction and looting of their property, has dire consequences for the survival of the southern Sudanese peoples.

The government of the Sudan bears the primary responsibility for massive human rights violations and humanitarian abuses in the context of the civil war in the south (including the Nuba Mountains), and must be held accountable for them. But the two factions of the SPLM/A -- who have been recently fighting each other more than fighting the government forces -- should also be held accountable for their share. The SPLA/M is also responsible for violations of human rights and humanitarian law in the Nuba Mountains.

Abuses by the SPLM/A factions include indiscriminate attacks on civilians living in each other's territory; pillage of civilian cattle and grain and destruction and burning of homes in the opposing faction's territory; abducting civilians, principally women and children, from the territory of the other faction; siege of garrison towns, including on some occasions using starvation of civilians as a method of combat; torture, disappearance, and summary executions; holding political prisoners in arbitrary detention for years; cruel and inhuman prison conditions; lack of due process; and forcible recruitment

and forced portering. SPLM/A factions are also guilty of illegal recruitment of under-age boys, creating for those purposes a pool of tens of thousands of "unaccompanied minors" who first were brought or lured to Ethiopian refugee camps for education, then segregated from their families and later trained and deployed as soldiers, while holding the smaller ones back in reserve "schools" until they were of a size to hold a weapon. The reserves of unaccompanied minors persisted, by rebel design, even after the Sudanese fled the refugee camps in Ethiopia in 1991.

In the meantime, routine patterns of detention without charge or trial, torture and denial of due process continue in northern Sudan against all Sudanese suspected of actual or potential opposition to the Islamic totalitarian ideology of the military government. Having thoroughly purged the judiciary, civil services and security forces of all "disloyal" or "suspect" elements, and having taken control of trade unions and professional organizations, the government should feel secure in its hold over the North. Yet the least sign of resistance is immediately and ruthlessly repressed, albeit in relatively more subtle and institutionalized ways.

In 1994, some two million of the 4.3 million population of southern Sudan will require some form of relief because of civil strife, drought, disease and displacement. In 1993, despite an improvement in better relief agency access, than that of 1992, there were 220,000 excess deaths in the region, for the same reasons as in the previous year. Of the 4.3 million population, some 600,000 are internally displaced. And in addition to the 4.3 million living precariously in southern Sudan, there are about 392,000 who are refugees in neighboring countries.

Food scarcity mounts as civilians, stripped of their assets and usual safety nets, flee into other areas that have been stressed by scorched earth campaigns, drought or prior arrivals of displaced. Pockets of famine appear or reappear. Relief agencies attempt to stave off the deaths by bringing in food, which at times has a magnet effect, attracting migration of other desperate displaced. On other occasions, the parties callously have manipulated civilian presence to produce military advantages for themselves, feeding off the famine they helped create by taking relief food from civilians by "taxation", sometimes at gunpoint or by diverting it before it reaches civilians' hands.

At the same time, each side has the effrontery to accuse the international community of favoring the other side with relief efforts. The government protests that airlifts to SPLA-controlled areas help to retain a civilian presence in guerrilla areas. The rebels claim that the airlifts to besieged garrison towns help to keep the civilian population alive, and ultimately to thwart rebel takeover. Not only will the parties not put civilian welfare ahead of short-term and marginal military advantage, they also hinder relief efforts and burden relief agencies with additional costs. Because of the parties' refusals, relief convoys cannot use the more economical land and river routes for delivery and must resort to expensive airlifts to save thousands of lives. The parties blithely assume the international community will continue to foot the bill to keep the southern civilians alive, despite donor fatigue and competing complex emergencies in Africa and elsewhere.

As a result of the 1994 Sudan government offensive, the "Triple A" area, home to at least 100,000 persons, the single largest concentration of displaced persons in southern Sudan, is now vacant; indiscriminate government aerial bombardments and advances caused some 70,000 displaced persons to flee in February 1994, and the rest to leave in late May when the government pushed toward Nimule on the Ugandan border. These displaced are now in relatively inaccessible locations and, with arrival of the rainy season, are vulnerable to disease and starvation. Yet the government persists in arbitrary and heartless restrictions on relief efforts by international and U.N. agencies directed to areas controlled by the SPLA.

