

## **AFRICA WATCH OVERVIEW**

### **Human Rights Developments**

**In Africa, the year 1991 proved momentous. Several despotic governments lost power, others were belatedly forced to concede the principle of democratic accountability, and two major long-running civil wars came to an end. The "winds of change" that had become noticeable in 1990 were blowing more strongly still. However, human rights violations continued in all parts of the continent, in some places reaching unprecedented levels. Africa Watch faced increased demands for its work, and was continually faced with new challenges.**

**Without doubt, the most important and hopeful development in 1991 was the rapid spread of demands for democratization. Following the end of the Cold War, dictators who had previously relied on the unquestioning support of the United States, the Soviet Union or France suddenly found themselves as clients in search of a patron. As the value of these dictators as pawns in a global chess game diminished, the former patrons were unwilling to continue underwriting authoritarian, warlike and abusive governments. The withdrawal of international support forced these dictators to confront internal pressures for change. Many Africans who had courageously struggled for years to secure human rights and civil liberties began to see the prospect of success. Movements for multiparty democracy, civil liberties and human rights blossomed and gained confidence throughout the year.**

**The most auspicious change in 1991 was the election in Zambia, in which President Kenneth Kaunda, who had ruled the country since independence, was defeated in a fair multiparty election. Kaunda gave his successor a tour of the State House, handed over the keys and left peacefully for his farm, setting an important precedent for the peaceful transfer of power in Africa. The resounding vote served a warning to other authoritarian leaders who were desperately trying to stem the democratic tide.**

**However, few rulers yielded to the pressure for change with the grace of Kaunda. Some, such as President Kamuzu Banda of Malawi, continue to resist any significant liberalization. In Sudan, the Islamic fundamentalist military government consolidated its power, further undermining the institutions of civil society and strengthening its structures of control. In Togo, the military repeatedly tried to reverse the democratic gains of 1990 and 1991, and in December 1991 stripped the prime minister of his power; to avoid further**

**bloodshed, he was forced to accept an agreement under which he would exercise power jointly with Gnassingbe Eyadema, Togo's former despot. Governments in Cameroon, Kenya and Mauritania yielded only belatedly and grudgingly to the inevitability of democratic accountability. Snap elections have been called to deny the opposition time to organize. In Burkina Faso, the sole candidate in the November presidential election remained the incumbent, Blaise Compaore; on December 10, an opposition leader was killed and another critically injured after having led a campaign to boycott the election.**

**Many governments tried to manipulate the democratization process to ensure their continuation in power under a democratic veneer. In Nigeria, the military government has promised a transition to civilian rule, but is tightly controlling the process, establishing the only two authorized political parties, repeatedly interfering in the electoral process, and greatly restricting freedom of association. The very institutions of civil society that ought to be organizing themselves to form the foundations of a democracy are thus being undermined. Similar processes are at work in Ghana, where the government of Flight Lieutenant Jerry Rawlings has promised multiparty elections but has continued to maintain control over all aspects of political life as a new constitution is drafted. The political parties that are to contest the election remain banned, while campaigning on behalf of the future government-sponsored party has, in effect, already begun.**

**The transition in South Africa is one of the most important, and has also been marred by numerous government-sanctioned abuses. The security forces have been instrumental in orchestrating interethnic violence in an effort to undermine the credibility of the African National Congress.**

**Rebel movements were not immune from the pressure for change. In August, senior commanders of the Sudan People's Liberation Army staged an attempted coup against the movement's authoritarian leader, Colonel John Garang, accusing him of widespread human rights abuses that have been substantiated by independent sources.**

**Nineteen ninety-one saw the end of two of the continent's longest and bloodiest wars. In May, President Mengistu Haile Mariam of Ethiopia fled abroad after the resounding defeat of his army by the combined forces of the Ethiopian People's Revolutionary Democratic Front and the Eritrean People's Liberation Front, which assumed control of the government a week later. In the case of the Eritreans, a thirty-year war for independence was finally concluded by military victory. In Angola, a sixteen-year civil war was concluded in June with a peace agreement between the formerly Marxist and Soviet-backed government and the U.S.- and South African-backed rebel forces of Jonas Savimbi's National Union for**

**the Total Independence of Angola (UNITA). By the end of the year, the process of maintaining the peace and forging a transition to democracy was still on course.**

**Other wars proved more intractable. In Mozambique, despite the government's rapid moves toward political liberalization, peace remained elusive, with the rebels of the Mozambican National Resistance (RENAMO) showing great reluctance to pursue civilian politics in the place of their military struggle.**

**Undoubtedly the worst case of human rights abuse following the overthrow of a dictatorship has been Somalia, where it has proved impossible to establish a stable government. In mid-November, a conflict between two factions of the United Somali Congress degenerated into all-out war on the streets of Mogadishu, causing unprecedented scenes of carnage and loss of civilian life. The north unilaterally seceded to become the nation of Somaliland.**

**As elsewhere in the world, the demise of one-party or military governments has witnessed an upsurge in interethnic violence. In Mali, the insurrection among the ethnic Tuareg in the north intensified following the March overthrow of the military regime of Moussa Traore. The civil war that broke out in Djibouti in October was directly linked to competition for power between the ethnic Afar and Issa. There have been many incidents of interethnic conflict in Ethiopia under the transitional government. Throughout the continent, authoritarian rulers continued to raise the specter of "tribalism" to justify their hold on power.**

### **The Right to Monitor**

**In 1991, the increased demands for democratization in Africa saw the establishment of new human rights groups in many countries. In others, several new organizations describing themselves as human rights organizations were created, although it was evident that these groups also had their own political agendas.**

**More important than the creation of formal groups was the growing number of Africans — ordinary citizens, clergy, journalists, lawyers and professionals — who took the initiative to document and publicize abuses. In several countries, human rights activists, particularly outspoken lawyers and journalists, played a key role in the movements struggling to ensure a transition away from authoritarian regimes. For example, in Togo, human rights lawyers were prominent in the national conference that stripped the former despot, Gnassingbe Eyadema, of his power. The conference appointed a human rights lawyer as the interim prime minister. In Kenya, Rwanda and Cameroon, a number of journalists and editors were arrested and detained, their papers banned, their homes and**

**offices searched, their passports confiscated, and their right to travel abroad barred.**

**Following the overthrow of abusive regimes or the announcement of moves toward a more democratic system, new groups were established in, among other countries, Rwanda, Cameroon and Ethiopia. While some of the new groups have been able to criticize the government without suffering reprisals, three human rights groups in Cameroon reportedly were dissolved by the government. In Rwanda, where five new human rights organizations were created in 1991, three activists were recently involved in suspicious automobile "accidents." In addition, the president of the Rwandan Association for the Defense of Human Rights, a prosecutor, was demoted and transferred to a remote spot.**

**Established human rights monitors in a number of countries were subjected to intimidation. In Nigeria, the Civil Liberties Organization, the Committee for the Defense of Human Rights, and the Constitutional Rights Project faced new threats from the government. In Sudan, the government embarked on a policy of creating "new" pro-government groups to replace the dissolved Sudanese Human Rights Organization and the Sudan Bar Association. In South Africa, despite the lifting in June 1990 of the nationwide state of emergency which had made it impossible to monitor abuses, the Internal Security Act still provides for the banning of organizations. In the homeland of Bophuthatswana, Black Sash, the Transvaal Rural Action, and the Bafokeng Women's League continued to be banned. Since October 17, the Mafikeng Anti Repression Forum has been banned from visiting prisons and hospitals in Bophuthatswana.**

**It remained impossible to establish effective groups in most of the countries that are still in the midst of internal conflict, such as Angola, Mozambique, Liberia and Somalia.**

**While the growing confidence of activists is one of the most encouraging signs in Africa, the new groups with rare exceptions remain fragile. Most cannot afford full-time staff, lack material support and, since they are new, do not have the international profile that can protect their members or the institution itself from official attack.**

### **U.S. Policy**

**The end of the Cold War, which made many African despots, including Mobutu Sese Seko of Zaire and Mohamed Siad Barre of Somalia, important strategic allies for the United States should have made it possible for Washington to shed its former unsavory alliances and support the democracy movements**

sweeping the continent. In some important cases, such as Kenya, the Bush Administration adopted a strong human rights policy and pursued it vigorously. Unfortunately, in other important cases, the United States failed to champion human rights and democracy in Africa and continued support for regimes with poor human records. Observers in Congress frequently assign the blame for a less-than-vigorous human rights posture to the National Security Council, as opposed to the State Department's Africa Bureau.

Assistant Secretary of State for African Affairs Herman Cohen has departed from the short-sighted and disastrous policies of the Reagan Administration, and made important strides in supporting human rights in many African countries. Secretary Cohen has recruited foreign service officers for his bureau who are interested and involved in human rights and has helped to arrange a number of positive appointments of U.S. ambassadors to African countries. The secretary himself welcomes the input of human rights organizations. Nonetheless, the Bush Administration's human rights policy in Africa has been flawed by an inability to shake off certain Cold War commitments and a distressing inertia in the face of massive human rights problems that have swept countries formerly allied with the United States.

Some of the worst human rights disasters on the continent were the legacy of past U.S. policies that were largely inherited by the Bush Administration. Unfortunately, the United States failed to act when its former allies were swept from power and several countries on the continent disintegrated into chaos and massive abuses. In the case of Zaire, for example, the Administration continued to see a role for the widely discredited and wholly corrupt Mobutu government in a hoped-for "transition to democracy," notwithstanding abundant evidence that Mobutu is the chief obstacle to such a transition. When the United States's favorite West African leader, Liberia's Samuel Doe, was assassinated in September 1990 and the country deteriorated into a bloody civil war with several thousand civilian casualties, the United States stayed on the sidelines, leaving West African governments of the Economic Community of West African States to occupy the country and restore order. Similarly, when long-time U.S. ally Siad Barre was ousted from Somalia in January 1991, the country was plunged into a series of bloody civil wars. The fighting in the capital Mogadishu in November and December was so fierce that international humanitarian agencies warned of an unprecedented human disaster. Washington provided generous humanitarian aid but, at the time of this writing, appeared to be waiting for other governments to call publicly for a concerted international response that might rescue the country's suffering civilian population. The Office of Disaster Relief Assistance has taken the lead in pushing the Administration to adopt a more vigorous

**response to the disaster there.**

**Elsewhere on the continent, Secretary Cohen played a critical role in helping to assist Ethiopia in a transition from Mengistu's sixteen-year rule when he was ousted after a decades-long civil war by the forces of the Ethiopian People's Revolutionary Democratic Front. Ambassador Cohen's engagement in discussions at the war's end helped to persuade Mengistu to leave Addis Ababa and played a role in preventing the massive bloodshed that would have ensued in a battle for the city. The Africa Bureau's activism in the case of Ethiopia is a good model for what is needed in the crisis in Somalia — a crisis which the United States has much responsibility for creating, given its long-time support for the Siad Barre regime.**

**As demands for democratization intensified throughout Africa and many regimes were forced to make concessions, the United States all too often trumpeted the desperate, incremental moves of various authoritarian regimes as profound and dramatic change. Many governments passed laws facilitating the establishment of opposition parties and redrafted constitutions, while at the same time cracking down on individual activists and their institutions. Some governments, in Nigeria and Ghana for example, announced a transition to civilian rule, while simultaneously destroying the civic institutions that are the basis of any eventual democracy. The Administration's public statements and its aid policies in such cases should be more closely tailored to reality than to hoped-for improvements.**

**In South Africa, which has always received more attention than any other country in Africa, the Administration continued to encourage President F.W. de Klerk's efforts to abolish apartheid legislation. However, in its eagerness to reward de Klerk for his important moves, including by lifting sanctions, the Administration has overlooked a number of important issues that should have influenced its assessment of government policy. First, it failed to investigate the consistent reports from credible organizations linking the security forces to the continuing violence among supporters of the African National Congress and Inkatha. Second, it continued to ignore the dismal human rights situation in the homelands and made no effort to make improvements there an integral issue in the talks toward a democratic South Africa.**

**To its credit, the United States played a highly positive role in a number of countries. In Mauritania, where the Moor-dominated government continued to abuse the rights of its black citizens, the Administration criticized discriminatory practices against black Mauritians. In Kenya, an activist ambassador, backed by the State Department, was consistently supportive of Kenyans fighting for an end to one-party rule. He frequently expressed publicly his concern about**

arbitrary government actions, and maintained warm relations with the Kenyan human rights community. In an important move at year's end, the United States took the lead in persuading Kenya's other international donors to make progress in democratization and human rights a precondition for foreign aid.

### **The Work of Africa Watch**

Africa Watch continued to concentrate on a wide spectrum of issues. As well as continuing our established work on the Horn of Africa and southern Africa, we have begun more extensive work on western Africa. An important element has been working with local human rights groups; in April, we published an edited version of the Nigerian Civil Liberties Organization's report on prison conditions in that country to ensure wider dissemination.

The protection of civil society — central to the success or failure of transitions to democracy — has been a major emphasis. A thematic report, *Academic Freedom and Human Rights Abuse*, was published in April, and attacks on civil society were the main element in a report on the transition to civilian rule in Nigeria. Similar work has been done on Cameroon, Ghana, Kenya and Mozambique. A more substantial thematic report on human rights and transitions to democracy is planned for 1992. We have also begun work on a detailed report that will examine the obstacles to a fair system of justice in at least sixteen African countries. The report on academic freedom will be updated and expanded on an annual basis; its success was an important lesson on the need to undertake work that would draw new constituencies into the field of human rights. As a result, a report is currently underway on writers and human rights abuses in Africa, to be published in 1992.

As in the past, monitoring abuses in the course of war has been a central theme of Africa Watch's work. In September, we published a report, *Evil Days: Thirty Years of War and Famine in Ethiopia*, the first extensive documentation of the gross abuses committed by successive Ethiopian governments. Publication of the report was followed with a visit to Addis Ababa to meet the new government and discuss how those responsible for gross abuses should be brought to trial. Abuses committed during war have been documented in newsletters on Angola, Liberia and the Nuba Mountains area of Sudan, and a forthcoming report on Mozambique. A study of land mines in northern Somalia has also been undertaken for publication in 1992, as well as a report on abuses by both sides to the conflict in Rwanda, where a war broke out in October 1990.

Africa Watch's most ambitious report on a single country was *Kenya: Taking*

***Liberties***, which documented a wide range of human rights concerns in that country, including interference in the judiciary, arbitrary detention and torture, discrimination against ethnic Somalis, and government-sponsored violence in rural areas.

Africa Watch's work was in increasing demand on the continent itself, though many governments remained reserved or hostile. Although Mauritania broke its long-standing refusal to meet Africa Watch and has invited a mission for January 1992, Cameroon has not responded to requests by Africa Watch representatives to conduct formal missions and Kenya continued to deny a visa to the executive director of Africa Watch.



## **CAMEROON**

### **Human Rights Developments**

**Human rights violations in Cameroon in 1991 were closely linked to rising calls for democratization. Tensions between the government and the political opposition worsened in the second half of the year, reaching new heights of violence and bloodshed as the government killed dozens of opposition demonstrators and beat many others. Some demonstrators were responsible for beatings of police and other civilians and for acts of vandalism. The government also continued to arrest opposition activists and refuse the opposition's demand for a national conference.**

**To its credit, the government declared an amnesty for political prisoners in late March, releasing about one hundred who had been held in administrative detention without charge or trial since the abortive coup of 1984. But the government's often brutal response to the wave of demonstrations and strikes during 1991 raised serious doubts about its stated commitment to democratization.**

**On December 19, 1990, new legislation was enacted regarding the state of emergency, the press, associations and political parties, among other matters. Although the government claimed to be liberalizing the laws in these areas, the revised laws in fact retained much of their repressive nature. The press law, for example, continues the practice of prior censorship — that is, all publications must be submitted to the censor before publication. Although prior censorship has existed in Cameroon since independence, the new press law codifies the practice for the first time.**

**The new law on associations permits the government to ban any organization which it deems to have deviated from its objectives and or to threaten public order or state security. The law relating to the state of emergency repealed legislation dating from 1962 but permitted the declaration of states of emergency by presidential decree for up to six months; extensions are permitted after "consultation" with the National Assembly. During a state of emergency, the authorities are given broad powers of administrative detention. Although opponents no longer face the prospect of criminal trials for "subversion" before military tribunals, a new law permits political trials to be held before the recently created State Security Court, from which there is no appeal.**

**The government's attitude toward dissent was demonstrated early in 1991.**

Célestin Monga, an economist who writes for the independent newspaper *Le Messenger*<sup>1</sup> as well as the Paris-based *Jeune Afrique Economie*, and Pius Njawe, the editor of *Le Messenger*, came under investigation in late December 1990 for an open letter to President Paul Biya that had been published in *Le Messenger*. The letter, written by Monga, criticized President Biya's December 3, 1990 address in which he had stated, "I have brought you democracy and liberty."<sup>2</sup> On January 18, the two journalists were each given six-month suspended sentences and a fine of 300,000 CFA (approximately \$1,100) on charges of insulting the courts and the members of the National Assembly. The trial sparked large demonstrations in support of the defendants, and three demonstrators were killed in the northern city of Garoua.

Pro-democracy demonstrations were broken up, often violently, in various parts of the country in early 1991, and the violence escalated in April. Between April 10 and 15, at least eight demonstrators were killed and several others wounded in the north and southwest of the country, as well as in the major cities of Yaoundé and Douala. In addition, several hundred people were detained in Yaoundé, including some three hundred students after security forces attacked the university.

Tensions, and the death toll, continued to rise in May, June and July, after clashes between police and demonstrators. On June 25, the opposition announced "Operation Ghost Town" in an attempt to force the government to accede to their demands for a national conference. The "Ghost Towns" campaign, which was continuing in many parts of the country through December, involves the voluntary closing of businesses, shops and taxi services, and the refusal to pay government taxes. Meanwhile, the government formed the Operations Commanders, charged with re-establishing public order in areas where demonstrations and unrest have occurred in seven of Cameroon's ten provinces. These commanders, who are superior to the local military structure, are widely believed responsible for the

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<sup>1</sup> *Le Messenger* was created in 1979 as a weekly journal of information, debate and political commentary. It had a circulation in Cameroon of fifty to sixty thousand, as well as subscribers in other parts of Africa, Europe and North America.

<sup>2</sup> Monga wrote: "Like many other Cameroonians, I was shocked by the outrageously condescending, paternalistic and pretentious tone that you used at the National Assembly...This is a country where every day the most fundamental human rights are ridiculed and where the majority of the people do not have enough to live on, while a small handful of opportunists share the riches of the country with impunity."

continued use of excessive force against demonstrators.

