

**ACADEMIC FREEDOM
AND HUMAN RIGHTS ABUSES
IN AFRICA**

An Africa Watch Report

March 1991

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Africa Watch was established in May 1988 to monitor and promote respect for internationally recognized human rights in Africa. The Chairman of Africa Watch is William Carmichael. The Executive Director is Rakiya Omaar; Richard Carver is the Research Director; Alex de Waal is Research Consultant; Janet Fleischman and Karen Sorensen are Research Associates; Richard Dicker is an Orville Schell Fellow; and Jo Graham and Ben Penglase are Associates. Africa Watch is part of **Human Rights Watch**.

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We dedicate this report to Dr. Ushari Ahmed Mahmoud, linguistics researcher, former lecturer at the University of Khartoum, and human rights activist who is now detained at Shalla Prison, Darfur. He documented human rights abuses in Sudan, and has now become a victim himself.

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INTRODUCTION

- * Dr. Farouk Ibrahim el Nur is a lecturer in the Faculty of Science at the University of Khartoum. He was arrested on November 30, 1989, at a time of widespread anti-government civil disobedience. The principal reason for his detention was probably his left-wing political views. During his detention, he was tortured by security officials who were offended by Farouk's courses on the Darwinian theory of evolution, which they decided was incompatible with Islam. The torture was a means to force him to recant his views. He refused to comply. In a letter to the head of the regime, Lt-Gen al Bashir, Dr. Farouk described his experiences:

I was flogged, kicked, hit on the face, head, and other parts of the body by professional torturers. I was threatened with death, humiliated and subjected to other types of torture ... Afterwards, I was transferred to a small toilet that was flooded with water where I spent three days, during which time I was beaten, humiliated and deprived of sleep. Then I was taken to a bathroom with five detainees where the same process of torture was repeated for nine days.

- * Jack Mapanje was the Head of the Department of English Language at Chancellor College in Malawi when he was arrested on September 25, 1987. A published poet of international reputation, he is also a respected theoretical linguist. He is the chairman of the Linguistics Association of SADCC Universities.¹ He has edited two anthologies of African poetry, broadcast for the British Broadcast Corporation (BBC) and acted as judge in BBC and Commonwealth poetry competitions. He is held without charge or trial at Mikuyu Prison.

¹ SADCC is the Southern African Development Coordination Conference, an organization that aims to reduce the extent to which the independent countries of the region are dependent on South Africa.

The government has given no reasons for his detention. However, it is widely believed that his writings, critical of the government, prompted his arrest. For the first twenty months of his detention, Mapanje was not allowed visits from his family or friends.

- * Mahmood Mamdani is a Ugandan political scientist at Makerere University. In 1985, he presented a paper at a conference in Kampala, criticizing the government's policy of creating national parks on the grounds that it interfered with peasant food production. The Acting Minister of Wildlife and Tourism, who owned Uganda's largest tour company and who had just ordered the creation of a new national park, was a participant. He also happened to be the Minister of Security. He did not appreciate Mamdani's comments and promptly deprived him of his citizenship.

These cases typify some of the human rights abuses documented in this report. The report details a range of human rights violations against the academic community, defined as persons teaching, studying, researching and working at an institution of higher learning.¹ They include: summary executions of academics and students; torture; arbitrary arrest and prolonged detention without charge or trial; imprisonment under conditions that are cruel and degrading; restrictions on freedom of expression, assembly, association and movement; dismissal of faculty staff; expulsion of students; university closures; banning of student organizations and staff unions; the prohibition of "political activity" on campus; discrimination against students on the basis of race, ethnic or regional origin; censorship of teaching and reading materials and manipulation of curricula. Lesser forms of coercion are also used as a means of intimidation, such as denial of promotions and tenure to outspoken academics; restrictions on travel abroad for research or meetings; refusal to grant scholarships to politically active students; and

¹ See Lima Declaration of Academic Freedom and the Autonomy of Institutions of Higher Learning adopted by the 64th General Assembly of the World University Service in September 1988.

the requirement that students who have been implicated in political disturbances sign pledges of "good behavior" in order to resume their studies.

Violations of the rights of the academic community often take a more subtle form than is the case with other professional groups. When security agents disguised as students monitor classroom discussions, when students and academics are encouraged to inform on each other, fear is pervasive. When senior members of the university administration are members of the ruling party, the result is pressure to toe the political line. When universities and research institutes feel obliged to admit, award scholarships and grant high grades to the relatives of government officials, their independence and integrity are compromised.

International human rights law protects the rights implicated in the concept of academic freedom. Article 19 of the International Covenant on Civil and Political Rights guarantees everyone "the right to hold opinions without interference; the right to freedom of expression [which] shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers..." Article 9 of The African Charter on Human and Peoples' Rights guarantees everyone "the right to receive information [and] the right to express and disseminate his opinions within the law".

While academic freedom is not a self-contained right, members of the academic community are entitled to the rights detailed in the United Nations Universal Declaration on Human Rights. This means in particular that every member of the academic community shall enjoy the right to life, liberty, freedom of thought, conscience, religion, expression, assembly, association and movement. If a professor is fired because his or her research is regarded as politically offensive to the regime in power; if a university is closed down due to campus-based activity; if a University Board of Governors, packed with ruling party functionaries, restricts speakers on campus; or if books are censored from the library the rights protected by international standards are violated.

Academic communities in Africa have traditionally been a vulnerable target of state repression. Governments of the right and the left, military regimes as well as civilian administrations, have felt threatened by the essential function of academics: to exercise and to develop in their

students, a spirit of critical inquiry. Suspicious of what that responsibility entails -- the encouragement of the free play of ideas -- governments have not hesitated in lashing out at critical academics, particularly those in the social sciences and humanities. Academics who have published accurate but officially embarrassing statistics about disparities in incomes and population figures, who have questioned decisions about aid projects or commented on corruption in government circles, have suffered reprisals. At a time when Africa is experiencing the emergence of civilian movements advocating respect for human rights, academic freedom is increasingly under attack. The vulnerability of academics in Africa is compounded by the fact that African universities and research institutes are financed, owned and controlled by the state.

An astonishing number of highly educated, talented and experienced African academics work at foreign universities and research institutes, unable to return home without fear of persecution. Or perhaps, they are unwilling to serve regimes that are hostile to academic freedom.

Of course many African academics, as representatives of other professions, have gone abroad in search of better professional opportunities and economic prospects. However, the continuing absence of the human rights conditions that would encourage them to return home deprives their countries of their talents and the fruits of their experience. In the meantime, their absence impoverishes the institutions they left behind and makes it more likely that younger generations will think of migration as an option, if not the first option.

Much has been written in the West about the responsibility of governments for the "crisis" in Africa. Little has been said about the extent to which governments are delaying the prospects of recovery by silencing those who can help in the search for solutions, not least by explaining the social and political realities that underlie the problems Africa faces. Objective criticism is the basis of social progress; it is difficult to imagine how that progress can be achieved without research and dialogue. A substantial number of African professionals and academics who are in voluntary or forced exile express the wish to return to Africa or their country of birth. It is in Africa's interest that they be encouraged to make a contribution to their own countries. That will not happen as long as African governments continue to stifle freedom of

expression and fail to nurture critical and creative thought.

As elsewhere in the world, the academic community in Africa is a vital component of "civil society", institutions that exist outside the control of the state and the ruling party. Composed of various professional organizations, trade unions and informal groups, these independent institutions provide a counterbalance to the state and are the basis for a pluralistic society in any eventual democracy. Civil society provides a platform on which individuals who are otherwise powerless can stand and collectively defend their individual and community rights. Civil society enables citizens to confront and overcome fear, to address collective grievances, to organize independent initiatives, to reclaim rights from an intrusive state, to assist the victims of repression and provides solace against loneliness and social fragmentation by creating a sense of community.

For a variety of reasons, civil society in Africa, outside of South Africa, is fragile. The repressive nature of colonial rule stunted the growth of an independent, indigenous civil society, except by establishing churches in some countries. Authoritarian regimes of various political complexions have undermined or dismantled the existing institutions. Except in South Africa where the church, trade union organizations and a host of other mass movements play a vital role in providing leadership, there is no galvanizing force comparable to the Roman Catholic church in Poland, Chile or the Philippines.¹

The academic community has long played a significant role in the struggle for civil and political rights. The student tradition of challenging the status quo has recently been recaptured by events from Abidjan to

¹ In recent years, certain church leaders in Kenya have shown a formidable capacity to defend civil liberties and the rule of law. By providing ethical leadership, identifying themselves with the concerns of those struggling for human rights and social change, they have acted as a powerful voice for the expression of moral concern. Not surprisingly, they have become the target of a government campaign to undermine their credibility and their effectiveness. Zimbabwe has also been fortunate in the Catholic Commission for Justice and Peace which has defended human rights and advocated political pluralism under the regime of Ian Smith and since independence.

Lusaka. While students' organizations in Africa may not have the strength to overthrow regimes, they can be a catalyst in the movement that brings wider elements of society into the political arena, as confirmed in both Abidjan and Lusaka.

Attacks against academic freedom in Africa do not take place in isolation, but against the background of suffocating political constraints. In most countries, there are few legitimate avenues to air independent views on issues of public concern. This often forces both academics and students in Africa to "take cover" under academic freedom because they are denied freedom of expression and assembly. Government control of the broadcast media and influence over print journalism limit the range of views that citizens enjoy. The control over information makes it difficult for citizens to become aware of their rights and for activists and victims of repression to learn that they are not alone. The judiciary is either indistinguishable from the executive, or else judges are subject to political pressures in sensitive cases. There are few countries where political trials are fair or open. In such a situation, there can be no effective domestic defense of academic freedom or other rights. It is not only academic institutions that are under siege. Bar Associations, press clubs, writers unions and professional associations regarded as centers of "subversion" have also been under fire.

Africa Watch does not take the position that members of the academic community should be immune from prosecution for criminal offenses. We do not question the right of governments to use the legal process, in accordance with internationally recognized legal norms, to punish violations of domestic law. However, as with other citizens, punishment should be imposed on the basis of specific charges of unlawful activity supported by disclosed evidence.

In publishing this report, it is not our intention to support or dispute the views and findings expressed by the academics whose cases we discuss. As a human rights organization, that is beyond the scope of our mandate. It is, however, a central feature of our mandate to defend their right to express those views and to research, teach, publish, and to discuss their opinions and the results of their research without interference. By detailing the cases of academics and students who have been killed, detained and tormented solely on account of their ideas, their work and

their peaceful political protests against arbitrary government actions, our hope is to alert their colleagues and the rest of the international community to their plight and to the broader context in which these abuses take place. We also wish to remind governments in Africa of the international obligations they have ratified which protect these rights.

The countries covered in this report are not the only countries in Africa where academic freedom is abused. The countries we examine represent mainly those which Africa Watch has begun to monitor on a regular basis. There are undoubtedly many developments we have not mentioned because we are unaware of them. Unfortunately, we have not been able to include some of the countries which we are monitoring, such as Ethiopia and Mauritania, because we do not have enough information to present a full picture. We intend to continue updating this report, and would appreciate receiving information from people who can provide it.

There is another reason why we have published this report. Compared to other professional groups, particularly doctors, scientists, journalists, writers and lawyers, academics throughout the world have been slow to campaign against human rights abuses. Despite the seriousness of the abuses documented in this report, we have received few requests for information about a detained academic or student. For academics, there is no equivalent of Physicians for Human Rights, International PEN, The Committee to Protect Journalists, Reporters sans Frontieres, Index on Censorship and amongst other groups, the International Commission of Jurists. By visiting or attempting to visit them in prison, keeping in touch with their families, colleagues and unions, collecting money for their legal defense and their medical needs, raising their cases with governments and international organizations, they ensure that their colleagues are not forgotten.

Recently, Lt-Gen al Bashir complained about the number of appeals he had received from doctors and doctors' organizations protesting the arrests and sentences against Sudanese doctors. Sadly for Sudanese academics, he has had no reason to complain about interventions on behalf of the many academics who have been tortured, humiliated, detained and many of them dismissed from their jobs since July 1989.

Long overdue, public expressions of concern by academics can do much to embarrass or to promote a constructive response by a government which

has killed a student, detained a colleague or closed a university for political reasons. Elsewhere in our work, we have urged those whose circumstances give them a free voice to defend the rights of people unable to protect themselves. African academics and specialists on Africa whose colleagues languish in filthy prisons, without access to a doctor, a lawyer or to their loved ones, can not afford to keep silent.

In 1985 it was Mahmood Mamdani who was arbitrarily deprived of his Ugandan nationality. Today, Jack Mapanje and Ushari Mahmoud are among the academics who are behind bars because of their ideas and their work. And tomorrow?

Rakiya Omaar
Executive Director, Africa Watch

EVOLUTION OF THE UNIVERSITY IN AFRICA

As early as the 1850s, Africans were pressing the colonial powers to establish institutions of higher education. In 1874, in response to a proposal urging the creation of African universities, the theological seminary at Fourah Bay College in Sierra Leone opened its doors to students wishing to study secular subjects. Further progress was slow. Nearly fifty years later, in 1920, at the First Conference of Africans of British West Africa, a memorial submitted to King George V stated that the time had come "to found a British West African University on such lines as would preserve in the students a sense of African Nationality."⁴

Until the Second World War, the colonial powers continued to take only an intermittent interest in higher education in Africa. Post secondary education below degree level was offered by a few institutions. In British West Africa, there were only two publicly-funded institutions of higher learning: Achimota College near Accra and the Higher College at Yaba, near Lagos. In 1940, Makerere College became a College of Higher Education. Finally, in 1943, the British Colonial Office appointed a panel -- the Asquith Commission -- to study the possibilities for higher education in the colonies. The Asquith Commission Report, issued in 1945, served as the blueprint for the export of British university education.

The Report was based on the notion that a "university system appropriate for Europeans brought up in London ... was also appropriate for Africans brought up in Lagos, and Kumasi and Kampala."⁵ The first African universities founded in the British colonies reproduced the patterns characteristic of British universities. In fact, many began as "university colleges" affiliated with British universities. Essentially, the curriculum of the university colleges reflected that of the metropolitan universities. Not surprisingly, Latin and Greek were at the core of the colleges' curriculum. At Ibadan University College, for example, the

⁴ Eric Ashby, *African Universities and the Western Tradition*, p. 19.

⁵ *Ibid.*

majority of honors students concentrated in Latin, Greek and Ancient History. The function of the university colleges was, following the pattern in the metropolitan countries, to train an elite: the students would be the future leaders of their societies. It was emphasized that the criteria for academic achievement for African institutions should not be inferior to those required in London.

The Asquith Report was implemented fairly quickly. The Inter-University Council for Higher Education in the Colonies was established. The British government provided the funding and British universities provided staff and advice. As mentioned above, the University of London established a scheme of "special relationships" which provided the newly formed university college graduates with University of London-guaranteed degrees. The University of London entered into this type of special relationship with colleges in Nigeria, Ghana, Uganda and Sudan. Additional university colleges with a similar arrangement were subsequently founded in Kenya, Tanzania, and Zimbabwe.

The universities of francophone Africa -- like those of Dakar and Abidjan -- were linked to the universities of Paris and Bordeaux in the same way that institutions of higher learning in English-speaking colonies were associated with the University of London. The special relationship that existed between the colonial institutions and the French universities continued after independence. Dakar University was accepted as France's eighteenth university. All degrees granted were issued by France's Ministry of National Education until 1968. Later, the pattern was repeated in Zaire: the curriculum of Louvanium University in Leopoldville faithfully reflected the curriculum of the University of Louvain in Belgium.

After independence in the early 1960s, the university colleges became autonomous and independent institutions, and the forces of nationalism confronted the academic heritage of the colonial period. This confrontation generated intense debate over several issues: (1) whether the universities would maintain the same high standards that made their degrees equivalent to those of universities from metropolitan countries; (2) the Africanization of staff; (3) how the curriculum would be balanced to handle both "pure" theoretical work and work with practical solutions related to the development needs of the country; (4) control of the

universities by the state; and (5) the role of the university in society.

According to T.M. Yesufu, a Nigerian academic, the problem facing African universities at independence was that "they have taken so much pride in maintaining themselves as carbon copies of foreign institutions and systems, that they show little or no regard for their own social milieu." He called for "a fundamental redefinition of the role of the university."⁶ Yesufu argued that the traditional concept of the university could not be accepted for Africa. Instead, it was necessary to formulate a new role which would signify the commitment of universities not just to knowledge for its own sake, but to the pursuit of knowledge for the sake of the "betterment of the common man and woman in Africa." What was required of African universities, according to Yesufu, was the need to distinguish their task from the traditions of Western universities: "[t]he truly African university must be one that draws its inspiration from its environment, not a transplanted tree, but growing from a seed that is planted and nurtured in the African soil."⁷

This approach had earlier been articulated by the leaders of the newly independent states in the 1960s. In a speech delivered at a dinner at the University of Ghana, Legon, Kwame Nkrumah expressed a view of academic freedom that was typical of the political leaders of the period:

There is sometimes a tendency to use the words "academic freedom" ... to assert the claim that a university is more or less an institution of learning having no respect or allegiance to the community or to the country in which it exists and which it purports to serve. This assertion is unsound in principle and objectionable in practice. The university has a clear duty to the community which maintains it and which has the right to express concern for its pressing needs.

True academic freedom -- the intellectual freedom of the university -- is everywhere fully compatible with service to the

⁶ T.M. Yesufu, *Creating the African University*, p. 40.

⁷ *Ibid.*

community; for the university is, and must always remain, a living, thinking, and serving part of the community to which it belongs."⁸

According to one Western observer of the period, by the end of the 1960s, African higher education was engaged in "a process of disengagement from its past, or more positively, in a search for an institutional identity with a pattern and objectives in accord with the realities of Africa."⁹

Gradually, a new university model emerged. Such a model was exemplified in a National Policy Paper on Education published by the Nigerian Ministry of Education in 1978. The paper urged universities to produce a high level of manpower to meet the needs of the economy, to develop "proper value-orientation," to use the talents and expertise in the universities for national development and to encourage a spirit of service in the students.

The type of university which evolved from this expanded set of functions has been termed "utilitarian." Its main purpose is to serve the development needs of society as formulated by the political leadership. Institutions of higher learning were expected to immerse themselves in the wider concerns of the community as articulated by the government. They were to structure their programs to the country's manpower forecasts and their curricula to immediate social and economic problems. One consequence of this model -- and the underlying economic reality that African universities are funded and controlled by the state -- is that academics are subject to both the subtle and open forms of intimidation documented in this report. Such a university structure has also facilitated the selection of faculty members on political grounds. African academics, who depend entirely on the government-run educational system for their livelihood, are thus vulnerable to the pressures of political conformity.

⁸ Speech delivered at a dinner at the University of Ghana, Legon, on February 24, 1963, quoted in *Education and Nation Building in Africa*, p. 315.

⁹ De Kleweig, *The Emergent African University*, p. 2.

Inevitably, this has led to self-censorship and a significant brain drain, which together have stunted intellectual development.

The "Yesufu University" is beginning to draw criticism from African academics. The University of Dar es Salaam Academic Staff Assembly recently held a workshop on Academic Freedom and Social Responsibility of Academics. The group denounced the practice of governments imposing "notions of relevance, national interests or developmental needs of the country" which are "all aimed at constraining the activities of institutions of higher education."¹⁰ The Academic Staff Assembly criticized the "developmentalist" approach as an effort to reduce institutions of higher education to state think tanks and mere suppliers of high level manpower to fill state posts. They argued that this approach had contributed to the overall lack of academic freedom in Africa. Describing this order of priorities as contrary to the fundamental objectives of academic institutions, the participants defined the goal as "scientific inquiry, the pursuit of knowledge and the search for the whole truth in the interest of social transformation and human emancipation."¹¹ The responsibility of institutions of higher education, they argued, was to act as "catalysts for social transformation, to initiate the necessary struggle, to agitate for democracy, and to do so by defending academic freedom and the autonomy of academic institutions. This is their historic mission." This report details the confrontations between governments who wish to impose the "utilitarian" approach and members of the academic community who seek to realize the objectives articulated by the University of Dar es Salaam Academic Staff Assembly.

¹⁰ University of Dar es Salaam Academic Staff Assembly Newsletter No. 11, June 1990, p. 2.

¹¹ *Ibid.*

CAMEROON

Academic freedom in Cameroon is characterized by self-censorship, reinforced by the pervasive presence of security agents and occasional acts of violence by the authorities. Most importantly, the University of Cameroon¹² is an organ of the state. As such, it is controlled by the government -- and, by extension, the ruling party, since Cameroon is a one-party state, despite constitutional guarantees to the contrary.

The University faculty and administrators are civil servants, and appointments are subject to government approval. In particular, the administration is composed of many politicians and people who have held political positions in the government. Similarly, professors frequently go on to become government officials, thus making the University a place to recruit the governing elite. For example, the University is directed by the Chancellor, the Vice-Chancellor and the Secretary General, all of which are political positions in the government. There are many instances of these positions leading to political careers as high-level ministers.

This being said, however, the authorities do not usually interfere directly with the content of the courses taught at the University or the fields of research conducted by students and professors. More subtle forms of pressure are employed to sanction "unruly" academics. These involve denial of promotion, restriction on travel abroad for academic conferences or study,¹³ or brief detention by agents of the security forces. This has proved to be an effective deterrent to academics who might espouse views critical of the government.

In general, the authorities do not need to remind academics of the limits of their freedom: the power of self-censorship serves the government's purposes adequately. As one observer noted: "The

¹² The main campus of the university is in Yaounde; schools of the university are also located in other cities including Douala, Buéa, Dschang and Ngaoundéré.

¹³ In principle, the issue of travel abroad should have changed as of the summer of 1990, when the law requiring Cameroonians to receive an exit visa from the government for travel abroad was abrogated.

academics have internalized the censorship -- they do not dare to venture into the realm of creativity on an academic level."¹⁴

Beyond the question of self-censorship, the network of government informers on the campuses discourages professors and students from speaking out critically or conducting research that the authorities might deem sensitive. Students and professors alike report to the security apparatus with information about their colleagues who seem too independent.

From time to time, the authorities exert their control more forcefully. In May 1990, for example, two journalism professors from the University in Yaounde were detained -- Sam Fonkem, on May 8, and Tatah Mentang, on May 9. Also arrested was Hansel Ndumbe Eyoh, a professor from the English Department. They were arrested because of their participation in a television discussion program that turned into a debate about the merits of a multiparty system. University students protested these arrests, and the professors were released within a few days.¹⁵

Another similar example dates from 1987, involving Professor Ambroise Kom, who teaches Comparative African Literature at the University. Professor Kom was arrested for participating in a conference about literature and politics; at least two other panelists who were journalists, including David Ndachi Tagne, were also arrested.¹⁶ They were all released within a few days.

There are other instances of police arresting and sometimes attacking students who engage in demonstrations. On May 26, 1990, students at the University in Yaounde held a rally in support of the launching of an alternative political party, the Social Democratic Party (SDF). Some 3,000

¹⁴ Africa Watch interview in New York with Achille Mbembe, September 23, 1990.

¹⁵ See *News From Africa Watch*, "Cameroon: Government Cracks Down on Demands for Multiparty System," June 15, 1990.

¹⁶ Africa Watch interviews with Cameroonians in New York, August 23, 1990, and September 23, 1990.

students participated, and approximately 200-300 were arrested.¹⁷ Most were released after a short period, although there were unconfirmed reports that some students were detained for 2-3 weeks. There were also reports that police went to student dormitories at about 9:00 p.m. the night of the demonstration, checked students identity cards and detained and beat some students. Other reports indicated that soldiers raped some of the women students.

An earlier example took place on December 17-18, 1988, when University students in Yaounde went on strike to protest delays in receiving their government allowances. It appears that small groups of students set up roadblocks, burned a car and destroyed part of the campus. The police then surrounded the campus and spent most of the night rounding up suspected student activists. Many students were arrested -- government sources said about 50, but unofficial sources estimate as many as 300 -- and held in an administrative detention center. They were released shortly thereafter.¹⁸ There were credible reports that at least one student was killed.

There are reports that a Catholic university is going to be built in Cameroon which would be both free and private. If it is allowed to operate without government interference, and if its professors and students are able to freely pursue their academic endeavors regardless of the political sensitivity of the subject matter, then the overall environment of academic freedom in Cameroon might undergo important changes. Given the current constraints on academic freedom and the level of intimidation that exists, this would be a welcome step toward enabling free academic inquiry in Cameroon.

¹⁷ *News From Africa Watch*, *op. cit.*

¹⁸ François Soudan, "Cameroun: Pourquoi les étudiants ont bougé," *Jeune Afrique*, January 20, 1988. "Cameroon: Student Demonstrations," *West Africa*, January 11, 1988.

KENYA

The University of Nairobi received its first students in 1956, seven years before independence. It was first established in 1951 as the Royal Technical College of East Africa. From 1964-70, it was part of the University of East Africa and was known as the University of College, Nairobi. In 1970, it became the University of Nairobi. Kenyatta College, created in 1972 as a teachers' training college, became an independent university in 1985. Moi University at Eldoret was established in 1984, and has now become an independent university. Egerton College, an old colonial agricultural college, was converted into a university college in 1985 and became a full-fledged university two years later.

There were two major confrontations with the government in the 1960s. The first was over student demands that the government construct a pedestrian highway tunnel to enable them to cross heavy motor traffic on their way to classes. The second disagreement concerned over-crowded accommodation in the halls of residence. Neither issue had political significance.

In January 1969, the government intervened for the first time in order to prevent a public speech by Oginga Odinga who was then leader of the political opposition. The students boycotted lectures and the University of Nairobi was closed for a brief period.

Government interference intensified in the 1970s. In 1972, the University was closed after the arrest of the editors of the student newspaper, *University Platform*, whose criticism of the government had angered the ruling party. *Platform* was subsequently banned. Professor Okumu, the Dean of the Faculty of Arts and an outspoken political scientist, left his job after he was accused of stealing car tires. Many people believed that the charge was politically motivated.

In 1974, Mr. J. Martin, a lecturer in public law, was detained by the police and charged with sedition. He was released before serving his sentence. The University of Nairobi was closed again after students joined a sympathy strike over allegations of racism against a Danish lecturer by students in the faculty of architecture. In subsequent years, students began to tackle more fundamental issues such as corruption and growing political intolerance within Kenya.