The government now controls at least one million of the population in the south, located in garrison towns many of which the government captured as a result of the 1991 SPLA split into two rebel factions. In those government garrison towns, impunity is given to army officers and others who

profiteer on relief food. The government commits a vast array of human rights abuses such as torture, disappearance and summary execution, maintains cruel and inhuman prison conditions, and withhold due process from to quash civic opposition, as in Juba, to the mandatory use of Arabic in what had been English-language schools, and to forcible conversion to Islam.

The several hundred thousand southern Sudanese, displaced by the southern fighting to Sudan's capital Khartoum, have been particularly victimized by the government's "urban renewal" policies. The government has destroyed their modest homes and possessions and displaced these impoverished African peoples to camps, far from sources of employment, where conditions have been described as worse than South Africa's "homelands."

All assistance from international institutions, except for emergency humanitarian assistance, has been cut. This humanitarian assistance, however, is considerable: from October 1991 to May 1994, the U.S. has provided \$230 million for Sudan, mostly for emergency relief in the south through the U.N. The government, however, retains its ability to veto U.N. convoys operating in Sudanese territory, even in cross-border operations, and uses that veto generously to extract concessions for its benefit. Nevertheless, Sudan has not lost its place as an economic basket case, and has increasingly been viewed as an international pariah. Its relations with its once-friendly neighbors Eritrea and Ethiopia have deteriorated.

The seemingly endless conflict remains the primary source of human rights abuses for southerners, but one ray of hope has appeared. Pressure for a negotiated settlement to the conflict has been brought through the Inter-governmental Authority on Drought and Decertification (IGAAD), a regional association comprising Kenya, Uganda, Ethiopia, and Eritrea. In January 1994 IGAAD brokered an agreement between the two SPLA factions on an agenda for peace talks with the government and in March sponsored such peace talks. The leadership now taken in peace initiatives by regional countries is an important development and one that the U.S. should strongly support.

**U.S. Policy:** Due to increasing friction, and the placing of Sudan on the State Department's terrorist list in 1993, relations between the two countries have steadily worsened. The U.S., however, has increased its activities on Sudan in 1994, recently appointing Amb. Melissa Wells as special envoy to Sudan, with jurisdiction over political as well as humanitarian issues. A commission of administration and AID officials, accompanied by journalists, also visited the region with Sudan high up on the agenda. Both developments represent higher-level interest in solving the problems of Sudan through negotiations.

Because the conflict has been characterized by such egregious human rights violations, which have been root causes for the debilitation and destruction of the southern population by famine, disease and displacement, the U.S. should also support efforts to place human rights on the agenda with the parties to the conflict. Under the circumstances in Sudan, human rights concerns cannot be deferred until the formal end of the conflict. The war has been particularly long-standing, lasting from 1955-72 and 1983 until the present, or twenty-eight of the last thirty-nine years.

General Bashir has recently indicated his government's openness to monitors for human rights. Judging by earlier experience (this government had invited a Human Rights Watch/Africa visit last year only to renege on that promise twice at the last moment) such declarations of intent by Sudan government should not be taken at face value. The U.S. could play a useful role by exploring how serious the government actually is about permitting serious investigations by independent human rights organizations.

Human Rights Watch/Africa has urged the U.N. Security Council to authorize a contingent of full-time U.N. human rights monitors to observe, investigate, bring to the attention of the responsible authorities, and make public violations of humanitarian and human rights laws by all parties. The monitors should have access to all parts of Sudan but should be based in southern Sudan where the

conflict is at its most extreme. Increased U.N. reporting would lead to greater sensitivity on the part of the rebel forces, which would be an enormous benefit to the millions of people living under rebel jurisdiction. More attention paid to the government abuses would prevent the government from denying that such atrocities, particularly indiscriminate fire and scorched earth campaigns, occur. Coverage of abuses by all sides would illustrate to the parties that one is not being singled out and that all must conform to human rights and humanitarian law, no matter what their enemy's abuses.

Field human rights monitors could be hired specifically for Sudan to work under the supervision of the special rapporteur for Sudan, under the supervision of the U.N. High Commissioner for Human Rights, or under a separate and temporary human rights structure created by the U.N. Secretariat. They could utilize the existing relief logistical structures and security procedures but would operate separately from the relief effort.