In July, six independent organizations were banned — Cap Liberté, the Cameroon Organization for Human Rights, the Collective of Women for the New Deal, Human Rights Watch,<sup>3</sup> the Association of Professional Drivers, and the National Association of Cameroonian Athletes. The groups were dissolved by order of the Minister of Territorial Administration on the grounds that their activities were incompatible with their legal status, i.e., they were engaging in political activity. All six groups were part of the Opposition Coordinating Group, and their banning was clearly meant to dampen the political opposition in Cameroon.

Over the summer, the government began a new crackdown on the independent press. Independent newspapers, notably *Le Messenger*, were frequently confiscated. In July, a new censorship authority was created within the government-run printing house (where most newspapers are printed), which reinforced government censorship of independent newspapers. In August, without explanation, the government banned five of the leading independent newspapers: *Le Messenger*, *La Vision*, *Galaxie*, *La Nouvelle Expression* and *Challenge Hebdo*. Two other newspapers were later suspended. The banning order against *Challenge Hebdo* and *Galaxie* was lifted in late September or early October, and the remaining banning orders were lifted late in the year.

On September 4, when dozens of independent journalists staged a peaceful march to protest the banning of the newspapers, they were attacked by security forces. Several of the demonstrators were injured, and approximately forty were detained.

In late September, at least thirty and possibly as many as sixty opposition activists were arrested in Douala after publicly protesting the arrest of a leading activist, Jean-Jacques Ekindi, founder of the Progressive Movement. Despite the protesters' lack of resistance, the police severely beat those arrested, stripped them, and put them in a filthy cell. Charles Tchoungang, a lawyer and president of the banned Cameroon Organization for Human Rights, was among those seriously mistreated. Others arrested were Samuel Eboua of the National Union for Democracy and Progress; and Anicet Ekané and Henriette Ekwé, former political prisoners.

In October, President Biya announced that legislative elections would be held in February 1992, and invited representatives of the opposition parties to

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<sup>3</sup> The Cameroonian Human Rights Watch is not affiliated in any way with the New York-based organization responsible for this report.

meet with the prime minister in early November to discuss a revision of the electoral code and access by the opposition to the media. In late November, the opposition split, with forty-one parties signing an agreement with the government while other parties and individuals maintained their opposition. However, many Cameroonians remain skeptical about the government's intentions, given its refusal to convene a national conference, lift the ban on independent associations, and disband the Operations Commanders. In addition, during the night of November 17-18, Benjamin Senfo Tonkam, the leader of the independent student movement, was arrested in Douala, and continues to be held without charge or access to lawyers and family. There are serious concerns about his treatment in detention.

### **The Right to Monitor**

Since the banning in July of the six independent organizations, three of which were reportedly human rights organizations, there have been no independent human rights monitoring groups in Cameroon. The three banned monitoring organizations — Cap Liberté, the Cameroon Organization for Human Rights and Human Rights Watch — were formed in 1991. Some of them are reportedly attempting to continue their work despite the ban. There is also a governmental human rights organization — the National Committee of Human Rights and Liberties — which has not criticized the government.

Most reporting on human rights in Cameroon is done by the independent press. *Le Messenger*, in particular, often reports on human rights violations around the country and criticizes the government for these abuses. However, when *Le Messenger* published a list of the political prisoners who had been held since the 1984 coup attempt and were released in the government amnesty, the authorities confiscated the issue. Such reporting was one of the factors that led to the August banning of the leading independent newspapers. Throughout 1991, editors such as Pius Njawe were arrested, threatened, prevented from traveling abroad and kept under strict surveillance. In September, during a peaceful march for press freedom, Njawe was threatened at gunpoint by police in Douala, and several other protesters were injured.

The Cameroonian authorities have never responded to Africa Watch's repeated requests to send a fact-finding mission to Cameroon.

### **U.S. Policy**

**During 1991, the U.S. government made no public statements about human rights in Cameroon. State Department sources told Africa Watch that this silence was due in part to the encouraging trend in human rights during most of the year. They cite the legalizing of opposition political parties, the lifting of many restrictions on the press and the freeing of political prisoners. However, given the increasingly disturbing pattern of human rights abuses in the second half of the year, this lack of public protest was unfortunate.**

**U.S. Embassy representatives, including Ambassador Frances Cook, reportedly raised human rights concerns privately in their dealings with Cameroonian authorities. According to the State Department, the Embassy made a number of demarches to the Cameroonian authorities about human rights abuses, including expressions of concern about excessive force used by the police and army against civilians, arbitrary arrest and detention of opposition activists, harassment of journalists and suspension of independent newspapers.**

**The Embassy also deserves credit for maintaining contact with opposition activists, journalists and other victims of human rights abuse. Because of these contacts, the Embassy is often informed quickly about the arrest or mistreatment of opposition activists. In January, the U.S. consul in Douala attended the trial of Celestin Monga and Pius Njawe, who were accused of slandering President Biya. On three occasions, according to the State Department, the United States protested abuses privately in both Yaoundé and Washington: on June 21, when a number of opposition activists were arrested in front of the U.S. Embassy after meeting with Embassy representatives to present a letter calling on the U.S. government to distance itself from President Biya; in early July, when a number of activists representing the Opposition Coordinating Group were arrested for holding a meeting after the Embassy's annual July 4th party;<sup>4</sup> and in September, when some thirty journalists demonstrating for press freedom were beaten in Douala. According to the Embassy, their officials attempted on several occasions to visit people imprisoned on political grounds, but their request for access was not always granted.**

**In early May, President Biya traveled to the United States on a private visit to receive an honorary degree from the University of Maryland. Biya met briefly with President Bush and Herman Cohen, assistant secretary of state for African affairs, but no public statements were issued. However, State Department sources**

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<sup>4</sup> The U.S. Embassy invited a cross-section of Cameroonians to their Fourth of July party – opposition activists as well as government officials.

indicate that U.S. officials told Biya privately that he should do more to accommodate the opposition, including meeting with opposition representatives, and that the U.S. government was concerned about the use of excessive force and continued censorship. However, by not making any public comment, the Bush Administration missed an important opportunity to demonstrate U.S. concern for mounting human rights abuses in Cameroon.

As in the past, the State Department's *Country Reports on Human Rights Practices for 1990* provided an accurate description of human rights abuses in Cameroon, including cases of extrajudicial killing, beating and torture of detainees, harsh prison conditions, arbitrary arrest and detention, and restrictions on freedom of the press.

### **The Work of Africa Watch**

In February, Africa Watch published a newsletter describing attacks on the independent press in Cameroon. The newsletter focused on the January trial of Monga and Njawa as well as the publication of the new press law codifying censorship. The newsletter was translated into French in the spring.

In April, Africa Watch published *Academic Freedom and Human Rights in Africa*, which discussed human rights violations against the academic community in fourteen countries. The chapter on Cameroon described the problem of self-censorship in the university, reinforced by the pervasive presence of security agents and occasional acts of violence by the authorities.

Africa Watch also published articles on human rights in Cameroon. In February, an Africa Watch article discussing attacks on the independent press in Cameroon and Togo appeared in *The Nairobi Law Monthly*. In early May, just before Cameroon's President Biya was to receive an honorary degree from the University of Maryland, Africa Watch published an article in *The Baltimore Sun* describing the attacks underway against students in Cameroon and the severe restrictions on academic freedom. The article was translated and reprinted in Cameroon in the May 8 issue of *Le Messenger*.

## **ETHIOPIA**

## **Human Rights Developments**

The story of human rights in Ethiopia during 1991 falls into two distinct phases: before May 28, the day on which the government of former President Mengistu Haile Mariam surrendered, and after May 29, when the Eritrean People's Liberation Front (EPLF) took control of Eritrea and a government headed by the Ethiopian People's Revolutionary Democratic Front (EPRDF) seized power in the remainder of the country. While human rights abuses occurred on both sides of the dividing day, they were very different in nature. Overall, the human rights situation in Ethiopia is now enormously improved.

The year opened with the end of a prolonged lull in the civil war, in which neither side had made much progress for about ten months. Still, abuses had continued, notably the bombing of civilian targets by the Ethiopian air force and violations associated with forcible conscription into the Ethiopian armed forces. Violations associated with forced conscription included the use of press gangs and other arbitrary and violent means of recruitment without due process or an opportunity for conscripts to communicate with their families; the maltreatment of conscripts and summary execution of those attempting to escape; and the conscription of children under age fifteen.

Famine conditions persisted in several parts of the country. The Joint Relief Partnership of the Ethiopian churches was successfully transporting food across the battle lines into EPRDF-held Tigray, but the government continued to bomb relief convoys moving across the border from Sudan. In January, the EPLF, the government and the United Nations belatedly agreed on a procedure for transporting food from the EPLF-held port of Massawa to the government-held city of Asmara.

A particularly egregious abuse by the air force occurred on May 8, when fighter-bombers attacked the small Tigrayan market town of Sheraro, killing fifteen and wounding ninety civilians. Sheraro lay several hundred miles behind the front line and thus had no military significance; it did, however, have symbolic significance as the first town occupied by the Tigrayan rebels in the 1970s.

In late February, the war suddenly escalated when the EPRDF launched a major military assault on government positions in the northwest. The attack was stunningly successful and set in motion a relentless advance on Addis Ababa, which culminated in the flight of President Mengistu on May 21 and the capture of the city a week later. The advance saw abuses, principally by the government. These included the summary execution of over 120 prisoners in Gonder prison, the bombing of civilian targets and the burning of villages. On the rebel side, there

were reports of detentions of suspected political opponents and the forcible dispersal of hostile demonstrations. The advance also brought the EPRDF into conflict with the guerrilla forces of the Ethiopian People's Revolutionary Party (EPRP), a conflict which continued until the end of the year.

A joint EPRDF-Oromo Liberation Front (OLF) force also approached the camps, where about 270,000 southern Sudanese refugees were seeking shelter from the war in Sudan. As the fighting approached, the refugees fled back into Sudan, creating a humanitarian emergency. While the camps were never actually attacked by the EPRDF or the OLF, a general breakdown in law and order in the border area led to killings by local militias. The refugees were also subject to abuses by the Sudanese government, notably aerial attacks (see chapter below on Sudan).

In Eritrea, the EPLF advanced simultaneously on the port of Assab and the city of Asmara. EPLF shelling of Asmara hit a relief airplane and forced the premature ending of a U.N. relief airlift. Meanwhile, the Ethiopian army in Asmara refused to distribute the international relief brought to the city from Massawa, evidently holding it as a reserve for its troops. Government soldiers launched deliberate reprisals against civilians, such as the execution of prisoners in response to successful EPLF operations. There were also numerous instances of soldiers killing local residents and looting their homes. The EPLF intensified its campaign of assassinating alleged security-force collaborators, claiming that the people killed had been previously tried in absentia and warned to cease their criminal activities.

The escalation of the war saw a further crackdown on civil and political rights in government-controlled areas. A notable abuse was the forcible conscription of school and university students to the armed forces. Students were simply rounded up and bused off.

The EPRDF occupied Addis Ababa on May 28. About seven to eight hundred civilians were killed in the occupation, mostly because of explosions at ammunition dumps. During the occupation of Addis Ababa, about four to five hundred civilians were killed when an ammunition dump exploded on the western periphery of the city. The civilians were apparently engaged in looting the arms depot when a member of the EPRDF fired in their direction, apparently to deter them, and set off the explosion. About two hundred people, combatants and civilians, were killed in the last battles in the city as Mengistu's final loyal forces fought to the last. On June 4, in an act of sabotage, another ammunition dump was exploded, almost certainly by supporters of the former regime, and one hundred were killed and 130 wounded.

While occupying the city, the EPRDF was confronted with several



demonstrations. Many of the demonstrators were armed with stones, and a few with firearms. The EPRDF combatants had neither training in riot control nor appropriate equipment, and used their firearms on several occasions. In a series of incidents, at least two EPRDF members and ten demonstrators were killed.

Although large-scale war has now ceased, there have been continuing disturbances in several parts of the country, notably the Afar lowlands and the Oromo and Issa areas of the southeast. Some of these have involved significant loss of civilian life. The underlying reason for the continuing violence has been the century-old legacy of bitterness felt by marginalized people toward their Amhara rulers. The immediate spark has been disagreements over whether EPRDF or local forces should police certain areas. A major dispute in Dire Dawa, in eastern Ethiopia, was between the Oromo and Issa communities over land rights, which led to several dozen deaths. These disputes have led to friction between the EPRDF and the OLF, Issa and Afar organizations.

Upon seizing power, the EPRDF immediately instituted a number of welcome measures, such as releasing all political detainees, dissolving the security organizations of the previous regime, and promising that those primarily responsible for gross abuses of human rights under that regime would be brought to justice, with due process and in the presence of international observers. In July, a national conference was held with most groups represented, with the notable exception of the EPRP. A Council of Representatives was convened and a Transitional Charter was adopted. Democratic elections were promised within two years. These steps signified the most serious attempt in fifteen years to start a peaceful political process that could bring together the disparate groups of Ethiopia. Progress has been hampered by the lack of a democratic tradition, considerable distrust among groups, and the EPRDF's status as the only group with a sufficiently clear and comprehensive command structure to operate as a functioning political party. Partly because of this organizational disparity, and partly because of its Marxist-Leninist background, the EPRDF has to a large extent monopolized government operations, with other organizations assuming a more token role. The adoption of a regional administrative structure at the end of the year, probably a forerunner to a federal constitution, is likely to go some way toward distributing power more equitably.

The Transitional Charter allows for the formation of political parties, freedom of assembly, and a free press. Numerous political parties, most of them ethnically based, sprang up. However, the EPRP and parties believed to be associated with the former regime were prohibited. Numerous peaceful demonstrations reflecting many shades of political opinion now occur, although there has been friction in the case of one party, the Union of Democratic Nationals (UDN), which takes an

**aggressively anti-government line. On one occasion in October, a UDN rally was partly dispersed when government soldiers fired over the heads of demonstrators who had congregated outside the Eritrean mission in Addis Ababa. Progress toward a free press has been slow because of delays in drafting a press law, as well as a lack of newsprint and trained journalists. Still, the Amharic press contains much forthright criticism of the government and other political organizations.**

**Many members of the previous government have been detained. The true number is not known, but estimates range from 5,000 to over 100,000 (the latter includes interned ex-soldiers). Progress has been slow in reorganizing the judiciary, and only in November was draft legislation presented to the Council of Representatives. In the meantime, those suspected of being responsible for human rights abuses or corruption during the previous regime were held without charge. Some alleged offenders were identified by informal "people's courts," where they were accused in public by alleged victims or their relatives. Preliminary screening of those in detention has been the responsibility of secretive committees organized by the EPRDF. Despite their closed nature, these investigations have yielded the release of substantial numbers of detainees, although for the time being members of the former ruling party, the Workers' Party of Ethiopia, are banned from traveling abroad or returning to their former employment.**

**Conditions in detention centers range from extremely good (the Yekatit 66 Political School, where high-ranking members of the former government are held) to poor and overcrowded (according to reports from detainees who have been held in police stations and neighborhood and provincial prisons). There have been no reports of torture or physical abuse.**

**Following the occupation of Addis Ababa, members of the former police force were suspended, pending a thorough reorganization of the force and the prosecution of those guilty of abuses and corruption. Policing duties were taken over by EPRDF soldiers. While the discipline of the EPRDF soldiers has been exceptionally high, and they are generally regarded as respectful of civilians, there were a number of summary executions of looters (during the occupation of Addis Ababa and immediately thereafter) and common thieves (through the end of the year). In some cases, "people's courts" have passed sentences of death for suspected common criminals, who have been executed on the spot. The government promises that the reorganization of the police and the judicial system will bring these abuses to an end.**

**In Eritrea, the EPLF occupied the entire territory on May 26. In doing so, it captured over 100,000 soldiers of the former government, plus dependents.**

**Almost all of these soldiers and dependents, as well as other residents of non-Eritrean origin, were expelled from the territory shortly afterwards. Expulsions continued throughout the year, including an incident in October in which 424 non-Eritrean orphans, resident in church- and government-run orphanages in Asmara, were expelled. There have been some allegations of the use of force, and the expulsion of people who had lived most of their lives in Eritrea.**

**The EPLF has not cooperated fully with the transitional government in Ethiopia in allowing the use of Eritrean ports for famine-relief supplies. The EPLF did not hold a political conference or invite the other Eritrean fronts to participate in a transitional government, with the result that there is opposition to the new government in some parts of Eritrea. The EPLF has promised a referendum on independence in two years, followed by a multiparty democracy, but has not made concessions to political opponents in the meantime.**

**The EPLF held a large number of detainees for a short period after its occupation of the territory, but by year's end had cut the number down to about nine hundred. It has said that these will all be brought to trial.**

### **The Right to Monitor**

**Given the level of repression under the Mengistu government, it was not possible for human rights groups to exist. Since May, a number of new groups who plan to monitor human rights have been established. They are the Ethiopian Human Rights Council; the Ethiopian Congress for Democrats; the human rights committee of the Committee of Eleven, set up by academics; and a Bar Association, which is in formation. A number of the new groups have been sharply critical of certain government policies without suffering reprisals.**

**Both Africa Watch and Amnesty International have been able to visit Ethiopia since the new government came to power. No human rights group has yet been established in Eritrea.**

### **U.S. Policy**

**U.S. policy toward Ethiopia also followed a "before and after" pattern. From January to May, the United States actively pushed for a negotiated peace. It put pressure on both sides to make concessions, and appeared to believe that the war was in a permanent stalemate. The United States in March withdrew support for the cross-border famine-relief operation into EPLF- and EPRDF-held areas,**

reportedly to pressure those fronts to negotiate. After protest from voluntary agencies, support for the operations was quickly restored. Meanwhile, on the government side, a major U.S. concern was the emigration of the remaining Ethiopian Jews to Israel. After prolonged stalling by the Ethiopian government — which was trying to use its Jewish population as a bargaining chip to obtain arms — the final Jews were airlifted to Israel in the dying hours of the Mengistu government.

As the peace talks opened in London on the morning of May 27, it was evident that the Ethiopian government had no option other than unconditional surrender, and that the immediate danger was a complete breakdown in law and order in Addis Ababa due to the large number of deserting troops. Accepting a military fait accompli, the U.S. government recognized the EPRDF as the new transitional government of Ethiopia, and the EPLF as the government of Eritrea. The latter meant that the United States reversed its long-standing policy in opposition to Eritrean independence. This reversal appears to have been influenced by a desire to avoid the breakdown in law and order that followed the fall of Samuel Doe in Liberia and Mohamed Siad Barre in Somalia, as well as by the humanitarian concern of ensuring a continued flow of relief supplies. The U.S. government thus found itself in the unexpected position of supporting a government headed by the EPRDF, which until shortly before had espoused a hard-line Marxist-Leninist ideology. Herman Cohen, assistant secretary of state for African affairs, showed a remarkable flexibility during the power transfer which certainly helped to avoid what might have been high loss of life.