In February 1975, students again boycotted classes after the assassination of an outspoken member of parliament, J. M. Kariuki, and demanded a full and objective inquiry.

In January 1978, Ngugi wa Thiong'o, the country's leading novelist and chairman of the Department of Literature at Nairobi University, was arrested. He was detained without charge or trial until December 1978, and was later dismissed from the University. His pro-peasant open air theater at Kamiriithu village, 25 miles from Nairobi, was closed and permission to perform the play was revoked. The reprisals against Ngugi wa Thiong'o created fear among academics; teachers were afraid of writing papers opposing the government and toned down their research. The presence of informants in the classroom also contributed to the climate of fear.

In spite of these developments, in the 1970s, the University of Nairobi was never closed for long, with the exception of four months in 1974. Within limits, lecturers taught what they believed, and some of the most critical material on Kenyatta government, such as the highly critical novel, *Petals of Blood* by Ngugi wa Thiong'o, was published at this time by resident academics. Notwithstanding that record, however, the waning years of Kenyatta's rule witnessed a decline in the tolerance of academic freedom. The government began to exert control over the public lectures given on the campus by outside speakers. Outside speakers were required to obtain a permit from the Vice-Chancellor, a government appointee, who frequently stated that if a professor attacked government policy in class, he would not be paid.

After President Kenyatta died in August 1978, President Daniel arap Moi took over the reins of government. In December, the new president released all political prisoners. Despite this welcome move, it soon became clear that President Moi expected uncritical loyalty from the university. Criticism of the government became even less acceptable. Members of Moi's cabinet increasingly attacked "Marxists and foreign ideologists" at the University of Nairobi. Public lectures at the university were subjected to even more careful scrutiny. Permits were required for speakers, and were denied to speakers with a "radical perspective." If the permit was approved, informants were among the audience. At the same time, the Special Branch (intelligence police) began to scrutinize academic

papers. This climate contributed to self censorship and affected the character and quality of the papers that were written.

In 1979, Professor Anyang' Nyong'o, a political scientist, was briefly detained for giving a report to the press on opposition to South Africa. In September, the University of Nairobi was closed and the student union leadership expelled after students criticized the government's decision to ban Oginga Odinga and three other former opposition figures from contesting the general elections.

In 1980, the Academic Staff Union, which was established to represent the academic staff and which was officially registered, was suddenly banned by the President. He stated that academics did not need a union. At about this time, student organizations came under attack. It now became necessary for student organizations to register and to obtain a permit to hold campus meetings.

Throughout the 1980s, the academic community was subjected to increasing intimidation in an effort to root out dissent. In May 1981, riots took place at the University of Nairobi, prompted by deteriorating living conditions on campus, inadequate library conditions, and the barring of outside speakers. As a result of the riots, the passports of 12 lecturers regarded as critical of the government were seized. They included: Ooko Ombaka, Micere Mugo, Michael Chege, Mukaru Ng'ang'a, Okoth Ogendo, Atieno Odhiambo, Peter Anyang' Nyongo and Shadrack Gutto. At the same time, Charles Njonjo, then Minister of Justice, suggested that a system of screening academics be introduced in order to determine their loyalty to the government. The authorities required all academic staff travelling outside Kenya to obtain exit permits, a practice which is still in force. In addition, scheduled public lectures by invited guest speakers such as Koigi wa Wamere and Edgar Tekere, as well as seminars on politically controversial research papers, were banned.

In a public speech on Madaraka Day¹ on June 1, 1982, President Moi

¹ Madaraka Day is the anniversary of June 1, 1963, when Kenya was granted "self-government" as a prelude to full independence which came six months later, on December 12, 1963.

stated that some lecturers were teaching subversion and opposition to his government. He added that he could not allow this to continue as long as lecturers were paid by the state. He advised those who wanted academic freedom to go and teach at Cambridge or Harvard.¹

In June 1982, a group of university lecturers was arrested after President Moi accused certain unnamed lecturers of "teaching subversive literature aimed at creating disorder in the country." They were: Al-Amin Mazrui, a linguistics lecturer and playwright who was later released; Edward Oyugi, lecturer in educational psychology who was released in December 1984; George Mkangi, a sociologist who was freed after a week, but detained again in 1986 and held without charge or trial until 1988; Kamoji Wachiira, a biologist and tree-specialist released in December 1984; Mukaru Ng'ang'a, a historian who was subsequently released; and Willy Mutunga, a law lecturer who was initially arrested and charged with sedition. The charges were dropped, but he remained in detention until 1984. As the tension mounted, the Vice-Chancellor at the University of Nairobi began to call in controversial lecturers in social science and the humanities and told them to change their political attitudes as they were causing concern to the government. In 1982, he banned a seminar on the rule of law by Shadrack Gutto, and stopped his paper from circulating.

Also, on June 3, 1982, Maina wa Kinyatti, a history lecturer at Kenyatta University College, was arrested. (In 1980, he had edited and published a collection of songs from the Mau Mau period entitled *Thunder from the Mountains -- Mau Mau Patriotic Songs*, which caused a political stir.) A month prior to his arrest, he completed work on another project -- *The History of Kenya*. He was charged with possession of a seditious publication. This publication was not identified until his trial in October.

¹ This has turned out to be prophetic and ironic since Gibson Kamau Kuria, a prominent human rights lawyer and a former lecturer at Nairobi University has had to flee the country and is now teaching at Harvard. Notwithstanding his own advice, President Moi attacked Harvard for their decision to accept Kuria. In a public speech on October 10, 1990, he accused Kuria of having taught "killings" and "subversion" in Kenya.

He was convicted and sentenced to six years in prison. He denied the charges, claiming that the seditious material had been placed among his papers after they had been seized by the police who searched his house. Maina wa Kinyatti was released in October 1988 after serving his six year prison term for possession of seditious material. He told journalists after his release that he had been stripped naked, beaten repeatedly with canes and clubs, and kicked by police as they attempted to extract a confession that he was a member of the underground movement, Mwakenya. He was held in solitary confinement for a year and was refused medical treatment for two years. He suffered from both stomach ulcers and from severe deterioration of his eyesight.

In August 1982, members of the Kenyan Air Force attempted a coup d'etat. The attempt failed but many students rejoiced on the campus and took to the streets in celebration. Dozens of students were arrested and charged with offenses ranging from rioting to sedition. Subsequently, the universities were closed. They were re-opened only in October 1983. Male students had to report regularly to their village chiefs. The coup attempt was a turning point in Kenyan academic life. In an interview with Africa Watch, an academic who had taught in Kenya for several years described how government interference in the University increased, with the Vice-Chancellor implementing the government's orders concerning the operation of the University. Even worse, the Vice-Chancellor began to anticipate the government's wishes and implemented them. At one time, the board of Vice Chancellors met and set a figure on the number of students to be admitted to university. President Moi made a public speech in which he called on them to double the number. The universities were forced to try and implement it. He added:

The University of Nairobi was seen as a hotbed of radicalism because in part it was the center of the humanities. In response, Moi began to shift resources away from the University of Nairobi to Moi University in Eldoret in western Kenya. Now Moi University, which began as an agricultural college, has its own political science department. Furthermore, faculty were offered higher salaries at Moi University and the life is being drained out of the University of Nairobi. Kenyatta University

has also been favored in this shift.

The government succeeded in stifling any open political activity or criticism. No faculty member dares to speak out in public. All independent student activity has been driven underground. All lecturers require clearance from the Office of the President to travel abroad. Both research clearance and travel clearance cannot be granted by the Office of the President unless there is prior approval from the Special Branch. So in fact, it is the Special Branch which makes such decisions.

On September 24, 1982, Tito Adungosi, a University of Nairobi student leader who was arrested immediately after the attempted coup, was sentenced to ten years' imprisonment for sedition. He had pleaded guilty to participating in a demonstration on August 1 in support of the attempted coup d'etat. He died in prison in 1987 under mysterious circumstances. Sixty-seven other university students were arrested shortly after the coup attempt, and were charged with sedition. All but six were granted presidential clemency in February 1983 without ever having stood trial. The other six were tried, convicted and sentenced to prison terms of five or six years.

Also arrested in 1982, was Mukaru Ng'ang'a, a lecturer who was detained pursuant to the Preservation of Public Security Act, which authorizes indefinite detention without charge or trial. He was freed in April 1984.

Repression has continued throughout the 1980s. For example, in February 1985, nineteen University of Nairobi students were arrested in connection with protests against the expulsion and withdrawal of scholarships from students, allegedly for political reasons. In court, the defendants made allegations of having been tortured. The main campus of the University of Nairobi was closed for several months. Five students were arrested at a student meeting on February 10, 1985. The meeting was broken up by riot police, leaving sixty five injured and one dead. These students were tried on March 11, 1985 on charges of convening or participating in illegal meetings. One of the students was acquitted, three were fined and released, but Julius Mwandawiro Muganga, a former leader

of the students who had been expelled, was imprisoned for one year during which time he was tortured. On July 19, 1985, eleven days after most of the students had been released with a remission of sentence, the High Court quashed the sentences. The court argued that they had been denied adequate defense representation as a result of what the court termed "arbitrary and unlawful proceedings and order of the court."

In early March 1986, Ngogho Kariuki, a former university lecturer, Kariuki Gathitu and Joseph Kamonya Manje, both lecturers, were arrested. The authorities did not give any reasons for their arrest but simply announced that they were being held under the Preservation of Public Security Act. They were released in 1988. In early April, Julius Mwandawiro Mghanga and Mukaru Ng'ang'a, former student leaders, were arrested. By the end of 1986, many other students were arrested and detained under the same act, during a campaign against alleged supporters of the underground group, Mwakenya.

In April 1987, Richard Wekesa, a student, was sentenced to ten years imprisonment, accused of receiving money from the Libyan government in exchange for information about student opposition to the government. His sentence was reduced on appeal to six years. It was revealed in court that Wekesa's "offence" was to provide the Libyans with a staff list and figures of student enrollment at Kenyatta University, all of which is public information obtainable from the university catalogue.

Seven student leaders at the University of Nairobi were arrested in November 1987 after they addressed a rally and called for more student involvement in national affairs. They also criticized a government decision to deny the chairman of the student body a passport to attend a conference in Cuba. The students were arrested at gunpoint, after the police raided their student residence on November 15. Demonstrations followed and these were broken up forcibly by the police. Forty other students were also detained. A few days later, all were released except for the chairman of the student body (see below). The student union was banned.

Robert Wafula Buke, chairman of the student union was held incommunicado for two weeks and then brought to court on November 30. He was sentenced to five years imprisonment. Buke did not have legal representation and he pleaded guilty to providing the Libyan government

with information considered "prejudicial to Kenya's interests" about student activities.

In 1989 a circular was sent to members of the faculty amending the terms of their service. They had to agree to a provision allowing for their dismissal without access to a board responsible for academic discipline, which inevitably had a chilling effect. Also in 1989, the government introduced a new course required for all students -- Nyayo philosophy -- the political outlook popularized by the Moi regime.

During an intense crackdown by the government on journalists, human rights lawyers and advocates of a multi-party system in July, 1990, university faculty also came under attack. Edward Oyugi, professor of psychology and Ngotho Kariuki, an accountant and former Dean of the Faculty of Commerce at the University of Nairobi, were arrested and accused of conspiracy to overthrow the government. In September, they decided, together with two other detainees, to withdraw an application to have their case heard before a constitutional court and will not now pursue earlier complaints that they were held incommunicado, tortured and denied access to legal counsel. According to a Nairobi magistrate, this is based on their desire for an early trial, but independent observers believe that pressure has been applied on the four detainees to make them back down from a politically embarrassing law suit.

On September 17, 1990, violent clashes occurred at Egerton University in Nakuru. The students had been boycotting class in protest against the implementation of a new assessment method. According to reports, the police used teargas and fired into the air to clear the demonstrators. At least seven students were injured. Unrest occurred again at the campus in December. It was reported that the students were fired upon by police.

Since 1972, university researchers have been required to apply for a research permit from the Office of the President. Permits can only be awarded upon approval by a research board in which the Special Branch and the relevant ministry are represented. As a rule, no permits are given for "sensitive" subjects. Even after a permit has been granted it can be revoked without notice or explanation. There is no mechanism for appealing against a decision to refuse a permit. In 1985, an American academic was granted permission to conduct research on local

government. He had the misfortune to choose the President's constituency as his area of study. He was subsequently deported.

As in so many other African countries, the predictable consequences of intimidating academics in Kenya has been the flight of the best law lecturers, social scientists and other experts from the universities in Kenya to the private sector and international organizations. Inevitably, there has also been a sharp decline in academic standards, in part because of the effects of the harassment of academics, interference with the universities and in part because the government has been increasing the number of students arbitrarily in spite of overwhelming evidence about declining resources.

On the other hand, the government has successfully co-opted a number of professors at the University of Nairobi in an effort to streamline the thinking, teaching and research at the University. This fact has been openly acknowledged by President Moi and his supporters. The results of these developments, combined with a formidable network of security informers, both students and academics, is to make it difficult, if not impossible, to carry out academic work with the honesty and integrity that lies behind the ideal of a university.

LIBERIA

The University of Liberia is the successor to Liberia College which was founded in 1862 by a philanthropic group based in Boston. The University of Liberia was established by a legislative act in 1951 after the College was destroyed by fire.

Throughout the 1980s, the regime of the late President Samuel Doe regarded the intellectual and political ferment associated with the University of Liberia as a threat. In 1980, Dr. J. Teah Tarpeh, Vice-President of the University for Academic Affairs and Professor H.B. Yaido were detained in Monrovia's Post Stockade military barracks for several hours. They were held on suspicion of "subversive activities," but they were not informed of the basis for that suspicion.

In 1981, Dr. Patrick Seyon, Vice-President for Administration was detained along with others for allegedly plotting the overthrow of the government. Seyon was held incommunicado and denied access to legal counsel. He was tried before a military tribunal, and was found innocent and released. Dr. Seyon had been flogged and beaten for the first eight days of his detention. As a result he suffered kidney damage and had to be hospitalized for a week.

In a clampdown on student political activity in June 1981, the government banned Commay Wesseh, a student leader and member of Liberia's Constitutional Commission from making any public statements and having contact with the press. Shortly afterwards, letters protesting the ban appeared in newspapers, and Commay Wesseh was arrested. He was placed under house arrest and then detained for two weeks.

In January 1982, General Doe promulgated Decree 2A. Decree 2A prohibited all academic activities which "directly or indirectly impinge, interfere with or cast aspersion upon the activities, programs or policies of the government of the People's Redemption Council." Professors, instructors, teachers and students were singled out for special mention. The Decree also banned "[a]ll activities directed at or incidental to the formation of student organizations or parties or the holding of elections or engaging in student politics in any form or for whatever purpose

whatsoever."²¹ Violation of the Decree was made punishable by death.

Decree 2A was issued at a time of increasing tension between students and the government. In response to a public warning from Doe to stay out of politics, the Liberian National Students Union (LINSU) issued a public appeal for permission to conduct student elections. Six student leaders were arrested on January 20. They were: Ezekiel Pajibo, President of the Students Union; Siaffa Blacki; Klon Brownwell; James Kwiah; Alaric Tokpa; and Kpedee Worwor. They were initially charged with violating a prohibition on political activity contained in Decree 2 but since that Decree lacked specific provisions governing student elections, there was no applicable legislation. To fill this gap, the government quickly issued Decree 2A.

The six students were detained at the Post Stockade and tried *in camera* within a week of their arrests by the Supreme Military Tribunal. They were reportedly convicted of treason. Five of the students were sentenced to death, and January 29, was set as the date of execution. However, on January 28, in response to a national outcry and international pressure, President Doe issued an executive pardon which resulted in the immediate and unconditional release of the students. On releasing the six, General Doe issued an ominous warning: "We warn administrators and faculty members on campus, parents and guardians, Sunday school teachers and church leaders to refrain from politics for the next three years. This warning from the PRC is the last."²²

Decree 2A had a dramatic impact on university life: it eliminated student government which organized all campus activities. There were no more academic symposia, debates, student publications, or honor roll. The student newspaper, *The University Spokesman*, ceased publication in 1980. *The Liberian Law Journal* was last published in June 1981.

Also, in 1982, James Cooper, the seventy year old former registrar of the University of Liberia was arrested for allegedly "slandering" the military government. He was sentenced to three years in prison.

²¹ Lawyers Committee for Human Rights, *Liberia: A Promise Betrayed*, p. 157.

²² *Ibid.* p. 162.

In early 1983, a commencement speaker was briefly detained by security forces after giving an address in which he stressed the importance of academic institutions freely pursuing independent lines of inquiry.

In August 1984, Dr. Amos Sawyer, the acting Director of the Institute of Research, a prominent University faculty member, and Chair of Liberia's Constitutional Drafting Commission, was arrested with George Kieh, a lecturer in the political science department. Along with fourteen others, they were held for allegedly plotting a coup. Sawyer and Kieh were not charged and the details of the plot were never made public. They were held in the Post Stockade for two months before they were "pardoned."

On August 22, 1984, 200 soldiers of President Doe's Executive Mansion Guard, acting on his direct order, stormed the campus of the University of Liberia, which is located directly across the street from the Executive Mansion in Monrovia. They were ordered to suppress a student demonstration protesting the arrest of Sawyer and Kieh. According to reliable reports, the soldiers fired indiscriminately on the demonstrating students, beat them with rifle butts, stripped them naked, and many female students were raped. The soldiers went on to loot the University campus. After the attack, the army sealed off the campus for five days making it impossible for independent observers to verify what had happened. During this five day period, the soldiers looted and vandalized the campus.

Following the attack on the campus, President Doe dismissed the entire administration of the University, including the President, the Faculty Senate and the University Council. He held them responsible for the student demonstrations. He only re-appointed those individuals he believed to be politically apathetic. Among those dismissed were some of Liberia's most respected scholars: Dr. Mary Antoinette Brown Sherman, who was president of the University; Counselor Philip Banks, who was Dean of the Law School; Dr. Amos Sawyer, the Dean of the Political Science Department; Dr. Patrick Seyon, Vice-President for Administration; Dr. J. Teah Tarpeh, Vice-President for Academic Affairs; and Dr. J. Paul Chaudhuri, a professor of history.

In December 1984 and January 1985, student leaders were arrested and charged with distributing illegal leaflets. Six members of the LINSU,

all in their 20s, were detained. They were Ezekiel Pajibo, Alaric Topka, Lucia Massally, James Fromoyen, Dempster Yellah and Christian Herbert. They were held for a month at the National Security Agency, where they were interrogated by Joint Security. Then they were transferred to the Post Stockade. During this period they were kept in isolation, flogged, and threatened with death. They were held for five months at Liberia's notorious Belle Yella prison, an isolated maximum security prison located deep in the forest of a remote part of Liberia. After five months, they were returned to the Post Stockade for another three months. Pajibo spent another six weeks in solitary confinement there. After nine months in detention, they were released without ever having been charged.

In August 1987, the Acting Secretary General of the opposition Liberian Action Party was dismissed from his position as associate professor at the University of Liberia after the University administration decreed that his political activities were incompatible with his academic responsibilities. The dismissal came after the professor had joined other prominent Liberians in challenging the arguments of a fellow professor, the principal speaker at an official National Day ceremony, who stated that a multi-party government was contrary to African traditions.

In July 1988, the Acting President of LINSU and a prominent member of an opposition party were dismissed from their positions as teaching assistants at the University of Liberia. The University administration claimed that the move was unrelated to the political activities of the two, but no other University employees were dismissed.

In August 1988, President Doe issued Executive Decree Number Two which banned all student political organizations including the Liberian National Students Union. The ban on student politics was later incorporated into the University of Liberia's handbook of rules and regulations. According to one Liberian student interviewed by Africa Watch, the ban had a stultifying effect:

All student activities were prohibited on campus. This included lecture series, newspapers, and the University's Intellectual Discourse Program. The Intellectual Discourse Program was a weekly or biweekly event where students invited professors, judges and cabinet ministers to discuss various topical events.

The students prepared for these discussions and asked plenty of tough questions. People from the community came to these sessions.²³

The ban came in the wake of numerous incidents of student unrest throughout the country, including one in which soldiers shot at demonstrators, killing one school employee and wounding two students. Eleven student leaders at the University of Liberia who signed a leaflet protesting the ban were expelled from the University and charged with disorderly conduct for allegedly fomenting student unrest. The University administration later suspended fourteen more students who were described as ringleaders of the student protests against the ban.

In mid-September 1988, the government detained 21 students for questioning regarding an unexplained explosion on the University campus. The students were arrested in a church meeting with national church leaders who had volunteered to mediate the students' dispute with the government. Most of the 21 students were released shortly after the arrests, but nine of them were held for two weeks without charge before being released.

Although Executive Order Number Two had technically expired, in October 1989 two students were suspended from the University of Liberia and three students were detained without charge or trial for two weeks for attempting to revive a student organization.

In October 1989, Momodu Lavala and two other University students were detained illegally and without charge for two weeks. They were suspected of violating a ban on student political activities imposed by President Doe under Executive Order Number Two. Momodu Lavala and another student had been suspended from the University after they re-established a student political party, citing a 1974 Supreme Court ruling that executive orders lapsed after one year if not ratified by the legislature.

²³ Africa Watch interview in New York with a former Liberian student, September 10, 1990.

MALAWI

In Malawi academic freedom is systematically violated at every level of the educational system from primary school to university. Life-President Kamuzu Banda has been in power since 1964 and exercises iron control not only over political life -- where no challenge is even thinkable - - but also in every aspect of civil society. Malawi has produced many brilliant and able intellectuals but they are spread far and wide, rendering valuable service to foreign universities and international institutions but generally unable to contribute to the life of their own country. Those who remain behind are extremely vulnerable. The head of the university's English Department recently began his third year in detention without trial. Until his release in January 1990, the country's only neurosurgeon had been detained for more than 18 months. A leading economist was the victim of a political assassination some years ago.

The stranglehold on intellectual life results both from the regime's fear of dissent and also from a policy of systematic ethnic discrimination against Malawians of northern origin. It is not always easy to distinguish one from the other.

Many of the roots of the ethnic conflict in Malawi lie in educational policy in colonial Nyasaland. The standard of education provided by the Free Church of Scotland at the Livingstonia mission in northern Malawi was superior to that elsewhere. There emerged in the north a layer of educated Africans ambitious for advancement in the educational system and the civil service. By contrast, the Chewa of the Central Region -- of whom President Banda is a member -- were generally less well educated. Their aspirations at independence were more concerned with the removal of colonial restrictions on agriculture.

The government has not been able to undo the educational advantages enjoyed by the north, and both the civil service and the educational system have remained dominated by northerners. However, Banda has promoted the idea that Chewa culture is synonymous with Malawi. He has been eager to demonstrate that the Chewa constitute a majority of the Malawian population -- a claim which is regarded in serious academic circles as exaggerated and inaccurate. The President ordered the University of Malawi not to use the services of a linguist from the University of London,

Professor Wilfred Whiteley, after he had observed in a report for the University that the number of Chewa speakers was clearly exaggerated in official estimates.

In 1968, Tumbuka, the main northern language, was abolished as an official language and Chewa was made the only national language. The effect of this was that Tumbuka could no longer be used in the press or on the radio, and a school examination in Chewa was compulsory. Chewa, but not Tumbuka, is a medium of instruction in schools.

The north continued to show a superior educational performance. The result was that the educational system was manipulated to the advantage of students from the Central Region. In the late 1960s, the Malawi Examination Board was established to replace the Cambridge Overseas Board which had previously supervised the country's examinations. Also, quotas for secondary school entrance were introduced with the effect that northerners leaving primary school had to obtain higher grades than students from the Central Region if they wished to continue their education. The policy did not work, since there was a higher drop-out rate among southern and central students who were not adequately qualified. At a higher level, the University of Malawi was purged of northern administrators and academic staff, including: John Banda, the university registrar; Peter Mwanza, the principal of Chancellor College; Allan Mtegha, an agricultural economist; Chifipa Gondwe, a historian; and James Chipasula, a political scientist. Some, like Mwanza and Chipasula, were detained, as was Felix Mnthali from the English department whose case is more fully described below.

The latest manipulation of the educational system came in the late 1980s. In September 1987, a quota system was introduced for university admissions. Previously, the north, with about 12 per cent of the population, had accounted for about half of university entrants. Now each district was to receive a guaranteed number of places. This was unpopular with the student body -- not only northerners, but also students from elsewhere, who felt that their academic qualifications would be devalued if they had not been achieved purely on merit. This was one of the main grievances articulated in late 1988 in an issue of the *Chirunga Newsletter*, a magazine produced by students at Chancellor College, part of the University of Malawi. The magazine also criticized encroachment of

political organizations on the university campus. The national women's organization, the CCAM, had organized functions at the university which students had been obliged to attend. There was a complaint that the CCAM had ruined one of the college sports grounds by holding a fair on it. The *Chirunga Newsletter* also criticized a decision not to readmit students who had interrupted their studies for maternity leave. This decision was taken without warning and with retrospective effect. Finally the magazine was critical of the high rates of interest on a student loan scheme, funded out of foreign aid grants. The editor of the *Chirunga Newsletter*, George Chazama, and two of his reporters, were called before the British Vice Chancellor of the University, Dr. John Dubbey, and told that they were suspended for the rest of the academic year. This was confirmed by a letter of January 23, 1989, which stated that the contents of the magazine were "considered prejudicial to the good order of the University" -- a somewhat ironic phrase, since the suspensions then provoked the first ever student demonstration at the University. On February 6, four students -- George Chazama, Peterkins Chinoko, Tasosa Gondwe and Hardy Nyirenda -- were expelled from the University. The expelled students were prevented from getting jobs, and believed that they were under threat of arrest. At least three of them left the country.

In 1988, 10 northerners were removed from the Malawi National Examination Board after an allegation that the chairman, Danton Mkandawire from the northern region, had packed it with northerners in order to influence the results of the Malawi Certificate of Education exams. No evidence was presented for this allegation. Mkandawire was appointed ambassador to Kenya, but told not to take up the appointment while the police investigated whether there was any criminal responsibility. In December 1988, he fled the country. There are now virtually no northerners on the board.