The use of human rights monitors in this conflict could provide U.S. and U.N. decision-makers with a prototype for deploying monitors in other conflicts, without committing the U.N. to equivalent action elsewhere. The trend is decidedly toward increased use of human rights monitors in internal conflicts. The Human Rights Commission has appointed a special rapporteur on internally displaced persons, Francis Deng, a Sudanese born in the south. The Commission on Human Rights has issued his preliminary report; his work and that of others on this issue is continuing. Human rights monitors have been appointed in El Salvador and Cambodia pursuant to peacekeeping arrangements. The Centre for Human Rights has deployed monitors recently in the former Yugoslavia, where the conflict continues, and has opened a field office in Cambodia from which staff gathers human rights information for the reports of the special representative of the U.N. Human Rights Commission. Although there is not an armed opposition nor an internal armed conflict in Haiti, U.N. human rights monitors are being deployed there.

The U.S. could also be instrumental, through the U.N. Security Council, in promoting the establishment of a civilian-directed and -staffed program of human rights education for all regions of and all parties in Sudan, which should not be considered a substitute for a human rights monitoring team. Both SPLA factions have shown an interest in such training recently, and this would be a vital component to any effort to rebuild civil society or strengthen local institutions.

Because of the extensive abuses committed by the SPLA factions, however, Human Rights Watch/Africa opposes any funding being given directly to the SPLA factions, or institutions controlled by them, until there is substantial improvement in their human rights practices. The same caveat attaches to funding destined to the government, although we realize it is not likely that the Sudan government, under U.S. law, could receive any such funding.

In addition, Human Rights Watch/Africa urges the U.S. to: endorse an arms embargo on all parties to the conflict as a means of drastically reducing the civilian casualties in the conflict, and pressure all parties to improve their human rights performance by 1) instituting due process, 2) abolishing political detention, torture and summary executions, 3) abolishing the death penalty, 4) halting attacks on civilians, 5) ceasing abuse of civilian access to food, 6) ceasing to draft minors or to permit them to participate in hostilities, and 7) facilitating relief access, voluntary family reunification, and access for human rights monitors.

## ZAIRE

**Human Rights Developments:** The human rights situation in Zaire continued to deteriorate during 1993 and 1994. Pervasive lawlessness and anarchy, security forces acting with impunity, and government manipulation of ethnic and communal tensions led to widespread abuses against civilians.

The rule of law is nonexistent in Zaire; extrajudicial executions, torture, rape, arbitrary arrest, looting, and rampant corruption are the hallmarks of the regime of President Mobutu Sese Seko.

The insecurity throughout Zaire is intensified by the ongoing political stalemate between President Mobutu, who has been in power for 29 years, and the opposition coalition known as the Sacred Union, headed by Prime Minister Etienne Tshisekedi who was elected by the national conference in 1992. Mobutu has repeatedly undermined the prospects for a transition to multi-party democracy, which he promised in April 1990. As long as the elite army troops and the treasury remain under Mobutu's personal control, he is able to maintain power.

The economic crisis, characterized by soaring inflation (currently estimated at 13,000 percent in Kinshasa), massive unemployment (estimated at about 80 percent), and the collapse of the country's copper mining industry, is producing starvation, malnutrition, and disease. Shortages of food and medicine also result from the army rioting and massive looting that have taken place over the past three years. In urban areas throughout the country, the vulnerable populations -- children, single parents, elderly, handicapped -- are especially at risk. The World Bank closed its office in Zaire in January 1994, due to the country's failure to pay its debts.

The political confrontation between Mobutu and Tshisekedi's Sacred Union is rooted in Mobutu's refusal to abide by the agreements he has signed. On January 15, 1993, the High Council of the Republic (HCR), a transitional legislative body elected by the National Conference and chaired by Archbishop Laurent Monsengwo Pasinya, claimed Mobutu was blocking "the functioning of the country's institutions at every level," and declared him guilty of high treason, for which he could face trial before the Supreme Court. Mobutu dismissed the threat on the grounds that he was not answerable to the HCR.