The U.S. government has been enthusiastic about the prospects for Ethiopia under the EPRDF-led government, although it has criticized the EPLF for the expulsions and the lack of cooperation in permitting the use of the port of Assab. This enthusiasm has led to a number of cases in which asylum seekers in the United States, mostly ethnic Amharas with sympathies for the EPRP, have had their applications refused on the grounds that Ethiopia is now at peace and progressing toward democracy. This position ignores the ongoing conflict between the EPRDF and EPRP, which is sufficient grounds for suspecting that EPRP supporters would be at risk if they were to return to Ethiopia under current conditions.

### **The Work of Africa Watch**

In early 1991, Africa Watch published two newsletters on Ethiopia. The first was issued on March 5, one year after Mengistu's announcement of the

abandonment of Marxism-Leninism. The newsletter assessed the human rights situation and concluded that the government had not made any serious effort to promote respect for civil and political rights. The second newsletter, published four weeks before the fall of Addis Ababa, addressed human rights concerns as the government crumbled, reporting abuses by all sides. Africa Watch obtained wide media coverage during the week when Addis Ababa fell and the U.S.-convened peace talks were held in London; this included numerous radio and television appearances (BBC, CNN and others) and several published articles, including articles by the staff in *The Independent* (London), the *Nairobi Law Monthly* and the *Southern African Political Economy Monthly*.

In September, Africa Watch published an extensive report entitled *Evil Days: Thirty Years of War and Famine in Ethiopia*. The report covers the entire period since the outbreak of war in Eritrea in 1961, with two main purposes. One is to document the abuses in the numerous wars in the country over the last thirty years, drawing attention to some of the neglected wars in the south as well as the wars in Eritrea and Tigray. The second is to reveal the role of war and human rights abuses in the creation of famine. Specifically, the report documents the way in which the counterinsurgency strategy followed in the north from 1980 to 1984 was instrumental in creating the famine of 1983 to 1985. It also describes the way in which the government later used and abused internationally donated food relief to further its war aims. This aspect of the report has disturbing implications for the way relief organizations, specifically the United Nations, conduct themselves in civil conflict.

In October, an Africa Watch mission visited Ethiopia at the invitation of the Transitional Government. The delegation met with a wide range of senior government officials, including the president, all of whom spoke frankly about their difficulties and their plans for increasing respect for human rights. Africa Watch was invited to submit a memorandum concerning the treatment of the detained members of the former regime and the procedures for bringing them to trial. Africa Watch was able to visit detainees in the Yekatit 66 prison, but not in police stations. It was also possible to talk with representatives of numerous political organizations and citizens' groups, including nascent human rights organizations.

## **KENYA**

### **Human Rights Developments**

**Nineteen ninety-one was marked by the growing number of voices in Kenya challenging the long-term denial of human rights. Late in the year, after persistent resistance, the government of President Daniel Arap Moi yielded ground to internal and external demands for greater political freedom. Immediately after international donors decided in late November to suspend new assistance for six months pending economic and political reforms, President Moi in December announced the legalization of multiparty politics. Other welcome developments included the release of the three political detainees whose detention had been officially acknowledged by the government and the decision not to carry out certain threats to the freedom of the press and the independence of the judiciary. However, the basic institutional structure of authoritarian and repressive rule remained intact.**

**The pressure for a multiparty political system remained the central human rights issue in 1991. The year began on a promising note with the announcement of reforms such as the end of the queue-voting system for elections, in which electors were left open to intimidation by the requirement that they stand behind a photograph of the candidate of their choice, and the promise to cease expelling government critics from the Kenyan African National Union (KANU), the single ruling party. In September, President Moi reneged on his earlier promise and began to expel dissidents from KANU. Among those expelled were opposition leaders Martin Shikuku, Masinde Muliro, Philip Gachoka, George Nthenge and Salim Ahmed.**

**On December 3, in a major shift, the president announced the repeal of Section 2a of the Constitution, introduced in 1982 to ban opposition groups. Until then, President Moi repeatedly had denounced supporters of the democracy movement, often by name, as "traitors" and "anarchists," and accused them of receiving foreign financing with the intention of destabilizing Kenya.**

**Earlier attempts to challenge KANU's monopoly of political organization were promptly suppressed. The attempts of a prominent government critic, former Vice President Oginga Odinga, to register his National Democratic Party in March were frustrated, and Oginga was briefly detained while his house was searched in May. Later, Oginga tried to register the Forum for the Restoration of Democracy (FORD), but was also prevented from doing so. The president banned efforts to observe the**

first anniversary of the July 7, 1990 pro-democracy riots that left over a hundred people dead. He also issued a statement banning a public rally scheduled for October 5. The organizers had sought legal permission and the matter was pending in court at the time. The president's actions led them to withdraw their request, stating that executive interference in the judiciary had made a mockery of the judicial process. Oginga's bodyguard and over twenty others were detained on suspicions of supporting FORD. Oginga's son, Raila, who had spent most of the 1980s detained without charge or trial, was subjected to regular intimidation and, in October, fled the country.

On October 29, the Moral Alliance for Peace was established by, among others, Reverend Timothy Njoya of the Presbyterian Church of East Africa; lawyers Martha Njoka and Beatrice Nduta; the editor of the proscribed magazine *Beyond*, Bedan Mbugua; and Professor Wangari Maathai of the Green Belt Movement. The Mombasa KANU Branch chairman, Shariff Nassir, promptly declared the Alliance to be an illegal political party. On November 3, George Nthenge, a founding member of FORD, was arrested and, two days later, charged along with three others for holding an illegal meeting in Machakos; he was released on bail after pleading not guilty.

On November 1, President Moi banned a public rally called by FORD for November 16. The action was the government's most serious effort to deny the right to political participation. In a show of force, police arrested opposition leaders and broke up the pro-democracy rally. The crackdown began on the night of November 14-15, when police began arresting FORD members and their supporters in Kisumu and Nairobi. Oginga Odinga, a FORD founder, was arrested together with Gitabu Imanyara, editor of the *Nairobi Law Monthly*; Dennis Akumu, a former secretary general of the Accra-based Organization of African Trade Union Unity; George Nthenge, a FORD member and former member of Parliament; Luke Obok, also a former member of Parliament; Philip Gachoka, a businessman and FORD member; Salim Ndamwe, secretary general of Oginga Odinga's unregistered National Democratic Party; John Kamangara, a businessman; and at least five others, including Oginga Odinga's bodyguards. Some of those arrested were taken to Nairobi's Wilson airport and put on board a police aircraft and a helicopter with cardboard covering the windows to hide them. At least eleven people were arrested in Kisumu.

The November 16 rally site — the Kamukunji grounds in Nairobi — was cordoned off by armed police and the paramilitary General Service Unit. Security forces were put on alert with paratroopers manning roadblocks around Nairobi and checking identities. Journalists were turned back.

Another eight people were arrested on the day of the rally, including Paul

**Muite, a government critic and chair of the Law Society of Kenya (LSK); Masinde Muliro, a former Cabinet minister and a FORD member; Martin Shikuku and Philip Gachoka, both FORD members; and two Nairobi lawyers, James Orengo and Japheth Shamalla. They faced charges of violating the Public Order Act. Oginga Odinga and Masinde Muliro were released on bail and the others appeared in court on November 18-19 and were remanded.**

**Between one and two dozen foreign and local journalists were harassed and arrested at the Kamukunji grounds on November 16, but were later released without charge. Miles Bredin, bureau chief of United Press International, was hit on the head with a police truncheon but avoided serious injury. Scores of FORD supporters and demonstrators were also arrested.**

**Hundreds of demonstrators showed up outside the police cordon at the rally site. Helicopters circled overhead as tension mounted. Security forces used tear gas, rubber bullets and baton charges to disperse thousands of demonstrators who took to the streets after opposition leaders seeking to hold the rally were arrested. Police beat demonstrators, fired shots in the air, and lobbed canisters of tear gas to break up the generally peaceful demonstrators. American and German diplomats trying to observe the rally were turned back by the police and later accused of having "masterminded" the rally.**

**The ensuing unrest in the area surrounding the Kamukunji grounds was easily contained, but not without bloodshed among the protestors. Stones were thrown at the police and motorists, and security forces retaliated with rubber bullets and volleys of tear gas. One person was reported to have died in the clashes when he was trampled to death by a crowd being chased by the riot police, and at least seven others, one of whom later died, received gunshot wounds from both live ammunition and rubber bullets. Later in the day, buses were stoned by protestors and barricades of burning tires were erected in the nearby suburb of Eastleigh as security forces patrolled the streets. There were also disturbances in Pumwani and Mathare after the arrest of the FORD members. In Pumwani, a KANU office was burned down. The center of Nairobi was virtually deserted.**

**By November 19, at least eighty-six people had appeared in court and been arraigned or charged in connection with the banned rally. Some of the charges were dropped in late November. However, some protesters have been convicted and many are serving sentences for showing the two-fingered "V-for-victory" sign, a symbol of support for the multiparty democracy movement. Many others remain in custody awaiting trial. Among those arrested are:**

- o George Nthenge, a FORD member, who was arrested in Machakos on the night**



of November 14-15. He was charged with five counts of intending to hold an illegal meeting, and was released on bail of 10,000 Kenyan shillings (approximately \$350) on November 19.

- o Philip Gachoka, a FORD member and businessman, who was arrested in Muranga on November 16 and charged with violating the Public Order Act. He was released on bail of 20,000 Kenyan shillings (approximately \$700) on November 19.
- o Martin Shikuku, a FORD member and former assistant minister, and Japheth Shamalla, a lawyer and council member of the Law Society of Kenya, were arrested on November 16 and each charged with five counts of violating the Public Order Act by publishing notices of the unlicensed rally. Appearing before Senior Resident Magistrate Gladys Ndeda in Kakamega, Shikuku pleaded "not guilty," was denied bail, and was remanded to custody. Shamalla refused to plead, leaving the disposition of his case to the discretion of the court, and was also remanded. On November 21, Justice John Osiemo set bond for each of them at 10,000 Kenyan shillings (\$350), and both were released. Shikuku's case was set for hearing on December 9 and 10, and Shamalla's for December 11 and 13. Thousands of demonstrators marching in the streets of Kakamega in support of the two protesters were dispersed with tear gas after they threw stones at the police.
- o Salim Ahmed Bamahriz, a FORD member who was arrested on November 25 in Mombasa after surfacing from hiding, was released after twelve hours.

An unknown number of others are still being held in custody. The whereabouts of some are still not known, including Joseph Owuor Nyongo, Oginga Odinga's bodyguard, and Morris Nyaoki, a worker.

Another significant act of political repression was the trial and conviction for sedition of George Anyona, a former member of Parliament; Edward Oyugi, an educational psychologist; Augustine Kathangu, an outspoken KANU member; and Ngotho Kariuki, a former lecturer at the University of Nairobi. The six-month sedition trial was the longest of its kind in Kenyan history. The defendants were accused of holding a seditious meeting in a bar, and two of them were allegedly in possession of a seditious publication. The trial was blatantly unfair. The accused testified that they had been subjected to torture to obtain confessions, but this claim was summarily rejected by the judge. The allegedly "seditious" publication,

a copy of the journal *Africa Confidential* that contained an article about the Kenyan security service, is not banned in Kenya. None of the defendants had ever advocated violence against the Kenyan government. However, all were found guilty and sentenced to seven years in prison.

One of the more insidious aspects of the government's human rights record is its deliberate undermining of the independence of the judiciary. In May, Attorney General Matthew Muli, who had been instrumental in using the judiciary for political ends, was replaced by Amos Wako, who promptly declared that the president is above the law. There is such widespread lack of confidence in the judiciary as a system willing or capable of defending human rights that the government's welcome decision to restore security of tenure to judges is unlikely, in the short term, to allow the judiciary to recover its independence from the executive.

The Law Society of Kenya, which in October received an international human rights award from the American Bar Association, remained an important rallying point for those critical of the government's human rights record. In retaliation, the government began an intense campaign to intimidate and discredit the LSK leadership. In March, Paul Muite, a lawyer who has been highly critical of the government, was elected as chair of the LSK and immediately called for the repeal of Section 2a of the Constitution. Pro-government members obtained a court injunction to restrain Muite and eight members of the LSK Council from making any "political" pronouncements on behalf of the LSK. The LSK was also prohibited from holding its general meeting.

The LSK's conflict with the government intensified with its outspoken criticism of the role played by British expatriate judges. In May, the LSK passed a unanimous motion calling for the removal of three British expatriate judges because of their consistently pro-government rulings, including decisions upholding the legality of the one-party state and rejecting the justiciability of the human rights provisions of the Kenyan Constitution.

On October 23, Justice John Mwera found seven LSK officers guilty of contempt of court for allegedly disobeying the injunction against making political statements, and fined them 10,000 Kenyan shillings each. The judgment was seen as a partial victory because it had been feared that the officers would be sent to jail. The seven officers were: Paul Muite, chair; Willy Mutunga, vice chair; and Japheth Shamalla, Fackson Kagwe, Charles Nyachae, G.B.M. Kariuki and Martha Njoka, as Council members. The case is awaiting the decision of the Court of Appeal. Hundreds of pro-democracy supporters marched through Nairobi following the judgment.

However, one lawyer continued to be singled out for punishment. On October 31, Justice Gideon Mbiti upheld an objection by a lawyer who argued that Martha Njoka should not be allowed to represent clients in court because of her contempt-of-court offense. Although Njoka had already been fined for the contempt, and the matter was not before Justice Mbiti, nor any longer in the High Court, the justice ordered her to apologize to the High Court for her alleged contempt. Njoka immediately applied for a stay of the blatantly illegal order, but on November 4, the order was effectively upheld. Only on November 29 did the Court of Appeal grant a stay pending appeal.

The government continued to crack down on independent journals. Gitobu Imanyara was arrested and charged with publishing seditious material on account of an editorial in his *Nairobi Law Monthly* which discussed the phenomenon of tribalism and highlighted the extent to which members of the president's small ethnic group dominate senior positions in government. Imanyara was held from March 1 to May 28. During the last month in custody he was hospitalized with a serious illness, chained to his bed and kept under twenty-four hour surveillance. Charges were later dropped. Njehu Gatabaki, editor of *Finance*, was also harassed and forced into hiding in late March. Paul Amina, a freelance journalist and former political detainee, was arrested on August 16 at the International Press Center in Nairobi and detained for two days after he publicly identified a Special Branch officer. Two other journalists, Macharia Gaiho and Julius Bargorett, were beaten with sticks by security policemen, and had their cameras smashed and their notebooks confiscated, while covering a meeting in April addressed by Nicholas Biwott, the former minister for industry; Biwott has been accused of official corruption and involvement in the February 1990 murder of former Foreign Minister Robert Ouko.

Those associated with a number of journals were subjected to harassment, and copies of the journals were confiscated by the police. These include the *Nairobi Law Monthly*, *Finance*, *Society* and copies of one edition of *The Observer* of London, which contained an article critical of the Kenyan government. Four plays were also refused licenses on the grounds of being "too political" for Kenyan audiences. They included a Swahili version of George Orwell's "Animal Farm."

The government seized five thousand copies of *Newsweek* magazine and all copies of the *International Herald Tribune* for November 17-19 because of articles describing government repression in Kenya. *Newsweek* carried an article critical of Kenya's one-party system, its human rights record and its opposition to demands for multiparty democracy. The *International Herald Tribune* carried reports on the arrest of opposition leaders and the government's suppression of the pro-democracy rally on November 16.

The harassment of government critics has also taken other forms. The freedom of movement of several prominent Kenyans was severely restricted in 1991. The passport of Gitobu Imanyara was seized to prevent him from traveling to Athens to collect the Golden Pen of Freedom award. The passport was never returned, preventing him in September from traveling to the United States to receive the Nieman Foundation award from Harvard University. Mohamed Ibrahim, a human rights lawyer, was denied the opportunity in the fall to travel to the United States. Immigration authorities refused to renew his passport unless he obtained a "pink card" required for all Kenyans of Somali origin since a national screening in 1989 and 1990. Ibrahim had publicly refused to participate in this invidious discrimination among Kenyan citizens.

The passports of several Kenyans were seized to prevent them from traveling to the inaugural conference of the Institute for the Promotion of Human Rights in Africa. They included Oginga Odinga, Martin Shikuku, and Denis Akumu, described above, and James Orengo, a lawyer. Akumu and Shikuku were physically removed from an airplane at Nairobi airport.

Three prominent government critics were released from detention during the year: Charles Rubia, Kenneth Matiba and Raila Odinga. However, an incident at the Nairobi headquarters of the Special Branch highlighted the problem of the many ordinary people who are believed still in detention, sometimes having spent years in custody. On July 14, Bernard Kiragu, who had been detained without trial for ten months, was killed in a shootout (in which a senior police officer was also killed) in the detention center at Nyayo House, Nairobi. Kiragu's detention had not been officially acknowledged, suggesting that other unidentified prisoners are also languishing in detention. Kiragu was to have been the key prosecution witness in the above-mentioned treason trial.

Allegations of torture continue to be made without prompting investigations by the government. During the sedition trial described above, sworn affidavits of torture and inhuman treatment were presented to the court but never investigated. Others who have alleged torture and inhuman treatment while in police custody include Koigi wa Wamwere, Rumba Kinuthia, Mirugi Kariuki and Geoffrey Kuria Kariuki, all of whom are facing treason charges. In his affidavit of September 16, 1991, Mirugi Kariuki stated that the police had taken him shortly after his arrest on October 8, 1990 to a dungeon in Nyayo House in Nairobi where he was tortured and subjected to cruel, inhuman and degrading treatment. He was denied food, bedding and clothing and was held blindfolded and incommunicado for twelve days. On October 19, 1990, he was charged with treason before the chief magistrate, and on March 27, 1991, after several appearances before the chief

magistrate, he was served with pretrial documents. Kariuki claims that he is being held in the same block as three hundred convicts condemned to death; denied newspapers, magazines and radio; forced to sleep on the floor without a bed or mattress; and generally treated worse than the convicted prisoners. On October 31, Justice Mbogholi Msagha ruled that Kariuki was being lawfully held pending trial for treason.

The mysterious death and apparent murder in February 1990 of former Foreign Minister Robert Ouko became a major embarrassment to the government in 1991 and resulted in the arrest of top government officials. It also became an important source of information about human rights abuses and corruption among top government officials. A former Scotland Yard detective, John Troon, giving evidence before the Public Commission of Inquiry into the death of Ouko, identified his two prime suspects as Nicholas Biwott, the former minister of energy and industry, and Hezekiah Oyugi, then head of internal security. He also alleged that the Kenyan police had tried to obstruct his investigation. On November 19, Biwott was dismissed from office while attending a meeting in Vienna. He was arrested upon his return to Kenya on November 20 and detained for questioning and further investigation in connection with the murder. Also detained for questioning on November 26 were Hezekiah Oyugi; Julius Kobia, a provincial commissioner; Jonah Anguka, a district commissioner; and George Oraro, the lawyer for the Ouko family who has been named by Ouko's brother, Barak Mbajah, as one of the those who lured Ouko out of his house on February 13, 1990, the day he disappeared.