On February 13, 1989, in a speech at Ntcheu, the President alleged that some northerners wanted to secede from Malawi. Banda claimed that northern teachers in schools in the Center and South were teaching deliberately badly to ensure that their students did less well than those from the North. He ordered that all teachers be transferred immediately to schools in their region of origin. The result has been chaos. If the edict were to be fully implemented sections of the educational system would

collapse. For example, three-quarters of the science teachers in schools in the Southern Region are from the North. However, it has nevertheless been implemented to a large degree, with many northern teachers having to return to lower grade jobs -- or unemployment -- in their own region. As with the university quota, the redeployment of teachers is not only unpopular in the North. Students and parents in the Center and South, the supposed beneficiaries of the move, are none too happy to see the consequent decline in the standard of education in their own schools.

These attacks were followed by a wave of sackings, with loss of pension benefits, of senior civil servants from the northern region. Individuals who objected to these purges were arrested and detained without charge. They included Dr. George Mtafu, a neurosurgeon at Queen Elizabeth Hospital in Blantyre, who was only released in January 1991.

Normal intellectual discourse is rendered impossible by the activities of the Malawi Censorship Board which has banned thousands of books, including many important works of literature, history and political science. These, inevitably, are the academic disciplines most affected by censorship and restrictions on free academic inquiry. At a political trial in the 1970s, possession of books on the politics and economics of the Soviet Union was taken as evidence of support for Communism -- scarcely an environment in which the social sciences can flourish. Certain areas are out of bounds for Malawian historians. Politicians who are out of favor have their role in Malawi's independence struggle written out of the books as surely as Stalin deleted all mention of Trotsky and Bukharin. The 1964 Cabinet Crisis, in which Banda eliminated a series of potential rivals from the government, remains closed to any serious investigation.

In the 1970s, a generation of young writers began to meet in the Malawi Writers' Group at Chancellor College. They included Felix Mnthali -- a little older than the others -- Jack Mapanje, Frank Chipasula and Lupenga Mphande. Although the group included journalists and others among its members, it met at the university and was regarded as part of the academic teaching program -- a loophole through which it evaded the attention of the censors. Its significance was more than just literary; with the stringent controls on political activity, it rapidly became the only forum for critical discussion. However, this discussion could not be overt

and many metaphors were developed to refer to the principal characters and issues in Malawian politics.

Despite the degree of immunity conferred upon the Writers' Group members, in 1975, Felix Mnthali was arrested on the very day that he was to have been promoted to a professorship at the university. He was detained for a year at Zomba Central Prison. When he was arrested, police Special Branch officers searched his house and seized some of his collection of classical music on gramophone records. They appear to have chosen those works by Russian composers or featuring Soviet musicians -- presumably for their potentially subversive content. After his release Mnthali had difficulty finding work and eventually left the country. He now teaches in Botswana.

1983 was a watershed in Malawian politics, with the murder of Dick Matenje and Aaron Gadama, leaders of a reformist grouping within the ruling party. Any hopes of peaceful change were fast disappearing. Of the Writers' Group members, Frank Chipasula had already left to teach in the United States. After the murders, Lupenga Mphande did the same and in 1987, Jack Mapanje was arrested.

Jack Mapanje, Head of the Department of English Language and Literature at Chancellor College, was arrested by police at the Gymkhana Club in Zomba on September 25, 1987. Since then he has been detained without charge -- and without any public explanation -- at Mikuyu Prison. For the first 20 months of his incarceration, Mapanje was not allowed visits from his family or friends. Nor has he been allowed to see a priest -- Mapanje is a practicing Roman Catholic.

In the absence of any statement by the government, the precise reasons for his detention are a matter for speculation, although clearly it was Mapanje's writing which upset the authorities. His 1981 collection of poems, *Of Chameleons and Gods*, is banned from circulating in schools and bookshops in Malawi. After his arrest, Mapanje was first taken in handcuffs to the university. The police searched his office and seized various manuscripts, including poems and a paper delivered at a conference in Stockholm in 1986, entitled "Censoring the African Poem: Personal Reflections." This includes an account of his problems with the Malawi Censorship Board. It is likely that the authorities were also concerned about Mapanje's plans to bring out a second volume of poems,

provisionally entitled *Out of Bounds*, and about an invitation for him to take up the post of writer-in-residence at the University of Zimbabwe.

Jack Mapanje was born in Mangochi District in southern Malawi in 1944. He was educated at the University of Malawi and the University of London, where he obtained an M.Phil in the early 1970s and returned to study for a Ph.D in the 1980s. In addition to being a published poet of international reputation, Mapanje is a respected theoretical linguist. He is chairman of the Linguistics Association of SADCC Universities.²⁴ Mapanje has edited two anthologies of African poetry, broadcast for the British Broadcasting Corporation (BBC), and acted as judge in BBC and Commonwealth poetry competitions.

A further illustration of the Kafkaesque nature of the Malawian system and the dreadful plight of Malawian intellectuals is the imprisonment of Blaise Machila. A former colleague of Jack Mapanje's in the English Department at the University, he had a long history of mental illness and had been diagnosed as schizophrenic. After Mapanje's arrest Machila became distressed and began claiming that it was he who had denounced his friend to the authorities. He was admitted as a voluntary patient to a mental hospital in Zomba, where he began to criticize President Banda and other political leaders for Mapanje's arrest. The hospital authorities summoned the police Special Branch. Machila's mental state made him abandon the caution which is usually second nature to Malawians, and he repeated his attacks on the leadership. Machila was discharged from the hospital that night, arrested and taken in leg-irons to Mikuyu Prison. That was in January 1988. Machila was held for three years at Mikuyu Prison in solitary confinement, with his mental health deteriorating. He was reported often to be chained and naked. He was finally released in January 1991.

²⁴ SADCC is the Southern African Development Coordination Conference, an organization which aims to reduce the dependence of the independent countries of the region on South Africa.

NIGERIA

Academic freedom in Nigeria has sharply declined under the last two military regimes, the first of which seized power on December 31, 1983, and was itself overthrown in a coup in August 1985. Under the previous civilian government, which ruled from 1979 to 1983, the universities had started to recover from the effects of earlier military regimes, which had taken over control of the universities and removed staff and students who were critical of the government. Since the military's most recent take-over at the end of 1983, government interference with university life, combined with deep cuts in economic support, has had a devastating effect on education. Many professors have left the country, and those who remain are left to cope with a wide range of government restrictions and the pervasive presence of security agents on campus.

When Ibrahim Babangida seized power in Nigeria on August 27, 1985, the universities, like other civil institutions, were under siege. In 1984, the previous head of government, Major General Muhammadu Buhari, had recently closed five federal universities and all private universities, as well as a number of polytechnical colleges and primary and secondary schools. Federal subsidies for room and board had been abolished, and school fees had been introduced at secondary schools in almost all states.

Shortly before his ouster, Buhari had banned public discussion of the country's political future. Rights of association had been sharply curtailed by military decree. Decree 2 of 1984 allowed for virtually unlimited terms of detention without charge. In the month before the coup, the Nigerian National Police arrested six leaders of the National Association of Nigerian Students (NANS) for holding an unauthorized meeting. Two universities were temporarily closed, and more students arrested, after sympathy demonstrations were held.

Promising Nigerians that the new regime would respect human rights, President Babangida took a number of popular steps, including releasing a number of political prisoners, and lifting restrictions on the press. However, he retained Decree 2 and refused to recognize NANS. Vice-Chancellors (VCs), who were appointed by and answerable to the

government, were allowed to retain nearly total control over their universities. For his Minister of Education, Babangida appointed Professor Jibril Aminu, formerly the Secretary of the Nigerian Education Commission, who was very unpopular with the academic community, in part because of his anti-union policies.

Within a few months of taking office, Babangida announced a national debate on the issue of an International Monetary Fund (IMF) loan. The universities, including the Academic Staff Union of Universities (ASUU), took an active position against the loan.

In May 1986, students at Ahmadu Bello University (ABU), in northern Nigeria, were expelled after demonstrating over various issues, including the alleged corruption of a Vice-Chancellor and poor living conditions on campus. When fellow students on campus demonstrated peacefully in support, members of the Mobile Police Force (popularly called "Kill-and-Go") went on a rampage on campus and killed several students. Many others were injured; a number of female students were raped.

Dr. P.F. Wilmot, a Jamaican national who had lived in Nigeria since 1970 and was teaching at ABU at the time, noted that:

...One [student] was shot in the middle of her forehead when she woke up on the third floor room by a bullet that officially "ricocheted from the pavement."²⁵

Violence erupted throughout the country. All 20 universities and an equal number of polytechnics and colleges rebelled. Students boycotted lectures, burned police stations and attacked government property. Police attacks resulted in more deaths and injuries at the Kaduna Polytechnic, University of Benin and University of Lagos. In response, the Inspector-General of Police closed down more than 20 institutions of higher learning. On the eve of June 4, 1986, when the Nigerian Labor Congress (NLC) had planned a nationwide demonstration in support of the students,

²⁵ P.F. Wilmot, "Homage to Silence."

student leaders and officials of the ASUU were arrested and detained all over the country. NANS was banned.

The government set up the Abisoye Commission to investigate the crisis at ABU. Predictably, the panel exonerated the police and University authorities from wrongdoing. It also laid the groundwork for government dealings with the universities in subsequent years with the following statement:

It was alleged that some teachers who are members of the ASUU in ABU and other universities are not teaching what they are paid to teach. The commission recommends that the Government should critically look into this, and if their role is inimical to the stability of Government, these teachers should be flushed out of the universities.

Decree 16 of 1986, which established the practice of having inspectors come to the universities to inspect course contents, is a direct result of the Panel's recommendations.

The government was not entirely satisfied with the findings of the Abisoye Commission, however, and established the Justice Akambi Panel of Inquiry to investigate the "May 1986 crisis in Nigeria." This time, the ASUU, which had boycotted the Abisoye Commission, cooperated and presented its case before the Nigerian public. The government, however, was determined to control the end results.

Although security agents testified in camera to the effect that ASUU wanted to overthrow the government in May, and that NLC was the party, NANS the young wing and ASUU the intellectual vanguard, they failed to prove their charges before Justice Akambi. Consequently, the panel exonerated the ASUU and even praised it as promoting peace on many campuses. Government is yet to release the full report of the Akambi Panel.²⁶

²⁶ Attahiru M. Jega, "The Academic Staff Union of Universities and the SAP,"

Dr. Pade Badru, who was teaching at the University of Port Harcourt at the time, noted that after the riots, "new" students, who were actually members of the State Security Service (SSS), turned up in classes carrying tape recorders.

On June 27, 1986, President Babangida announced a Structural Adjustment Program (SAP), which incorporated many of the unpopular measures of the IMF loan.

According to Festus Iyayi, then the ASUU president:

In July 1986, the government brought out a decree removing ASUU from the Nigerian Labor Congress.... They also unveiled a policy they called "rationalization." They said that graduates weren't getting jobs and that therefore they needed fewer students to be concentrated on fewer campuses across the country....They were implementing the conditions of the loan. This included dealing with dissent, with mass organizations, silencing them so there would be no opposition to the IMF policies in Nigeria....²⁷

In May 1987, police were deployed to forestall a news conference scheduled by NANS to commemorate the previous year's demonstrations.

The government promulgated Decree 17 in 1987, which empowered:

...a government authority or department to dismiss, remove or compulsorily retire any public officer for any reason ranging from ill-health, age, corruption, or "public interest," and such action cannot be challenged in any court whatsoever.²⁸

Bulletin of Association of Concerned African Scholars (ACAS), No. 28, Fall, 1989.

²⁷ "The Trouble with Babangida," Festus Iyayi, *Index on Censorship*, February 1989.

²⁸ Adewale Maja-Pearce, "The mark of the beast: Nigeria in the year 1989," *Index on Censorship*, September 1989.

In March 1988, Dr. Wilmot (see above) was deported. Although the government accused him of spying for the South African government, it never attempted to bring him to trial, nor did it produce any evidence to substantiate the charges. However, it accused Wilmot, a Marxist, of being a "radical" and of inciting students to "radical activities." Wilmot claims that security forces had ignored his reports of death threats, which he had been receiving since 1987. His deportation came at a time when the government had begun to warn Nigerians against what it called "radical activity." Among the stated reasons for deporting Wilmot was a 250 naira (about \$30) donation to NANS, which, according to the authorities, was to be used to organize demonstrations to bring down the government. The government also cited the activity of "radicals" within NANS as one of the reasons for banning the organization.

In June 1988, the government announced a new salary structure for all sectors of the public service, except university teachers. When their demands for equal pay were ignored, the ASUU called a strike. The government's response to the strike was to ban the ASUU and to detain its president, Festus Iyayi, along with three other ASUU leaders, for one month under Decree 2. When Iyayi was released, he was "retired" from his teaching position at University of Benin under Decree 17, along with Itse Sagay, a law professor, and evicted from University living quarters. According to Attahiru Jega, "Many ASUU branch officials nationwide were ordered to surrender their passports and report daily to the State Security Services."²⁹ It was not until 1990 that the courts found Iyayi's and Sagay's evictions illegal and awarded them compensation. Their substantive suit of wrongful dismissal is, according to the Nigerian Civil Liberties Organisation (CLO), "being stalled by a government appeal on the preliminary question of the jurisdiction of the high court to hear the case."³⁰

²⁹ Jega, *op cit*.

³⁰ The Civil Liberties Organisation (CLO), "The State vs. Academic Freedom," *Liberty*, December 1990.

In May 1989, Minister Aminu announced that all university teachers, like other employees of the government, were forbidden by law from taking part in partisan politics. Teachers were given until the end of May to either withdraw from politics or face official action. Soon after the expiration of the deadline, a circular was dispatched to VCs asking them to monitor the activities of their employees, and compile for scrutiny by the National University Commission a list of teachers who failed to comply with the new regulations. The first victim of the new ruling was Yusuf Bala Usman, a "radical" history teacher at ABU, who was told in the letter retiring him that he was being fired "in the public interest." Usman was reinstated to his position on June 7, 1990, after the decision to retire him was reversed in a Kaduna High Court.

Hundreds of students were arrested in May and June 1989, during nationwide demonstrations and riots against the government's economic policies. Amnesty International reports that although official estimates cite 22 deaths, unofficial sources run as high as 100. Several student leaders were detained without charge. Salihu Mohammed Lukman, president of NANS, was detained without charge for the month of August and released after the High Court ordered the SSS to justify his detention. Two other NANS officials were also arrested, Gbenga Olawepo in September and Gbenga Komolafe in October. They were released later in the year after a second hearing ruled their detentions illegal.

The government originally announced that six universities would remain closed for a year, and that professors, whom the government accused of "apathy" during the demonstrations, would not be paid their salaries for the duration of the closures. Minister Aminu later agreed to reopen the six universities on October 30, 1989, with the caveat that returning students be required to sign a promise of good conduct, and to pay the cost of repairing future damage to the universities.

In December 1989, the government promulgated Student Union Activities (Control and Regulation) Decree 47, according to which any student found guilty of taking part in a demonstration or organizing a protest would be jailed for five years, or fined 50,000 naira (about \$5,000), or both. The law provides for a special tribunal to try suspects. It also empowers heads of institutions of higher learning to dissolve and proscribe

any student union or association which they deem is not in the "interests of society." A student may be expelled for belonging to any proscribed organization.

In January 1990, the Congregation Committee on Victimization at ABU released a report. The Committee was established in October 1988 to investigate:

a series of numerous and persistent complaints and petitions by members of staff against what they consider to be academic, ideological, administrative and political victimization in the University.

The report detailed numerous instances of harassment, including dismissal, denial of promotions, visits from the SSS, burglary, threats, and assaults. The report argues that:

...the main cause of victimization has been the development over time of academic intolerance and sycophancy which have now gripped the University in the last decade. This academic intolerance is further translated into intellectual terrorism, ideological thuggery, political vindictiveness, administrative high handedness, corrupt and authoritarian culture that now pervade the university.

In March 1990, the government announced that it had negotiated a \$120 million World Bank loan for the 21 federal universities. The announcement set off widespread protests by students, faculty and staff, who saw the loan as an extension of the hated SAP and a ploy by Western governments to take over the universities. Protesters decried the conditions of the loan, which included cutbacks in staff and courses, the phasing out of some departments and increases in fees. Authorities closed ABU on April 2, and called in police to remove protesting students from the campus; the University reopened on May 18. The chairman of the Joint Action Committee (JAC) against the loan, Bashir Usman Kurfik, was

detained in the National Security Office.³¹ Similarly, Malam Bashir Kunfi was questioned seven times within two weeks by the University Council, registrar and VC.³² Protests also occurred at other universities. At the Polytechnic Ibadan, students defied an order to go home until armed troops were called in. Officials were angered by the decision of the students to invite Chief Gani Fawehinmi, a well-known lawyer and government critic, to speak at campus. As a result, they dissolved the Students' Union Executive Council and closed the University on April 8, the day after Fawehinmi's appearance. Obafemi Awolowo University (OAU), Ile Ife was closed on April 17, after students clashed with police at the University gate in a protest over the loan. Police reportedly fired rubber bullets and some students threw petrol bombs at police. The CLO reported that four students and eight policemen were wounded and 59 persons arrested. A national conference on the World Bank Loan was held at OAU on April 21. Included in the resolutions adopted by the conference was the statement that acceptance of the loan "amounts to the surrender of our rights and responsibilities to determine the direction and pace of our development and self-reliance."³³

An aborted military coup on April 22, 1990, put an end to the demonstrations. In the wake of the coup, the government arrested and detained hundreds of civilians, including a number of outspoken academics, regardless of the lack of any evidence linking them to the coup plot. Two lecturers from OAU were arrested on May 2 and held without charge at SSS headquarters in Lagos until August 1. They had actively opposed the \$120 million World Bank loan:

³¹ Sabo Bako, "Education and Adjustment in Africa: The Conditionality and Resistance Against the World Bank Loan for Nigerian Universities," presented at the Symposium on Academic Freedom, Research and the Social Responsibility of the Intellectual in Africa, November 26-29, 1990, Kampala, Uganda.

³² Ibid.

³³ Sabo Bako, *op. cit.*

- * Dr. Idowu Awopetu;
- * Professor Toyé Olorode.

Three other lecturers from OAU were declared wanted:

- * Dr. G.S. Darah;
- * Dr. Oladipo Fashina; and
- * Dr. Osoba.

Others who were singled out included:

- * Professor Obaro Ikime, professor of history at the University of Ibadan, arrested April 28, 1990, and held under Decree 2 until August 1, 1990, for soliciting prayers for the stability of Nigeria after the coup;
- * Kayode Adebisi, a secondary school teacher was arrested on May 9, 1990, and, to our knowledge, is still in detention under Decree 2 for possessing a receipt booklet of the Gani Fawehinmi Solidarity Fund, its constitution and membership form.

Dr. Badru (see above) reported that on April 23, 1990, the day after the coup, security agents who were unable to find Julius Ihonvbere, a University of Port Harcourt teacher, arrested his wife and one-year-old son. Dr. Ihonvbere then turned himself in and was detained for one week, after which he and his family fled the country.

The Committee for the Defense of Human Rights compiled the following list of students who were arrested after the coup:

- * Kunle Oni, student at OAU, arrested on April 23, 1990, and held incommunicado for 18 days, then released without charge;

- * Demola Laosebiken, student at OAU, arrested on April 23, 1990, and held without charge at SSS headquarters in Lagos, released May 15, 1990;
- * Six officials of NANS and seven other student union leaders from various universities were arrested by the police at the Ondo State College of Education Ikere-Ekiti on July 3, 1990, and detained without charge for two days at the Akure Police Headquarters; they had gone to speak to the College Provost about reinstating six suspended student union leaders;
- * Eleven students from the Universities of Ibadan and Ife were arrested, and some of them beaten, interrogated and detained for six hours, then sent back to Ibadan; they were on their way to deliver a protest letter to the Minister of Justice;
- * Some 13 NANS student union leaders on their way to the Ministry of Justice were arrested by the police on July 12, 1990, and detained briefly at Lion Building, Lagos;
- * On July 13, 1990, police at the Ibadan Toll gate were stopping all vehicles and demanding identification from all passengers; an OAU student who was in one of the vehicles was told that police had orders to prevent OAU students from traveling to Lagos.

In a December 1990 article,³⁴ the CLO published the following list of recent abuses against students:

- * Six students from the University of Lagos, most of them final year students, were sent back to their towns in a retroactive punishment for their earlier protests of rigged union elections;

³⁴ CLO, *op. cit.*

- * Thirteen students of Adeyemi College of Education, Ondo, were either expelled or suspended for protesting the conditions at their school;
- * Five students at Rivers State University of Science and Technology and seven students at Ondo State College of Education were suspended for their involvement in the commemoration of the tenth anniversary of NANS;

In an August 27, 1990 address to the nation on the occasion of his fifth anniversary of assuming power, President Babangida unbanned the ASUU on the basis that "universities can, and indeed should, make positive contribution to the emergence of a new sociopolitical order." However, the President warned that:

Government will not hesitate to deal with individuals and groups who attempt to use our universities as launching pads to foment troubles and subversion and to destabilize the program of transition to civil rule.

ASUU members expressed reservations about the lifting of the ban, however, because the issue which led to the ban in 1988 -- the 20 percent difference in salary scale between universities and civil service -- remains to be addressed.³⁵

Just a few days after President Babangida's speech, on August 31, 1990, Professor Aliyu Babatunde Fafunwa, Nigerian Education Minister, issued letters requesting that three of the academics noted above, Awopetu, Ikime and Olorode, detained for several months after the coup attempt, retire from university, effective September 1, 1990, on the grounds that "further or continued employment in the relevant service would not be in public interest." Olorode and Awopetu had gone to court to force the government to compensate them for their unlawful detention.

³⁵ *West Africa*, September 10-16, 1990.

According to a report by the CLO, the authorities of OAU have already complied with a court injunction reinstating Olorode and Awopetu pending the outcome of their court case, which, judging from similar cases, is unlikely to be decided for some time.³⁶

Nigeria is scheduled to become a civilian state in 1992. The government claims that in order to ensure this evolution, it is necessary to control "carefully" the program of transition to civilian rule. However, judging from its performance in respecting academic freedom it is doubtful that what will emerge from the transition program will, in fact, be a democratic system. Dr. Wilmot notes:

...Under Babangida the once healthy universities are now eerily silent. And the regime considers this one of its most splendid triumphs, a noble victory of machine gun over pen.³⁷

³⁶ CLO, *op. cit.*

³⁷ Wilmot, *op cit.*

SOUTH AFRICA

As with all aspects of human rights violations in South Africa, academic freedom has been shaped by the impact of apartheid on university education and the formidable array of security legislation at the disposal of the white minority regime. This, together with the role that students and many members of the academic community have played in opposing apartheid, have led to numerous abuses against the academic community.

In South Africa, apartheid has drastically limited the educational opportunities available for black students -- or in the official apartheid terminology, Africans, Coloureds and Indians. It has also distorted the teaching of history and the social sciences in a way that denies the history, culture and political role of the country's black majority.

The intellectual climate necessary for free inquiry has been severely restricted by statutes and various regulations. These impose severe penalties for initiatives designed to bring about social and political change that the authorities regard as "subversive." Because the distinction between incitement and free discussion is very tenuous in South Africa, and because of the many censorship laws inhibiting scholarly research, South Africa's legislation, until the recent political opening, has served to preclude open inquiry and discussion on campus.

The Impact of Apartheid Legislation

Segregation in education has been a cornerstone of the doctrine of white domination and it has been the policy of the National Party to maintain a separate and inferior system of education for black people. In 1953, Dr. Hendrik Verwoerd, then the Minister of Native Affairs (and a future Prime Minister), introduced "Bantu education." It was designed to prepare black children for the menial role designed for them by the apartheid system. The policy of racial division has been maintained at all levels of the educational system. The great discrepancy in per capita expenditure on the education of blacks and whites has meant a substantially inferior education for African children. Dissatisfaction with the nature of "Bantu education" triggered the 1976 demonstrations in

Soweto. The immediate focus of anger was the use of Afrikaans, seen by Africans as a language of oppression, as the means of instruction. As the boycotts continued, the demonstrators expressed a wide range of grievances concerning the entire policy of Bantu education and other aspects of apartheid.

Before 1959, the University of Cape Town, the University of the Witwatersrand and the University of Natal admitted students on the basis of academic merit without regard to race or ethnic background. They became known as "open universities." However, classes at the University of Natal remained segregated and at the University of Cape Town, while academic activities were integrated, social activities were not. The admission policy of the open universities infuriated the authorities. In 1957, the National Party government made clear its intention to apply the principle of racial separation to university education. In response, faculty members at the open universities published a 47-page booklet entitled *The Open Universities in South Africa* in which they declared their opposition to the government's policy. In 1959, the regime passed the Extension of University Education Act. The Act excluded blacks from the open universities except for those individuals granted special permission. The Act was pushed through Parliament in the face of bitter opposition: when the Extension Act was debated, students from the open universities demonstrated outside Parliament and members of these institutions publicly committed themselves to continue to defend the ideal of the open university.⁵⁰

The Extension Act also authorized the establishment of separate universities exclusively "for Bantu persons." At the time the Act was passed, the University College of Fort Hare was open to African, Coloured and Asian students. The University College of Fort Hare Transfer Act was passed shortly after the Extension of University Education Act. Fort Hare was placed directly under the Department of Bantu Education and was limited to admitting Xhosa-speaking students, except for those students

⁵⁰ *South Africa and Academic Freedom*, published by the Academic Freedom Committees of The University of Cape Town and The University of the Witwatersrand, p. 9.

who had received special permission. Permission would be granted only if the student could show that a desired course, which was not available at Fort Hare, was being offered at a white university. Four other "tribal colleges" for Zulu, Sotho-Tswana, Indian and Coloured students were established along similar lines. Members of the open universities and the students and faculty of Fort Hare objected to the establishment of these colleges because of the requirement that members of each ethnic group had to attend the college designated for their group.

Furthermore, by being directly under the Department of Bantu Education, the faculty members at Fort Hare, who had enjoyed the academic freedom permitted at other universities, became comparable in status to school teachers or civil servants; academic freedom was dramatically curtailed and faculty members were precluded from taking part in any political activity. This led to the resignation of a number of prominent African academics.