On January 28, 1993, government soldiers rioted when they discovered that they had been paid in new bank notes that could not be spent. Mobutu had ordered the five million zaire notes to be printed to keep up with inflation; Tshisekedi considered the move inflationary and called on shopkeepers to refuse to accept the banknotes. This developed into the worst unrest since unpaid soldiers rioted in September 1991, which left at least 200 people dead and prompted Belgium and France to send soldiers to evacuate some 20,000 foreigners.

In contrast to the 1991 riots in which the population joined the soldiers on a looting spree, the soldiers rampage in 1993 terrorized the population. Hundreds of civilians were killed, including the French Ambassador, Philippe Bernard, who was shot in an attack on the embassy, and the 28-year-old son of opposition leader Frederic Kibassa Maliba. Many more civilians lost their belongings in looting raids conducted by soldiers, and there were numerous reports of rape by soldiers. Hundreds of foreigners were evacuated from Kinshasa by French troops. Mobutu's elite troops took advantage of the chaos to attack newspapers, churches, and politicians opposed to the regime. Estimates of numbers killed range from 300 to more than 1,000, including many regular army soldiers who were killed by the presidential guard, the Special Presidential Division (DSP).

Mobutu blamed Tshisekedi for the riots, and tried to dismiss him. Tshisekedi claimed that since Mobutu did not hire him, he could not fire him. On March 29, 1993, Mobutu named Faustin Birindwa as prime minister to replace Tshisekedi, and revived the one-party National Assembly as a rival to the HCR. Birindwa was a former ally of Tshisekedi who was expelled from the Union for Democracy and Social Progress (UDPS). Neither Tshisekedi nor the HCR accepted Mobutu's move, reaffirming that since the HCR elected him, only it could remove him.

In April 1993, authorities launched a new crackdown on members of the opposition, including politicians, unionists, independent newspapers, and human rights activists -- the first wave of political detentions by the security forces since 1990. Members of the Sacred Union, the coalition of opposition parties, were arrested; the transitional parliament was prevented from meeting; the houses of Tshisekedi

and his ministers were searched; independent journalists were attacked; and trade union leaders were arrested.

The most visible illustration of the government's manipulation of the ethnic and regional conflict took place in Shaba, Zaire's mineral rich province. A government-inspired campaign of terror, a form of "ethnic cleansing," caused approximately 400,000 residents with origins in the neighboring region of Kasai to be displaced from their homes since November 1991, and most since August 1992. The violence was particularly severe in March 1993. Under the guise of promoting the interest of Shaban natives, "Katangese," Mobutu's regional representatives attacked the substantial Kasaian community, which had been in place since well before independence, and raised a youth militia to reclaim the wealth of the region for its "original" inhabitants.

Although there are historical roots to the animosity between the two communities, the recent explosion of violence is largely explained by Mobutu's struggle to keep power: the violence erupted at the moment when Mobutu was forced to accept the appointment of Tshisekedi, who is himself Kasaian, as prime minister. In December 1993, Shaba declared autonomy from the country, although it has had little practical impact.

In an even more deadly explosion of regional violence linked to the political stand-off, ethnic fighting broke out in North Kivu in March 1993. The conflict in North Kivu, which borders Rwanda, has pitted the Nyanga and Hunde ethnic groups against Hutu and Tutsi of Rwandan origin (Banyarwanda). Reports from international relief organizations indicate that by August at least 6,000 people were killed, and some 270,000 more displaced. As of January 1994, roughly half of the displaced had returned home.

As was the case in Shaba, the fighting appears to be instigated by the local authorities, and the central government did nothing to protect civilians. There has been no investigation or prosecution of any of those responsible for the violence.

In July 1993, U.N. Secretary General Boutros Boutros-Ghali appointed a special envoy to Zaire -- Lakhdar Brahimi, a former Algerian foreign minister. Brahimi visited Zaire several times to investigate the political crisis, and held talks with Zairian leaders. Although U.N.-brokered negotiations were reporting some progress, there was nothing to indicate that Mobutu or Tshisekedi was willing to make any real concessions. Meanwhile, without any firm consensus among the U.S., France and Belgium, the U.N. considered its ability to negotiate to be very limited.