At the same time, in an act of suspect motive, President Moi dissolved the Public Commission of Inquiry, which had spent 246 days listening to evidence about the murder. He ordered the three judges to submit their report to him before the end of January 1992. Before the president's move, the three commissioners had adjourned proceedings because of alleged intimidation by the state security services, including ransacking of their hotel rooms and bugging of their office telephones. Fearing for their lives, they said they would not continue with the hearings until their personal safety was guaranteed.

On November 27, Julius Kobia was released after questioning but five other people were arrested including potential witnesses Selina Were, Matthew Onyango K'Oyoo and John Eric Ouko Reru and suspects Paul Gondi and Police Inspector Washington Ajwoya.

In an affidavit sent to the Commission from the United States where he has sought refuge, Ouko's brother alleged that he had been tortured and subjected to inhuman treatment in an attempt to force him to cooperate in what he described as the official cover-up of his brother's murder.

**John Troon alleged that Hezekiah Oyugi, who was dismissed as head of internal security only to be named to the highly lucrative position of executive chairman of General Motors Kenya (he has since lost the position), had blocked the announcement of Ouko's death as a murder and announced it as suicide instead. John Troon and Dr. Ian West of Guys Hospital in London had told Hezekiah Oyugi that Dr. Ouko had been murdered and had not committed suicide, as claimed by a senior Kenyan government pathologist.**

**Allegations of corruption by top government officials soured Kenya's relations with international donors, which responded to the endless corruption charges and political repression by suspending or threatening to suspend aid. A meeting of the Paris Club on aid to Kenya was held on November 25-26, chaired by the World Bank. Kenya currently receives nearly \$1 billion a year in foreign aid, which is about thirty percent of its development budget, and the Paris meeting was seen as a major opportunity for Western governments to demonstrate their opposition to the abuse of human rights in Kenya. At the end of the meeting, the World Bank said that it would wait for six months to see whether Kenya instituted wide-ranging political and economic reforms in light of its poor human rights record. The communique issued after the meeting "underlined the importance of the rule of law and respect for human rights, notably the basic freedoms of expression and assembly."**

**The World Bank also said at the end of the meeting that it had approved two loans for Kenya totaling \$86 million, but warned that it might cut off all but the most basic of project loans if the country failed to reform its economy and cut government corruption. It said that Kenya would receive no aid for its energy sector — a \$140-160 million loan was withheld — unless Minister Biwott was removed. Biwott was apparently shielding \$600 million worth of projects from scrutiny by the World Bank, including the construction of geo-thermal and hydroelectric power plants and the upgrading of the Mombasa refinery. Britain also held back a shipment of oil to Kenya in 1991 for fear that proceeds from it would find their way into Biwott's personal bank account. His demotion to industry minister and his subsequent arrest and dismissal from office altogether indicate that President Moi is desperate to continue attracting foreign investment.**

**During the past decades, Kenya's once-independent universities have gradually been stripped of their autonomy. Political interference in the appointment of academic staff and the content of courses has become commonplace. Violations of academic freedom continued throughout 1991. In mid-1991, one student was killed after being shot by policemen and several others were injured during clashes between riot police and students on the campus of Moi University in Eldoret. The university was closed. The source of the conflict —**

the reduction in student allowances — also led to the closure of Kenyatta University. The government's long-standing policy of co-opting academics to defend its record was brought into sharp focus by the publication in November of an open, unsigned letter attacking the pro-democracy movement that purported to be sponsored by 140 academics. A number of academics were apparently threatened with reprisals if they refused to be associated with the letter.

The treatment of ethnic Somalis in Kenya continues to be an important source of human rights violations. Following the excesses of the "screening"<sup>5</sup> of all ethnic Somalis in 1989 and 1990, a further crackdown began in June 1991 when homes of ethnic Somalis were searched and hundreds were arrested. Refugees fleeing the civil war and anarchy in neighboring Somalia were also subjected to abuse. Refugees who began arriving on the coast in January were frequently detained on board their vessels as Kenyan authorities refused to allow them to disembark. The action led to many deaths, as overloaded boats capsized and vital relief was withheld. On May 21, the Lamu district authorities rounded up Somali refugees and boat owners with their staff, and forced them on board a vessel which was towed to sea by a Kenyan naval patrol ship; Somali refugees elsewhere in Kenya were also forced on board so they could be deported to Somalia. On May 24, sixteen refugees died when their boat capsized. On May 25, a Kenyan patrol ship transferred forty-eight refugees, most of them women and children, to a leaking fishing boat with broken engines; it capsized immediately, killing twenty-one of the refugees. Thereafter, many of the refugees arriving by boat were not allowed to disembark despite terrible overcrowding and a lack of sufficient water and food. At least two children died. Many other refugees were interned in poor conditions in camps and denied access to humanitarian supplies. By April, it was estimated that almost ten thousand Somalis were living in Jomo Kenyatta showground without proper amenities. Many refugees claimed that they had not received anything to eat for a week.

### **The Right to Monitor**

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<sup>5</sup> All Kenyans of Somali origin and all Somali citizens were required to register at special centers and obtain special pink cards to be eligible for any state service. See Africa Watch, *Taking Liberties*, July 1991.

**There are no established human rights groups in Kenya, although a number of churchmen, lawyers and journalists have documented and publicized human rights abuses. Many of these individuals have been the target of government reprisals, as described above.**

### **U.S. Policy**

**While several years ago Kenya was the largest recipient of U.S. foreign assistance in sub-Saharan Africa, U.S. aid to Kenya in 1991 was sharply limited. In late 1990, Congress enacted legislation placing strict human rights conditions on the Bush Administration's proposed package of \$15 million in military aid and Economic Support Funds (budgetary support) for Kenya. Before that aid could be expended, the Administration was required to issue a formal certification that the Kenyan government had: taken steps to charge and try or release all prisoners detained for political reasons; ceased any physical abuse or mistreatment of prisoners; restored the independence of the judiciary; and restored freedom of expression. To its credit, the Administration did not attempt to certify that these conditions had been met, even after the Kenyan government enacted some judicial reforms and released the bulk of the most prominent prisoners detained for peaceful political expression.**

**The State Department also denied Kenya funding under a special account for fiscal year 1991 which included \$15 million in military aid aimed at promoting "biological diversity in Africa" — an anti-poaching and wildlife conservation program.<sup>6</sup> The State Department made the determination that the human rights legislation concerning other foreign aid to Kenya also governed the biological diversity program.**

**The Bush Administration deviated from an otherwise positive human rights policy in Kenya on one important occasion in 1991. In February, the Administration provided \$5 million in military assistance to Kenya, drawing the aid from unobligated funds that Congress had withheld in 1990 as a protest over gross abuses of human rights in July of that year. By dipping into the 1990 "pipeline," the Administration avoided the human rights conditions governing the 1991 funds. The assistance was provided as a payoff to the Moi government for providing refuge to a group of several hundred Libyan prisoners of war in Chad whom the United States had been arming and training to use against the Libyan government of**

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<sup>6</sup> Section 5(e) of Public Law 101-513, the Foreign Assistance Appropriations Act.



**Moammar Qadhafi. When the Chad government of President Hissein Habre fell to forces that were friendlier to Libya, Kenya agreed to provide refuge for the prisoners. Particularly unfortunate was the State Department's insistence on justifying the aid not as a reward for taking the Libyans but by pointing to the "limited steps" that Kenya supposedly had taken on human rights, as spokesman Richard Boucher did on March 12.**

**The provision of the \$5 million caused an uproar in Congress, with a number of members issuing sharp protests. The State Department had additional reason to regret its gesture of support; on March 1, only days after the aid was sent, the Kenyan authorities arrested human rights lawyer and journalist Gitobu Imanyara. On March 1, State Department spokesman Richard Boucher issued a strongly worded statement in Imanyara's defense, saying that the United States was "dismayed" by the arrest and calling upon the Kenyan government to release Imanyara without delay. Later, on May 5, Assistant Secretary of State for African Affairs Herman Cohen took the unusual step of telling the Senate Appropriations Committee that he felt personally betrayed by the incident.**

**The \$5 million payoff was the last time that Washington granted any foreign aid to Kenya. Throughout the rest of the year, aid was limited and the Administration became increasingly explicit in its condemnation of the Kenyan government's corruption and human rights abuses. (The two issues are closely related; numerous human rights abuses, including the murders of Kenyan Foreign Minister Robert Ouko and Bishop Alexander Muge,<sup>7</sup> appear to have been related to their outspoken denunciation of government corruption.)**

**U.S. Ambassador Smith Hempstone was so explicit in his criticisms that he had practically become *persona non grata* in Kenya by late November. The U.S. ambassador described the November 14 arrest of democracy movement leaders as "a bloody mess," and says he told President Moi that "the best thing he could do was to release these people as quickly as possible."<sup>8</sup> The Embassy issued a written statement as well, calling the arrests "a blatant interference with the civil and human rights of these individuals," and criticizing the Kenyan government for**

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<sup>7</sup> A public critic of "land-grabbing" and corruption among senior government officials, Muge was killed in a mysterious car accident on August 9, 1990, days after Minister of Labor Peter Okando threatened his life. He is widely believed to have been murdered.

<sup>8</sup> Jane Perlez, "Riot Police Break up Opposition Rally in Kenya," *The New York Times*, November 17, 1991.

abrogating the rights of free speech and peaceful assembly.<sup>9</sup> The Kenyan authorities responded in a fury, condemning "the open involvement of United States diplomats who have masterminded and abetted the supposed opposition movement in Kenya." Ambassador Hempstone responded with his characteristic bluntness, "If that guy [President Moi] doesn't stop telling lies about me, I'm going to start telling truths about him."<sup>10</sup> When asked on November 19 about the "row with Kenya," State Department spokesman Boucher gave strong reinforcement to Ambassador Hempstone's message:

**You know the Kenyan Foreign Minister made some statements which we took exception to. We put up a statement yesterday saying that our ambassador there is the President's representative and we had confidence in what he was doing. Part of U.S. policy is to raise issues of human rights, and we and our ambassador will continue to do that.**

Ambassador Hempstone was no less frank on the subject of corruption, stating: "I don't know if Kenya is at the head of the class when it comes to corruption but they're a contender. The state of the economy is extremely fragile, and corruption has a deleterious effect."<sup>11</sup> The U.S. Embassy provided an extensive report to the international press about President Moi's personal involvement in skimming foreign investments in Kenya.<sup>12</sup>

The outspokenness of the Bush Administration on the subject of Kenyan corruption and human rights violations clearly influenced the November 25 meeting of Kenya's international donors in Paris. Not a single international donor pledged to provide foreign assistance to Kenya, in contrast to \$1 billion in international pledges received the previous year. Following the meeting, in a November 26 hearing before the House Subcommittee on African Affairs, Secretary Cohen stated that the crackdown on November 14 and 16 had a far-reaching effect on international aid to Kenya. According to testimony at the same

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<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> Jane Perlez, "Aid for Kenya cut as Donors Cite Corruption," *The New York Times*, October 21, 1991.

<sup>12</sup> *Ibid.*

hearing by George Lewis, acting director of Eastern African affairs at the U.S. Agency for International Development (USAID), the United States expected to provide Kenya with \$47.1 million in development assistance for fiscal year 1992, but just before the Paris meeting, USAID rewrote its aid plan and decided to limit U.S. assistance to \$19 million in funds that could be channeled through private voluntary organizations rather than the Kenyan government. Secretary Cohen reiterated that no military aid would be provided, given the current human rights conditions in U.S. law.

As noted, the World Bank stated publicly at the Paris donors' meeting that "levels of aid for Kenya depend on clear progress in implementing economic and social reform" and indicated that no aid would be forthcoming from the bank for the next six months.<sup>13</sup> The action was extremely important not only in its own right but also as a signal to private banks that investment in Kenya is a bad risk given the government's governance record.

In the aftermath of the donors meeting, the Kenyan government abruptly announced that a top official who is personally close to President Moi and known to be deeply involved in corruption and violence, former Energy Minister Nicholas Biwott and the former head of internal security, Hezekiah Oyugi, were being held for questioning about the murder of Foreign Minister Ouko. The arrest of formerly "untouchable" high officials is a clear sign that U.S. influence has been extremely important in Kenya.

### **British Policy**

Until late in 1991, British policy was consistently supportive of the Kenyan government, reflecting strong commercial and military ties. (Britain outranks the United States as both an aid donor and a commercial partner.) The British government's actions indicate a continuing lack of interest in human rights in Kenya.

Despite Foreign Secretary Douglas Hurd's announcement in June 1990 of a "breakthrough" policy intended to tie British aid to respect for human rights and multiparty democracy, Lynda Chalker, the minister for overseas development, said on a visit to Kenya in June 1991 that British aid to Kenya would continue as before. Contradicting earlier statements by the foreign secretary that British aid to Africa

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<sup>13</sup> Associated Press, "World Bank Says Future Aid to Kenya Depends on Reforms," November 26, 1991.

would be linked to the development of a pluralist political system, she said that Britain had "no intention of dictating what kind of political systems to adopt." In August, Minister Chalker defended Kenya's human rights record and emphasized that Britain would not bow to pressure to reduce aid to Kenya. She dismissed criticism as "claptrap" and "bluster" and argued that Kenya's human rights record was better than that of many other developing countries and that its society was more open.

On a visit to Kenya in September, Foreign Secretary Hurd reiterated that it would be "bizarre to pick Kenya as having a particularly bad record on human rights." However, Hurd did make a strong general statement in favor of multiparty democracy, stating that "the arrival of multiparty politics is going to happen and in my mind is desirable." Hurd also met with two leaders of the movement for multiparty democracy, FORD members Martin Shikuku and Masinde Muliro.

On November 19, three senior British Privy Counsellors, Sir David Steel, Sir Bernard Braine and Peter Shore, tabled a motion on Kenya's human rights record in the House of Commons. They condemned the arrests of supporters of multiparty democracy, noted with concern the repeated attempts by the Kenyan government to thwart the processes of democracy, and urged the British government to express its concerns about the gap between Kenya's actions at the time and its agreement at the Commonwealth Conference in October to respect human rights. The motion has yet to be debated.

On November 20, Britain again urged Kenya to release government critics arrested during the crackdown and repeated calls for the government to tolerate legitimate dissent. In a statement to Parliament, Minister Chalker said, "We have told the government that oppression of opposing views is not the way forward and we have called upon them for further progress toward democracy." Shortly before the donors' meeting in Paris, Minister Chalker said, "Donors are going to be tough and that includes Britain." Britain joined the aid suspension agreed to at the meeting.

### **The Work of Africa Watch**

Africa Watch's work on Kenya centered on the publication in July of a comprehensive report, *Kenya: Taking Liberties*. The report is the most wide-ranging evaluation of Kenya's human rights record ever published. The press officer of the Kenyan High Commission in London stated in an August letter to *The Guardian* that the government planned to release a detailed rebuttal. None has yet been issued. Related articles and letters were published by Africa Watch staff in

***The Nairobi Law Monthly, The Nation, Legal Times, Africa Report and The Guardian (London).***

**Africa Watch also launched campaigns on a number of specific issues. These include government actions against the *Nairobi Law Monthly* and its editor, Gitobu Imanyara; government restrictions on academic freedom, and U.S. and British policy toward Kenya.**

**An Africa Watch representative visited Kenya in February and met with many human rights activists and government officials. The government continued to deny a visa to the Executive Director of Africa Watch. On February 12, Africa Watch produced a memorandum to congressional offices analyzing Kenya's failure to meet human rights conditions on aid contained in U.S. law. Further updates were also sent to congressional offices on March 1, April 1, June 6, July 29, August 1 and September 25.**

## **LIBERIA**

### **Human Rights Developments**

The widespread killing and brutality associated with Liberia's civil war<sup>14</sup> have subsided since the November 1990 cease-fire. However, the human rights situation in Liberia continues to be marked by abuses ranging from extrajudicial killing and torture to restrictions on freedom of movement and intolerance of dissent. These violations are particularly evident in the ninety percent of the country controlled by Charles Taylor's National Patriotic Front of Liberia (NPFL), but civilians are also victimized by Prince Johnson's Independent National Patriotic Front of Liberia (INPFL) and by former President Samuel Doe's army, the Armed Forces of Liberia (AFL). The country remains divided among these three armed factions and the ECOMOG peacekeeping force.<sup>15</sup> Only the interim government led by Amos Sawyer, which governs the capital of Monrovia but has no army, has not been responsible for human rights abuses.

**Civilians in NPFL territory, which covers all of Liberia except the capital, no**

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<sup>14</sup> The war in Liberia began in late December 1989 and gathered momentum throughout most of 1990. The conflict began in Nimba County, in the northeast, where Charles Taylor's forces attacked. The Liberian army responded with a brutal counterinsurgency campaign, killing civilians indiscriminately, burning villages, looting and raping. The victims were primarily members of the Mano and Gio ethnic groups. Doe's government was particularly hostile toward these groups because Thomas Qwiwonkpa, a former general from Nimba county who led an abortive coup in 1985, was a Gio. In the aftermath of the coup attempt, Doe's soldiers engaged in bloody reprisals against real and suspected opponents, targeting mostly Gios and Manos, an ethnic group closely related to the Gios. As war resumed in 1989 and 1990, all sides to the conflict committed egregious human rights abuses.

<sup>15</sup> ECOMOG, or the Economic Community Monitoring Group, includes forces from five countries of the Economic Community of West African States (ECOWAS): Gambia, Ghana, Guinea, Nigeria and Sierra Leone. ECOMOG entered Liberia as a peace-keeping force on August 24, 1990, but soon took on an offensive role against Taylor's NPFL. ECOMOG sought to neutralize Taylor's troops, install an interim government and organize free elections.

longer face the atrocities of all-out war. Nevertheless, they suffer the capricious actions associated with a military occupation — arbitrary arrest, physical abuse, confiscation and destruction of property, and restrictions on freedom of movement and expression. Underlying these problems is the perception among NPFL "fighters" that they are a law unto themselves. Many of them are young, undisciplined and unpaid. While security in a given area depends largely on the discipline exercised by the local commander, individual fighters have considerable latitude to arrest, detain, extort, threaten and sometimes injure civilians.