National Party policy sought to create a system whereby white and black universities were governed and financed differently. The white institutions were designed to be relatively autonomous entities functioning under the Ministry of National Education. The institutions were established by an act of Parliament and because of the relative autonomy of their governing University Councils as specified in the legislation, the white universities had some independence from the state. The University Councils of the black universities, composed of a higher percentage of state nominees, did not enjoy such autonomy. Furthermore, these institutions -- depending on the ethnic group involved -- came under the control of the Ministries of Bantu Education, Coloured Relations, or Indian Affairs. These arrangements have changed over the years. The University of the Western Cape, an institution intended for Coloureds, took the lead in asserting a status of autonomy similar to that enjoyed by the "white universities." Similar transformations have occurred at Fort Hare and the University of Durban-Westville. With regard to the universities in the nominally independent homelands, they remain under the control of the individual homeland ministries.

In practice, the system requiring special permission to attend an institution not designated for one's ethnic group, which proved to be administratively unmanageable, is no longer in effect and black attendance

at the so-called "white universities" has grown dramatically. In 1988, of a total of 40,318 students at the four English-language universities, 10% were African, 5% Coloured, 6% Indian and 79% white. The five Afrikaans-language universities had 3% African, Coloured and Indian students out of a total enrollment of 63,726. The University of Port Elizabeth, a dual language university, had 11% African, Chinese, Coloured and Indian students out of a total enrollment of 4,522. At the University of Durban-Westville, intended for Indians, 30% were African, Coloured or white out of a total enrollment of 6,734 with the remainder being Indian. The six African universities (excluding Bophuthatswana and Transkei) had 2% Coloured, Indian and white students out of a total enrollment of 44,489. Of the students at the University of the Western Cape, 17% were African, Indian and white, the remainder being Coloured.⁵¹

The Security Laws

When the National Party came to power in 1948, it added to and greatly extended restrictions on freedom of speech, movement, association, and the press. It enacted a number of repressive statutes -- including the Suppression of Communism Act of 1950, the Criminal Law Amendment Act of 1953, the Terrorism Act of 1967, the Internal Security Act of 1982 and the Public Safety Act of 1953 and the various emergency regulations issued pursuant to it. In 1982, the Suppression of Communism Act, the Criminal Law Amendment Act, and the Terrorism Act were repealed and consolidated into the Internal Security Act 74 of 1982. While these acts were aimed at the public at large, they dramatically restricted academic freedom.

Faculty members as well as students have been silenced by "banning orders" issued under the Suppression of Communism Act, and after 1982, the Internal Security Act. Students have been detained without charge or trial for lengthy periods. According to a publication of the open

⁵¹ Institute of Race Relations, *Race Relations Survey 1988/89*, p. 300. These figures are considered to be conservative by knowledgeable sources.

universities, this "resulted in an understandable reluctance on the part of students and staff to enter into a free debate on the need for and methods of bringing about peaceful social change in South Africa -- which should be seen as one of the primary functions of a university."⁵²

The South African government has utilized other powers to harass academics. In 1970, Dr. B. van Niekerk of the Law School of the University of the Witwatersrand, was prosecuted for contempt of court because of an article he had published in the *South African Law Journal* in which he discussed the racial factor in the imposition of the death penalty. Scholars and students have also been affected by censorship. Under the Publications Act 32 of 1974, which repealed and replaced the Publications and Entertainment Act of 1963, committees are empowered to ban publications and films which are deemed to be "undesirable:" "undesirable" includes any matter which is "prejudicial to the safety of the state, the general welfare or the peace and good order." The usual effect of a finding of "undesirability" is that the publication may not be distributed. However, in extreme cases even mere possession of a publication may be prohibited. According to one South African academic associated with the University of the Witwatersrand, as a result of the Publications Control Act, librarians were required to lock away books whose distribution was prohibited and ministerial permission was needed to use them. With regard to the books that were considered so offensive that mere possession constituted a criminal offense, the libraries were not allowed to keep them.⁵³ Over the years, thousands of books have been banned according to one or another of the Publications Act's classifications.

Several academics, such as Edward Roux, Professor of Botany at the University of the Witwatersrand, and H.J. Simons, Associate Professor of Comparative and African Government and Law at the University of Cape Town, were excluded from teaching and conducting research under the Suppression of Communism Act.

The state has also restricted contact with foreign academic communities

⁵² *The Open Universities*, published by the Academic Freedom Committee, p. 26.

⁵³ Africa Watch interview with a South African academic January 18, 1991.

by denying South African academics, who opposed apartheid, passports to travel and work abroad. In addition, for decades the government denied visas to critical foreign academics. Today, these restrictions have eased but visas are still withheld in an arbitrary fashion from those who have spoken out against the regime.

Police Violence and State Interference on the Campuses

Over the years, a number of universities have been centers of opposition to apartheid and government policies. This dates back to the protests on the campuses of the open universities against the Extension of Education Act in 1959. During the 1980s, there were frequent police raids directed against student activities. While the specific incidents are too numerous to detail, the following types of events were frequent throughout the eighties especially in the case of black universities:

- * police raids on student hostels and dormitories;
- * security police paying students to inform on lecturers and classroom discussion;
- * police attacks on mass student meetings;
- * police attacks against demonstrators protesting the state of emergency;
- * occupation of campuses by troops for extended periods of time;
- * closure of universities following student protests;
- * banning of student organizations;
- * indefinite detention without charge or trial of students and academics.

Some of the specific cases which constitute serious human rights abuses in the 1980s include the following:

- * In 1986, the South African Defence Force (SADF) was called by university authorities onto the campus of the University of the North, Turfloop, outside Pietersburg in the northern Transvaal. Turfloop had been a center of dissent since 1972 when Student Representative Council (SRC) President Ongkopotse Abram Tiro spoke critically of Bantu Education at a graduation ceremony. He was subsequently expelled and this triggered a wave of protests and lecture boycotts at black campuses across the country. Tiro was later assassinated in Botswana.

There was a 24 hour presence of police and soldiers on campus which was patrolled day and night. The SRC, whose members had been previously arrested, was not reinstituted. The clampdown on the campus was reported to be so tight that even the mildest social events were heavily monitored by the Lebowa homeland police or the SADF. Students were issued special passes which they were required to carry with them at all times. The security forces regularly inspected notice boards and destroyed material they did not like. According to one student, "How can we learn anything when we are virtually in an operational zone? Soldiers have taken over the sports field. They have pitched tents there and the dressing rooms at the stadium have been converted into sleeping quarters. There is even a detention cell in that camp."⁵⁴ Three hundred politically active students were denied re-admission when the academic term began. The occupation was widely condemned by student groups across the country.

- * In May 1987, 3,000 students at the University of the Witwatersrand attended a meeting that was called to protest the national elections scheduled in May. Winnie Mandela was to be

⁵⁴ "As the soldiers camp on the sports field, protest by Turfloop students is kept firmly in check," *The Star*, November 8, 1987.

the keynote speaker. The meeting was convened by the South African National Students' Congress and the National Union of South African Students. Police moved in to enforce an order issued by Johannesburg's Chief Assistant Magistrate banning the meeting. The order was handed to student leaders as the meeting got underway and hundreds of police surrounded the gathering. Students left the university lawns peacefully for a sports building where they intended to hold an indoor gathering. Police then poured onto the lawn brandishing sjamboks. They followed the students into the hall and began making random arrests. The police then charged hundreds of other students who had gathered nearby. Later that afternoon, when scores of lecturers clad in academic dress joined a group of over a thousand students, the police fired teargas directly into the group as they listened to speeches and sang freedom songs. The lecturers then formed a human chain in an effort to protect the students from further police action. In response, the police fired even more teargas at the academics who eventually fled, choking, into the University buildings. Over 120 students were arrested. Thirty-one were treated on the campus for injuries.

As a result, the officers of the University of the Witwatersrand decided to close the university, in the words of a University Senate statement, as a "silent and solemn protest against all deeds that endanger the physical safety of its members, and at the violation by the public authority and the police of its integrity."⁵⁵

- * The University of Bophuthatswana (UNIBO) was closed down in February 1988 after an attempted coup against Bophuthatswana's President, Chief Lucas Mangope, failed. Three staff members were suspended and arrested by the police, 750 students were evicted from their hostels and the university was closed indefinitely. Students living in campus residences

⁵⁵ "Four varsities close to protest campus clashes," *The Herald*, May 6, 1987.

were given one hour to leave the hostels. A large police contingent, armed with machine guns and sjamboks, came onto the campus. Scores of students -- many of them from outside Bophuthatswana -- were stranded with their luggage.⁵⁶

In June, the University administration re-opened the residences on "a trial basis". On September 28, the hostels were closed again following several days of demonstrations and lecture boycotts provoked by rules that required students to wear registration cards. Several students were arrested and one was injured when police fired live ammunition and rubber bullets at stone-throwing students who were protesting the closure of the hostels. The newly elected SRC led a boycott of classes which it vowed to continue until its demands were met. In mid-October, 123 UNIBO students appeared in court on charges of violating the Bophuthatswana Internal Security Act of 1979. These charges arose from an incident the day before when police armed with batons and sjamboks chased 200 student demonstrators through the campus. The University Council then asked the police to patrol the campus for three weeks, allegedly to prevent intimidation of those students who wanted to attend classes. On October 25, the University's Vice-Chancellor declared that all lectures were compulsory and failure to attend could lead to students being banned from examinations. The SRC protested that it was unfair and impractical to make students who had nowhere to live, sit for examinations. Subsequently, the students won a court decision to have the hostels re-opened; the court rejected their application to postpone exams.

- * On May 1, 1989, David Webster, a senior lecturer in social anthropology at the University of the Witwatersrand, was assassinated outside his home in suburban Johannesburg. He

⁵⁶ Institute of Race Relations, *Race Relations Survey 1988/89*, p. 303.

was killed by a shotgun blast fired from a passing automobile. Webster had played a key role in the work of the Detainee's Parents Support Committee (DPSC) which monitored and publicized the situation of thousands of detainees held without charge or trial. The DPSC was banned in 1988. Shortly before his murder he published a paper dealing with extralegal forms of repression in South Africa, including political assassinations. In this article he stated that "[a]ssassinations have the effect of controlling government opposition when all other methods, such as detention or intimidation, have failed. It is a very rare event indeed when such assassinations are ever solved."⁵⁷ It is widely believed that the Civil Co-operation Bureau, a secret wing of the SADF, which has admitted involvement in acts of sabotage and attempted murder, was responsible for Webster's murder.

Attempts to Cut University Subsidies

In an effort to control student activism, the long-established universities were put under severe pressure. In September 1987, the government announced that it was prepared to withdraw its funding of these institutions -- which amounted to some 80% of their money -- unless its wishes were carried out.⁵⁸ The government sought to make university subsidies dependent on "effective measures to maintain good order and discipline", as defined by the government. In essence, the government was attempting to co-opt the university administration into policing the campuses.

The National Union of South African Students and the South African Students National Congress declared that these conditions would

⁵⁷ "Repression and the State of Emergency, June 1987-March 1989," David Webster and Maggie Friedman.

⁵⁸ International Commission of Jurists, *South Africa: Human Rights and the Rule of Law*, p. 44.

effectively suppress any anti-apartheid activity or organization on campus, curtail academic freedom and transform university administrations into police agents. In January 1988, Dr. Stuart Saunders, Vice-Chancellor of the University of Cape Town, stated that these measures "would curb freedom of expression, dissent, and the ability to express that dissent."⁵⁹ Professor Jakes Gerwel, rector of the University of the Western Cape, issued a similar statement. A number of universities took the government to court to prevent the cutbacks.

In response to a suit filed by the University of Capetown, the Cape Provincial Division of the Supreme Court declared the subsidy conditions to be invalid. F.W. de Klerk, Minister of Education at the time, announced that the government was, nevertheless, going to pursue its objectives in setting out the subsidy preconditions. He argued that the courts had ruled against the government's methods but not its goals and that the unrest had not "abated sufficiently" at certain universities for the government to leave the universities alone. In February 1988, the government, spurred on in part by an overall economic downturn, announced that it was making substantial cuts in the subsidies to all residential universities. The reductions ranged from 20% to 29%. This was the first time that cutbacks were not uniform. The University of the Witwatersrand and the University of the Western Cape were the hardest hit. A cut of 25% was imposed on the University of Natal. In March 1988, the Committee of University Principals (CUP) met with F.W. de Klerk to discuss "the general despondency aroused by the sheer size of the cutbacks, the delay in announcing them and the differentiation between universities."⁶⁰ In May 1988, the government backed down from unilaterally imposing its subsidy preconditions on the universities.

The opening up of the political process in 1990 has inevitably affected conditions on the campuses. According to a longtime observer of South African politics, the impact has been dramatic:

⁵⁹ *The Star* quoted in Race Relations Survey 1988/89, p. 293.

⁶⁰ South African Institute of Race Relations, *Race Relations Survey 1988/89*, p. 296.

In the last few years there have been indications of an improving climate on the campuses. The appointment of Jakes Gerwel, an academic openly supportive of "the left," as the rector of the University of the Western Cape in 1987, demonstrated the government's willingness to allow a wide diversity of political orientation in university administration. With the unbanning of seventeen organizations -- including the African National Congress and the South African Communist Party -- and the release of many political prisoners in February 1990, there has been an explosion of vigorous political debate in the country and on the campuses. A steady succession of meetings and conferences -- many of them on campus -- have taken place. This has brought people together who range across a wide political spectrum. Academics who were in exile and banned have now begun to return. Furthermore, censorship has been very much liberalized. The list of books that have been banned has been steadily revised. At the same time, the government still retains considerable security powers that can affect the campuses.⁶¹

Nevertheless, the state continues to use its repressive powers against the academic community. For example, on September 20, 1990 the deputy Vice-Chancellor of the University of Witwatersrand, Professor Mervyn Shear, was shot in the back with a rubber bullet when police fired on a march by 200 students. The students had planned to march to the Hillbrow Police Station but permission for the march was denied.⁶² The potential for violent police action against faculty and university students is still a reality in South Africa, the reforms mentioned above notwithstanding. The future prospects for the academic community depend upon the many uncertainties of transition to a new South Africa.

⁶¹ Africa Watch interview with Thomas Karis October 14, 1990.

⁶² *The Star*, September 20, 1990.

SOMALIA

In late January, 1991, after more than two months of intense fighting in the capital, rebels led by the United Somalia Congress (USC) forced President Mohamed Siad Barre to flee the country. On January 29, the USC announced the appointment of Ali Mahdi Mohamed as interim president, and Mahdi Mohamed promptly appealed to the international community for food and medical aid to help rebuild the devastated nation. However, at the time of this writing, it remains uncertain whether Somalia's other main opposition movements will acknowledge the validity of Mahdi Mohamed's appointment and the interim cabinet he announced.

What cannot be doubted, though, are the tremendous difficulties which will face any government attempting to rebuild Somalia. The number of deaths in the recent battle in Mogadishu may never be known. Among many other indiscriminate attacks upon civilians, in the weeks before their departure Barre's forces are known to have indiscriminately shelled the city from the presidential palace. A doctor in the capital at the time estimated that an average of 150 wounded and 20 to 30 dead were brought to his hospital every day for almost a month.³⁸ The restoration of academic freedom, destroyed in the course of 21 years of Siad Barre's intolerant rule, will be among the many challenges facing the Somali people.

Soon after the regime of President Mohamed Siad Barre seized power in October 1969, it announced its intention to wipe the political slate clean and create a "new" society based on the ideology of "scientific socialism." This involved a radical transformation of a conservative muslim country with no industrial base and no history of a class system. Essential to this far-reaching program was the need to dismantle the existing educational system and to ensure that every source of information was under the direct control of the government. There was no place for academic freedom in the government's scheme.

In the two decades that it was in power, the government succeeded in

³⁸ "In Somalia, Graves and Devastation," *The New York Times*, January 30, 1991.

its objectives and the results were dramatic. Radio and television stations are owned and controlled by the government; there are no independent newspapers; the importation of foreign newspapers and books was monitored and limitations on visas for foreign correspondents hampered international awareness of human rights abuses. Cassettes, which are an important means of communication both within the country and with the large Somali diaspora, were routinely vetted by various intelligence agencies. Censorship was rife and all aspects of cultural life were subject to crippling restrictions. An informer-ridden security apparatus discouraged free discussion at the workplace, in educational institutions and in public fora.

However, it is schools and the university which felt the intolerance of dissent more strongly than any other institutions. The educational system was used as a political weapon, a focus of the government's efforts to revolutionize Somali society and to establish control over it. In spite of the enormity of the problems facing the country, many Somalis believe that in the longterm, the destruction of Somalia's educational structure will perhaps be the most disastrous legacy of President Barre's rule.

Unrelenting hostility to intellectuals was a central feature of the government's socialist rhetoric. The greatest mistrust was reserved for western educated intellectuals, who were regarded as insufficiently enthusiastic about scientific socialism. The government sought to use intellectuals to build its national and international credibility, but those who questioned its stated ideology were marginalized. The organs of the state, especially the principal intelligence agency, the National Security Service (NSS), the Victory Pioneers, a uniformed militia, and orientation centers, at which political indoctrination classes were held, were especially vigilant against professionals and intellectuals.

Somalia has one university. Known as the National University, it consists of 13 faculties which are located either in Mogadishu or in the vicinity of Afgoye, 22 kilometers from Mogadishu. What is now the University originally consisted of the National Teachers Educational Center (NTEC), which has become the Faculty of Education, and the institutes of Law and Economics in central Mogadishu. NTEC had been affiliated with the University of Michigan. All the other faculties were set

up by 1973.

The University is entirely a government institution and its policies have reflected the government's political interests. Many former students and academics emphasized the extent to which the University was politicized. Former President Siad Barre was the Chancellor of the University, and he was closely involved with senior appointments. The last three Deans of the Faculty of Agriculture were members of the President's own clan, the Marehan, and were close to the President. Deans of the faculties are nominated by the Minister of Education, who for the past six years was the President's son-in-law, Abdullahi Mohammed Mirreh. Decisions are taken in consultation with the Rector, who again, for the last six years, was Abdi Farah, a member of the President's clan. This ensured that decisions affecting the University, including appointments and promotions, became essentially a "family affair."

Representatives of the former ruling party, the Somali Socialist Revolutionary Party (SRSP), were assigned to every faculty in the University, to research institutes and other institutions of higher learning, where they acted as political commissars. They liaised with the representative of the party to the University who reported directly to President Barre, the Secretary-General of the SRSP. Their task was to ensure that classes in socialism were taught and attended regularly, to plant informers throughout the University, to encourage participation in the celebrations that commemorated the October coup, and most importantly of all, to discourage anti-government debates and activities.

Education at every level was revolutionized after Somali was introduced as the official language of the country and the medium of instruction at primary, intermediate and secondary schools in 1972. At university level, however, education was to be in Italian or English.³⁹ Students who had completed their studies in Somali were now expected to undergo a six month "crash" course in Italian or English, which inevitably led to a decline in educational standards. Law and economics were

³⁹ Italian and English are the legacy of the fact that until independence in 1960, the south of the country had been colonised by Italy and the north by Britain.

already in Italian since these faculties predated the university. In 1972, it was decided that the other science faculties, including Agriculture, Engineering and Chemistry, should also be in Italian. Only the Faculty of Education, known as Lafole, would continue in English. The connection with the University of Michigan had facilitated material support and meant that the staff were composed largely of Western educated Somalis, making it suspect in the eyes of the government. Predictably, Lafole had the worst relations with the government.

The introduction of Somali had other important consequences for the University. The government packed the University with party cadres who "graduated" from orientation centers and the Office of Propaganda, as well as soldiers who only had a smattering of Italian or English. Professionals and intellectuals became increasingly irrelevant and the government attached less and less importance to the University. Experienced people fluent in English were used primarily as interpreters when foreign delegations visited the country. Throughout the 1970s, independent contact with Westerners, particularly with Americans, was actively discouraged and severely punished.

The government's thinking was that as long as someone could write in any language, neither an extended education nor experience were required. This destroyed the country's administration and reduced links with the outside world. The lack of adequate resources also debilitated educational institutions. Only a minute percentage of the national budget was devoted to education, in sharp contrast to the expenditure on defense. While the quality of education declined, the number of students grew dramatically.

The first demonstrations against the new regime in 1970 were organized by students, sharpening the government's hostility towards the academic community. The confrontation was over the administration's decision to cut off a small stipend that students had been allocated. From the start, the government made it clear that it would use brute force to quell disturbances at the University. The army was called in to crush the demonstrations. Twelve students were arrested. In April 1989, University students staged a demonstration to protest a new exam system which the government had imposed without even consulting faculty staff. Two students were killed, eight were wounded and 24 were detained for four

weeks.

The University has never enjoyed any degree of academic freedom. The government's determination to impose its political program on the University made that a foregone conclusion. The requirement that students participate in the military parade which commemorated the October coup was one source of tension. The parade required an intensive three week training period during which classes were suspended. At the same time, students were expected to sit for their final year exams immediately after the parade. In 1977, six students from the Faculty of Medicine were expelled after they failed to take part in the parade. After six months, they were readmitted on the President's orders, and had to repeat a year. They included Ibrahim Haybeh, Abdirisaq Sayeed Hussein, Mohammed Abdirahman Jibril and Mohammed Ahmed Nallaleh. Many others were expelled or suspended for the same offence.

Compulsory classes in socialism were another source of conflict. Students who refused to attend were detained for weeks or even months, and subsequently dismissed, either on the basis that they opposed socialism or that they were fundamentalists. In the mid 1970s, Mohammed "Kariya", a student in the Faculty of Education, was expelled after he refused to attend a class in socialism. He was apparently given an hour in which to leave the campus grounds.

Academics and students reported numerous incidents to Africa Watch which underline the government's denial of academic freedom and its political interference with the university:

- * In November 1977, following Moscow's decision to switch alliances and support Ethiopia instead of Somalia over the Ogaden war, Soviet advisors and technicians were expelled from Somalia. There were massive demonstrations in support of the government's decision. Some University students were accused of being "over-enthusiastic" about the expulsions and using the celebrations as a cover to reject socialism. Some of the students were arrested and detained for eight months. They included Ahmed Sheikh Adan "Ko-Daddy," Mohammed Abdullahi Yusuf and Fouad Omar Dualeh. They were beaten savagely in

detention and subsequently expelled.

- * In 1979, a group of 12 lecturers who taught at the Faculties of Veterinary Sciences, Agriculture, Medicine, Geology, Engineering and Chemistry were awarded scholarships in the U.S. After all the formalities had been completed, they were suddenly informed that they could not go. President Barre stated that there was a risk they would come back with an "Anglo-Saxon" mentality and since all these faculties taught in Italian, this would be inappropriate. Some of them were subsequently sent to China and Italy.
- * M.M. Nur was Dean of the Faculty of Economics when in 1980, he was dismissed from the University on the grounds that he opposed the introduction of Somali as the medium of instruction. He had apparently merely cautioned about the dangers of the government's haste in introducing Somali. Independent observers believe that the real motive was the animosity of the party representative at the University, Mohamed Hashi Egal, whose wife had failed the examinations at the faculty.
- * Mohamed Dahir Haji Abdillahi was Dean of the Faculty of Economics and a specialist in agricultural economics. He was dismissed from the University in 1984 because he was regarded as too critical of the government's economic policies. Subsequently, in 1986, he was dismissed as a crop production expert with the government. He was asked to evaluate a number of government-owned farms which the government wanted to privatize. The beneficiaries were businessmen close to the government and it was therefore necessary to ensure low prices. His "offense" was to give estimates that the government found too high.
- * In 1987, Dr. Sahra Mohamoud Nur, a lecturer at the Faculty of

Languages, was expelled after eight years of service. The Rector accused her of failing pro-government students. She was reinstated after six months and then expelled permanently.

- * In 1988, Mohamed Yusuf Khalif, a lecturer at the Faculty of Economics, and a group of other Hawiye lecturers were refused permission to go to Italy for a Ph.D program on the grounds that they were too "outspoken."
- * In January 1989, Abukar Hassan Yare, a lecturer in the Faculty of Law was arrested after he was discovered photocopying an Amnesty International report on Somalia. In addition, he was known as a critic of the government's desire to improve relations with the United States, criticism which had irritated the authorities.

The extent of the government's interference with the University inevitably took a toll on the quality of education. According to one former student interviewed in October 1990:

When the exam results are published, you will see that perhaps only 25 students passed the exams. When the term begins, you find there are 70 students in the class. There is a second secret list known as the "Black Market" list. Some of the "extra seats" have actually been sold and some are allocated to the relatives of senior government officials. Others are given to party cadres who have no academic qualifications, and include many of those who failed the exams and many who never sat for the exams in the first place.

Of course, the fact that the university has become so politicized affects standards. Now that the student body is largely pro-government, the exams are not so strict. In the past, there were strict rules about expulsion of students who failed to achieve the necessary pass mark. Now, neither university teachers nor

intermediate or secondary school teachers dare to dismiss Marehan children or the children of senior government officials. Recently, a physics teacher at Benadir Secondary School was dismissed when it turned out that she had expelled a Marehan student. The student returned to the school with two Landcruisers full of soldiers and she was arrested and detained for a few weeks. No one at the Ministry of Education dared to intervene on her behalf.⁴⁰

In an extensive interview with Africa Watch, Saad Shiree, a lecturer at the Faculty of Agriculture between 1988-89, explained the difficulties that faced the university:⁴¹

All the top positions at the university are occupied by Marehan. The objectives of the institution are not taken into account for these positions. The Rector, Abdi Farah, is a Marehan and the other senior positions are occupied by his cronies. Lecturers are recruited largely from the student body at the university. The stated policy was to choose candidates on the basis of merit, but in practice, the most important quality is "revolutionary spirit" -- a euphemism for unqualified support for government policy.

In 1988, I participated in a meeting to choose new lecturers. It was attended by the faculty members, the Dean, the Administrator, a Student Union representative, the librarian, and the party representative. The librarian is not in a position to ascertain the academic qualifications required of the candidates, but since his or her job is dependent on the Dean (who of course was a Marehan) the librarian always voted for the government's policies. The vote of the party representative carried exactly the

⁴⁰ Africa Watch interview with Ahmed Adan Ismail "Kaise," October 12, 1990, London.