A report on the human rights situation in Zaire by the U.N. Secretary General, published on December 23, 1993, described human rights violations by the security forces as well as their interference in the transition process. The report states that "[t]he virtual impunity apparently enjoyed by the security forces would seem to indicate that they commit human rights violations with the consent of the highest authorities."

In late 1993 and early January 1994, an agreement was arranged between Mobutu's Political Forces of the Conclave (FPC) and the Sacred Union, which was to lead to the dissolution of the rival parliaments. On January 14, however, Mobutu unilaterally merged the HCR with his old National Assembly, calling the new parliament the HCR-Parliament of Transition (HCR-PT) which would have the authority to select a new prime minister. The opposition considered this move a "constitutional coup," and called for a nation-wide strike on January 19, which was followed throughout the country. The HCR, still under the presidency of Archbishop Monsengwo, then convened a special session of the HCR and brought some 300 of Mobutu's deputies into the HCR-PT, making the total number of deputies 780.

On April 9, a new constitution designed to govern the country during the transition was finally promulgated. The transition is supposed to last fifteen months, and lead to presidential and legislative

elections.

The battle subsequently focused on the process of selecting a new prime minister, Article 78 of the transitional constitution. Mobutu's party held that the prime minister should be designated by the new parliament; the opposition contended that Tshisekedi remained the legal prime minister, since he was elected by the national conference. In May, the HCR-PT created a commission to define the criteria for choosing a prime minister. The opposition split and did not put forward a consensus candidate. The commission proceeded to validate seven candidacies -- not including Tshisekedi, who refused to apply, contending that the post was not vacant. On June 14, Kengo Wa Dondo, a former prime minister and businessman, was elected prime minister.

**U.S. Policy:** The Clinton administration defines its policy toward Zaire as one of support for a transition to democracy. However, the U.S. apparently perceives that while Mobutu may be the main obstacle to the transition, he must play a role in that process. Moreover, U.S. support for Tshisekedi has been lukewarm, especially in the face of France's renewed support for Mobutu in 1994. The U.S. continues to state that it supports the process, not the individual.

The Clinton administration has taken a number of appropriate steps in Zaire, but its policy is so low-key as to be almost invisible. The U.S. needs visibility at an international level to isolate and repudiate the Mobutu regime while supporting the democratic process and its advocates.

The Clinton administration is well aware of the potential for even greater disintegration and human rights abuses in Zaire. A confidential U.S. State Department cable in February 1993 warned that Zaire could turn into "Somalia and Liberia rolled into one, with vast potential for immense refugee flows, regional destabilization and humanitarian disaster." Nevertheless, the U.S. government refused to increase the pressure on Mobutu to leave, privately blaming France and Belgium for the deadlock.

Since early 1992, the Western governments that formerly supported Mobutu -- the US, France and Belgium, often referred to as the Troika -- have periodically collaborated to support the transition process headed by the National Conference and former Tshisekedi government. The Troika has produced a series of demarches calling on both sides to proceed with the transition. In 1994, however, most of the Troika's communications were in the private arena. Despite the ostensible agreement in the Troika about policy toward Zaire, behind the scenes the three governments often deliver different messages.

A State Department paper, dated February 11, 1993, outlined possible steps that the US and its allies might take regarding Zaire, including: freezing Mobutu's bank accounts in the US and Europe; seizing his personal assets; denying visas to Zairians closely associated with Mobutu; suspending Zaire from the International Monetary Fund (IMF); and seeking an arms embargo and a ban on exports from Zaire. The U.S., France and Belgium were slow to act on these measures, except for restrictions on visas to President Mobutu and his close advisors. The U.S. did impose a ban on arms sales to Zaire in April 1993, and in June 1994, Zaire's voting rights at the IMF were suspended (see below).

In general, the Clinton administration has sought to isolate Mobutu internationally, while supporting the mediation efforts of Archbishop Monsengwo. This policy encountered problems, especially since the French have sought to effectively rehabilitate Mobutu and to draw him in as a mediator in the Rwandan crisis.

The Clinton administration decided not to appoint a new ambassador to Zaire to replace Ambassador Melissa Wells, who left in March 1993. The intention is to send a signal to Mobutu that the US will not conduct normal relations with Zaire until the transition process is on track. Nevertheless, many Zairians saw this as a sign that the U.S. was pulling away from the forceful position represented by Ambassador Wells.