Incidents of arbitrary arrest and restrictions on civilians' movements are particularly evident at NPFL checkpoints when civilians attempt to travel to or from NPFL territory. To move between Monrovia and the interior of the country, a special pass must be obtained from the NPFL. Liberian civilians have a particularly difficult time obtaining these passes. Many civilians attempting to travel to Monrovia complain of beatings, detention and harassment by fighters, and some have been forced to turn back. Out of desperation, some Liberians attempt to make it to Monrovia on bush roads. Others arrange to pay fighters significant sums of money to take them on these roads. In June, for example, a twenty-year-old man paid a fighter to take him from Kakata to Monrovia. The fighter turned him in to NPFL authorities at Mt. Barclay, in the buffer zone between NPFL territory and ECOMOG-controlled Monrovia, claiming that the man had been engaging in "reconnaissance."<sup>16</sup> The young man was jailed for about two days before being released because another fighter happened to know him. He was detained again almost immediately by the same fighter who had arrested him, but managed to escape with the assistance of a woman fighter.

Ethnic conflict, one of the tragic legacies of the Doe regime, remains a live issue, particularly in Grand Gedeh county, which is populated largely by the Krahn ethnic group. As recently as late July, fighting continued between the NPFL and a Krahn resistance movement. Civilians were subjected to abuses by the NPFL reminiscent of the fighting in 1990, including indiscriminate killings, targeting of Krahn and Mandingo people, burning of villages and widespread looting. These violations were particularly evident in July during an NPFL offensive on Zia Town, on the eastern border of Grand Gedeh county. Although difficult to document,

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<sup>16</sup> It is fairly common for NPFL fighters to charge civilians with "reconnaissance," a blanket charge which means that they are suspected of spying on the NPFL, usually in the service of ECOMOG.

human rights violations have also been attributed to the Krahn resistance.<sup>17</sup>

Prince Johnson and the INPFL remain armed on their base at Caldwell, on the outskirts of Monrovia. They have been responsible for summary executions, arbitrary arrest and physical abuse of civilians in the Caldwell area. In late July and early October, Johnson ordered summary executions of at least six and possibly up to nine fighters and civilians. The interim government, lacking any troops, is effectively powerless to exert control over Johnson, since he does not recognize its authority. ECOMOG has avoided using force against Johnson, since it would lead to renewed fighting.

The AFL soldiers remain armed in their base at the Barclay Training Center and at Camp Schiefflin, and are themselves responsible for abuses against civilians in Monrovia, including looting, beating and harassment of civilians. Civilians are particularly fearful of these soldiers, who were closely associated with Doe's brutal reign. On June 5, for example, AFL soldiers attacked Sando Wayne, an assistant minister of the interim government — beating him, breaking his arm and knocking him unconscious — apparently because he was driving one of Doe's old cars.

Liberia's conflict has already spilled into neighboring countries in the form of some 750,000 refugees — a third of Liberia's pre-war population — who have fled to Guinea, Ivory Coast, Sierra Leone and Ghana, among other countries. According to the U.S. State Department's Refugee Bureau,<sup>18</sup> as of July 1991 there were an estimated 227,500 Liberians in the Ivory Coast, 342,000 in Guinea,<sup>19</sup> 6,000 in Ghana, and smaller numbers in Nigeria, Gambia and Mali. There had been some 125,000 Liberians in Sierra Leone, but after a March incursion by the NPFL, the number of Liberian refugees there was reduced to 10,000. Liberians continue to leave their country because of ongoing insecurity, though in much smaller numbers. There are also hundreds of thousands of displaced persons within the country. Monrovia has swollen to almost double its pre-war size, with an estimated population today of at least 800,000.

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<sup>17</sup> The composition of these forces is not definitively known. Many are former soldiers of the AFL, but others appear to be recent recruits from the civilian population.

<sup>18</sup> Testimony of Princeton N. Lyman, director of the Bureau for Refugee Affairs, before the House Subcommittee on African Affairs, July 16 1991.

<sup>19</sup> The UNHCR estimates that since July an additional 100,000 refugees have entered Guinea from Sierra Leone, making the total number of refugees in Guinea over 400,000.



Combat has been waged recently on the Sierra Leone border between the NPFL and the Sierra Leone military, which is allied with a Krahn-based Liberian resistance group known as the United Liberation Movement of Liberia (ULIMO). Until late July, there was also fighting between the NPFL and Krahn fighters in Grand Gedeh, near the Ivory Coast, whose government is fearful of armed attacks extending into its territory. In several areas, the possibility of a new round of ethnic warfare and brutality remains quite real.

Throughout the year, the Liberian factions took part in a series of meetings to discuss peace and elections. Much of the groundwork was laid in November 1990 with the cease-fire, signed in Bamako, which was based on an ECOWAS peace plan.<sup>20</sup> The cease-fire was followed by a meeting of the warring factions in Banjul, Gambia, in December 1990, and then in Lomé, Togo, in February 1991. In Lomé, it was decided that the All Liberia Conference would begin in Monrovia on March 15.

Taylor did not attend the All Liberia Conference, citing fears for his security.<sup>21</sup> An NPFL delegation went to the conference, but walked out a week later. In April, at the conclusion of the conference, Amos Sawyer was elected president of the Interim Government of National Unity (IGNU). The NPFL did not participate in the voting and refused to recognize the legitimacy of the IGNU.

A series of meetings have since been held in Yamoussoukro, in the Ivory Coast. The meetings have focused on the question of elections — not only logistics but also the need to disarm all warring factions and to confine them to their bases during the campaign and balloting. Four such meetings took place in 1991 — in June, July, September and October. At the September 17 meeting, Taylor agreed to disarm his troops under the supervision of an expanded peacekeeping force and to confine his fighters ("encamp" them) as part of the ongoing peace process,

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<sup>20</sup> The plan called for organizing a meeting of political parties, interest groups and the warring factions to negotiate a cease-fire and to establish a broad-based interim government. The leaders of the warring factions were to be excluded from heading the interim government, and the interim president would be ineligible to run for president in the ensuing general elections.

<sup>21</sup> Taylor's security concerns were not wholly unjustified. In September 1990, when former President Doe left his heavily guarded mansion, he was captured and tortured to death by Prince Johnson. Representatives of both the Nigerian and Togolese governments made special trips to Taylor's headquarters in Gbarnga to assure him that they would guarantee his security in Monrovia, but to no avail.

provided that the composition of ECOMOG was changed by adding Senegalese troops and reducing the number of Nigerian troops. Until then, Nigerians had made up approximately eighty percent of the ECOMOG force, and Taylor has always considered them to be particularly hostile to the NPFL. Senegal and the other Francophone countries of West Africa have been perceived as more supportive of Taylor.

On October 30, a sixty-day timetable was agreed to for disarmament, beginning November 15, with elections to follow in six months. The agreement included a provision for opening roads, ports and airports so refugees and displaced persons will be able to register to vote. Meanwhile, a committee of West African states has been formed to help to organize elections.

A potential obstacle to peace is Prince Johnson's reported refusal to disarm his fighters so long as he is excluded from the formal peace process. Johnson has been kept out of the process since INPFL withdrew from the interim government in August after the government publicly condemned Johnson for executing at least four and possibly six fighters and civilians in Caldwell. Johnson now wants to participate in the peace talks as part of a separate entity.

### **The Right to Monitor**

The human rights movement in Liberia is extremely weak. Two human rights groups formed in Monrovia during 1991: the Liberian Human Rights Chapter and the Association of Human Rights Promoters. Although neither group is obstructed by the authorities in Monrovia, their activities appear to be limited. In late November, the Catholic Church in Monrovia reportedly formed a Justice and Peace Commission which intends to monitor human rights. There are no known human rights groups operating in NPFL territory.

The frailty of the Liberian human rights movement is both a legacy of the severe repression of all independent activity under former President Doe and a reflection of the chaotic and devastated condition of the country today. The situation is aggravated by the tight restrictions on freedom of movement between Monrovia and the NPFL-controlled interior. It is extremely difficult for Liberians in Monrovia to obtain passes from NPFL authorities to travel to the interior to gather information, and it is equally difficult for civilians in the interior to visit Monrovia to report information.

In August, a representative of Africa Watch was able to obtain a pass from the NPFL to undertake fact-finding in the interior. However, NPFL authorities did not permit a delegation from the New York-based Lawyers Committee for Human

**Rights to travel to the interior in September. Accordingly, the attitude of the NPFL authorities toward international human rights monitoring remains inconsistent.**

### **U.S. Policy**

**The United States does not recognize any government in Liberia — either the interim government of Amos Sawyer or the administration of Charles Taylor. The Bush Administration maintains a policy of neutrality, and endeavors to maintain ties with all factions. The justification for this position, according to the State Department, is that the United States recognizes countries, not governments, and that the U.S. ambassador will present his credentials only to a unified government that has been chosen through free and fair elections.**

**A troubling aspect of this policy of "neutrality" is that the Bush Administration has apparently interpreted it to justify U.S. silence in the face of continuing human rights abuses. In testimony on Liberia on July 16, before the House Subcommittee on African Affairs, Herman Cohen, the assistant secretary of state for African affairs, barely mentioned human rights violations. His only comment touching on the subject was to say, "Most tragically, horrific human rights abuses have been perpetrated by the combatants on the civilian population of all ages and ethnic groups." He did not elaborate or attribute responsibility for particular abuses.**

**In September, Vice President Quayle used his visit to Nigeria and the Ivory Coast to send a strong signal of support to the ECOWAS peace process, stating "we believe that ECOMOG is the appropriate vehicle to resolve this conflict." However, none of the vice president's public statements mentioned human rights in Liberia.**

**By glossing over the tragic human rights situation in Liberia, the Bush Administration has squandered an opportunity to encourage improvements by specifically condemning particular abuses. For example, Charles Taylor's NPFL should have been criticized for ongoing indiscriminate killing of civilians, arbitrary arrest, and restrictions on freedom of movement and expression. The Administration should also have expressed concern over indiscriminate killings and other violent abuses during the fighting in Grand Gedeh county over the summer. Similarly, Prince Johnson and the INPFL should have been criticized for summary executions, arbitrary arrest and harassment of civilians.**

**U.S. Embassy representatives in Monrovia are taking a similar "hands-off" approach to human rights violations, refraining from investigating or publicly protesting abuses. Although Embassy representatives assert that their ability to monitor developments in Taylor territory is undermined because they are usually**

unable to obtain NPFL permission to travel in the interior, a considerable amount of information is available in Monrovia itself, and Embassy officials have on occasion been able to enter the interior. U.S. officials should use even this limited access to investigate and publicly condemn particular cases of abuse. Moreover, the very fact that U.S. officials are often prevented from traveling in the interior should be publicized, since it reflects the kind of controls that are exercised by the NPFL.

The United States has a special responsibility toward Liberia, given both the long-standing historical ties between the countries and the role played by U.S. support for the abusive Doe government in setting the stage for the current crisis. That responsibility is heightened by the tendency of European governments and international agencies to regard Liberia as a "U.S. problem" which the United States should take the lead in solving.

However, the Bush Administration has been trying to distance itself from the Liberian disaster, calling for "an African solution to an African problem." This contrasts markedly with the past close U.S. involvement in Liberia, particularly the policy of supporting the cruel and corrupt regime of President Doe while minimizing its egregious human rights abuses. During most of the 1980s, the Reagan and Bush Administrations spent half a billion dollars in foreign aid for Liberia, making it the largest recipient of U.S. aid in sub-Saharan Africa. The massive infusion of money served to prop up the regime, despite overwhelming evidence that Doe was vicious, unreliable and had no intention of keeping his promises about instituting democracy.

To its credit, the United States has taken steps to help rebuild the nation that its abusive client destroyed by becoming the largest donor to the Liberian relief effort; the United States currently provides more than sixty percent of the international contribution. According to a State Department document published in July, U.S. assistance since the Liberian conflict erupted has totaled \$131.8 million, including \$112.1 million in food for peace, \$12 million for refugee programs in neighboring countries, \$4.8 million in Agency for International Development grants to international organizations and private relief groups, and \$2.8 million in Economic Support Funds to assist ECOMOG's humanitarian assistance activities.<sup>22</sup>

In a statement on September 25, State Department spokesman Richard Boucher expressed support for "regional efforts to bring about disarmament and

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<sup>22</sup> *Liberia Refugee Crisis: Fact Sheet*, Department of State, Bureau for Refugee Affairs, July 1991.

free and fair elections in Liberia." Toward this end, he announced that the United States would immediately grant \$3.75 million in military aid for fiscal year 1991 to support the ECOMOG participants in the peace process who were "in the most dire financial circumstances,"<sup>23</sup> as well as \$500,000 in peacekeeping funds to ECOWAS. On October 3, State Department spokeswoman Margaret Tutwiler reported that the United States was providing an additional grant of \$3.3 million to ECOWAS "to help defray expenses of the ECOMOG peacekeeping force in Liberia, in connection with Senegal's recent decision to contribute troops." The United States encouraged Senegal to join ECOMOG when President Bush met with Senegalese President Abdou Diouf in Washington in September and committed the United States to provide financial support to Senegalese troops.

We welcome the recent U.S. efforts to give momentum to the peace process as the mechanism most likely to curtail human rights abuses in Liberia. However, U.S. silence about ongoing human rights abuses suggests a danger that hopes for peace will be allowed to overshadow public concern about respect for human rights. To avoid repeating the mistakes of the past, human rights issues must figure prominently in U.S. policy toward Liberia, and compliance with internationally recognized human rights standards must be an integral part of any eventual peace agreement.

### **The Work of Africa Watch**

Throughout the year, Africa Watch followed developments in Liberia, trying to alert the press and public about human rights concerns. In April, Africa Watch published *Academic Freedom and Human Rights Abuses in Africa*. The report details human rights violations against the academic community in fourteen African countries, including Liberia. Although the University of Liberia is currently in ruins, having been destroyed during the fighting in July 1990, the chapter on Liberia discusses the attacks on the university throughout the 1980s under the Doe regime.

In August, an Africa Watch researcher traveled to Liberia — both Monrovia and territory controlled by the NPFL — and to refugee areas of the Ivory Coast. The purpose of the mission was to document the human rights situation in Liberia

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<sup>23</sup> According to the announcement, the United States would provide \$1 million to Senegal, \$1 million to the Ivory Coast, \$500,000 to Ghana, \$500,000 to Guinea, \$500,000 to Sierra Leone and \$250,000 to Gambia.

since the November 1990 cease-fire — also the time of Africa Watch's last comprehensive report on human rights in Liberia. Since the cease-fire, international press attention to Liberia has waned dramatically. In October 1991, Africa Watch published a newsletter based on the mission, "Liberia: The Cycle of Abuse, Human Rights Violations Since the November Cease-fire," which documents abuses by the three warring factions — Charles Taylor's NPFL, Prince Johnson's INPFL and the AFL — and discusses the role played by the United States.

In addition to the newsletter, Africa Watch published articles on Liberia in *The Atlanta Journal and Constitution* on September 28, in the October 14-20 edition of *West Africa*, and in the November-December edition of *Africa Report*.

## MAURITANIA

### Human Rights Developments

The human rights situation in Mauritania in 1991 was dominated by revelations that five to six hundred black political prisoners were executed or tortured to death by government forces between November 1990 and March 1991. The victims were among one to three thousand blacks who had been arrested during that period. In addition, security forces committed serious abuses against the black ethnic groups<sup>24</sup> along the Senegal River Valley, including murder, torture, rape, arbitrary arrest, and confiscation and destruction of property. In April, the Mauritanian government announced its intention to move toward democracy, but its commitment must be viewed in light of its continuing campaign to repress and brutalize Mauritania's black ethnic groups, notably the Halpulaars, who are considered most actively opposed to the government.

The wave of arrests of black Mauritians in late 1990 and early 1991 followed an alleged coup attempt by members of the black community backed, according to the authorities, by Senegal.<sup>25</sup> Estimates of the number of blacks

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<sup>24</sup> The four black ethnic groups are the Halpulaar, Soninké, Wolof and Bambara. Although exact population figures are not known because the results of the most recent census, in 1988, were never published, these four groups are believed to make up about thirty percent of the population. Another thirty to forty percent are *Haratines*, also known as black Moors, the former black slaves of the politically dominant Arab-Berber *Beydanes* who continue to identify politically and culturally with their former masters. The remainder of the population is *Beydane*.

<sup>25</sup> Senegal denied participation in the coup attempt, and it is impossible to take the Mauritanian government's claim of a coup attempt seriously. First, the charges were announced only in December, even though the arrests began in mid-October. Second, the likelihood that black soldiers would attempt a coup must be considered small in light of the dramatic decrease in the number of black army officers and soldiers following an alleged coup attempt by black army officers in October 1987 as well as the expulsion of many black members of the army, the police force, the National Guard, various security services and the customs service in 1989 and 1990. Finally, and perhaps most important, the arrests took place in the midst of a municipal electoral campaign, at a time when the authorities were clearly nervous that one of the candidates for mayor of Nouakchott, the capital, was

arrested range from one to three thousand, almost all Halpulaars from the military and civil service. Because the number of arrests exceeded the government's capacity to hold detainees in traditional detention centers, military bases and police stations in various parts of the country were turned into prisons. The detainees were held incommunicado, and most were savagely tortured, apparently in an effort to extract confessions and information about others. The torture included beatings, burns, electric shocks applied to the genitals, stripping prisoners naked and pouring cold water over them, burying prisoners in sand to their necks, and subjecting prisoners to "jaguar," a common method of torture in Mauritania involving tying a victim's hands and feet, suspending him upside down from a bar, and beating him, particularly on the soles of the feet.

In late March, the government declared an amnesty and freed hundreds of detainees. The released prisoners revealed the fate of those who had been murdered and tortured. Many who survived imprisonment are now reportedly crippled, paralyzed or maimed from the effects of torture, and some have died since their release. The government appointed a commission of inquiry in the spring, but it was composed entirely of military officers — even the pro-government Mauritanian League for Human Rights was not permitted to participate — and the commission's findings have not been made public. The possibility that a genuine effort will be made to expose the recent abuses — and thus deter their recurrence — appears dim.

In a rare show of public opposition, a series of open letters and tracts were issued in April criticizing the government's role in the arrests and killings. One petition signed by over seventy-five women — mothers, wives, sisters and nieces of some of those arrested and presumed dead — called on President Maaouya Ould Sid'Ahmed Taya to account for those killed. An open letter to President Taya signed by fifty prominent Mauritians — including lawyers, doctors, professors and former ministers — denounced "the magnitude of the repression which was brought down upon the blacks, civilians and military, in the last months of 1990." The Mauritanian Workers Union published a statement calling for an independent investigation and a national conference.

Although the number of deportations of blacks has dropped considerably since the second half of 1990, black villagers and herders continue to flee Mauritania for refuge in Senegal or Mali. The military and militia stationed in the Senegal River Valley as a virtual occupation force continue to be responsible for a pattern of indiscriminate killing, torture, rape and beating. The militia are

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galvanizing the black and *Haratine* populations against the ruling *Beydanes*.



composed predominantly of *Haratine* (or black Moors), former black slaves who continue to identify politically and culturally with their past masters. They act with impunity, arresting arbitrarily and sometimes killing villagers, and taking their food, their livestock, their belongings and even their wives and daughters. In an open letter to the president in September, nine villagers in the Brackna region detailed the killing of a thirty-four-year old man from the village of Dar-el-Barka by a member of the National Guard and spoke of other officially sanctioned atrocities.