⁴¹ Africa Watch interview with Saad Shiree, October 11, 1990, London.

same weight as the votes of the full-time teaching staff. At the 1988 meeting, the Student Union leader was also a Marehan. We were discussing the hiring of one of the brightest students at the university. The Union representative said that he was unacceptable as a lecturer because he was anti-government. He made no comments about his qualifications or his character. Most of the participants were too intimidated to question the views of the student leader or the party representative. If either one of them vetoes a candidate, that's it; so the voting is in itself a charade.

In 1987, one of the most promising students who was studying Forestry was denied the opportunity to become a lecturer or to go abroad for a scholarship because he was thought to be anti-government.

There is no academic freedom in the classroom. There are no written rules about what you can say and cannot say. But everybody knows that the classes are full of informers. Worse still, it is not always obvious who the informers are. It is assumed that some members of the Union spy for the government. So lecturers are afraid to scrutinize too closely the academic performance of the students they suspect to be informants, never mind reprimand them.

Self-censorship means you dare not even comment on issues of fundamental importance to the country. I used to teach planning. I knew the government's population figures were exaggerated in order to get more foreign assistance. I also knew that government statistics about per capita income were misleading. But you can not dispute these statistics because you know you will be quoted and you also know what the consequences will be. Nor can you complain about problems at the university, such as the lack of facilities, salary scales or mismanagement. This will be interpreted as anti-government.

Saad commented on another government strategy used to demoralize the teaching staff:

They created a rotating system whereby teaching staff act as watchmen and have to stand guard over the faculty. They are not given any arms to defend themselves. The guard shift begins at 8:00 p.m. and ends at 6:00 a.m. after which you go straight into classes. Most faculty members have to do this at least twice a month. It is not that they can not afford watchmen. The point is to show how little they think of the staff.

By 1976, the government's educational policies had driven many of the country's best academics out of the educational system. Many resigned, including the Dean of Lafole, Farah Hussein, while others left the country. By then, the government's overall policies had resulted in a mass migration of professionals. Of the academics who remained, the most experienced and talented staff were weeded out, especially from Lafole, and given bureaucratic responsibilities in the Ministry of Education, including Ahmed Handuleh, Abdi Ismail, and Muse Ma'alish. Ahmed Nur Jama, a lecturer at the Faculty of Agriculture until 1989, explained the sort of policies which demoralized academics:

The government deliberately allowed university facilities to deteriorate; it simply wasn't enough of a priority. Anyone who complained about the inadequacies was either warned to change their views, transferred to a bureaucratic position elsewhere, or dismissed. Many lecturers left of their own accord and those unable to bear the whole situation left the country. In 1976, the Student Union was created. Membership had to be approved in advance by the party. The Union attracted many students who were poor academically but who made themselves useful as informants. Many of them went on to become assistant lecturers.

The university found it difficult to encourage students to enrol in the Political Science Department. Students are not enthusiastic because they see the classes as indoctrination about scientific socialism and the merits of the one party system. The government's solution is to pack the faculty with party cadres who have few educational qualifications. Many of them are subsequently appointed assistant lecturers. These developments discourage the other lecturers, not only because the decisions are manifestly unfair, but because it affects the quality of teaching and made people cynical about the value of education.

Inevitably, life at the University mirrored the political conflicts in the country. Targets of hostility included students and academics from a particular region or clan, or others the government viewed with suspicion, such as those regarded as Islamic fundamentalists. Anti-government leaflets were regularly distributed within the university by the NSS, after which the blame was cast on those groups judged to be anti-government. NSS informants who were recruited as students contacted the NSS and arrests were made on the basis of their information. There are countless examples of politically motivated persecution:

- * After an aborted coup in 1978, led by Majeerten officers, Majeerten students and faculty members were weeded out of the university.
- * In the 1980s, after the creation of an Isaak based guerrilla movement, the Somali National Movement, Isaak students and staff were harassed and were discriminated against when it came to appointments, promotions, scholarships, permission to travel abroad or the punishments students received for infringement of the rules.
- * In 1982, four Isaak students from the north were dismissed after anti-government riots led by intermediate and secondary school

children in Hargeisa.⁴² The students were accused of being behind the riots. They included Abdi Farah Hashi, Hassan Musse Yarreh and Bashe Ali Hassan.

- * Many northern teachers and students were arrested after war broke out in the north in May 1988. They included two students from the Faculty of Education, Sheikh Muhumed Yare and Mustapha Yare.
- * Mohamed Ahmed Farah "Madobe", Director of Education at the National Refugee Commission and a part-time lecturer at the Faculty of Education, was arrested in June 1988, accused of having composed and distributed an anti-government poem. He was released in October 1988.
- * Mass arrests followed the killing of unarmed demonstrators in Mogadishu in July 1989.⁴³ Among those arrested and detained were Farah Mohamoud Elmi, lecturer in veterinary science at the university. He is among a group of nine Hawiye detainees living under dismal conditions at *Galshire* Prison in Mogadishu, charged with belonging to a subversive organization (the USC) and distributing anti-state propaganda, offenses that carry the death penalty. They were never tried and there are reports that some of the detainees have been tortured. On October 13, 1990, they went on a hunger strike, demanding that they either be released or given a fair and speedy trial. They were released

⁴² The riots were sparked by rumors of death sentences in the impending trial of a group of doctors, teachers and civil servants arrested in December 1981 for "subversion" after they set up a self-help scheme to improve local facilities in Hargeisa. For details see Africa Watch, *Somalia: A Government at War with its Own People; Testimonies about the Killings and the Conflict in the North, January 1990*.

⁴³ See *News from Africa Watch*, "Somalia: Tiananmen Square Revisited -- Soldiers Shoot Demonstrators: Reprisal Killings and Mass Arrests Follow," July 21, 1989.

shortly afterwards. Another eleven men were accused of the same crimes and were to be charged in absentia. They include two academics who were teaching at the university. Professor Mohamed Abdi Arushi and Professor Abdirahiin Mohamed Mohamoud, a geologist. Abdisalam Samatar Abdi, a lecturer in Economics, was also arrested in July 1989 but in Garowe and then detained in Mogadishu. He was released in October 1989.

- * In April 1990, a number of people involved in writing and performing a play, *Landcruiser*⁴⁴ were arrested. They included Ahmed Farah Ali, "Idajar," department director at the Somali Academy of Sciences and Ahmed Nur Yusuf, a professor of Arabic. They were released after two days.
- * In June 1990, 45 prominent Somalis who had signed an open letter to President Barre critical of the government's human rights policies were arrested and charged with sedition and treason. They were released for lack of evidence. They included Ibrahim Mohamed Abyan, a former Rector of the University and a former director of SIDAM.⁴⁵
- * Since the creation of rebel organizations supported by the Hawiye and Ogaden clans in the last two years, students and faculty members who are Ogaden and Hawiye were restricted from overseas travel and were either dismissed or expelled from

⁴⁴ The play was based on a poem, *Landcruiser*, which is a stinging attack on the wealth accumulated by former President Barre, his family, high-ranking politicians and others close to the President, at the expense of the public. The importation of a large number of Toyota Landcruisers exemplified the conspicuous consumption associated with the regime. The Landcruiser became a symbol of corruption which explained the government's reaction after the poem was broadcast by the BBC and widely distributed abroad among the Somali diaspora.

⁴⁵ Somali Institute of Development, Administration and Management.

the University.

Lecturers and students who are sympathetic to radical Islam suffered particular discrimination. A lecturer in religion, Sheikh Osman, was arrested on many occasions. Yusuf Hassan "Dunkal," a writer in Arabic who played an important role in preparing the Arabic curriculum for secondary schools, was arrested in June 1988 in the wake of mass arrests of Isaaks following the outbreak of the war in the north. It is widely believed that he was arrested because the authorities regarded him as too sympathetic to radical Islam. In 1986, a group of religious leaders were arrested and sentenced to death in April 1987 after a secret trial that lasted a few hours. Following a national outcry and international protests, the sentences were commuted to life imprisonment and they were released in May 1989. Among them was Mohamed Nur Qawi, a university lecturer in Arabic. The government also used the Student Union at the University for political ends. Ahmed Adan Ismail "Kaise" graduated from Lafole in 1984. He had been a member of the Student Union. In an interview with Africa Watch,⁴⁶ he explained the extent to which government informants infiltrated the Student Union and the consequences for the university as a whole:

There was always a representative of the youth wing of the party in the Union who reported to the representative of the party at his faculty. During the time I was a member of the Union, there was another member who we suspected of being a government informant. He had many privileges and rarely came to classes. He later went on to hold a senior position at the university.

When I joined the Union, we elected Ahmed Mohammed Ma'alin as our chairman. He was arrested and detained at Afgoye police station for a few days and expelled from the

⁴⁶ Africa Watch interview with Ahmed Adan Ismail "Kaise," October 12, 1990, in London.

University in order to allow the government to impose its own choice as chairman. He was later allowed back to the university, but only as a day student. The chairman chosen by the government, Abdi Wayeel, had 4 bodyguards who were with him around the clock, and he himself was armed.

I was detained after Abdi Wayeel accused me of describing him as an appointee of the President's wife, Khadija. We had a confrontation in the kitchen. What I had in fact said is that he could not be our chairman because we already had a chairman and we had not elected him. He threatened to have me arrested.

The Dean said he could do nothing for me, but that he would try to facilitate my release. When the car came to drive me away that night, some students protested and demanded to know where they were taking me at such a late hour. The chairman's bodyguards dispersed the students by force. I spent three nights at Afgoye police station and was then suspended for a month. When I went back to the university, Abdi Wayeel threatened me with a pistol and I could do nothing about it.

The chairman was given a house that belonged to an Associate Dean of the Faculty, at a time when many Faculty members had no accommodation. Abdi Wayeel ran the place; he even interfered with the transfer of staff. Later on, he became extremely wealthy from siphoning off the food which the World Food Program gave for the students, but little of which reached the students. At the time, he even gave orders to the Rector of the University. But now the Rector is also Marehan, so it is now all in the family.

The result of all this is that teaching is seen as a curse in Somalia. At every level, the teaching profession has been demoralized. Anyone who is able to leave the university to pursue other careers, leaves. The people left to teach there are those without the relevant political connections. When my

contemporaries and I graduated, all our Marehan classmates either got scholarships to go abroad or they became directors at government ministries. We became secondary school teachers.

The university and institutes of higher research were affected by pervasive censorship. Articles critical of Somalia which appeared in the international English and Arabic press were routinely cut out before they could be distributed for sale. The work of many of Somalia's best poets and playwrights were banned, including the work of Abdi Qeys and Mohamed Ibrahim "Hdrawi". Among the publications which have been banned are: *Animal Farm* and many other foreign books and films critical of socialism; the novels of the Somali writer, Nurudhin Farah; the novel *The Invasion of Lebanon* by the Somali journalist Yusuf Duhul; and the *Horn of Africa Journal*, which in the mid-1970s contained numerous articles on Somalia that the regime found offensive. Many books about Islam which the regime believed were too sympathetic to radical Islam or critical of socialism were also banned. In August 1985, a decree was introduced which made it an offence for a person "to teach books or preach to people in mosques, houses or meeting places unless he is a holder of a permit issued by the Ministry of Justice and Religious Affairs ... whenever it is established that a holder of an existing permit from the Ministry is a trouble maker his permit shall be withdrawn ... The entry of books from abroad is hereby prohibited except in pursuance of a written authorization and permit by the Ministry."

Mohamed Ibrahim "Hdrawi" was one of the first civilian victims of the government's intolerance. One of Somalia's best known poets and playwrights, he was also a lecturer at the Faculty of Education and played a key role in the codification of the Somali script. The increasingly critical tone of his poetry upset the authorities. A collection of poems in 1972 entitled *Knowledge and Understanding* led to the first "warning." In an interview with Africa Watch,⁴⁷ he explained his problems with the

⁴⁷ Africa Watch interview with Mohamed Ibrahim "Hdrawi," September 8, 1990, in London.

government:

In 1972, a high-level government delegation came to the university to inspect a new play we had just finished and to give their approval before it could be performed at the public theater. They found the play, called "Sadness", unacceptable politically and banned it. In 1972/3, I contributed poems to a series of ballads which were composed by various poets throughout the country and which the government found controversial. That was the last straw.

On November 11, 1973, security officials came to my house at the university and I was driven hundreds of miles to a remote village, Qansah, deep in the south of the country where a few hundred people lived. I was to spend five and a half years of internal exile there, though at the time, the period was not specified. I was never charged with a crime.

I lived in a room in the house of the local district commissioner who had instructions to make sure that I was not given a pen or paper. I was forbidden to receive any reading material. I was even told that I could not have a lamp in order to discourage me from reading and writing. I was not allowed to have any contact with people except the man whose house I lived in. Only on religious festivities was I allowed to venture out and participate in the life of the village. Even that was contrary to the conditions of my punishment and was entirely at the discretion of the district commissioner.

Then suddenly one night, I was told to get ready and a car came for me. I had no idea where we were going. I assumed we were on our way to one of the maximum security prisons. But it turned out that our destination was Mogadishu. I was taken to see the President. When I asked why I had been treated like this, the President replied that "the revolution does not hate you but

we thought you needed to be alone and to reflect."

It is not only the University that was denied academic freedom. Research institutes suffered the same fate. Sadia M. Ahmed worked in the Academy of Sciences and Arts in Mogadishu between 1984-89. The Academy is an autonomous research institute under the Ministry of Higher Education. It was created in 1972 as a resource center for the Somali language and culture. Subsequently, it expanded and became the Academy of Science and Arts. In an interview with Africa Watch, Sadia M. Ahmed stated:

In spite of the talent and dedication of a number of researchers who were committed to the development of the Academy, it became highly politicized and debilitated by corruption. Academics -- like all other civil servants, had to leave their passports at the Foreign Ministry or at the Immigration Department. This allowed the authorities and those at the institute close to the government to deny travel opportunities to academics regarded as critical of the government.

The whole system was arbitrary. Promotions as well as scholarships are used to reward people on political grounds. Professional mobility and other opportunities have nothing to do with qualifications or experience and everything to do with politics. Everyone is always on edge since you can be arrested and detained for the slightest political "mistake," such as failing to attend your orientation center even once, forgetting to applaud at the right time at such meetings or being late in standing up for an ovation.

But the most insidious form of pressure comes through corruption. There is a whole network through the Ministry of Education, the Academy and the party who benefit from the grants given for research by donors. Corruption provides both an opportunity for personal enrichment as well as a tool for

getting people to accept the government's political line. If you refuse to be incorporated into the system, life is made difficult for you. For example, we were encouraged to seek translations of foreign books into Somali. But if you were not ready to "bargain" with the management of the Academy and Ministry, the books you commissioned were not published.

From the beginning, the government was anxious to involve the academic community in its political program. This prompted efforts to find ways, as the government put it, "of harmonizing the pen and the gun."

In late 1985, there was a week long seminar at the university attended by many Ministers, high ranking military officers, lecturers and students. Each faculty was told to ensure that a certain quota of students and most of the staff attended. The President opened the seminar, whose purpose was to find ways that academics and the military could work together towards the same national goals, which had been determined in advance by the military.

Zamzam Aden Abdi worked in the Hargeisa branch of the Somali Academy of Science and Arts until the outbreak of the war in May 1988. In an interview with Africa Watch,⁴⁸ she described an episode in which the regional military commander sought to implement this strategy:

At the end of 1987, poems which had been popular in northern Somalia during the era of British colonialism became popular again as a form of political protest. They were distributed throughout Hargeisa. This infuriated General Mohamed Saeed Hirsi "Morgan," the military commander of the region. He came to the institute to involve us in the government's program of "harmonizing the pen and the gun." He suggested that we ask all educated people in the region to write a paper analyzing the problems of the country and making suggestions as to how these could be resolved. He wanted everyone to attach a resume to

⁴⁸ Africa Watch interview with Zamzam Aden Ali, October 16, 1990, London.

their contribution. Anyone who refused to co-operate was to be reported to him. We had to send letters to the various Ministries and to individuals.

Predictably, no one cooperated. The party representative at the Academy insisted that we let Morgan know the names of the people we had contacted and who had failed to respond. Of course we could not do this since they would be arrested. The party representative submitted a report and accused us of sabotaging Morgan's plans, adding that we were the ones who did not want to see a resolution of the country's problems. Those accused included Mohammed Abdi Alamagan, Ahmed Bashir, and myself. Luckily for us, his letter to Morgan had to go through a more senior party official in the region who turned out to be a decent man. He called us in and said that he would not transmit the letter to Morgan, but advised us to implement Morgan's wishes or we ourselves would be in trouble. At the end of the year, Morgan's attention was distracted by the deteriorating military situation and then the war broke out before we had to implement these proposals.

Inevitably, these developments destroyed the quality of education available in the country and led to the voluntary or forced exile of the most qualified and experienced academics, poets, playwrights and writers. According to one Somali academic,⁴⁹ more than 52 M.SC/M.A. and Ph.D holders who worked in the Faculty of Education alone are now abroad, some of them teaching in foreign universities and research institutes, but many of them unable to find suitable work. Worse still, extensive government manipulation of the educational system for political ends eroded public confidence in the value of education and made the academic community and many other Somalis despair about the future of education in their country.

⁴⁹ Africa Watch interview with Ahmed Nur Jama, October 22, 1990, London.

SUDAN

Background

Sudan has traditionally enjoyed academic freedom of a kind rarely found in Africa or the Arab world. Since the 1930s, institutions of higher education have been the focal point of much open and critical discussion of political issues. The Graduates Congress, founded in 1938, was the forerunner of political parties. The University of Khartoum was joined in the 1970s by three other Sudanese universities: the Islamic University of Omdurman, the University of Gezira (which specializes in agriculture) and the University of Juba, set up after the Addis Ababa peace agreement which in 1972 brought Sudan's first civil war to an end. In addition, the University of Cairo has a branch in Khartoum, and many Sudanese students study in universities in Egypt.

These universities, particularly the University of Khartoum, have experienced free debate on a range of issues. An open seminar on the constitutional problems of the country held at Khartoum University in late 1964 was the spark for the popular uprising that brought a peaceful end to the dictatorship of General Abboud. During the 1970s and 1980s, university lecturers played a prominent role in the struggle for political liberalism. The Sudan Human Rights Organization (founded in 1985) was led by a university professor and held its meetings at the university. The Philosophical Society which brought together university staff and members of the civil service, the Department of Extra-Mural Studies, the Institute of Afro-Asian Studies and the University Lecturers' Association at the University of Khartoum and student unions at various universities vigorously debated the country's problems and encouraged a liberal, secular future for Sudan.

Sudan's universities have been the locus of much critical research, the findings of which have been published by the Khartoum University Press (KUP). Titles produced by the KUP cover such topics as the developmental role of the Sudanese middle classes, the rights of the accused in Sudanese law, and religion and language in southern Sudan. Sudanese scholars have even been able to publish on matters such as the origin and development of the Anyanya (rebel) movement in the first civil

war, and the role of corruption in the national economy.

Against this generally positive record, however, is a history of discrimination against students from deprived regions, in particular from the South but also from the West. This operates in addition to the disadvantage that southern students suffer on account of the scarcity of secondary schools in that region. In the year of the Addis Ababa peace agreement (when many southern Sudanese returned to the country after completing their secondary education to a high standard in neighboring Uganda), only 27 southern students were admitted to the University of Khartoum. The numbers improved only slightly during the following decade, and by the 1980s, the numbers were declining again. In 1989, on the pretext that applications from the South had arrived late, on account of the war, no students from the South were admitted to Khartoum. The handful of southerners who were allowed in were those who had applied from the North. At the same time, the University of Juba was transferred to Khartoum, also on account of the war, but not allocated sufficient resources to be able to function properly. Students were left sharing poor accommodations, with inadequate allowances, no desks, and long distances to travel through the city to attend lectures.

Academic freedom in Sudan has always required vigorous defense, against the propensity of both military and civilian governments to curtail it. While the Transitional Constitution adopted at Independence in 1956 guaranteed academic freedom and the autonomy of the University of Khartoum, the very first civilian government, headed by Ismail al Azhari, invoked laws restricting freedom of information. The military rule of General Abboud (1958-64) saw army occupations of the campus. The rule of Colonel Jaafar Nimeiri (1969-85) witnessed repeated attacks on the autonomy of higher education, including the summary dismissal of academics on account of their political views. One of the demands of the Popular Uprising that restored democracy in 1985 was for academic freedom, and the following years were generally ones in which academic freedom was respected. However the government of Sadiq el Mahdi (1986-9) detained academics who attempted to start a dialogue for peace with the rebel Sudan People's Liberation Army, and harassed and detained the author of a booklet which implicated the government in a massacre and the resurgence of slavery (see below).

The Present Military Government

Lt-Gen Omer al Bashir, who seized power in a coup d'etat in June 1989, heads a military government which subscribes to its own interpretation of radical Islam. The educational establishment is being reshaped to fit in with these ideals.

Fundamentalists associated with the government have begun to try to influence the content of courses taught in the universities. An extreme example of this is the treatment of Dr. Farouk Ibrahim el Nur, a lecturer in the Faculty of Science at the University of Khartoum. Dr. Farouk was arrested on November 30, 1989, at a time of widespread anti-government civil disobedience. The major reason for his detention was probably his left-wing political views. However, while he was kept in an unofficial detention center, known as a "ghost house," by members of the newly created "Security of the Revolution," Dr. Farouk was questioned about his teaching of the Darwinian theory of evolution. In a letter to Lt-Gen al Bashir⁶³, Dr. Farouk described his experiences:

On the evening of Saturday, December 2, I understood during an interrogation by Colonel Bakri Hassan Salih [a member of the ruling Revolutionary Command Council and head of the revolution security system] that he disapproves of the contents of the courses I teach at the university.

Fundamentalist security officials considered that Darwinism was incompatible with Islam, and tortured Dr. Farouk in an attempt to force him to recant his views. Dr. Farouk's letter detailed his ordeal:

I was flogged, kicked, hit on the face, head, and other parts of the body by professional torturers. I was threatened with death, humiliated and subjected to other types of torture. Afterwards, I

⁶³ See Africa Watch, *Denying the Honor of Living. Sudan: A Human Rights Disaster*, March 1990, pp. 46-7.

was transferred to a small toilet that was flooded with water where I spent three days during which time I was beaten, humiliated, and deprived of sleep. Then I was taken to a bathroom with five detainees where the same process of torture was repeated for nine days. We have been prevented from observing our prayer or brushing our teeth....

Dr. Farouk concluded:

Regarding the contents of my courses at the University, I would like to draw to your attention that the only body which is legally authorized to make such comments is the University Senate.

Unfortunately, this was not an isolated case, but merely part of a broader systematic assault on the education system.

The current Minister of Education, Abdalla Mohamed Ahmed, is well known for his hardline views. He served as Minister of Culture and Information in 1988. During that time he tried to impose draconian censorship on the press. He also ordered Pharaonic statues in the National Museum to be clothed because he considered their nudity to be offensive, and required the removal of all Christian relics from the Museum, on the grounds that only Sudan's Islamic heritage counted as appropriate history. (This ignores the fact that before the coming of Islam to Sudan, there was a vibrant Christian kingdom based at Meroe on the Nile. In addition, a large minority of Sudan's population is Christian.) One of Abdalla's first actions as Minister of Education was to dismiss the senior staff of the National Museum, who had offended him two years earlier; two have subsequently been detained.

One of the main political objectives of the government is the imposition of *sharia* (Islamic Law). If and when this occurs, it will have major negative consequences for academic freedom. For example, the Islamic code implemented by then-President Nimeiri included an article prohibiting apostasy, and in January 1985 Ustaz Mahmoud Taha, leader of the Republican Brothers and an Islamic scholar who opposed Nimeiri's interpretation of Islam, was executed for that alleged crime. This and similar legal provisions are directly contrary to academic freedom.

Detention of Academics and Teachers

The government has detained a number of academics and teachers. Those currently in detention include:

- * Mahjoub Sherif, a poet and teacher, known as "the people's poet" and the author of the collection of poems *Songs for Love and Revolution* (he was arrested on September 1, 1989, and is being held at Kober Prison);
- * Dr. Ushari Ahmed Mahmoud, a linguistics researcher, former lecturer at the University of Khartoum, and a human rights activist (he was arrested on July 9, 1989, and is being held at Shalla Prison);
- * Dr. Khalid el Kid, a writer and lecturer in the Faculty of English, University of Khartoum (he was arrested on July 6, 1990; detained at Shalla Prison, then transferred to hospital on account of heart problems);
- * Dr. Abdin Mohamed Zein al Abdin, a lecturer in the Faculty of Agriculture at the University of Khartoum (he was arrested in May 1990, and is being held at Kober);
- * Dr. Osama Abdel Rahman al Nur, the Director-General of Antiquities and National Museums (Dr. Rahman al Nur was arrested in May 1990, and is being held at Kober Prison);
- * Dr. Mohamed Hassan Basha, the Assistant Director of the Sudan National Museum (he was arrested in May 1990, and is being held at Kober Prison);
- * Dr. Kamil Ibrahim, is a lecturer at the Faculty of Agriculture, University of Khartoum (he was arrested in May 1990, and is being held at Kober Prison);

- * Dr. Farouk Kadoda, a former Dean of Faculty at the University of Juba (he was arrested in July 1989, and is being held at Shalla Prison);
- * Dr. Ahmed Osman Siraj, a psychiatrist and a lecturer at the Faculty of Medicine (he was arrested in November 1989; Dr. Siraj was first held at Port Sudan, then released and then re-arrested; he is presently held at an unofficial detention center); Dr. Ahmed has been tortured;
- * Dr. Mohamed Rajab, a lecturer in the Faculty of Agriculture, University of Khartoum (Dr. Rajab was arrested in January 1990, and is being held at Shalla Prison); Dr. Mohamed has been tortured;
- * Bashir Hamad, a teacher (he was arrested in November 1989, and is being held at Shalla);
- * Abdel Rahman Daifallah, a teacher (he was arrested in January 1990, and is being held at Shalla);
- * Mirghani Ahmed Abdallah, a teacher (he was arrested in December 1989, and is being held at Shalla);
- * Abdel Moniem Salman, a teacher (he was arrested in February 1990, and is being held at Shalla); Abdel Moniem is 65 years old, and very ill: he is diabetic, hypertensive, and suffers from a vascular disease;
- * Adil Khalafalla, a teacher (he was arrested in May 1990).