Despite its public pronouncements, the Clinton administration's policy does not differ much from that of the Bush administration. Although senior US officials made statements publicly distancing themselves from Mobutu and criticizing the human rights abuses, this has not been accompanied by effective international diplomacy to isolate and stigmatize the Zairian leader. In testimony before the Senate Foreign Relations Committee on June 9, 1993, Assistant Secretary of State for African Affairs George Moose stated: "There is no doubt about the cause of the problem. It is President Mobutu's stubborn refusal to honor his promise to permit a democratic transition process to proceed." He went on to note a "a pernicious pattern of government-provoked or tolerated violence against minority ethnic groups," and a "sharp escalation of human rights abuse."

On June 21, 1993, State Department Spokesperson Mike McCurry announced that President Clinton had banned entry to the US to Zairians "who formulate or implement policies impeding a transition to democracy in Zaire or who benefit from such policies and the immediate families of such persons." This policy is to remain in effect as long Secretary of State Warren Christopher considers it necessary. McCurry explained the move as follows: "Like the arms embargo imposed on Zaire in early April, this proclamation is a sign that the administration will not conduct normal business with President Mobutu so long as he thwarts a transition to democracy."

On July 19 and 21, Assistant Secretary of State Moose held meetings in Washington with President Mobutu's envoy and notorious security official, Ngbanda Nzambo-ko-Atumba. The purpose of the meeting was for Mr. Ngbanda to deliver Mobutu's response to a letter from Secretary of State Warren Christopher; not surprisingly, Mobutu blamed the opposition for Zaire's problems. According to the State Department, Moose informed Ngbanda that this response was "totally inadequate."

In 1994, there were few public statements about the situation in Zaire. The Western powers expressed concern about the deteriorating situation, and supported the mediation efforts of Archbishop Monsengwo. However, there was even less public pressure put on Mobutu than in 1993. The U.S., France and Belgium continue to meet about Zaire, but the focus of their meetings has shifted away from discussing sanctions against Mobutu.

President Clinton received a letter from Mobutu in January 1994 asking for U.S. assistance in organizing elections. The administration responded cautiously, in the words of one official quoted in *The New York Times*: "We would not want to lend assistance to elections that are a hoax or a sham, or rigged."

The U.S. tried to get the U.N. re-engaged by sending special envoy Brahimi back to Zaire, once he was finished working with the U.N. in South Africa. However, given the ongoing stalemate in Zaire, Boutros Boutros Ghali sent Brahimi to Yemen in June. At this writing, the U.N.'s involvement in Zaire also appears to have reached an impasse.

On June 1, Zaire's voting rights were suspended at the IMF, based on its failure to pay debt arrears of approximately \$315 million. The U.S. strongly supported the suspension; France abstained in the vote. The move will have little practice effect, since the IMF had already cut off funding to Zaire, but it was symbolically important.

In a press conference on June 2, 1994, Amb. Moose was asked about the U.S. attitude toward Tshisekedi, and the lack of Clinton administration action on Zaire. Moose responded defensively, saying that the U.S. has been "extremely active on the question of Zaire." He recounted how the U.S. has worked with the French and the Belgians to bring about a reconciliation between Mobutu and the opposition, and added "frankly, there's a fair amount of blame to be laid on both doorsteps for the failure to overcome that impasse."

In general, events in Rwanda since the plane crash on April 6 have cast an ominous shadow over Zaire. Mobutu is successfully playing on the world's fears that a similar scenario could explode in Zaire,

and that only he can prevent it. In addition, Mobutu is portraying himself as the regional mediator in the Rwandan crisis, and the French appear willing to help him assume that role. The U.S. is too disengaged from Zaire to mount any effective challenge to these efforts to rehabilitate Mobutu.

In FY 1993, the US provided \$6.5 million in humanitarian aid. As of May in FY 1994, the US had provided approximately \$10 million. All U.S. aid to Zaire is emergency humanitarian assistance; since AID closed its mission in Zaire, there has been no development assistance.

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*Human Rights Watch/Africa (formerly Africa Watch)*

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