Meanwhile, blacks in the cities continue to suffer government repression. Beginning in late 1990 and continuing throughout 1991, hundreds of black professionals were dismissed from their jobs, former prisoners were kept under close surveillance, and a sense of fear and insecurity was pervasive in the black community. Because of the government's policy of "Arabization," blacks continue to face discrimination in education, employment, access to loans and credits, the administration of justice (in both regular and religious courts) and language, with Arabic replacing French as the official language.

Ironically, news of the deaths in detention came at a time when the Mauritanian government had announced a series of reforms. On April 16, President Taya stated that an Economic and Social Council would be appointed, a referendum on a new constitution would be held, and parliamentary elections would be scheduled. The constitutional referendum took place on July 12. According to the government, the text was approved by 97.24 percent of the population. However, black opposition activists, including those associated with the African Liberation Forces of Mauritania, had called for a boycott of the referendum, and they assert that the referendum was passed by a substantially smaller margin.

In July, new laws were promulgated on political parties and the press, although these institutions remain subject to severe restrictions. The law on political parties, for example, states that no party can engage in propaganda "in contradiction with the principles of true Islam." By December, at least eleven political parties had registered, but virtually all have close links to the ruling authorities. One, the Social Democratic Republican Party (SDRP), was formed at the end of August by President Taya. Another, the Assembly for Democracy and National Unity, was formed in August by Ahmed Ould Sidi Baba, the mayor of Atar and a relative of Taya.<sup>26</sup> The only genuine opposition parties are reportedly the

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<sup>26</sup> Some of the other political parties are: The New Mauritanian Party, headed by Moulaye Zeyd, the former mayor of Zourate; the People's Social and Democratic Union, headed by Mohammed Mahmoud Ould Mah, the former mayor of Nouakchott; and the Party for

**Union of Democratic Forces, which includes *Beydanes*, *Haratines* and representatives of black ethnic groups, and as of late November, the Party for Freedom, Equality and Justice, which is largely black.**

**Despite the announced reforms, the government has not permitted greater freedom of expression. On several occasions, peaceful demonstrators calling for an independent inquiry into the deaths in detention were violently dispersed by the police. Some of these demonstrations were staged by women related to those who had died in detention; many of the demonstrators were injured by the police. In addition, the September issue of the journal *Mauritanie Demain* was banned for an article reporting that black detainees had been tortured to death.**

**In view of the president's candidacy, the opposition has asked for an interim government so that no party will have an advantage. Their request has gone unanswered. In the meantime, the government continues to use state-owned vehicles and funds for the president's party. The government has threatened civil servants with unemployment or demotion if they do not pledge their allegiance to the SDRP. Some former political detainees, fearing for their safety and jobs, have apparently felt obliged to join the government party. The government also solicits "donations" from businessmen in the form of money, cars and buildings.**

**Meanwhile, relations between the governments of Mauritania and Senegal, which were severed after a series of mass deportations in 1989,<sup>27</sup> have begun to normalize. The governments have held a series of meetings on security issues and the restoration of diplomatic relations, and the two presidents met in November during the Francophone summit in Paris. Commissions have also been created to discuss a simmering border dispute, the return of property confiscated during the related expulsions of April and May 1989, and indemnity for property that was destroyed. These issues affect Mauritians who were forced to leave Senegal as well as black Mauritians and Senegalese who were expelled from Mauritania.**

**However, the intergovernmental discussions have not addressed the return of the thousands of black Mauritanian refugees in Senegal. In 1991, official**

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**Democratic Justice, headed by Mohammed Abdoullahi Ould El Bane, a *Beydane* professor.**

<sup>27</sup> A border dispute between Senegal and Mauritania in April 1989 led to mass expulsions of black Mauritians to Senegal and Mauritians back from Senegal. Taking advantage of an agreement between the two countries to repatriate each other's citizens, the Mauritanian authorities launched a campaign to deport thousands of blacks, especially those in the south near the economically important Senegal River Valley.

estimates put the number of Mauritanian refugees in Senegal at approximately 53,000; in Mali, they number about seven to eight thousand. The real figures are probably substantially higher, since these numbers reflect only those who have registered with the local authorities, and does not include many of the thousands who are simply living with relatives. The longer the refugees stay and compete for scarce resources, the greater the tensions with the local population.

The continuing difficulties faced by the refugees and the preconditions for their return to Mauritania are usually overlooked by the international community in the interests of promoting peace between Senegal and Mauritania. However, human rights concerns must be an important component of any eventual peace agreement, and the legitimate rights of the refugees must be addressed in that context. Many observers are concerned that the normalization of relations between the two countries will occur at the expense of the refugees. But unless there is an end to human rights abuses against the black community in Mauritania, refugees will continue to flee to neighboring countries. The refugees have made it clear that they cannot return to Mauritania until their security is assured, their citizenship is restored, and their goods, homes and land are returned.

### **The Right to Monitor**

The only human rights organization that exists in Mauritania is the pro-government Mauritanian League for Human Rights, which rarely criticizes the government. For example, the League made no known public protest about the arrest and killing of black alleged coup plotters. The inability of independent human rights groups to function in Mauritania is an important measure of the level of governmental repression. Until the spring of 1991, political parties and opposition groups of any kind were prohibited.

Since September 1989, and most recently in June 1991, Africa Watch has requested permission from the government to send a human rights fact-finding mission to Mauritania. The Mauritanian authorities did not respond to these requests until late November 1991. In December 1991, the government finally gave Africa Watch permission to send a mission in early 1992. Africa Watch is currently working out the details of such a mission with the government to ensure that delegates would be given access throughout the country, interviews in prisons would be confidential, and Mauritians who spoke with the Africa Watch team would not face reprisals. Africa Watch is unaware of any other human rights groups that was allowed to visit Mauritania during 1991.

## **U.S. Policy**

In 1991, the U.S. government signaled its displeasure with the Mauritanian authorities by ending bilateral assistance and authorizing the U.S. ambassador to make private demarches about human rights concerns.

In February, as information began to surface about the deaths of hundreds of black political prisoners, the United States suspended the last of its bilateral aid to Mauritania — \$125,000 for International Military and Education Training. State Department sources reported to Africa Watch that the U.S. Embassy had told the Mauritanian government that the aid was cut because of human rights violations, including the deaths in detention, but no public confirmation of this reason was ever issued.

The Bush Administration did issue a strong public condemnation of Mauritanian abuses during hearings on the Maghreb held on June 19 before the House Subcommittees on African Affairs and on Human Rights and International Organizations. Testifying for the Administration, James Bishop, senior deputy assistant secretary of state for human rights and humanitarian affairs, condemned "repeated human rights abuses consisting primarily of discrimination by the Maur-dominated government against non-Maur ethnic groups." He described the detention and brutal treatment of the alleged coup plotters, and the murder of five to six hundred of them. He also welcomed the Mauritanian government's pledge to democratize, but noted a number of government actions which contradicted that pledge, such as the beating of peaceful demonstrators and the arrest of democracy activists.

The State Department's *Country Reports on Human Rights Practices for 1990*, published in February 1991, contained an informative and well documented chapter on human rights abuses in Mauritania. The detail of the reporting indicates that the U.S. Embassy gathers extensive information about human rights violations throughout the country.

A "Sense of Congress" resolution passed the House Foreign Affairs Committee in May and the full Congress in July. The resolution condemned human rights abuses against black ethnic groups in Mauritania and called on the Mauritanian government to appoint an independent commission to investigate the deaths in detention. However, the Bush Administration refused to endorse the resolution, missing an opportunity to maintain public pressure on the Mauritanian government to end massive abuses.

In May, Africa Watch petitioned U.S. Trade Representative (USTR) Carla Hills

requesting a review of labor rights in Mauritania because of the nation's use of slave labor. Under U.S. law, Mauritania stands to lose trade benefits under the Generalized System of Preferences (GSP) if a pattern of labor rights violations is found. The Trade Representative accepted the Africa Watch petition on August 21 and is currently considering the matter. A decision about whether Mauritania's GSP benefits should be terminated is expected in May 1992.

### **French Policy**

France, as the former colonial power and one of Mauritania's principal sources of foreign aid, has more influence in Mauritania than any other Western country. French bilateral aid to Mauritania in 1990<sup>28</sup> was approximately three hundred million francs (roughly fifty-two million dollars), which included food aid and some 250 technical advisors in the fields of agriculture, health and education. France also provides a smaller amount of technical military cooperation to Mauritania. The prominence of the French role in Mauritania has been particularly enhanced since the Gulf War, because financial assistance from the Gulf states, notably Kuwait, dried up after Mauritania supported Iraq.

The releases of political prisoners in March and the announcement of reforms in April appears to have been due in large part to French pressure. The March amnesty was declared just after a trip to Nouakchott by Michel Vauzelle, president of the Foreign Affairs Committee of the French National Assembly. President Taya's April speech on democratization was made several days after Roland Dumas, the French foreign minister, visited Mauritania. Dumas's visit also prompted the Mauritanian government's promise of parliamentary elections and its appointment of a commission of inquiry into the recent prison deaths. The French, however, made no public statements during these visits.

### **The Work of Africa Watch**

Africa Watch's work on Mauritania continues to focus on abuses against black ethnic groups. In February and March, Africa Watch sent a mission to Senegal to gather information on the persecution of blacks in Mauritania. Africa Watch visited Dakar and the Senegal River Valley, which borders Mauritania and

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<sup>28</sup> Figures not available for 1991.

houses most Mauritanian refugees in Senegal. The 1991 investigation was a follow-up to a prior mission to Senegal in May and June 1990. The information collected will be compiled in a major report on the persecution of black ethnic groups to be published in early 1992.

During 1991, Africa Watch tried to focus attention of donor governments and agencies on human rights abuses in Mauritania. We urged the United States, France and the European Community to pressure the Mauritanian government on human rights grounds. In May, Africa Watch published a newsletter, "More Than 200 Black Political Detainees Executed or Tortured to Death," describing the arrests and conditions of detention. The document included a preliminary list of 173 blacks who died in detention.

In June, Africa Watch and Middle East Watch testified before the House Subcommittees on African Affairs and on Human Rights and International Organizations about human rights in the Maghreb. Much of the testimony focused on gross violations of human rights in Mauritania, describing the recent history of persecution against black ethnic groups including the deaths in detention, slavery, and the use of "Arabization" to marginalize black communities.

Africa Watch also worked to promote the "Sense of Congress" resolution noted above, and filed the above-mentioned petition with USTR Hills challenging labor rights practices in Mauritania.

Africa Watch published articles on human rights in Mauritania in the April 1-7 edition of *West Africa*, the May issue of *Africa Events*, the July 8 issue of *The Nation*, the July 8-14 edition of *West Africa*, and the July-August issue of *Africa Report*.

## **NIGERIA**

### **Human Rights Developments**

Throughout its six-year tenure, the military government of General Ibrahim Babangida has relied on force to ensure its stay in power. In the process, the Babangida government has been responsible for the deaths of hundreds of students and others who demonstrated against its policies, the detention without trial of thousands of government critics, the silencing of opposition organizations and the erosion of the rule of law. In 1991, the continuation of those practices furthered the deterioration of an already crumbling civil society.

**Babangida's tightly controlled program of transition to civilian rule, due to be completed by October 1, 1992, purports to be building a democracy. But the program has included a prohibition on all independent political parties and the denial of the right to vote to many other Nigerians. The government claimed that such controls were necessary to eliminate the ethnic, religious and regional violence that has plagued the country in the past. During 1991, however, escalating political violence and several outbreaks of religious riots in the north indicated that the old problems remain unsolved.**

**In December, thirteen former governors, senators and ministers were arrested for violating the ban on participation in politics by former politicians. They were accused of sponsoring candidates for state governorship elections and were ordered by the Transition to Civilian Rule Tribunal to remain in police custody until they reappear before the tribunal on January 16, 1992. However, the ban was lifted on December 18 with a government announcement that "the time has come when the old and new should mix, cooperate or compete."**

**Although President Babangida repeatedly has declared his intention to complete the transition program on schedule, the growing violence has provoked official warnings that the transition is in danger of being derailed, and has encouraged speculation that the government might use the instability as an excuse to remain in power. Even if the military leaves office as planned, its success in manipulating the political system, weakening the courts and destroying such civilian institutions as the labor movement and student unions has ensured that the fragile new government will be vulnerable to future military influence. With less than a year to go, the government continues to rely on strong-arm tactics, and has refused to loosen its grip on civilian institutions.**

**Elections in 1990 had been conducted using an experimental method known as the "open ballot," in which voters line up behind photographs of their chosen candidates, rather than the secret ballot, as provided by Nigerian law. The possibilities for voter intimidation inherent in the open ballot system were obvious. In March 1991, the government announced that it would conduct an extensive nationwide opinion poll to canvas the views of Nigerians on the new voting system. Shortly thereafter, the government declared that, based on what was said to be the results of the poll, the open ballot would be used in all future elections.**

**The government continued its practice of ruling by military decrees, which are prohibited from being questioned by the courts. State Security (Detention of Persons) Decree 2 of 1984, the most widely abused and feared decree, provides for virtually unlimited detention without trial. In 1991, the government used Decree 2 to continue to hold relatives and acquaintances of suspected participants in the**

**April 1990 coup attempt who are still at large. Those who remain in detention include Gloria Mowarin, the girlfriend of a suspected coup financier, whose release was ordered by the court on February 19. Pregnant at the time of her detention, she miscarried in her seventh month. Others include Gloria Awhirin and Rhoda Ackah, two sisters of Great Ogboru, the alleged coup leader. In June 1991, a High Court judge appealed to the federal government to order their immediate release on humanitarian grounds. One is nursing a baby. Dorah Mukoro, wife of Major Saliba Mukoro, an alleged coup participant, reportedly escaped from detention in September, along with her children. She gave birth in detention less than two months after her arrest.**

**As in past years, the government in 1991 was extremely sensitive to allegations of official corruption, which is widely recognized as one of Nigeria's most intractable problems. In the most talked-about case of the year, Jennifer Madike was arrested on January 10 for allegedly collecting a bribe from three men on the pretext that she was to deliver it to Fidelis Oyakhilome, then chair of the Nigerian Drug Law Enforcement Agency, to secure the release of two detained suspected drug dealers. She was later detained under Decree 2, amid rumors of the involvement of First Lady Maryam Babangida in the scandal. She was not produced in court until March 22, after numerous complaints filed by her lawyer, human rights activist Femi Falana, who is also president of the National Association of Democratic Lawyers and vice president of the Committee for the Defense of Human Rights. Madike was later charged with stealing and official corruption. Her cousin was arrested on April 17, and both women were subsequently charged with forgery in connection with a letter that the two claim was written to Madike by Mrs. Babangida. Madike became seriously ill in custody and is still denied access to her lawyer, despite several court orders.**

**One of the most damaging effects of military rule on the justice system has been the use of special tribunals. Lacking internationally recognized judicial safeguards, they hear a variety of cases considered by the government to be particularly sensitive, including cases of armed robbery, treason, corruption, drug trafficking and subverting the transition to civilian rule. Those convicted in some cases have no right of appeal. Others may be appealed to a Special Appeal Tribunal, but the appellate decisions must then be confirmed by the government. Until 1991, military officers sat on tribunals along with judges, but according to Decree 9 of 1991, tribunals now consist of one civilian judge. While a small improvement, this change does not address many of the fundamental problems of the tribunals, including a presumption of guilt, inadequate legal representation, disproportionately stiff sentences and strictly circumscribed provisions for appeal. In addition, the continued existence of a parallel court system weakens**



**the authority of the regular courts.**

**Despite the removal of members of the military from the special tribunals, military tribunals are still used to try certain cases. Nine soldiers and two civilians, accused of involvement in the April 1990 coup attempt, were tried in secret before a military tribunal in September and October. According to the Civil Liberties Organization (CLO), a Nigerian human rights group, the suspects had been acquitted on similar charges in two previous trials before military tribunals and had been in detention for at least one year.<sup>29</sup> They were denied counsel during their detention and were represented at the trial by army lawyers. The CLO filed a suit to restrain the trial and later learned that it had been concluded and that eight suspects had been sentenced to death and three to life imprisonment. Two weeks later, the government announced that, pursuant to its human rights policy, the death sentences were commuted to life imprisonment and the life sentences to ten years' imprisonment.**

**Corruption in the judiciary has worsened under the Babangida government which, at the highest levels, has shown a lack of respect for the courts. A government-sponsored candidate who headed the Nigerian Bar Association (NBA) from 1989 to 1991 assured a policy of nonconfrontation with the government. In March 1991, at the opening ceremony of the African Bar Association meeting in Abuja, the government announced a one million dollar "gift" to the NBA, much to the embarrassment of many Nigerian lawyers. On August 7, Attorney General and Minister of Justice Prince Bola Ajibola announced a plan to require licenses for all lawyers; many feared the plan would be used to exert greater control over the bar.**

**The last two military governments' hostility to academic pursuits has crippled universities throughout the country. In 1991, students were the targets of a renewed siege. The crackdown began in late May in response to an ultimatum issued by the banned student organization, the National Association of Nigerian Students. The ultimatum included demands for the reinstatement of suspended students, the unbanning of student unions on several campuses, and the undertaking of reforms in university administration. A number of students were arrested in the days before the ultimatum deadline, and protests occurred on campuses throughout the country on the day of the deadline. Two students in Lagos were killed during a campus clash between armed security agents and unarmed students. A government panel that was appointed to probe the riot, headed by the chair of the college's governing council, echoed police claims that**

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<sup>29</sup> **Sixty-nine coup suspects were executed in 1990 after appearing before military tribunals that lacked basic judicial safeguards.**

**the use of lethal force had been justified.**

**In June, the police admitted holding two hundred students. Many have since been released, but others have been arrested. Seven student leaders who were arrested in late May and early June were detained under Decree 2; they were held in harsh conditions in two Lagos prisons until their release on August 21. Several of them were tortured. The students went on hunger strike and were not given medical attention despite serious medical complications. Upon their release, the students were forced to sign an "Undertaking to be of Good Conduct," which forbids them from commenting on their detention, suing the government for the detention, and participating in student protests.**

**The government has filed trumped-up criminal charges against a number of student activists for their role in demonstrations, including four at Obafemi Awolowo University (OAU) who appear to have been falsely accused of a murder. Students who were present when the murder at OAU occurred reported that the victim was killed by a mob and that the arrested students were not in the area at the time. Many others have been expelled from university.**

**In response to the unrest, the Education Minister has threatened to require every student-union leader to undergo special training. He stated that the "leadership" program would "promote development-oriented student unionism as against the preaching and practicing of non-conformism."**