Other academics and teachers have been detained and released. They include:

- * Professor Mohamed Sayed al Gadal, a professor of History,

University of Khartoum, and the Vice-Chairman of the Executive Committee of the Writers' Union (he was arrested on September 20, 1989, held in Port Sudan Prison, then transferred to Kober Prison and released in October 1990); Professor Mohamed suffers from retinal hemorrhages which are endangering his sight; doctors have recommended that he be sent abroad for urgently needed medical treatment, but he has not yet been able to travel;

- * Dr. Ali Abdallah Abbas, a lecturer at the University of Khartoum, and the Chairman of the University of Khartoum Lecturers' Association (he was arrested in August 1989, and released in July 1990);
- * Mahdi Hassan Mohamed, the President of the Intermediate School-Teachers' Union (he was arrested in August 1989, and released in November, on account of very poor health);
- * Dr. Farouk Ibrahim el Nour, a professor of biology at the University of Khartoum;
- * Dr. el Sheikh Kineish, an Associate Professor in the Faculty of Medicine, who was arrested twice; he was first arrested on September 10, 1989 and held for two weeks, and then arrested on November 25, 1989 and released in June 1990; (he is also in poor health);
- * Dr. Riyad Bayoumi, a professor in the Faculty of Medicine;
- * Dr. Gaafer Mohamed Salih, a chief psychiatrist at Medani Hospital at Gezira and a part-time lecturer at the University of Gezira; he was detained, tortured and released;
- * Dr. Mamoun Mohamed Hussein, a gynecologist, who was also a part-time lecturer at the University of Khartoum Medical School, was sentenced to death in November 1989 after he chaired a 10

minute meeting at which members of the Sudan Medical Association called for a strike; Dr. Mamoun was released from prison and his death sentence was lifted after intense international pressure.

Dismissals of Academics

In April 1990, the government unilaterally dismissed the Vice-Chancellors (Presidents) of Sudan's four universities (Khartoum, Gezira, Juba, and Omdurman), and replaced them with government appointees sympathetic to the regime's fundamentalist line. This followed disagreements between the Vice-Chancellors and the government at the Higher Education Conference, held in February. The overt source of the conflict was the government's proposals to double the intake of the universities, allow part-time students, and change the medium of instruction from English to Arabic. The Vice-Chancellors argued that the universities were not prepared for such radical changes. A second and perhaps more fundamental conflict concerned the government proposal to change the criteria for the appointment of university lecturers. Hitherto, appointments have been made according to an inflexible set of professional criteria, including class of degree obtained and higher degrees. The government proposed introducing a much more powerful discretionary role in appointments for the Vice-Chancellors.

The dismissals not only exceeded the government's legal powers, but were implemented summarily and without consultation. The new Vice-Chancellors have little practical experience of university administration. The new head of the University of Khartoum is a veterinarian, Professor Muddathir el Tingari. The government has also appointed a new Dean for the Faculty of Law, Dr. Hafiz Sheikh el Zaki, without observing the existing procedures. During the period when former President Nimeiri introduced Islamic Law, Dr. Zaki was the chairman of one of the Emergency Courts, noted for their harsh implementation of *hudud* penalties such as amputation and flogging. Dr. Zaki is known for his fundamentalist zeal. He was a Minister of Justice in the coalition government, representing the National Islamic Front (NIF).

In November 1990, the government summarily dismissed over 120

academics from their posts at Sudan's four universities. The precise number is not known, because of the secretive manner in which the dismissals occurred. No list of dismissals was published. Those dismissed were not formally told, but were simply deprived of pay and status. No reasons were given, but those dismissed were people known for holding secularist or left-wing views. The dismissal of these academics is likely to be the source of a potential crisis concerning the availability of teaching staff within the universities when they reopen.

Following news of these dismissals at Gezira University in Wad Medani, the students publicly protested. Townspeople joined the protests, unhappy with the government's record of political repression and shortages of food. The security forces responded by briefly detaining over four hundred student protesters, according to reliable sources. A smaller number have been held for a longer period.

Many Sudanese students studying abroad have found their government scholarships abruptly terminated and have been asked to return to Sudan. The government has also asked independent funding bodies to terminate the scholarships of some students.

Other Restrictions on Academics

The government has closed down the University Lecturers' Association and the Teachers' Unions, and confiscated their assets.⁶⁴ The unions have been replaced with government appointed steering committees which are widely recognized to have no legitimacy. Members of the steering committees were appointed in haste. The government's adoption of an official trade union policy in August 1990, which envisages a single government controlled trade union, is a further indication of the government's hardline attitude towards unions.

In elections to the Khartoum University Students' Union, the National Islamic Front (NIF) achieved the remarkable feat of winning all the seats. The NIF has been busy intimidating students who do not support the

⁶⁴ Anticipating this, the University Lecturer's Association held few assets. The University Staff Club was formed as a separate entity, which continues to function.

fundamentalist line. In December 1989, a student member of the anti-government Democratic Front, Bashir Tayeb Ibrahim, was stabbed to death by a student member of the NIF. Though there were many witnesses to the murder, and the killer was well known, the authorities made no attempt to prosecute him, arguing that the event was an accident. When the students organized protest demonstrations over the following few days, they were fired upon by the security forces and at least two students were killed, including one woman. Lt-Gen al-Bashir stated that prosecution would be detrimental to the reputation of the University of Khartoum and instructed that the family of the victim be given a payment of blood-money, thus making clear the extent to which the government was implicated in the affair.

A more insidious method of controlling academic freedom is by controlling research grants. The established system at the University of Khartoum is that the University receives a block grant from the government, which it divides between the various departments and research institutes at its own discretion. This system has been changed so that the allocation of funds to each research project is subject to direct government control.

Women academics have been particularly affected by the Moslem extremists. Women are now forbidden to travel in the absence of a *muhram* -- a close male blood relative to act as a guardian. At least two senior female academics have been prevented from attending international conferences on account of this ruling.⁶⁵

Women students are being encouraged to wear the veil and subjected to intimidation and harassment if they do not. There are discussions about the possibility of restricting women's access to certain subjects at university, including medicine and engineering. The rationale appears to be that these courses are expensive, and an expensive education for a woman is a "waste".

The government has tried to make academics and writers recant their views. An example is the human rights activist, Dr. Ushari Mahmoud. In

⁶⁵ See *News from Africa Watch*, "Sudan: Threat to Women's Status From Fundamentalist Regime," April 9, 1990.

1987, Dr. Ushari co-authored an independent investigation into a massacre in the Sudanese town of ed Da'ien and the revival of practices of slavery in the region. He concluded that the government of Sadiq el Mahdi was actively encouraging the elements who were responsible for both the massacre and the resurgence of slavery.

Before the 1989 coup, Dr. Ushari was twice detained for brief periods on account of the report, and was prevented from travelling abroad. He was detained again shortly after the coup. In a letter to President Jimmy Carter, written from Shalla Prison in Darfur dated April 15, 1990, he wrote:

I have recently been transferred to this prison after nine months of detention at Kober prison in Khartoum. While I was detained at Kober, specifically on March 18, I was visited by the [ex-]Minister of Finance, Dr. Sayed Ali Zaki. He came to me with a specific message from the military authorities. The gist of that message was that I would be released if I retract in writing and deny the truth of what I had written about slavery in *Al Diein Massacre -- Slavery in the Sudan*. Otherwise, I would continue to be detained "indefinitely" -- to use Dr. Zaki's own words. That visit ended with great disappointment for Dr. Zaki and with a deeper understanding of the true nature of the regime for me. Ten days later I was transferred to this prison.

On September 5-6, 1990, clashes occurred between different groups of students at the University of Khartoum. Various versions of events have been presented. It is certain that one group of students were pro-government fundamentalists, and that the other contained members of the anti-government Democratic Front. It is possible that the fundamentalist group included militia members armed by the government. The ostensible cause of the dispute was a government proposal to change the existing system whereby all students were given free board and lodging, to a system in which only students from outside the city were to be provided with lodging, and the provision of a small bursary. The proposed bursary of 300 Sudanese pounds per month was so small that it would effectively make it possible only for students with a private source of income to attend

university. The fundamentalist students supported the change, and the others opposed it. Ironically, the NIF students had opposed this measure during the previous democratic regime but support it now that it was advocated by a government they approve of. Several students were injured in the clashes, and the university was then closed. It remained partially closed at the time of writing. Only postgraduate students and those taking final examinations are able to continue their studies.

In the present situation in Sudan, it is hard to escape the conclusion that the government over-reacted to the disturbances at the University. The government's overreaction shows that it sees the University as an institution containing many people unsympathetic to the regime.

SWAZILAND

Swaziland is ruled by a monarchy with executive, legislative and judicial powers ultimately vested in the King. Swaziland's first constitution contained a bill of rights but it was repealed by King Sobhuza II in 1973. He claimed that the constitution called for practices that were incompatible with the traditional Swazi custom of decision by consensus. Freedom of speech in Swaziland is extremely limited. In the mid-1980s, government officials stated that individuals should only voice their criticisms to chiefs for discussion in traditional Swazi councils. Furthermore, neither the royal family nor security officials can be criticized. In this context, academic freedom is very limited. In 1982, when King Sobhuza II died, his rule was followed by an interregnum known as the "Liqoqo" period -- named after a council of princes which assumed power and ruled.

In 1982 and 1983, the South African government expressed its dissatisfaction with what it perceived to be the lack of official Swazi efforts to restrain African National Congress (ANC) activities within Swaziland. Pretoria identified the University of Swaziland (UNISWA) as one of the ANC's principal bases in the country and threatened to launch assaults inside Swaziland as it had done previously in Maputo and Maseru. In response, the Liqoqo increased its pressure on the ANC to cease its activities in Swaziland and the army conducted searches of University housing and interrogated many foreign students.⁶⁶

The campaign against the ANC continued throughout 1984 and 1985, and UNISWA became a main target: there was broad support at UNISWA for the ANC, as well as opposition to the ruling Liqoqo. When the academic year began in August 1984, the campus was swept by a wave of protests, including a ten day lecture boycott directed against a decision of the Minister of Education to approve the so-called Swaziland National Association of Students as the only authorized organization of post-secondary school students in the country. The group had neither significant membership nor a constitution. The result of the Minister's

⁶⁶ Africa Contemporary Record, 1983-84, B862.

decision was a series of confrontations with members of the Students Representative Council (SRC). At that point, the government deported the president of the 1983-84 SRC, Bhabalazi Bulunga, a South African refugee and a known ANC supporter. His deportation violated legal procedures because it occurred pending an appeal of his status as a prohibited immigrant.

The students responded by initiating another lecture boycott and a protest march which was violently dispersed by the police. The government then established a Commission of Inquiry into Student Affairs whose task was to determine whether outside elements were responsible for the politicized atmosphere on the campus. The Commission found that the student body had "an unhealthy preoccupation with the philosophies, aims and objectives of the ANC." The Commission also identified as a danger the large number of foreign students on the campus as well as the employment of staff "disaffected with the policies of their home countries" -- a reference to South Africans on the campus. Subsequently, the government issued a directive to the University Council to expel 21 students, including the entire membership of the SRC as well as the elected executive of the Swaziland National Union of Students along with two staff members. One of these was John Daniel, a South African exile, who had been at UNISWA for eleven years and was the Dean of the Faculty of Social Science and the Director of the Social Science Research Unit. The expulsions and dismissals provoked another student strike and led to police intervention on campus. Through the imposition of numerous restrictions and a constant police presence, the police were able to defeat the boycott.⁶⁷

A new monarch, Mswati III, a teenager, was crowned in 1986 and disbanded the Likoqo. After several years of relative quiet, unrest returned to Swaziland's campuses.

In February 1989, Dominic Mngomezulu, a junior member of the law faculty at the University of Swaziland (UNISWA) was dismissed by the campus administration. In the early 1980s, Mngomezulu had served as president of the Swaziland National Union of Students. In 1984, he was

⁶⁷ Africa Contemporary Record 1984-85, B845.

expelled from UNISWA and completed a law degree in Lesotho. The administration sought to justify the dismissal on the grounds that Mngomezulu had taken an unauthorized trip out of the country. The visit, which had in fact occurred months earlier, had drawn no objection at the time and was not an uncommon practice among the faculty. Students alleged that Mngomezulu was fired because of his legal work for the University workers's union. The dismissal, together with complaints about bad food and a dormitory shortage, led to a campus strike. According to a scholar working at the campus in 1989:

The strike was resolved when the students were persuaded to return to classes by King Mswati III, who promised to have a committee look into the Mngomezulu case. The committee met over the winter recess and recommended that Mngomezulu be re-instated. The Vice-Chancellor of the University, Dr. Lydia Makhubu, who sat on the committee opposed the recommendation and apparently influenced the University's governing body and the government to uphold the dismissal. A student member of the committee made known the committee's final recommendation as well as the Vice-Chancellor's role.

These events sparked a second strike which occurred in September 1989 over staff shortages and poor food. During that strike, the Students Representative Council (SRC) resigned when confronted simultaneously with an order from the King that the students return to classes and a mandate from the students to maintain the strike. The perception that the authorities had betrayed them after the first strike led to student rejection of the royal order. After the SRC resigned, rumors swept the campus that the police and army would attack the students. The University Council ordered the University closed. They gave students less than two hours to pack and leave, under the threat of police action, but the evacuation of campus took place peacefully. Students were required to apply for re-admission when the classes resumed in January 1990. During the second strike, the President of the SRC was Sabelo Dlamini

and the President of the Swaziland National Union of Students was Professor Dlamini. (Professor is his given name.)⁶⁸

In July 1990, during the launching of a fund raising drive on behalf of UNISWA, King Mswati III, who is also the UNISWA Chancellor, issued a warning to students about involvement in political activities:

[O]ur University is not meant to be a school of political struggles aimed at undermining the socio-economic stability of Swaziland.

My government is aware that most, if not all our students are by background, financially unable to support themselves in obtaining university education.

[W]hat puzzles the taxpayers is to see the very dependents who have been offered scholarships, turn into characters whose behavior is irrelevant to the enhancement of peace in the country.⁶⁹

That same month, Dominic Mngomezulu, Sabelo Dlamini, and Professor Dlamini were charged with high treason along with Ray Russon, a sociology lecturer at UNISWA, and Mphandlana Shongwe, a student at William Pitcher Teacher Training College. Five others -- trade unionists and civil servants -- who had been arrested and detained without charge or trial since June were also indicted. Boy Magagula, a student at William Pitcher, was charged with the others but the charges were dropped in an effort to encourage him to become a witness for the state. He refused.

The defendants were accused of forming a political party, which is illegal in Swaziland. The group, called the People's United Democratic

⁶⁸ Africa Watch interview with a scholar who worked at UNISWA at the time of the events.

⁶⁹ Martin Dlamini, "Mswati Warns Students," *Swaziland News*, July 28, 1990.

Movement (PUDEMO) was alleged to be planning the overthrow of the government. According to defense lawyers, PUDEMO is a nonviolent movement which does not call for the abolition of the monarchy but rather its reversion to the figurehead role prescribed for it in the country's constitution at independence.⁷⁰ The indictment also included counts of sedition, illegal possession of seditious pamphlets, convening illegal political meetings and the formation of a political party. The maximum sentence for conviction on high treason is death or life imprisonment.⁷¹ The original indictment, which was subsequently amended, was wide ranging; it cited the defendants' criticism of the practice of polygamy as part of the alleged treasonous conduct. In a move that angered members of the Swazi legal community, the regime entrusted the prosecution of its case to two white South African prosecutors who were members of the conservative Pretoria Bar.

The trial was widely seen in Swaziland as an attempt to intimidate the growing opposition. However, the government strategy backfired because the trial focused attention on the absence of democratic rights in the country and the existence of an underground opposition movement with broad support.

During the trial, four college students (one from UNISWA and three from William Pitcher Teacher Training College) stated in court that the police had forced them to give false testimony against Mphandlana Shongwe and PUDEMO. They told the court that the police had pressured them with the threat of deportation, expulsion from the University, the withdrawal of scholarships and detention.⁷²

⁷⁰ Nimrod Mabuza, "Pudemo is non violent, says lawyer for treason accused," *Swaziland News*, July 21, 1990.

⁷¹ Nimrod Mabuza, "10 people accused of plotting high treason," *Times of Swaziland*, July 21, 1990.

⁷² James Dlamini, "Students claim they were forced to testify," *Times of Swaziland*, October 4, 1990.

All the defendants were acquitted of the treason charges. However, six were convicted of attending an illegal meeting, including all of the academics. Four were released for time served. Ray Russon and Dominic Mngomezulu (current and former UNISWA faculty members) were sentenced to twelve months imprisonment for attending two illegal meetings, but were granted bail pending appeal.

Sabelo Dlamini, who had been elected Secretary-General of the Swazi National Union of Students, was refused re-admission to the University because of his involvement as a defendant in the treason trial. In response, on Sunday November 10, 1990, the SRC at the University of Swaziland, Kwaluseni campus, called a student meeting at which it was decided to boycott classes. The student demands included a call on the administration to allow Sabelo Dlamini to re-register at the University along with a demand to improve the food. The following day, the students presented a petition listing their demands and collected food in plastic garbage bags which they threw at the doors of the administration building. A number of meetings between the students and the administration were held in an effort to resolve the grievances.

Early in the morning of November 14, police and army units took up positions at the gates of UNISWA, Kwaluseni campus. An ultimatum had been issued to the students to return to classes by 10:00 a.m. That same day, students made an attempt to obtain a court order restraining the University Council from closing the University. While the court granted an order calling on the University Council to show cause why it should not be restrained from closing the campus, Mr. Justice Francis Rooney declined to restrain the university administration from closing the campus. The University was ordered closed because the students had failed to return to classes. Late in the day, the armed units that had massed outside the University moved onto campus. University officials, surrounded by police, drove around the campus with loud speakers at approximately 5:00 p.m. calling on the students to vacate the campus before 5:30 p.m. At 5:35 p.m., the police chased a group of students into the library. The police stormed the library and drove the students out. The officers beat them with batons. Students fled the campus as police and army officers randomly assaulted them with clubs, sjamboks, sticks and branches torn

from trees.⁷³ Some students were chased up to a mile to the Matsapha Shopping Centre.

An estimated 300 students, of a total enrollment of 1,400, were wounded or injured during the confrontation. Five students were seriously wounded and it has been reported that Patricia Cele, a first year science student, died as a result of injuries sustained during the police assault on the library. Many of the students who fled the campus did not return home; they spent the night in the bush in the Mbhuleni area after fainting from their injuries.⁷⁴ Others were taken in by sympathetic residents in the Matsapha area. Scores of distraught parents converged on the local hospitals. In subsequent days, wounded students continued to arrive at Raleigh Fitkin Hospital. The hospital staff, after learning that students were lying injured in the bush, dispatched rescuers who discovered seriously wounded students.

On November 14, Swazi authorities had detained Dominic Mngomezulu, Mphandlana Shongwe and Boy Magagula without charge or trial under 60-day detention orders issued pursuant to the King's Decree Number 1 (1978). This allows for incommunicado detention which can be renewed indefinitely at the discretion of the Prime Minister. Detention orders issued under this Decree cannot be appealed to the courts; appeals must go directly to the King. That same day, Ray Russon and Sabelo Dlamini sought refuge in the United States embassy to escape arrest and detention under the 1978 Decree. The US is Swaziland's largest aid donor.⁷⁵ This was the first time that Swazi citizens had ever asked for asylum in a foreign embassy. They told US officials that they sought

⁷³ Editor's Comment, "We demand a judicial inquiry into 'Black Wednesday,'" *Times of Swaziland*, November 20, 1990.

⁷⁴ Gordon Mbuli, "Students are still missing," *Times of Swaziland*, November 16, 1990.

⁷⁵ *Africa Confidential*, November 23, 1990.

political asylum in the US or assistance in going to a third country of their choice. Russon said he had fled his house after the police came to arrest him. Dlamini went into hiding after police beat him during the assault on the Kwaluseni campus. They did not arrest him because they failed to recognize him.

Russon and Dlamini were not assisted by the US embassy staff. An embassy official said that, "It is not our policy to encourage this sort of thing." The two academics spent the night in the embassy lobby, which is physically separate from the other embassy offices; they were not even allowed to use the embassy toilets. Russon and Dlamini were put under pressure to leave despite the fact that the Prime Minister had already publicly called for their arrest. According to a statement issued by the embassy, "We have told them that we do not have adequate physical facilities to permit them to stay, and we have asked them to depart." While the statement expressed concern over the human rights issues implicated and gave assurances that embassy personnel would follow their case closely, no effort was extended to protect their human rights.

William Pitcher Teacher Training College was closed indefinitely on November 15 when students there defied an order from the Acting Minister for Education, Senator Reginald Dhladhla, to return to class. The students were in the fifth day of a class boycott. They were ordered into the main dining hall for an address from the Acting Minister at 1:15 p.m. At the same time, police vehicles loaded with paramilitary police arrived at the college. The Acting Minister told the students that since they had failed to obey an order to resume classes they had to leave the campus within 90 minutes. However, the assembled students began to argue with the Acting Minister: they demanded to know why the college was being closed when their grievances had not been resolved. The students did not disperse until Dhladhla announced that the paramilitary police had been deployed to oversee the students' departure from the campus.⁷⁶

On November 17, Ray Russon and Sabelo Dlamini were reported to have been escorted off the US embassy premises. They went into hiding

⁷⁶ Gordon Mbuli, "William Pitcher Closed," *The Times of Swaziland*, November 16, 1990.

and attempted to flee the country. On November 22, the South African police handed them over to Swazi officers at Oshoek on the border between the two countries. They were immediately detained and joined Dominic Mngomezulu, Mphandlana Shongwe and Boy Magagula who had been arrested and detained several days earlier. The five academic detainees went on a hunger strike after the Prime Minister ignored their petition to charge or to release them.

In late November, the Law Society of Swaziland issued a statement according to which the group:

unreservedly condemns the latest detentions which come after five of the detainees were acquitted in the High Court The detentions and the Detention Order, 1978 itself are a violation of Article 9 of the Universal Declaration of Human Rights ... The Law Society calls on the Prime Minister to withdraw the detention orders and to charge or release the detainees.

The Law Society went on to call for the establishment of a Judicial Commission of Inquiry into the police and army action at UNISWA.

According to information recently received from Swaziland:

The University is slated to open again on January 14.⁷⁷ The independent commission which was to look into events has not materialized -- at least not publicly. The SRC has been disbanded for the present and all its responsibilities were handed over to the dean of students. The two refugees from the 60-day detention order ... went on a hunger strike in prison and were actually hospitalized, but both have recovered and remain in detention.⁷⁸

⁷⁷ The University did in fact open in early 1991.

⁷⁸ A letter from Swaziland which was made available to Africa Watch.

These recent developments in Swaziland do not bode well for academic freedom and human rights in the country.

TANZANIA

The University of Dar es Salaam was established in 1961 as a college of the University of East Africa. It began with only the Faculty of Law and 15 students. On July 1, 1970, the University College became the University of Dar es Salaam with a student body of approximately 2,000 and a full-time staff of 240.

The University of Dar Es Salaam has a history of student activism dating back to the mid 1960s. According to a well-informed source:

In 1966 there was a student march on State House to protest the students' being required to do national service at reduced pay. In 1969 and the early 1970s, there was another round of confrontation, when the ruling party tried to impose a party organization on the students. At the time there was an autonomous student organization with a significant membership. Part of this confrontation had to do with *Maji Maji*, a radical student journal in which Issa Shivji's and Walter Rodney's work first appeared. The ruling party's aim was to create a party youth league and close down the journal. Essentially it was a question of who was going to control campus organizations. There was a confrontation and as a result student leaders were expelled.⁷⁹

Until recently, academics in Tanzania, most of whom are employed in government-run institutions, refrained from broaching sensitive topics in classrooms and in their publications. The ruling Chama Cha Mapinduzi party (CCM) has attempted to control student organizations and life on campus: for example, permits must be obtained for any public meeting -- political or otherwise.

In 1978, DUSO (the University of Dar es Salaam Student Organization), an autonomous student organization open to all students at the University of Dar es Salaam, led a student protest against the granting

⁷⁹ Africa Watch interview with an American academic on the campus of the University of Dar es Salaam in the late 1960s.

of a gratuity (a lump sum payment given in lieu of a pension) to Cabinet Ministers. In response, the government suspended 400 students from the University and announced that it would only allow their return after they apologized. The government then disbanded DUSO. To fill the vacuum this created, the ruling party instructed its youth organization to organize the youth in the country. The party's youth organization established MUWATA, the Union of Tanzanian Students. This move by the CCM ended autonomous student organization on campus. As a result, open debate and discussion among students declined. Unlike DUSO, which was open to all students, including foreigners, only Tanzanian students could join MUWATA.

In 1980, the academic staff at the university formed their own organization -- the University of Dar es Salaam Academic Staff Assembly (UDASA).

In the mid-eighties, Thadeo Bugingo, a university lecturer, was arrested along with some thirty other people, and charged with treason for alleged involvement in a 1982 plot to overthrow the government. Bugingo was eventually released and went into exile after being detained for more than two years. He was never charged with a crime.

In 1989, K.L. Bazigiza, a student leader, was arrested after he publicly criticized the composition of a Tanzanian delegation sent to attend a world youth festival in North Korea. Subsequently, Bazigiza was included in the delegation which otherwise consisted of members of the ruling party's youth organization. Bazigiza also raised questions about the manner in which the delegation's funds were allocated. On the delegation's return to Tanzania, Bazigiza and another student were detained for 21 days. A committee appointed by the University Council to investigate the matter found that the arrest and detention were unjustified and illegal. The committee recommended that the government institute an official investigation and take appropriate disciplinary and legal action against those responsible for the arrests. No such action was ever taken. Privately, the Prime Minister, who had initially tried to ignore the issue, placed equal blame on Bazigiza and the state agencies but asked everyone concerned "to forgive and forget".⁸⁰

⁸⁰ Issa Shivji, "Law, Democracy and the Rights Struggle: Preliminary Reflections on

1990 was a tumultuous year at the University of Dar es Salaam. According to UDASA, the political changes sweeping Eastern Europe:

led to a revival of the spirit of critical debate and discussion of the relevance of those events to Africa and to their own conditions, focusing on the question of democracy and accountability. The recent series of seminars on Eastern Europe were once again heavily attended by both sections of the academic community, and the University seemed poised for a new period of activism.⁸¹

These events interacted with important local developments. In March, President Mwinyi, who also serves as Chancellor of the University, was forced to fire a number of Cabinet Ministers because of increasing public pressure over allegations of corruption among government officials. He publicly called for an anti-corruption drive which the students extended to campus to include University administrators. In addition to the issues of corruption and accountability, the students also raised a number of other questions, including the declining allocation of resources to the University, the effect of budget cuts on the quality of education, and the need for greater democracy both on campus and in the country at large.