**Police brutality, a major issue in the country, has not been seriously addressed by the government, although it was an important focus of domestic human rights groups in 1991 and was a major point of criticism of the government's response to religious riots that broke out in the north on several occasions throughout the year. Security agents were widely accused of not acting quickly enough to contain the violence and of using excessive force once violence erupted. The inspector general of police warned that the police would "deal with" anyone who spread rumors about persistent unrest in Bauchi. In mid-October, General Babangida cut short his visit to the Commonwealth Heads of Government Conference in Zimbabwe when violence broke out in Kano. Hundreds were killed in several days of violence following the announcement of an open-air Christian revival. According to Christian refugees, security forces did not act decisively at the outset because of fears of provoking the Islamic leadership in the area. When violence escalated, the police fired indiscriminately at crowds, using live ammunition.**

**The Nigerian press, which for years was regarded as the most vibrant in Africa, has been increasingly under attack over the last few years. In 1991, the government continued its policy of closing down newspapers and arresting journalists who reported on such sensitive topics as corruption and student**

**demonstrations. Government attacks on the press included:**

- o Three newspapers in Lagos owned by John West Publications were shut down in March for thirteen days for what was described as "embarrassing publications" against the president and his wife, relating to the Jennifer Madike case described above. Under the heading "IBB, Maryam [Babangida] named in Jennifer's deal," the offending story, which appeared in the *Lagos Evening News*, reported the contents of a letter purportedly written by the chair of the Drug Law Enforcement Agency in which he justified the need to detain Madike under Decree 2. The paper's editor and news editor were arrested and detained for a few days.**
- o On May 29, the Lagos State government temporarily closed down the *Guardian*, a daily, after its coverage of the student killings in Lagos described above. Four journalists and two office assistants were arrested. The paper reopened nearly two weeks later. The journalists and assistants were released the next day without charge.**
- o William Keeling, a correspondent for the British daily *Financial Times*, was expelled from Nigeria and declared persona non grata. The government accused him of writing inaccurate articles "ostensibly to cause mischief and disharmony among Nigerians and between Nigeria and the rest of the world." The government's statement cited an article in which Keeling had accused the government of not reporting about half of the extra five billion dollars that it was estimated to have earned from higher oil prices during the Gulf war.**

## **The Right to Monitor**

**Nigeria has a young and vital human rights movement. Three of the most active human rights groups are the CLO, the Committee for the Defense of Human Rights (CDHR), and a new group, the Constitutional Rights Project (CRP). Other groups — including the National Association of Democratic Lawyers (NADL), the Academic Staff Union of Universities, and the National Association of Nigerian Students — and independent lawyers, including Gani Fawehinmi and Alao Aka-Bashorun, also have involved themselves in human rights issues. Although the government permits groups to operate and individuals to speak out, it does not hesitate to harass them periodically, as occurred regularly in 1991.**

**Femi Falana was harassed on numerous occasions, apparently because of his role as defense counsel for Jennifer Madike, whose case is described above. He was arrested on May 12, when security agents asked to see documents used in the defense of his client, and again on May 31, when he was accused of assisting student leaders in Nigeria at a time when he had been in the United States. In July, security officials threatened him with further action if he persisted with the Madike case. His passport was seized in October, when he was at the airport trying to leave the country to attend a meeting of nongovernmental human rights organizations from the Commonwealth countries. The meeting had been called to lobby the 1991 Commonwealth Heads of Government Conference, which was being held in Zimbabwe. He was questioned over the next two days about the Madike case and accused of being insufficiently patriotic because of his opposition to the government-sponsored candidacies of Nigerians to fill prestigious positions in the international arena.<sup>30</sup>**

**The executive director of the Committee for the Defense of Human Rights, Clement Nwankwo, and the chairman of the CRPs's Lawyers Committee, Tayo**

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<sup>30</sup> **Nigerian human rights groups were actively opposed to the candidacies of General Obasanjo for U.N. secretary general and Prince Bola Ajibola for judge of the International Court of Justice. The CDHR and NADL jointly published a paper explaining their opposition to the candidacy of General Obasanjo, Nigeria's military ruler from 1976 to 1979. They accused Obasanjo of detaining government critics without trial, establishing a ruthless security organization, violently suppressing protest and initiating other forms of repression. The CLO, CDHR and NADL have all protested the nomination of Prince Bola Ajibola because of his activities as attorney general and minister of justice in the Babangida government, including his role in subverting the rule of law by detaining political activists without trial and disobeying court orders.**

**Oyetibo, were questioned over a period of two days by officers of the Directorate of Military Intelligence about their defense of Dorah Mukoro, whose case is mentioned above, and the CRP's criticism of such government practices as rule by decree and the use of special tribunals. The CRP reported that the officers became angry when they refused to answer most of the questions.**

**At a weekly press briefing in early October, Nigerian Vice President Aikhomu spoke out against human rights groups and the rights they seek to uphold.**

**It is easy for them to point accusing fingers on people, but have we ever asked in this country how these so called self-styled humanist organizations are funded? Who are their backers; their particular interest in our society? Today, we are fighting people responsible for illicit dealing in drugs, rapists, people who want to turn the society into a jungle, but the so-called human rights organizations in this country have interest to defend the rights of these enemies of society more than anything else.**

**A few weeks later, after the CIO publicized the secret trial of coup suspects, the government made a public statement to the effect that something must be done to stop the CIO.**

**In November, the passport of human rights attorney Gani Fawehinmi was seized when he was on his way to London for medical treatment. No official reason was given for the action. Human rights attorney Alao Aka-Bashorun's passport, which was seized in 1990, has not yet been returned.**

### **U.S. Policy**

**A speech by Vice President Quayle in Abuja on September 6 raised a number of human rights issues of particular significance to Nigeria and was an obvious message of caution to its leaders. Speaking before a meeting of Nigerian attorneys general, Quayle emphasized U.S. support for democracies and democratic values. Appropriately for the Nigerian situation, he listed "the basic principles of democracy: freedom of speech; freedom of the press; freedom of assembly; freedom from arbitrary intimidation and arrest; and, the rule of law which is the life-blood of democracy." Noting that "Idemocracies must be governed by laws, not men," he detailed the importance of an independent judiciary and press in establishing democracy. In specifying the rights of the accused, he said: "They must be charged expeditiously; they must be free from**

physical abuse; the conditions of their imprisonment must meet minimum standards; and, they should be tried quickly and fairly." Quayle also appropriately drew attention to Nigeria's abysmal prison conditions.

In addition, Vice President Quayle raised human rights issues in his private meetings with General Babangida. Without providing details about these meetings, State Department officials indicated that some of the issues discussed were provisions for elections, including the open ballot and the ban on former politicians.

Quayle's speech was in marked contrast to typical U.S. human rights policy on Nigeria, which usually relies on "quiet diplomacy." Although U.S. Embassy officials in Lagos are in regular contact with local human rights groups and invite them to Embassy functions, the Embassy does not usually issue public statements on human rights issues. Nigerian human rights groups and others note that more public statements, along the lines of Quayle's speech, would go a long way toward pressing the government, which relies on its generally positive image in the West, to halt abuses.

On several occasions throughout the year, Africa Watch wrote to State Department officials about Nigeria. In response to one letter, Assistant Secretary of State for African Affairs Herman Cohen stated that the United States has expressed concern to the Nigerian government over "restrictions on freedom of the press, alleged police brutality, unjustified detentions, and very poor prison conditions." However, by citing relatively minor reform measures, such as the formation of special police units to investigate misconduct, as a solution for such monumental problems as violent police abuse, State Department officials displayed an unfortunate willingness to accept the government's attempts at largely cosmetic change rather than demanding serious solutions.

The chapter on Nigeria in the State Department's *Country Reports on Human Rights Practices in 1990*, published in February 1991, discussed many of the country's serious human rights issues, including the crackdown after the coup and the appalling prison conditions. However, it did not impart an accurate overall impression of the seriousness of human rights abuses and stopped short of holding top government officials responsible for such severe violations as police abuse. It also understated a number of problems, such as restrictions on academic freedom, and it gave a misleading report on the rights of workers, neglecting to state plainly that the government dissolved the national labor association, the Nigerian Labor Congress, in 1988.

The United States provided no direct military assistance to Nigeria in 1991. Fifty thousand dollars were provided for military training. Development aid for specified projects, mainly related to health, totaled eleven million dollars in fiscal

year 1991. The Administration requested six million dollars in unspecified aid projects, but according to a State Department source, only two million dollars were spent. While in Nigeria, Vice President Quayle announced that this two million dollars would be used to support the transition program. Appropriately, the aid will not go to the Nigerian government, but will be channeled through programs sponsored by the U.S. Agency for International Development (USAID) to establish links between U.S. and Nigerian nongovernmental organizations. The aid will be used for programs involving human rights, legal issues, women's political groups, voter education, local government improvement, reporting on political and economic issues, and professional economic associations. A State Department source told Africa Watch that the Administration has requested one million dollars in unspecified aid for fiscal year 1992, to augment the previous year's program of support to the transition program. In addition, USAID has provided small grants for human rights concerns, including one for \$16,500 for workshops to be held at the Nigerian Institute for Advanced Legal Studies to educate high court judges and government officials on issues related to human rights and the rule of law.

### **The Work of Africa Watch**

In 1991, Africa Watch intensified its work on Nigeria, begun the year before. A mission went to Lagos for a week in late February and met with human rights groups, lawyers who are independently involved in human rights work, journalists, foundation representatives, academics, students and U.S. Embassy officials. Africa Watch collected information on the military's interference in Nigeria's judiciary and civil institutions during the transition program. In March, an Africa Watch representative followed up this trip by attending a meeting of the African Commission of Human Rights in Lagos, and took advantage of the occasion to meet members of human rights organizations, journalists and lawyers.

In April, Africa Watch published a newsletter, "*Behind the Wall— The Civil Liberties Organization Releases a Damning Report on Prison Conditions Nationwide.*" The newsletter summarized the CLO report, and discussed such pervasive problems as the high mortality rate; torture and ill-treatment; overcrowding; insufficient food, medical care, clothing and sanitation; and lack of redress for prisoners' grievances.

The Africa Watch report, *Academic Freedom and Human Rights Abuses in Africa*, published in April, contained a chapter on the abuses suffered by students and academics under the Babangida government.

Articles by the Africa Watch staff on police brutality, military intervention in civil society, and press restrictions were published in the *Atlanta Constitution*, *Africa Events* and *The Nairobi Law Monthly*.

Africa Watch wrote to the Nigerian government throughout the year, including lengthy letters sent to President Babangida in June and July regarding the crackdown on students and related issues.

In October, Africa Watch published a fifty-five-page report, *Nigeria: On the Eve of "Change"; A Transition to What?* The report discussed Africa Watch's concerns regarding the transition process, specifically the tightly controlled transition program, the lack of respect for the rule of law, and the government's interference with civilian institutions.

## **RWANDA**

### **Human Rights Developments**

An ongoing war in Rwanda that claimed thousands of civilian lives overshadowed human rights developments in 1991. Thousands of alleged rebel sympathizers primarily belonging to the minority Tutsi ethnic group were arbitrarily detained under harsh conditions, and twenty were convicted in trials that did not meet international standards. Throughout 1991, military and local authorities used the war as a pretext to beat, terrorize and kill Tutsi and other perceived civilian opponents.

Despite a March 29, 1991 cease-fire agreement and several regional summits with the presidents of neighboring Uganda, Tanzania, Burundi and Zaire to resolve the conflict, the war continued in northern Rwanda. Each side has accused the other of killing civilians and violating the cease-fire agreement. During the year, the government announced a process of democratization, although it did not show itself to be entirely committed to the process, especially in its attacks against the press.

The war began in October 1990 when several thousand members of the Rwandan Patriotic Front (RPF) invaded northern Rwanda from southern Uganda.<sup>31</sup>

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<sup>31</sup> The invaders belonged to the Rwandan Patriotic Army, the military arm of the RPF.



**The RPF presents itself as a national organization, claiming that its membership, almost exclusively from the Tutsi ethnic group, is a result of historical circumstance. Tutsi, who now comprise roughly fourteen percent of the Rwandan population, ruled Rwanda as a monarchy until 1959 when power was seized by members of the Hutu ethnic group, who now comprise roughly eighty-five percent of the Rwandan population.**

**According to the RPF, it invaded Rwanda for three reasons: to overthrow the government and institute democracy; to eliminate corruption, political persecution, and discrimination; and to solve the refugee problem. The issue of refugees is central to an understanding of the invasion, since many of the 400,000 to 700,000 Tutsi exiles have a long-standing desire to return to their country. These Tutsi, who live primarily in neighboring Zaire, Burundi, Uganda and Tanzania, were forced to flee Rwanda following outbreaks of interethnic violence between 1959 and 1966 and, most recently, in 1973. Tens of thousands of Tutsi were massacred and several hundred thousand more were forced into exile. Originally, the eighteen-year-old Hutu government of President Juvénal Habyarimana argued that the country's limited resources prevented it from accommodating the desire of these Tutsi to return.<sup>32</sup> President Habyarimana has since changed his position and said that refugees are welcome to come back. Although the government is supposedly in the process of searching for resettlement sites, no significant number of refugees has returned.**

**Between January and March 1991, over three hundred civilians of a Tutsi subgroup known as the Bagogwe people were massacred in the northwestern region of Rwanda, following a major RPF offensive in the area at the end of January.<sup>33</sup> During the offensive the rebels held an important town for a day, opened the local prison, and released hundreds of prisoners. This brief RPF success**

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**Although estimates vary, the initial invading force included roughly seven thousand insurgents; it now numbers roughly ten thousand. Over half of the soldiers were deserters from Uganda's National Resistance Army.**

<sup>32</sup> **With a population of roughly seven million in an area about 10,000 square miles, or slightly over 26,000 square kilometers, Rwanda is one of the most densely populated countries in the world – roughly 690 persons per square mile. It also has one of the world's highest population growth rates and is unable to produce enough food to feed adequately over two million of its citizens.**

<sup>33</sup> **Estimates range from 300 to 1,200.**

became the pretext for Rwandan police, military and civilian officials, along with ordinary civilians, to commit the massacre. When the RPF withdrew from the town, some of the freed prisoners followed them, but others simply returned to their homes, only to be re-arrested or killed by the authorities.

While the massacre was widely discussed among Tutsi in Kigali, the capital, there was no press coverage of the incident until June 20, when the Belgian newspaper *L'Instant* broke the story. The Rwandan government did not acknowledge that any killings had occurred until August 14, the day after the RPF held a news conference denouncing the killings; the Rwandan ambassador to Belgium then reportedly admitted that "a massacre of Tutsi civilians had occurred in the region." He did not specify the number of casualties and blamed the RPF for the killings. He also indicated that the government had commenced an investigation into the matter and that those responsible would be prosecuted, although no prosecutions have since occurred. Those Bagogwe who survived the massacre still fear for their lives and some have fled to other parts of the country.

On two separate occasions in October, local authorities in Kanzenze, a region not far from Kigali, picked up at least a dozen Tutsi men whom they suspected of recruiting others to join the RPF. At least two of these men were severely beaten before being released without charge, and at least eight others have since disappeared.<sup>34</sup>

In November, roughly five hundred civilians, primarily Tutsi, were forced to flee a region in eastern Rwanda following a series of savage attacks in which a local civilian official participated. During the course of the attacks, an elderly Tutsi woman was killed, three young Tutsi girls were gang raped, an eight-month-pregnant Tutsi woman was severely injured, several other Tutsi men were injured with machetes and badly beaten, and several homes were destroyed or pillaged. At least one Hutu man who had attempted to help a Tutsi neighbor during the attacks was beaten the following day by military authorities. In a separate incident in mid-October, a civilian official in this same area ordered the communal police to pick up sixteen men who have not been seen since.

In September, in another region in the east, local military authorities reportedly picked up several persons, both Hutu and Tutsi, many of whom lacked identity papers and at least some of whom have since disappeared. In a separate incident in this same area on November 13, soldiers killed the president of a fishing cooperative.

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<sup>34</sup> The number of disappeared may be as high as eleven.

Immediately following the 1990 invasion, civilian and military authorities began to arrest arbitrarily and detain without charge or trial several thousand citizens whom it suspected of collaborating or sympathizing with the RPF. Thousands of those arrested remained in detention until April 1991. Many of the arrests occurred in and around Kigali. Although the government denies that the massive arrests were based on ethnicity, roughly seventy-five percent of those arrested were Tutsi, particularly Tutsi priests, intellectuals, businessmen, and other prominent Tutsi whom the government suspected of providing financial support to the rebels. Many Tutsi were arrested because of family relations with individual rebels.

The government arrested several hundred Ugandans on the basis of their nationality, undoubtedly due to a drastic deterioration in relations between Rwanda and Uganda after the war began. The Rwandan government maintains that Uganda is providing military assistance to the rebels.

Many of those arrested and detained were tortured or severely beaten and were not provided adequate food, water, medical care or toilet facilities. Civilian authorities confiscated and encouraged crowds to confiscate personal belongings from many homes.

According to the government, over 2,500 persons had been arrested within two weeks of the invasion. By mid-November 1990, the International Committee of the Red Cross (ICRC) had registered over 4,500 detainees in twenty-five places of detention. By mid-April 1991, the government acknowledged that it had arrested 8,047 persons since the invasion and that forty-eight remained in detention.<sup>35</sup> Roughly three thousand were released without charge between October 1990 and February 1991. Most of the remaining detainees were released without charge between late March and early April 1991. Although no charges are outstanding against any of the former detainees, dozens have been fired from their jobs. Among government employees who lost their jobs are five persons who worked at the Commercial Bank of Rwanda and one person who worked at the Ministry of Agriculture.

In January 1991, thirteen peasants from the east were tried without counsel before the State Security Court. One was charged with "threatening state security" for allegedly having recruited people to join the RPF. The others were charged with having been recruited in the RPF and with having failed to inform the authorities of these recruitment efforts. One was sentenced to death, eleven received prison terms ranging from two-and-a-half to twenty years, and one was acquitted. In

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<sup>35</sup> The number arrested may have reached as high as ten thousand.