On April 7, the students called an extended meeting which was followed by a boycott of classes. They requested that the Minister of Education come to the campus and address their concerns. When he failed to do so, the students asked President Mwinyi to visit the University in his capacity as the institution's Chancellor.

On April 11, UDASA held a General Meeting at which it decided that the students had raised serious issues. UDASA announced that it would hold a joint meeting with the students to discuss the grievances. According to UDASA, the joint meeting, held on April 12, was a historic event which gave rise to a new form of democracy in campus politics: "It

the Experiences at the University of Dar es Salaam", p. 11.

⁸¹ UDASA, *University of Dar es Salaam Crisis*, 1990, p. 3.

was the first time that the two halves of the academic community came together."⁸²

In response to a message from the Chancellor, a delegation was dispatched to State House to present him with a statement. The Chancellor promised to visit the campus and he advised the students to return to their classes.

For a time it seemed that the crisis had been defused. On April 17, the University Council agreed to give the students increases in certain allowances and a commission was appointed to investigate corruption at the University. These concessions led student leaders to try to convince their colleagues to return to classes. Confrontation became inevitable when the government on April 17, without consulting the University authorities, issued a blunt ultimatum to the students to return to classes. The following day, April 18, the pro-government newspaper, the *Daily News*, stated that the "Government was dismayed by the students' defiance of the directive."⁸³

A vigorous anti-student media campaign began *after* the students returned to classes on April 19. On Radio Tanzania the students were portrayed as "traitors." In letters and articles which appeared in both English and Kiswahili the students were denounced as "selfish." Despite these provocative attacks, the conditions on the campus remained fairly calm.

On April 19, by coincidence, UDASA and the staff associations from the Ardhi Institute and Cooperative College, the Institute of Finance Management and Skokine University issued the "Dar es Salaam Declaration on Academic Freedom and Social Responsibilities of Academics." This document, published at a time of crisis at the university, asserted that "the state has become increasingly authoritarian"⁸⁴

⁸² *Ibid.*, p. 21.

⁸³ Quoted in the *Family Mirror*, (Dar es Salaam), First Issue, August 1990, p. 5.

⁸⁴ Six Staff Associations of Institutions of Higher Education in Tanzania, *The Dar es Salaam Declaration on Academic Freedom and Social Responsibility of Academics*, p. 1.

According to a participant in the workshop which issued the Declaration, the session had originally been planned for February but was delayed for budgetary reasons. The crisis at the University sharpened the discussion over the Declaration.⁸⁵

On May 7, the President visited the campus on short notice to inspect conditions and talk with various university administrators; his visit was originally scheduled for May 12. He gave an impromptu speech in which he said that since the students had disobeyed his request to return to classes, he no longer felt bound to keep his promise to visit them.

On May 8, obscene and highly derogatory wall posters began to appear on campus. These lampooned the President, the Prime Minister and the Minister of Education. According to UDASA, there was reason to believe that some of the posters may have been planted by "interested parties" to "destabilize the situation or blame the students for them."⁸⁶ The appearance of the posters, more than any other single event, intensified the pitch of the anti-student media campaign and led to the closure of the university. Soon after the posters appeared, the campus was flooded by security police and strangers who behaved in a provocative manner. The campus was rife with rumors: one concerned the imminent armed intervention of the Field Force Unit (FFU) and another the alleged abduction of a student leader from the campus.

On May 12, the government announced the closure of the University; students were given only a few hours to leave the campus. An independent commission, later appointed to investigate the crisis, came to the conclusion that the University was closed to punish the students for insulting government leaders.⁸⁷ Following the closure, the students were penalized in other ways: they were prohibited from working and were required to report to the police or district authorities regularly. The

⁸⁵ Africa Watch Interview with Tanzanian academic, January 9, 1991.

⁸⁶ UDASA, University of Dar es Salaam Crisis, 1990, p. 9.

⁸⁷ "Mroso Commission Vindicates Students," *Family Mirror* (Dar es Salaam), October 1-15 1990, p. 4.

government whipped up a hostile public mood against the student body. After the university's closure, the President gave a speech on May 14 in which he asked Tanzanians to support either him or the students. There were CCM-led demonstrations around the country to support the actions against the University students. The campus remained closed throughout the fall of 1990.

On November 30, President Mwinyi, in his capacity as University Chancellor, announced that the campus would re-open on January 1, 1991. In a veiled threat, he stated that measures aimed at establishing an atmosphere conducive for studies would be taken to prevent a recurrence of the problems that led to the University's closure. Then, prior to the re-opening, thirteen students, mainly student union leaders, who the authorities regarded as instigators, were expelled. One of these students was severely beaten by the police and was hospitalized as a result. Eight other students were given a strong reprimand.

A statement issued by the UDASA General Assembly noted that neither the procedures of the University Act nor the safeguards of Tanzania's criminal procedure code were followed in imposing punishment on the 21 students. Such actions, according to UDASA, did not augur well "for an academic institution charged with the responsibility of seeking knowledge and advancing the search for truth as well as contributing towards building a just society." UDASA urged that the expelled students be reinstated and that the punishment against them be withdrawn pending a hearing as required by the University Act.⁸⁸

While the campus has re-opened, the issues which provoked the crisis of last spring remain unresolved and the recent student expulsions diminish the prospects for greater academic freedom in Tanzania.

⁸⁸ UDASA Statement on the Dismissal of Students, December 19, 1990.

TOGO

The academic community in Togo has suffered under the regime of President General Gnassingbe Eyadema. On campus, free discussion was allowed only in non-political disciplines. During 1990, there had been increasing demands for greater political openness: small numbers of academics, intellectuals, lawyers, journalists and students became more actively involved in pressing for greater respect for human rights and freedom of expression and association.

Academics in Togo have been severely limited by the restrictions on freedom of expression. Anyone writing a book, an article, a play, or producing a film was required to submit his or her work to a censor. The question of censorship is not openly discussed and the Togolese government, as a rule, does not acknowledge its existence. In practice, most intellectuals censor their own work before submitting it for government review. Throughout the 1970s and most of the 1980s, if a Togolese academic or intellectual wrote works critical, or construed to be critical, of the government, he or she was subjected to arrest and detention, to beatings and other forms of mistreatment. At a minimum, those considered to be critics lost their teaching positions or other government posts and their work was confiscated. Some were even brought before the President to be humiliated, or subjected to a summary "trial" and "sentenced".

In the mid 1980s, the case of the "pamphleteers" stood out as a warning to intellectuals and academics about the dangers of opposing the government. In September 1985, 18 Togolese were arrested for possessing and circulating anti-government tracts. This was treated as a criminal offense but most were never charged or tried. Fifteen were released in early 1986. The other three were brought to trial.⁸⁹ Among these was Emmanuel Yema Gu-Konu, a university lecturer in geography at the University of Benin in Lomé, who was arrested on September 21, 1985. At the end of July, Yema Gu-Konu was brought to trial before the Correctional Court in Lomé on charges of possession and distribution of

⁸⁹ Amnesty International, *Togo: Human Rights Developments Since 1985*, p. 5.

subversive literature. Yema Gu-Konu stated that he had been tortured while in custody. He retracted the confession used against him at the trial on the grounds that it was coerced through torture. He was convicted of "distributing subversive leaflets" and violating the public trust, and was sentenced to five years' imprisonment. Yema Gu-Konu was freed in an amnesty announced in January 1987.

Thirty people were arrested in December 1985 and detained for possessing literature that the government considered to be subversive or insulting. Among this group was Tanko Diasso, a university lecturer in economics. He was held without charge or trial until he was released in July 1986.

The academics who were arrested were not allowed to return to their posts at the university. They included: Tanko Diasso; Yema Gu-Konu and Adimado Adamayom, who taught history at the Universite of Benin, Lomé.⁹⁰

Academics have had to be careful not only about what they write but about their political association and the views they express. Adabra Kodjo Marcellin, a university lecturer, was arrested in September 1983, apparently on suspicion of being in contact with an exiled opposition movement.

Starting in the late 1970s, the government placed informants in the large lecture classes at the law school to report on professors who were critical of the government or held unorthodox views. Some classes had as many as 800 students, making it impossible for the professor to know who the students were.

According to one Togolese academic interviewed by Africa Watch, this inevitably had an impact on the faculty:

For the professors, it meant that there was the real possibility that they would lose their jobs. It affected the way you teach because you don't know what will be reported. You live in permanent fear. You have to be very careful. Professors were

⁹⁰ *Ibid.*

fired from their positions for involvement in political activities on the campus.

The government was particularly sensitive over some matters. Because Togo has been a one party state it was necessary to be careful in dealing with the issue of political parties. If you talked about a multi-party system, the government saw that as being anti-government -- "trying to put wrong ideas in people's heads."

The presence of informants in the classroom affected students as well -- they tended to be very wary in class discussions. The informants were students who needed scholarships or students who were mediocre. The needy ones received scholarships from the government in exchange for informing.

Activities on campus that were critical of the government were not allowed to take place. The authorities would learn what activities were planned and the controversial activity would not be allowed to happen.⁹¹

On the night of August 23-24, 1990, nine students at the University of Benin were arrested along with about four other people on suspicion of producing and distributing leaflets. One of those arrested was Kossi Efoui, a student, playwright and advocate of human rights and multi-party democracy. He openly admitted his participation in the editing and distribution of the leaflets. According to reports in the press, he was tortured with electric shocks and beaten. Another student, Aboli Komlan Dzogbesse, also reported being tortured with electric shocks. According to him, the Director of Security declared that "we are going to make our little friend dance a little".⁹² The students were released after two days of

⁹¹ Telephone interview with Africa Watch, August 10, 1990.

⁹² *Forum-Hebdo*, September 15, 1990.

interrogation on August 27.

The newly formed Togolese League of Human Rights quickly published a report which found that five of the detainees had been tortured. The report was published in the country's first independent newspaper, *Forum Hebdo*. This compelled the governmental Human Rights Commission to take some action. The Commission found that four of the detainees had been tortured. Apparently one student had retracted his statement in order to receive a passport which enabled him to travel to France to begin a scholarship program there. This was the first time that a governmental body had found another government unit responsible for torture. Following the Commission's report, the country's police chief was dismissed.

In late November, a group of lecturers at the University asked the government to convene "a national conference to discuss new institutional orientations in Togo." They cited "the breakdown of all the procedures that have been adopted" to install a pluralist democracy in Togo and the need for the government to convene a national conference.⁹³ While the government currently appears to be tolerating some degree of change in Togo, it seeks to control the process in order to ensure that reform does not lead to a fundamental change in the distribution of power. In January 1991, Komi Agah, the editor of *Forum Hebdo* was subjected to harassment and interrogation on account of articles critical of the authorities which appeared in the paper. He then fled the country. The implication of these latest developments for academic freedom are not encouraging.

⁹³ BBC Summary of World Broadcasts, November 25, 1990.

UGANDA

Ugandan academics have suffered as a result of the general and systematic attacks on human rights which have characterized so much of the country's post-independence history. As a result of these abuses and the resultant social turmoil, Makerere University, once the premier university in East Africa, has been reduced to a shadow of its former self. Its worst period was under the military regime of Idi Amin Dada in the 1970s. Academics and students of Acholi and Langi ethnic origin were either arrested or forced to flee the country. In August 1976, troops led by the Minister of Education entered the Makerere campus and rounded up students who were boycotting lectures, who were subjected to one to two hours of torture. Some 200 were then taken away in army jeeps to detention centers where they were subjected to further torture and in some cases rape. They were sent back to campus, but a similar attack took place the following night. Although most students returned, some 20 remained unaccounted for.

The government of Milton Obote (1980-85) did not mount such direct attacks on the University, although a number of students were detained because of their suspected sympathy for anti-government guerrillas. The Obote Government's most frontal assault on academic freedom came in 1985 when Mahmood Mamdani, a professor in the Department of Political Science was deprived of his Ugandan nationality. At a conference on the causes of famine Mamdani had presented a paper criticizing the government's policy of creating national parks, which he said interfered with peasant food production. Present at the conference was the acting Minister of Wildlife and Tourism, Cris Rwakasiisi, who had recently ordered the creation of a new national park. He also happened to be an owner of Uganda's largest tour company -- and the Minister responsible for the secret police. Mamdani had his passport arbitrarily withdrawn, apparently on Rwakasiisi's orders. However, only weeks later the Obote government was overthrown. Mamdani's nationality was restored and he was able to resume his position at Makerere.

Compared with the previous 15 years or so, the period since the present government came to power in January 1986, has seen relative freedom of academic life at Makerere, although a recent crisis which

culminated in the police killing of two student protestors in December 1990 has seriously tarnished that reputation. Lawyers teach courses on human rights, while political scientists are able to criticize important aspects of government policy. In one serious case, however, a senior member of the university was detained illegally without charge. Charles Kagenda-Atwooki, Professor of Geography, was arrested on December 10, 1987, shortly after he had given an interview to the British Broadcasting Corporation (BBC) criticizing aspects of the government's human rights record. He was held at Basiima House, the headquarters of military intelligence, and at Mbuya barracks, both in Kampala. He was only brought to court some four months later after his lawyer had filed an application for habeas corpus. He was charged with terrorism and possession of seditious publications. On the former charge the court has no discretion to grant bail. Professor Kagenda-Atwooki remained in custody until the charge was dropped in September 1988. On the second charge, the allegation against him was that he had possessed single copies of pamphlets produced by exile groups.

The major obstacle to the University carrying out its academic role has been the shortage of resources, which has led to serious confrontations between the University and the government over salaries and student grants.

In May 1989, lecturers at Makerere went on strike for a "living wage." This was met with hostility by the government -- at one stage all strikers were dismissed and the academic staff association banned -- but the strike eventually achieved a substantial improvement in salaries. Then in August 1989, the Ministry of Education announced the abolition of all allowances for students in higher education. After a breakdown in negotiations between the Ministry, University and students, on October 30, the students launched a strike and lecture boycott. The authorities responded by closing the university and sending armed police onto the campus. When it was finally reopened in January 1990, students were only readmitted after they had been vetted by their local District Administrator and Resistance Committee (the Resistance Committees are local government structures introduced by the present government).

In June 1990, a teaching assistant at Makerere, Nyangabyaki-Bazaara, was threatened with disciplinary action for an article he had written.

Bazaara, who teaches in the Department of Political Science, had written an article criticizing an Italian architectural consultant employed on a European Community project at Makerere, whom he accused of trying to "colonize" the university. The article appeared in the journal of the Resistance Committee at Makerere, of which Bazaara is information officer. The Vice-Chancellor, Professor William Senteza-Kajubi, described the article as having been written "with calculated malice to damage the good name of the consultant and the University." He said that he would "spare no avenue for disciplining" the author.

On December 10, 1990, police opened fire on a student protest at Makerere, killing two students and wounding two other people. Students were boycotting classes because of grievances over the provision of stationery and travel allowances. Armed police were deployed on campus.

On December 8, the Minister of Education agreed to meet student representatives, who approached police for permission to hold a rally on December 10, to put to students a proposal to call off the boycott. No response was received from the police. On December 10, as students began to assemble, their representatives again approached police officers to seek permission for the gathering. Meanwhile a large group of students began to move away, a whistle was heard from within police ranks and the police opened fire. Two undergraduate students, Tom Onyango and Tom Okena, were shot dead. Two other people, one a student and the other a university employee, were wounded. Sporadic shooting continued for some time and students who fell into the hands of the police were severely beaten. One of these, Jacob Olango, who had been in the group which was seeking police permission for the gathering, was so badly beaten that he had to undergo an emergency operation.

Within the next 24 hours the government announced a series of measures in response to these events. The Inspector General of Police and his deputy were suspended from duty pending the outcome of a judicial commission of inquiry into the killings. Thirty-one police officers were arrested. Students were allowed two days of mourning but instructed then to return to classes, which they refused to do. In January it was revealed that the 31 police officers arrested for the killings had "escaped" from custody -- apparently they had been released on the orders of a senior officer who was suspended from duty as a result. By mid-February all 31

had been recaptured. On February 20, a police officer named Mutadina appeared before the Kampala Chief Magistrate charged with the murder of Tom Onyango. At the time of writing no one has been charged with the murder of Tom Okena and the commission of inquiry has not concluded its investigations. Although there were signs that those who fired the fatal shots would be brought to justice, there was nevertheless concern that the process of investigation should be broad enough to establish who gave the order to open fire and under what authority.

ZAIRE

Like all other institutions in Zaire, the universities are controlled by the Mobutu regime -- sometimes with violence, but often using less direct methods. The repression is felt most acutely by the students; university campuses have been invaded by security forces, leaving many dead or injured, and student leaders have "disappeared" or been attacked by "unknown assailants." Professors are subjected to more subtle forms of intimidation to keep them in line, but the prevalence of self-censorship ensures that most stay well within the limits of what the government is likely to tolerate. While "internal control" defines academic pursuits in Zaire, it is grounded in a history of repression and brutality against the academic community.

The university was one of the last institutions in Zaire to be brought under the state's control. In 1971, partially as a result of student unrest in 1969 which led to government troops killing dozens of students, the universities were nationalized. The newly created national university -- Université Nationale du Zaire (UNAZA)⁹⁴ -- was placed under the management of a rector who was appointed by the President of the republic. In addition, the 13 members of the university's Governing council, the Conseil d'Administration, were all appointed by the President, and the Minister of Education was given veto power over council's decisions.⁹⁵ The result of this nationalization was the centralization and the politicization of the educational system.

The physical conditions in Zairian universities are abysmal, and continue to deteriorate, with campuses, classrooms and dormitories resembling a disaster area. Even the lack of adequate food is a growing problem among students. As one observer noted: "Physically, the

⁹⁴ The university is made up of three main campuses -- in Kinshasa, Kisangani and Lubumbashi. In addition, there are numerous post-secondary institutes.

⁹⁵ Galen Hull, "Education in Zaire: Instrument of Underdevelopment," *Zaire: the Political Economy of Underdevelopment*, edited by Guy Gran. New York: Praeger Publishers, 1979, p. 149.

university here makes a visitor think of a war zone."⁹⁶ Many of the protests in the universities have been sparked by questions of economic survival, aggravated by the repression and corruption that plague the entire country.

There is another element which contributes considerably to the government's control over the universities: the presence of security forces and the network of informants on the campuses. Professors or students who speak out critically vis-a-vis the government are likely to be turned in by these informers, some of whom are in the employ of one of the security agencies, while others are simply poor students who want to be paid for their information. In addition, some of the university administrators, who are government appointees, were members of the security services. The former president of the University of Kinshasa, Bingoto Mandoko na Mpeya, for example, used to be an official of the security police.⁹⁷ The new president, Boguo Makele, is also believed to be connected to the security apparatus.⁹⁸

Until recently, student activism in Zaire had declined, due largely to the effect of brutal crackdowns on students in the late 1960s and early 1970s. As *The New York Times* noted in 1988: "There is another reason why students do not protest much: fear. When students at the Institute for Building and Public Works turned their backs to protest President Mobutu when he was passing in a motorcade, he ordered their school closed. It remained shut four years."⁹⁹ This kind of arbitrary action, reinforced by more violent government responses, undermines campus activism and severely limits independent academic inquiry. In addition, students have

⁹⁶ Steve Askin, "Amid Stench and Decay, Professors and Students in Zaire Struggle to Keep their Impoverished University Alive," *The Chronicle of Higher Education*, Volume XXXIV, Number 20, January 27, 1988.

⁹⁷ Steven Greenhouse, "Kinshasa Journal: A Thirst for Knowledge Competes With Hunger," *The New York Times*, June 2, 1988.

⁹⁸ Africa Watch interview with Zairian exile in Belgium, October 3, 1990.

⁹⁹ *The New York Times*, *op. cit.*

been harassed and beaten for questioning the authority of the Jeunesse du Mouvement Populaire de la Révolution (JMPR), the youth organization of the ruling MPR, and the government often restricts the ability of outspoken professors to participate in international conferences or to travel abroad for other purposes.¹⁰⁰

The massacre of at least 12 and possibly as many as 150 students at the University of Lubumbashi on the night of May 11-12, 1990, is the most recent and dramatic example of the lengths to which the government will go to stifle student activism.¹⁰¹

The killings were preceded by demonstrations at university campuses in various parts of the country which grew out of frustration at President Mobutu's failure to honor his promises to reform the country's political system. On May 7-8, students from the University at Kinshasa were involved in protest actions, which resulted in the arrest of more than two dozen; one was reportedly beaten to death.

The students at Lubumbashi began protesting in solidarity with the students in Kinshasa, beginning on the night of May 9-10. According to a protest issued on May 14 by 21 professors and deans who investigated the incident, the unrest began when students identified three persons as government agents, who were holding weapons. These three persons were beaten by the students, a skirmish ensued, and the University was blockaded by the Gendarmerie, a paramilitary force.

For the better part of May 11, students were involved in confrontations with the Gendarmerie. On the night of May 11, the University's electricity was cut-off and later that evening, commandos of the DSP (Division speciale presidentielle) and local security agents arrived at the campus. The commandos ransacked and burned shops, student rooms and university property, and attacked people with bayonets, machetes and guns; ambulances attempting to evacuate the victims were

¹⁰⁰ Hull, *op. cit.*, p. 152.

¹⁰¹ See Africa Watch press release, "Students Massacred by Soldiers in Zaire," May 23, 1990. See also, Lawyers Committee for Human Rights, *Zaire: Repression as Policy*, August 1990, p. 79-92.

intercepted. The ambulances and the Gendarmes did not enter the campus until 5:00 a.m., after the commandos had left, despite the fact that the university rector had been called hours earlier, as had the Gendarmes.

In June, a parliamentary commission of inquiry concluded that regional government and security officers in Lubumbashi were involved in preparing the attack on the campus. The commission's report found that government and security officials had ordered the electricity to be cut to the campus and had surrounded the campus during the attack, refusing to intervene. At least one member of the security forces was determined to have played a part in the attack.¹⁰²

On December 26, 1990, President Mobutu ordered the prosecution of the former governor of Shaba province, Koyagialo Ngbase Te Gerengbo. Although the charges against him were not announced, they were related to his role in the Lubumbashi attack. Earlier that week, a parliamentary commission repeated previous government statements that only one student was killed in Lubumbashi, as a result of student riots.¹⁰³

Other instances of student unrest followed the Lubumbashi massacre. On May 28, for example, students in Kinshasa organized a demonstration in solidarity with their fellow students from Lubumbashi. The protest led to confrontations with the police, leaving two students and two police wounded.¹⁰⁴

These recent incidents are merely the latest examples of a history of repression against academics. Earlier student protests throughout the country also turned violent when security police intervened. In February 1989, students in Kinshasa began protesting the economic problems faced by students in Zaire. On February 14, student demonstrations began in

¹⁰² Amnesty International, *Africa: Appeals for Academics and Students who are Prisoners of Conscience in 1990*, October 1990.

¹⁰³ "Mobutu Orders Trial of Official Linked to Campus Attack," *Reuters*, December 27, 1990.

¹⁰⁴ "Les étudiants de Kinshasa se heurtent aux forces de l'ordre," *Le Monde*, May 30, 1990.

Kinshasa at the Institut Pédagogique National (IPN), and soon spread to other campuses. The security forces moved in, killing at least 14 students and wounding more than 40 others, including professors. In addition, dozens of students were arrested, and many were badly beaten in detention. The universities were closed until March 20, 1989.¹⁰⁵

Also in February 1989, agents from the Agence Nationale de Documentation (AND) arrested Gauthier de Villers, a Belgian sociologist who had been teaching at the University in Kisangani. He was subjected to a house search, during which the AND confiscated personal papers and recordings of parliamentary proceedings about the Zaire-Belgium crisis of 1989. His arrest stemmed from a collection of books and magazines donated to the University under an agreement between Belgium and Zaire. Because some of the journals contained articles either critical of Zaire or dealing with the Union pour la démocratie et le progrès social (UDPS) an opposition party, he was accused of diffusing subversive literature, although he was not involved with selecting the materials. When he refused to sign an affidavit detailing the allegations against him, he was detained, first in Kisangani and then in the AND prison in Gombe, where he was held for three days and beaten. He was then expelled, and his papers were never returned.¹⁰⁶

Another well-known case involved Marcel Ebua Lihau, former President of the Supreme Court and professor of law. In 1975, he was removed from the bench by President Mobutu because of his advocacy of judicial independence. In 1983, Professor Lihau was sent into internal banishment for allegedly helping an alternative political party, the UDPS. Our information indicates that it was at that time that he was removed from his position as a professor of law in Kinshasa. According to Amnesty International, Professor Lihau had been consulted by UDPS leaders in 1982 about how to legally form a new political party.¹⁰⁷ He was

¹⁰⁵ Lawyers Committee, *op. cit.*, p. 103-6.

¹⁰⁶ Lawyers Committee, *op. cit.*, p. 65-67.

¹⁰⁷ Amnesty International, *Amnesty International Report 1984*, London, 1984, p. 116.

finally allowed to leave the country for medical treatment in 1985. He returned to Zaire in 1990.

In 1986, an incident took place involving an American Peace Corps teacher. Since there were no text books available for teaching English, the teacher decided to write and distribute an essay about corruption for discussion purposes. A copy of the essay was immediately given to the security forces. In response, Foreign Minister Mandungu Bula Nyati wrote an angry letter to the US Ambassador ordering the Peace Corps to leave the country due to the "provocative, subversive and destabilizing" efforts of its volunteers.¹⁰⁸

In September 1985, four University lecturers were convicted by a State Security Court in Lubumbashi on charges of organizing an unofficial strike by University lecturers for higher salaries and inciting violence. They were sentenced to four months of imprisonment. Because they had been in detention since June 1985, they were released in October, but lost their jobs at the University.¹⁰⁹

The attacks on academic freedom in Zaire reflect the Mobutu regime's efforts to control and politicize all institutions in the country, to devastating effect. Unfortunately, without far-reaching reforms, it will be difficult to make the university an independent and vital institution for education. While events like the massacre at Lubumbashi do not provide much hope for the near future, the university community has shown over the years that it will continue to bring pressure to bear on the regime.

¹⁰⁸ Forthcoming book by Steve Askin and Carole Collins, *Zaire: The Theft of a Nation*.

¹⁰⁹ Amnesty International, *Annual Report 1986*, p. 113.

ZIMBABWE

The government of independent Zimbabwe has overseen an expansion of education at all levels, from primary to university. University education has grown to the extent that a second University is now envisaged to be situated in the country's second city, Bulawayo. For the most part the government and the academic community have not come into conflict. The new government was naturally anxious to Africanize the University staff, but this was achieved with little conflict. Academics were generally unsympathetic to the racist order which preceded independence; most of the few exceptions left as soon as possible. The Vice-Chancellor, Professor Walter Kamba, is a close personal friend and advisor to President Robert Mugabe, but for most of the 1980s there was no evidence of interference in free academic inquiry at the University. It was only in 1988, when both students and senior members of the University became increasingly engaged in public debate about government corruption and the proposed move to a single-party political system, that government and University headed on a collision course. Even throughout this period senior members of the University continued to publish critical articles in the press both within and outside Zimbabwe without harassment or interference. However, this entry documents the most serious episodes of government interference in University life, involving the closure of the University, the imprisonment of student representatives and a lecturer, and the deportation of another lecturer. In November 1990 a serious new threat to the University's freedom arose with the passage through parliament of a draft law restricting its independence from government and enhancing the disciplinary powers of the University authorities.

In September 1988, students at the University of Zimbabwe and Harare Polytechnic attempted to organize a demonstration against government corruption. However, the police prevented the demonstration from leaving the campuses and broke up the protests with teargas and baton charges. The demonstrators declared their loyalty to President Mugabe and were taken aback when he returned from an overseas trip to endorse the harsh police action. Law lecturer Shadreck Gutto, a Kenyan political exile, was summarily expelled from the

country because he was alleged to have helped the students draft an anti-corruption manifesto. Four other lecturers, along with six students, were charged under the Law and Order (Maintenance) Act with inciting public violence. The charges were later dropped, but the 15 members of the University Students' Representative Council (SRC) had their grants withdrawn by the government in January 1989, apparently because they had circulated documents which were said to be offensive to the office of the President. Two months later the grants were restored after the students wrote a letter of apology to the Minister of Higher Education. In many respects the withdrawal of the grants was a more serious sanction than the criminal charges. To cut off the students' means of livelihood was a harsher penalty than anything the courts were likely to impose. Also the criminal charges were unlikely ever to succeed in court, whereas the withdrawal of the grants was an administrative measure for which the authorities were not required to give a reason.

In June 1989, one of the four lecturers who had been charged, Kempton Makamure, acting Dean of the Faculty of Law, was arrested and detained for a week at Harare's Marimba police station under the state of emergency then in force. The Emergency Powers (Maintenance of Law and Order) Regulations require that written reasons for detention must be served within seven days of a person's arrest. Since Makamure was released just within that time limit, the reasons for his detention were never officially stated. Apart from his alleged involvement in the anti-corruption protest, Makamure had offended the government in May 1989 when he gave a radio interview to the official Zimbabwe Broadcasting Corporation criticizing the country's new investment code. The code, which liberalized foreign exchange requirements for overseas companies and facilitated the repatriation of profits, was generally welcomed in Western economic circles but criticized by the Zimbabwean left. The two journalists who interviewed Makamure, Robin Shava and Nyika Bara, were suspended from their posts.

On September 29, 1989, students at the University attempted to hold a seminar to mark the first anniversary of their anti-corruption demonstration. Some 200 riot police and CIO members (intelligence) arrived on campus to disperse 300 students, telling them that their gathering was illegal. On October 2, the SRC issued a statement

protesting the police action as a violation of academic freedom. In the early hours of October 4, police again came onto campus to arrest Arthur Mutambara, SRC president, and Enoch Chikweche, the organization's secretary general. Mutambara was injured trying to escape arrest.

As news of the arrests spread, thousands of students assembled to protest, according to reports in the government-owned press. In the course of this spontaneous demonstration a Mercedes Benz car belonging to Vice-Chancellor Walter Kamba was damaged. At least 70 students were arrested. Later the same day Professor Kamba announced that the University was being closed indefinitely, the first time this had happened since independence in 1980. Kamba refused to condemn either the initial police action against the seminar or the arrest of the student union officials. Students were given only a few hours to leave campus. The term had only just started and students had not yet received their grant payments, so many were stranded in Harare with no money. The closure, carried out in consultation with President Mugabe who is chancellor of the University, drew condemnation from the University Teachers' Association and the University Senate.

Most of the students arrested on October 4 were released within a few days. However, initial charges against Mutambara and Chikweche were dropped and replaced by 30-day detention orders under the Emergency Powers. After a challenge in the High Court, these detention orders were set aside but promptly replaced with charges under the Law and Order (Maintenance) Act. Mutambara and Chikweche were alleged to have issued a subversive document. Other imprisoned students, believed to number as many as 15, were charged with public violence. A certificate issued by the Minister of Home Affairs forbade the courts discretion to grant bail. The imprisoned students were finally released on bail, however, and all charges against them dropped.

On October 23, the University of Zimbabwe was reopened to allow students to sit examinations. However, this apparently positive development was hedged with qualifications. The activities of the SRC were suspended, meetings "likely to disturb the examinations" were banned, and all students were required to sign an undertaking agreeing to respect these and other conditions. The initial issue surrounding the closure was police interference with academic freedom when they came

onto campus to prevent a seminar. The reopening, far from resolving that issue, simply imposed further restrictions on free discussions among the student body.

The University of Zimbabwe Amendment Act was passed by Parliament in early November 1990 after a hurried debate which allowed no time for the public and members of the University to express their views. The new law which was signed by President Mugabe in December 1990, greatly restricts the independence of the University from government and extends the disciplinary powers of the University authorities against staff and students. These amendments in the constitution of the existing University were combined with a long-sought proposal to establish a new University in Zimbabwe's second city of Bulawayo. By combining the two issues, the government guaranteed the support of many Members of Parliament from Bulawayo and the surrounding Matabeleland region who might otherwise have been expected to oppose the restriction of the University's freedom.

Among the measures in the new law are the following:

- * The powers of the Vice-Chancellor are extended to allow him to: suspend any member of staff from duty; prohibit the admission of a student; prohibit a student or group of students from attending classes or entering the University; expel or suspend any student or group of students; dissolve or suspend the students' union.
- * The government, in the person of the Minister of Higher Education, has much greater day-to-day control of the running of the University. Under the old law the Minister appoints 12 out of 37 members of the University Council. Under the new Act the Minister will appoint 16 out of 42 members, as well as having a say in the appointment of nine others. Thus a clear majority of council members will owe their position to the Minister.
- * Under the new law the appointment of Vice-Chancellor will be subject to ministerial approval.
- * Under the old law the Staff Disciplinary Committee was chaired by

a High Court judge, whereas under the new Bill it is entirely internal, with no independent member.

- * Student representation on the Student Disciplinary Committee is reduced and there is no longer any obligation that some staff members of the committee have legal experience.
- * Neither staff nor students are to be any longer allowed legal representation before their respective disciplinary committee.

These measures have excited a considerable amount of popular opposition, both for their content and for the manner in which they have been hurried through the parliamentary process. Even the Vice-Chancellor, Professor Kamba, is believed to oppose some sections of the Act. There has been wide support for many of the student protests of the past two years which are seen as having identified important political issues, such as the extent of government corruption and the dangers of a one-party state. Even many of those who believe that greater discipline is needed at the University consider that the new law is disproportionately severe and will compromise the University's generally good record of academic freedom and independence from government.

RECOMMENDATIONS

In light of the serious abuses against the academic community which have been documented in this report, Africa Watch makes the following recommendations in order to encourage the independence and autonomy of academic institutions and academic pursuits:

African governments should:

- * Release all academics and students in detention immediately and unconditionally, unless they are brought to trial without delay and accorded internationally recognized rights of a fair trial;
- * End the practices of detaining, harassing, and dismissing academic staff on the grounds that the content of their teaching is objectionable to the government;
- * Put an end to the suspension, expulsion, harassment and arrest of students for involvement in peaceful campus activities, no matter how offensive the government considers the views expressed;
- * Establish independent commissions to investigate the circumstances whenever disturbances at universities result in the loss of human life and injuries. The results of such investigations should be made public immediately after the report has been submitted to the government;
- * Avoid the deployment of security or military forces on campus;
- * Permit the free expression of opinion at universities and research institutes without any form of government intimidation or control;
- * Put an end to censorship; academics should be free to write,

circulate and publish papers and books without interference;

- * Cease the use of informants to monitor classroom discussion;
- * Allow student organizations to function independently of the government and the ruling party. Such organizations should be free to sponsor lectures and seminars of their choice; on no occasion should individual students or student organizations be penalized for participating in these meetings;
- * Refrain from barring students and academics from involvement in the political life of the country. Nor should they should be penalized for their participation in political organizations;
- * Refrain from the practice of requiring students to sign pledges of "good behavior" as a condition for being allowed to resume their studies;
- * Cease practices aimed at restricting educational opportunities for any section of the population on the basis of race, ethnic or regional background, sex or political viewpoint;
- * Avoid the appointment of members of the ruling party to positions in the university administration for the purpose of bringing academics and students into line with government policies and thus discouraging free expression;
- * Allow university administrators to choose staff on the basis of academic qualifications or administrative experience, rather than political loyalty to the government and the ruling party;
- * Cease the practice of closing universities in reprisal for political activity.

Academics, Organizations of Academics and Academic Institutions in

Africa and abroad should:

- * Promote and defend through every possible means the ideal of free inquiry which lies at the heart of academic life;
- * Campaign for the release of academics and students who have been unjustly imprisoned and detained; insist that they be accorded the rights guaranteed by international human rights instruments, including access to family members, legal counsel, medical care and a speedy trial that is both open and fair;
- * Assist colleagues forced into exile to find placement at universities and research institutes elsewhere in Africa or abroad;
- * Assist in publishing the work of academics whose books have been banned in their own country;
- * Establish regional and international associations for the protection of the rights of academics similar to the associations created by other professional groups;
- * Insist on the independence and autonomy of academic institutions and academic pursuits;
- * Protest the use of armed force on the campus;
- * Press for the adoption of a binding international legal instrument for the protection of academic freedom.

Nongovernmental Donor Agencies providing assistance to universities and research institutes in Africa should:

- * Protest the detention and abuse of academics and students at institutions which benefit from this assistance;
- * Develop ways of assisting academics who have been penalized as a result of their work--either by creating a clearinghouse for job opportunities, assisting with placement in other countries or funding independent research centers to employ them;
- * In countries ruled by repressive regimes, reorder programs to support the long term goals of respect for human rights without either substantively or symbolically supporting the regime;
- * Use their prestige to the greatest extent possible to create room for pluralistic academic life;
- * Where the reordering of programs is not possible, and the agencies' continued presence in the country serves no positive function, they should withdraw publicly.

Donor governments should:

- * Protest the detention and abuse of academics and students at institutions which benefit from this assistance;
- * Insist that governments respect the independence and the integrity of institutes of higher learning;
- * Ensure that the assistance they provide is used for the purpose it was intended rather being siphoned off by government and university officials;

- * Where the reordering of donor government programs is not possible, and the maintenance of such projects serves no positive function, donor governments should publicly withdraw.

International Organizations:

Bodies such as the United Nations Educational, Scientific and Cultural Organization (UNESCO) should:

- * Issue public protests when academics, students, writers, poets, playwrights and researchers in Africa and elsewhere are killed, arrested, tortured, held in detention without charge or trial, have their works banned, restricted from travelling or harassed in any way;
- * Campaign against government interference with the work and independence of individuals and associations who are promoting educational, scientific and cultural research in Africa.

APPENDIX A: Rwanda¹¹⁰

Members of the academic community, along with thousands of other Rwandese citizens, suffered arrest, detention, unfair trials and death in 1990. Many are still in detention.

In 1986, an economics student at the Université National du Rwanda at Butare, Innocent Ndayambaje, was arrested and held without charge until late 1989, when Rwandese officials, who had received numerous protests from international human rights organizations, charged Ndayambaje with offenses against the security of the state.

In March 1990, Ndayambaje was tried before the Cour de Sureté de L'Etat, the State Security Court, on charges of contravening Rwanda's one-party state constitution: under the constitution which came into force in 1978, all Rwandese are required to join the ruling party. The Cour de Sécurité de L'Etat is not part of the ordinary civilian judiciary. Its membership, which includes military officers, are all appointed by presidential decree. The basis of the charge was Ndayambaje's distribution of political pamphlets in the town of Butare. During the trial, Ndayambaje, who was denied legal counsel, pleaded not guilty to the charges against him but confessed to being the sole member of the Front National de Résistance (FRONAR), whose goal was to fight regional and ethnic injustice in Rwanda. He was convicted and sentenced to five years in prison.

On May 31, 1990, a confrontation occurred between university students at Butare and local police at a concert given by the Zairean musician Bozi Boziana. One student, Théodore Rwanyonga, the treasurer of L'Association Générale des Etudiants de l'Université Nationale du Rwanda (AGEUNR), was killed and five others wounded. In response, Butare students immediately staged a strike and requested an audience with President Juvenal Habyarimana. They demanded the resignation of the local officials whom they held responsible for the violence, as well as indemnification of the family of the dead student. Students at both the northern Ruhengeri campus and the Faculty of Law in Kigali staged

¹¹⁰ This appendix deals only with recent events in Rwanda.

protests in solidarity with their peers at Butare. On June 6, President Habyarimana met with a delegation of students and insisted that they return to classes and await the results of the judicial inquiry which he had ordered. On June 7, after a week of strikes, AGEUNR representatives voted to resume their studies.

In October, an army of the Rwanda Patriotic Front, an organization which is composed of members of the Tutsi ethnic group who had been living as refugees in Uganda, invaded Rwanda in an effort to topple the Habyarimana regime. This led to a massive round up of Rwandese of Tutsi ethnic origin. According to a Rwandese professor interviewed by Africa Watch:

After the invasion of the Rwandan Patriotic Front, virtually any Tutsi who had a high school education was arrested. I know of five Tutsi university professors who were arrested: Laurent Nkusi, linguistics professor and Vice-Dean of the School of Arts and Science (Ruhengeri); Dr. Thomas Kabeja, who taught linguistics (Ruhengeri); Derogratis Kambanda, professor of education and formerly the Vice Rector (Butare); Brother Jean Damascene Ndayambaje, professor of education (Ruhengeri); and Joseph Nsengimana, professor of African Literature (Ruhengeri). These academics may still be in prison. A warrant was issued for Egide Ntagwirumugara, who taught physics at the Butare campus. At the time of the mass arrests, he was lecturing in Italy. Security forces went to his home and then arrested his wife and father-in-law, Evariste Kamugunga. Evariste Kamugunga died in prison as a result of torture. His wife was released.

In December, the Minister of Justice, Théoneste Mujyanama, announced that 1,566 detainees arrested during the invasion would stand trial on December 28, 1990. The date may well have been chosen because most of the Westerners living in Rwanda were expected to be out of the country for Christmas vacation and there would not be many independent observers at the trial. He also said that those detainees could not be

represented by lawyers from outside the country but Rwanda does not have enough lawyers -- the ones who are available work for the government and the other ones are rotting in jail. Thirteen out of the more than 1,500 detainees have been tried and condemned to death before the special tribunals.¹¹¹

These developments and the continuing internal conflict in Rwanda are ominous indications for the country's academic community.

¹¹¹ Africa Watch Interview with exiled Rwandese academic, January 15, 1991.

APPENDIX B: Zambia¹¹²

Turmoil swept the campus of the University of Zambia (Unza) during 1990. On May 21, more than 1,000 Unza students protested the reported killing of 150 students at Lubumbashi University in Zaire. The protestors carried signs reading "Mobutu Should Be Tried," "Stop the Massacre of Students" and "Support Democracy." The demonstration, which began early in the day, was blocked by armed riot police before being allowed to proceed to the Zairean embassy where the students demanded an audience with the Zairean ambassador. However, no embassy personnel appeared. Dissatisfied with this response, the students then marched to the Zambian Ministry of Foreign Affairs to get an official Zambian government statement on the killings. When the Ministry's Acting Permanent Secretary said that he could not comment on the killings, the students responded angrily. This compelled Foreign Minister Mwananshiku to address the students. They jeered as he cautioned that press reports on the Zairean massacre could be misleading.

One month later, at the end of June, protests erupted across Zambia in response to the government's doubling of the price of cornmeal, a staple of the population's diet. In Lusaka, students played a prominent role in the protests and demanded that President Kenneth Kaunda establish a multi-party system and resign. On June 25, police opened fire on student demonstrators. According to witnesses, during the protests at the University, the police fired live ammunition as well as tear gas canisters into a crowd of several hundred. One student was shot dead and four others were wounded.¹¹³ On June 28, after demonstrations had been contained elsewhere in the capital, on the Unza campus 1,000 students shouted anti-government slogans and called on President Kaunda to resign. Students had posted banners reading "Kaunda, Don't Shoot, Resign" and

¹¹² This appendix deals only with recent events in Zambia.

¹¹³ "Police in Zambia Open Fire on Student Demonstrators," *The New York Times*, June 26, 1990.

"Hang Kaunda." During the protest, students called for the abolition of one-party rule.

The next morning at 5:00 a.m., armed police, paramilitary and army personnel invaded the campus. Security forces, armed with a list of suspected "ring leaders" stormed through student dormitories. They searched every room in an effort to apprehend the alleged leaders. Thirty-four students were detained. One of the detainees was Richard Mukonga, who had given a speech at a rally the previous day and was presumed to be a student leader. The government then ordered the university closed -- less than three weeks before final exams. The university administration issued slips to the students which stated that because an atmosphere conducive to learning no longer existed on campus, they were being sent on an unscheduled "vacation." The campus resembled a massive refugee camp: hurriedly, the students gathered their belongings in sheets and bags as the army and paramilitary police maintained a visible presence nearby. The Government dispatched thirty buses to transport students who came from outlying districts back to their homes. The closure disrupted research and preparations for examinations which had been scheduled for July 16. The students detained in the raid on the dormitories were held without charge or trial until August when President Kaunda freed over 1,000 political prisoners.

Ironically, Unza students had expressed concern over their safety the previous month when protesting the massacre of the Zairean students. At that time a student representative told the Minister of Foreign Affairs that:

We are concerned for our own lives because the Zambian government, the UNIP government, our own government has in the past used force against students and we fear the situation may be replicated here.¹¹⁴

Despite the June crackdown, Zambian students continued their activism. In August 1990, Unza students traveled to a mass rally held in Kabwe to support the multi-party movement. There, they circulated a

¹¹⁴ "Zairean Killings Spark Unza Protest," *Times of Zambia*, May 22, 1990.

manifesto. This document argued that no political party had the authority to impose its philosophy on its members and that "each citizen had a right to subscribe to any school of thought which he or she chooses." They deplored "the constant closure of universities each time scholars rose to express their political views."¹¹⁵

¹¹⁵ "Multi-party Drive Woos Unza Students," *Times of Zambia*, August 20, 1990.

APPENDIX C:
African Academics Listed in the Report, Currently in Detention

KENYA:

Ngotho Kariuki, the former Dean of the Faculty of Commerce at the University of Nairobi, was arrested in July 1990 and charged with conspiracy to overthrow the government. Together with Edward Oyugi, he also withdrew his application to have his case heard before a constitutional court, and the earlier complaints of being held incommunicado, tortured, and denied access to legal counsel. Observers believe that pressure was applied to make him back down from a politically embarrassing law suit.

Edward Oyugi, a psychology professor at the University of Nairobi, was arrested July 1990, and accused of conspiring to overthrow the government. In September 1990, he withdrew both his application to have his case heard before a constitutional court, and earlier complaints of being held incommunicado, tortured, and denied access to legal counsel. Observers believe that pressure was applied to make him back down from a politically embarrassing law suit.

Robert Wafula Buke, the Chairman of the University of Nairobi student union, which was banned in 1987, was held incommunicado for two weeks before his trial November 30, 1987. He did not have legal representation, and pleaded guilty to providing information to the Libyan government. He was sentenced to five years in prison. The information in question was publicly available.

Richard Wekesa, a student at Kenyatta University, who was sentenced in 1987 to 10 years in prison, reduced to six years on appeal, for providing information to the Libyan government. The information allegedly provided to Libya was publicly available.

MALAWI:

Jack Mapanje, the Head of the Department of English Language and Literature at Chancellor College, was arrested at Gymkhana Club in Zomba on September 25, 1987. He remains in detention at Zomba Prison, where he is held without charge.

NIGERIA:

Kayode Adebisi, a secondary school teacher, was arrested on May 9, 1990. He is believed to still be in detention under Decree 2, for possessing a receipt booklet of the Gani Fawehinmi Solidarity Fund, as well as its constitution and membership form.

RWANDA:

Innocent Ndayambaje, an economics student at the Université National du Rwanda at Butare, was arrested in 1986, convicted and sentenced to five years in prison in 1990 for distributing political pamphlets in the town of Butare. He was denied legal counsel during the trial and pleaded not guilty to the charges.

Laurent Nkusi, a linguistics professor and Vice-Dean of the School of Arts and Science at the Université National du Rwanda at Ruhengeri, was arrested in October 1990. He is believed to still be held in detention.

Dr. Thomas Kabeja, a linguistics professor at the Université National du Rwanda at Ruhengeri, was arrested in October 1990. He is believed to still be held in detention.

Derogatis Kambanda, a professor of Education and former Vice Rector at the Université National du Rwanda at Butare, was arrested in October 1990. He is believed to still be held in detention.

Brother Jean Damascene Ndayambaje, a professor of Education at the

Université National du Rwanda at Ruhengeri, was arrested in October 1990. He is believed to still be held in detention.

Joseph Nsengimana, a professor of African Literature at the Université National du Rwanda at Ruhengeri, was arrested in October 1990. He is believed to still be held in detention.

SUDAN:

Dr. Abdin Mohamed Zein al Abdin, a lecturer at the University of Khartoum, was arrested in May 1990. He is still in detention at Kober Prison.

Dr. Farah Hassan Adam;

Dr. Mohamed Hassan Basha, the Assistant Director of the Sudan National Museum, was arrested in May 1990. He is still held in detention at Kober Prison.

Dr. Kamil Ibrahim, a lecturer at the Faculty of Agriculture, University of Khartoum, was arrested in May 1990. He still held in detention at Kober Prison.

Dr. Farouk Kadoda, the former Dean of Faculty at the University of Juba, was arrested in July 1989. He is still held in detention at Shalla Prison.

Dr. Khalid el Kid, a writer and lecturer at the University of Khartoum, was arrested on July 6, 1990. He was held at Shalla Prison, but then transferred to hospital on account of heart problems.

Dr. Ushari Ahmed Mahmoud, a linguistics researcher, former lecturer at the University of Khartoum, and a human rights activist, was arrested on July 9, 1989. He is still in detention at Shalla Prison.

Dr. Bashir Omar;

Dr. Osama Abdel Rahman al Nur, the Director-General of Antiquities and National Museums, was arrested May 1990. He is still held in detention at Kober Prison.

Dr. Mohamed Rajab, a lecturer in the Faculty of Agriculture at the University of Khartoum, was arrested in January 1990. He is still held in detention at Shalla Prison. Dr. Mohamed has been tortured.

Mahjoub Sherif, a teacher and poet, was arrested on September 1, 1989. He is still in detention at Kober Prison.

Dr. Ahmed Osman Siraj, a psychiatrist and lecturer at the Faculty of Medicine, was arrested in November 1989. Dr. Siraj was held in Port Sudan, released and then re-arrested. He is now held at an unofficial detention center. Dr. Ahmed has been tortured.

SWAZILAND:

Sabelo Dlamini, a student from the University of Swaziland (UNISWA), and the president of the Students Representative Council (SRC) fled to the U.S. embassy on November 14, 1990, in an attempt to escape arrest. The embassy refused to shelter him from Swazi officials and escorted him off the premises. He went into hiding but on November 22, 1990, he was handed over to Swazi officers at the South African border by South African security officials who had arrested him. He still remains in detention.

Boy Magagula, a student at William Pitcher Teacher Training College, was arrested on November 14, 1990, the day the police and army attacked the Kwaluseni campus of UNISWA. Magagula is presently held under the King's Decree Number 1 (1978), which allows for incommunicado detention without charge, trial, or judicial appeal.

Dominic Mngomezulu, a junior member of the Law Faculty at UNISWA, and a former president of the Swaziland National Union of Students, was arrested on November 14, 1990, the day that army and police units attacked students holding a protest boycott at the Kwaluseni campus of the UNISWA. Mngomezulu is held under the King's Decree Number 1 (1978), which allows for incommunicado detention without charge, trial, or judicial appeal. Earlier, in July 1990, Mngomezulu was found guilty of attending an illegal meeting and sentenced to twelve months imprisonment, but was granted bail pending appeal.

Ray Russon, a sociology lecturer at the University of Swaziland, fled to the U.S. embassy on November 14, 1990, in an attempt to escape arrest. The embassy refused to shelter him from Swazi officials and escorted him off the premises. He went into hiding but on November 22, 1990, was

handed over to Swazi officers on the South African border by South African security officials, who had arrested him. He still remains in detention.

Mphandlana Shongwe, a student at William Pitcher Teacher Training College, was arrested along with Dominic Mngomezulu and Boy Magagula on November 14, 1990. Shongwe is held under the King's Decree Number 1 (1978), which allows for incommunicado detention without charge, trial, or judicial appeal. In July 1990, Shongwe had been charged with high treason and accused of forming a political party, which is illegal in Swaziland, but was later acquitted of the charges.

ZAIRE:

Digekisa Piluka, a Roman Catholic brother and a law student at Lubumbashi University, as well as the leader of the Syndicat National Solidarité (SNS), was suspected by the government of being behind anti-government demonstrations in May 1990, and was arrested on May 30, 1990. As of September 1990, there was no information as to whether he had been charged. He is presently being held at Makala prison in Kinshasa.¹¹⁶

¹¹⁶ Amnesty International, *Africa: Appeals for Academics and Students who are Prisoners of Conscience in 1990*, October 1990, p. 14.