**February, two other sets of defendants were tried: a group of eight, most of whom were intellectuals, were tried for "threatening state security," and a group of four, including a minor of ten years of age, was reportedly accused of having cassettes of RPF music. Several of these defendants complained that they had been beaten or forced to make confessions; two Rwandan lawyers representing some of the defendants were intimidated by threatening anonymous telephone calls and a hostile public into withdrawing before the end of the trial. Of those tried in February, seven were sentenced to death, one received a ten-year prison term, three were acquitted, and one remained in jail pending further investigation. According to a presidential pardon issued in April 1991, all of the death sentences were commuted to life imprisonment.**

**Not all human rights violations were directly war-related. In May 1991, several journalists signed a letter to the president protesting what they termed "the censorship orchestrated by certain authorities with regard to the independent press." Since the beginning of the year, the government has arrested at least ten journalists in connection with articles they had written and charged many of them with defamation, subversion or "threatening state security." Many of the offending articles relate to government corruption, including within the president's family. At least four journalists were detained in late November, one was badly beaten, and several others are in hiding. Some also face civil defamation charges initiated by former or current government officials. In August, the government enacted a new press law that increases government control of the press.**

**Despite these attacks, the number of independent journals has increased greatly in the last year. There are now over fifty journals, compared to fewer than a dozen before the war. The proliferation is due to the government's decision in July 1990 to permit greater freedom of the press as part of a declared transition to a multiparty democracy. In July, an independent journalist's association was formed — the first of its kind in Rwanda. In addition to defending journalists from government attacks and promoting professional standards, the association has lobbied against the new press law.**

**Ostensibly at least, Rwanda is moving toward a multiparty democracy. The process was announced in July 1990, but the government noticeably accelerated the pace of reform after the war began. A new Constitution, a new law on political parties, and a new National Political Charter were all adopted in 1991 and are in effect. These documents guarantee freedom of expression (but not explicitly freedom of the press) and abolish the previous single-party system. To date, eight opposition political parties have registered and are formally recognized by the government.**

Despite these developments, certain official actions raise doubts about the sincerity of the government's commitment to democracy. First, the government is increasingly harassing individuals who oppose the National Republican Movement for Democracy and Development (MRND), the reorganized former ruling party, by threatening them, disrupting their meetings and denying them documents needed to travel throughout the country.<sup>36</sup> Second, although officials claim to be impartial toward the newly formed parties, they are still members of the MRND and are pressuring others to become members. Third, although the new Constitution of June 1991 requires the president to appoint a prime minister, President Habyarimana waited until October 1991, and then made an appointment without consulting any of the new political parties. Finally, the president, who is a military officer, has joined the reorganized MRND even though the new law on political parties prohibits military, police, and magistrates from belonging to political parties. Several of the newly formed political parties have demanded that the president either resign his military commission or abandon his membership in the MRND to comply with the constitutional requirement.

### **The Right to Monitor**

On September 30, 1990, the Rwandan Association for the Defense of Human Rights (ARDHO) was formed. An apolitical organization that works on behalf of all Rwandans irrespective of ethnicity, ARDHO is actively investigating and documenting individual cases of human right abuse and intervening with Rwandan authorities. The cases pursued frequently involve illegal detentions and mistreatment of civilians by the military or police. It also has begun its own investigation into the massacre of the Bagogwe people. To date, it has not published any reports, but it has attempted to alert the public to its findings through radio broadcasts. The government denied ARDHO the right to broadcast its first declaration immediately after the outbreak of the war, but the organization has been able to broadcast all subsequent declarations without interference. In late November or early December, ARDHO filed a complaint against a civilian official in Kanzenze concerning the October disappearance of several persons and the beating of others. An official investigation into the case reportedly has begun.

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<sup>36</sup> At an extraordinary congress at the end of April 1991, the party restructured itself and jettisoned its old name, the National Revolutionary Movement for Democracy.

In late 1991, five other human rights organizations were formed: the Association of Volunteers of Peace (AVP); the Rwandan Association for the Defense of Human Rights and Public Liberties (ADL); Kanyarwanda; the Christian League for the Defense of Human Rights in Rwanda; and Society and Perspective. One of these organizations, ADL, has a full-time staff member who has been actively taking testimony of people beaten by military and civilian authorities. At least three of these organizations, ADL, AVP and Kanyarwanda, are known to be compiling information about people who have been killed, disappeared or beaten and, in some cases, have intervened with authorities.

To date, none of the members of these six human rights organizations has been arrested. However, the president of ARDHO, who is also a prosecutor, was transferred to an inferior position. At least one of the members of another organization has been involved in a suspicious "automobile accident."

### **U.S. Policy**

Because the United States has few economic or political interests in Rwanda,<sup>37</sup> Rwanda does not figure prominently in U.S. foreign policy. According to State Department officials, the Bush Administration has a generally positive view of the country's human rights record, regarding it as a politically "moderate" state that is less repressive than many other African countries. These officials indicate that the Administration sees Rwanda's human rights record as having improved in 1991 following a deterioration in 1990 immediately after the invasion, and supports the democratization process announced by the government. In 1991, the Administration had several opportunities to raise human rights concerns with the Rwandan government, but did not always do so.

According to the State Department, the Administration has privately encouraged Rwandan officials to increase respect for basic human rights and popular participation in the political process. State Department officials told Africa Watch that the U.S. ambassador to Rwanda, Robert Flaten, privately raised concerns about attacks against the press, particularly following the May arrest of four journalists. Assistant Secretary of State for African Affairs Herman Cohen and Deputy Assistant Secretary of State for Human Rights and Humanitarian Affairs

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<sup>37</sup> There has been a large decline in the value of Rwandan exports to the United States, primarily coffee, because of the sharp decline in coffee prices. The only significant American investment in the country is a privately owned tea plantation.

James Bishop also were reported to have privately raised concerns about the detention of these journalists at two separate meetings with Rwandan Minister of Foreign Affairs and International Cooperation Casimir Bizimungu during his visit to Washington in June.

In March, Deputy Assistant Secretary of State for African Affairs Irvin Hicks met with President Habyarimana and other officials in Kigali. According to State Department officials, the secretary expressed U.S. appreciation for Rwanda's supportive position during the Persian Gulf conflict, encouraged democratization, and delivered a note from Secretary Cohen to similar effect. In Burundi in April 1991, Secretary Cohen met with U.S. ambassadors to Rwanda, Burundi, Zaire, Uganda, Tanzania and Kenya to discuss the Rwandan crisis; once again, democratization was discussed.

The State Department's *Country Reports on Human Rights Practices for 1990*, issued in February 1991, was the only written statement on human rights in Rwanda for the public record in 1991. The report rightly noted that human rights deteriorated in Rwanda in 1990 following the invasion in October. It accurately depicted some of the serious human rights violations committed in connection with the war, including torture, beating of detainees, and poor conditions of detention. However, the report did not discuss the widely reported incident of soldiers firing indiscriminately on rural civilians in up to ten pastoral settlements in early October 1990, in the Byumba prefecture, in northeast Rwanda.<sup>38</sup> For fiscal year 1991, the Administration requested for Rwanda \$9 million in development assistance, \$625,000 for the Peace Corps and approximately \$100,000 for the International Military Education and Training program. Training of Rwandan military personnel did not occur in 1990 due to the war in the north.

To date, it appears that Rwanda will receive \$15,768,000 in U.S. aid for fiscal year 1991 — over sixty percent more than was requested. The increase is largely due to congressional support for the Rwandan democratization process and thus the doubling of the grant for development assistance.<sup>39</sup> The Administration should use this grant to press for greater accountability on human rights issues, such as prosecution of those responsible for the massacre of over three hundred Bagogwe people.

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<sup>38</sup> On October 11, 1990, State Department spokeswoman Margaret Tutwiler stated that the Department had been unable to verify reports of a massacre in the northeast.

<sup>39</sup> The projected aid figures for fiscal year 1991 are \$668,000 for Peace Corps activities and \$15,000 in development assistance. IMET remains unchanged from the amount requested by the Administration.

In the first half of 1991,<sup>40</sup> three World Bank loans and one African Development Bank loan to Rwanda were formally considered. U.S. votes before multilateral lending institutions are governed by Section 701 of the International Financial Institutions Act of 1977, which prohibits U.S. support for loans to governments that engage in a systematic pattern of gross violations of internationally recognized human rights, unless the loan addresses basic human needs. The bar should have applied in the case of Rwanda, following the atrocities committed in the course of the war in the north. Two of the World Bank loans appeared to address basic human needs and were thus justifiably supported by the United States. However, a third World Bank loan of \$90 million for a structural adjustment project, which the United States also supported, did not meet basic human needs and should have been opposed. Similarly, an \$11.16 million African Development Bank loan for a road project did not address basic human needs. The United States did not support the loan, but on economic rather than human rights grounds, missing an important opportunity to use its vote to advance respect for human rights.

### **The Work of Africa Watch**

Africa Watch began to monitor Rwanda in mid-1991. Several letters were written to President Habyarimana protesting the government's attacks on the press. An article was published in the July 1991 issue of *The Nairobi Law Monthly* which highlighted the plight of the independent press. In November, Africa Watch interviewed Rwandan refugees in Belgium and conducted a two-week mission to Rwanda to investigate the general state of human rights. A report on the mission will be issued in early 1992.

## **SOUTH AFRICA**

### **Human Rights Developments**

In 1991, discussions among the main political rivals in South Africa — the

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<sup>40</sup> Reports are available only for this time period.



**government, the African National Congress (ANC) and the Inkatha Freedom Party (IFP) — resulted in various peace agreements. But escalating political violence remained the most serious obstacle to the transition to a post-apartheid South Africa. The violence reached unprecedented proportions in the country's bloody history, claiming the lives of over two thousand black South Africans in fighting between ANC and IFP supporters. Despite the government's stated commitment to a negotiated settlement, credible evidence continued to emerge of brutality by the state security apparatus and its use of the IFP to undermine movement toward representative, democratic structures in South Africa.**

**The government continued to implement its reform process, started in February 1990. In June 1991, it abolished the Group Areas Act, which had segregated residential neighborhoods; the Land Act, which had denied blacks the right to purchase land in eighty-seven percent of the country; and the Population Registration Act, which had classified all newborn South Africans by race. President F.W. de Klerk said in Parliament on June 17, "Now everybody is free from the discouragement and denial...and from the moral dilemma caused by this legislation."**

**However, the prospect of continuing peaceful reform has been dimmed by the violence that has engulfed South Africa's black townships, claiming more than eleven thousand lives in bloody fighting since 1984. The killings, which started in Natal in the early 1980s and spread to the Transvaal in June 1990, assumed various forms during 1991. It initially involved random attacks by IFP members on ANC settlements, and fighting between squatters and hostel dwellers, the most deprived members of communities. A clear pattern of violence immediately before or after peace talks between the ANC, the IFP and the government became a major destabilizing factor in negotiations.**

**An Inkatha " *impi*," a group consisting of hundreds of armed IFP sympathizers, killed twenty-four ANC supporters on April 29, the day after an agreement had been reached by the ANC, the South African Communist Party and the Congress of South African Trade Unions. The agreement called on the government to take constructive steps to address the internecine violence by May 9 or face suspension of the constitutional talks. News video footage showed hundreds of men wearing red headbands, a trademark of the IFP. Streaming past police vehicles as they left a funeral service for Moses Khumalo, the assassinated mayor of Soweto and an IFP supporter, they sang and brandished weapons before going into houses and attacking residents. The footage shows police vans twice driving past without taking action.**

**Three days after the May 9 deadline, at least twenty-seven ANC supporters were killed in an IFP attack in Swannievillie squatter camp near Krugersdorp.**

Statements obtained by Lawyers for Human Rights, a leading South African human rights group, reported the involvement of one thousand men in the attack, all wearing red headbands, being escorted by white men and police vehicles. The police said that they only escorted the attacking "impf" back to their hostel, despite eyewitness testimony that some police refused to stop the attackers while other police blocked exit routes from the attack. Only six attackers were arrested, three of whom were later released.

On April 1, the government responded to the threatened suspension of negotiations by disbanding the security police and merging it with the Criminal Investigation Department. Then Law and Order Minister Adriaan Vlok's assertion that the move "will remove the police from the political playing field" was proven wrong by such incidents as the Swannieville attack the next month.

On April 18, Minister Vlok issued a ban on the carrying of dangerous weapons including pangas, axes and bush knives, which IFP members commonly carry in "potential conflict situations." But following an argument by the IFP that spears are a necessary expression of their cultural identity, spears, ceremonial battle axes and pocket knives were exempted from the ban, thus failing to meet the ANC demand for a wholesale ban.

In 1991, it became increasingly clear that the violence is a legacy of the government's residency restrictions. One element is the hostel system, in which migrant workers, predominantly IFP supporters from Natal, are housed in townships far from their families, in miserable, single-sex dormitories. In the thirty-one townships surrounding Johannesburg, there are 120 such hostels housing 200,000 people. They have increasingly been identified as sources for recruitment, weapons and ammunition. IFP members repeatedly justified their mass mobilization because of fear of losing their "homes." This insecurity, rooted in the government's strict movement and residence control of the migrant work force and past policy of forced removals, assumed an ethnic dimension and was fueled by the ANC's demand that the government abolish the hostel system. The sense of fear and insecurity is a major cause of the conflict between the impoverished residents of hostels and ANC-dominated squatter areas, where similar sentiments of insecurity exist and where "self-defense units" against hostel dwellers have been deployed. Rather than seriously addressing the deeper source of the hostel and squatter problems — the government's policy of containing migrant workers in limited spaces at the peripheries of white cities — the government has indicated only its intention to "upgrade" the areas.

More sophisticated attacks increased in the latter part of 1991. With growing frequency, unidentified gunmen shot commuters, mourners at funerals, and groups at political rallies. The most disturbing statistics relate to the alarming

rise in hit-squad actions. At least forty-six activists were assassinated by gunmen in 1991. Although the much-criticized 1990 Harms Commission<sup>41</sup> of inquiry into hit squads dismissed claims of their existence within the police force, the debate was reignited with the April 1991 judgment in a case involving two newspapers that are critical of the government, the *Vrye Weekblad* and the *Weekly Mail*. Lieutenant General Lothar Neetling of the security police had sued both newspapers for defamation as a result of their allegations that he had attempted to poison anti-apartheid activists. The court found that Neetling had attempted to mislead both the court and the Harms Commission, which had relied heavily on his testimony. Despite these irregularities and the hit-squad activities now linked to Neetling and the police force, the government has failed to establish another commission to investigate the hit squads.

During 1991, reliable evidence emerged corroborating earlier documentation by human rights groups and the press of police bias and involvement in the political violence. President De Klerk confirmed that in 1986 the South African Defense Force had trained a unit of 150 Zulu fighters in a camp called "Hippo" in Namibia. According to the government, they were trained for "security work and VIP protection." The fighters claim that they received training in urban and guerilla warfare and were used by Inkatha to attack ANC supporters in Natal.

Perhaps the strongest connection between the state and the IFP was the publication in July 1991 of documents revealing covert police funding to the IFP. Minister Vlok acknowledged payments of \$90,000 to Inkatha and \$500,000 to its trade union, United Worker Union of South Africa. In a ten-page memorandum to the chief of security police in Pretoria, dated February 13, 1990, Major Louis Botha, a senior security police officer, recommended that "a clandestine grant of R120,000 [S\$42,000] be made available...to show everyone that he [Gatsha Buthelezi, the IFP leader] has a strong base." The funds were used to organize a rally where Buthelezi spoke against sanctions. Only a few supporters attended, and clashes between ANC and IFP supporters broke out before and after the rally.

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<sup>41</sup> The Harms Commission was flawed in both design and practice. The inquiry was limited to acts committed within the border of South Africa, although many anti-apartheid activists have been assassinated outside the country. Throughout the inquest, valuable evidence disappeared, and government witnesses testified in wigs and other disguises, and were not required to produce pertinent documents. The commission's report, which failed to name any special units or individuals of the army or police as participants in the death squads, was denounced by human rights groups as a "whitewash."

Addressing the causes of the violence, Black Sash, a prominent South African human rights group, noted the "overwhelming circumstantial evidence of outbreaks of violence being orchestrated; of existing conflicts being used to exacerbate the violence; of police partiality." The Independent Board of Investigation into Informal Repression, an independent monitoring group, has collected evidence of incidents of intimidation by the IFP, deliberate attacks by IFP members on squatter camps, and numerous sworn affidavits by police officers alleging police involvement with the IFP. A survey by media and monitoring groups covering the Transvaal violence from July 1990 to May 1991 held the IFP responsible for sixty-six percent of the acts of aggression and the ANC for six percent. The Human Rights Commission reported that between January and June 1991, sixty people were killed and 349 injured in police actions. In response to allegations of its involvement, the police offered categorical denials and initiated only a few prosecutions and investigations.

The killings have continued despite various peace initiatives, such as the historical cease-fire agreements between the ANC and IFP leadership on January 29 and February 18, and the subsequent establishment of a Joint Peace Implementation Committee. However, peace talks between the government and the ANC scheduled for June were suspended due to a renewed outbreak of violence. On August 19, a four-person committee was established to monitor the spending of secret government cash. The most serious attempt yet to stem the violence took the form of a peace agreement on September 14 among the ANC, the IFP and the government. The agreement, in which the parties agreed on the establishment of a Commission on Violence, includes a code of political conduct, forbids provocative statements or actions, and is intended to promote political tolerance. As a result of allegations that the police and defense force have used black groups to promote violence, the agreement includes a ban on training or providing funds, weapons or ammunition to nonsecurity-force members to carry out actions which undermine a political party. It calls on leaders to refrain from using inflammatory language and to prevent the carrying of weapons, including "cultural" spears.

Nonetheless, killings continued under circumstances suggesting government involvement. In the week preceding the September agreement, at least 135 black South Africans were killed in bloody fighting that erupted after gunmen ambushed IFP supporters and killed twenty-three people. Violence erupted simultaneously in Natal and the black townships around Cape Town. On the eve of the signing of the agreement, sixteen ANC and IFP members were killed and thirty-two injured in fighting outside Johannesburg. In the two months following the agreement, at least two hundred people died. On October 12,

**eighteen ANC supporters were killed by unknown assailants in an attack on a crowd marching home from the funeral of ANC member Sam Ntuli, who was assassinated in early September. In the majority of the attacks, witnesses reported seeing plainclothesmen in cars without license plates. The government's response to allegations of its involvement was, again, to issue a denial and to demand evidence to the contrary. However, the Commission on Violence, chaired by Justice Richard Goldstone, has begun to investigate the killings.**

**One devastating, cumulative effect of more than fifteen years of township violence is the demise of the country's black school system. Protests, vandalism of school property, and student and teacher strikes have culminated in the highest failure rate of black high-school examinations in South African history. In April, IFP supporters attacked two schools in Alexandra township, injuring numerous pupils and teachers. The IFP sees schools as "soft targets" because ANC self-defense units do not operate there. Many schools have closed down in the past few years and others have become overcrowded. The result at the end of 1990 was a thirty-six percent passing rate for blacks, as opposed to ninety-seven percent for whites.**

**The government continues to exert control through legislative and administrative mechanisms such as the Internal Security Act and the Public Safety Act, which have been used in the past to silence political opposition, although they were amended somewhat in 1991 by repealing or limiting the power to order house arrest, banish people to remote areas, and restrict association and movement. While no state of emergency now exists, at least seven black townships are still declared unrest areas under the Public Safety Act, giving security agents broad powers of arrest. The Internal Security Act also still provides for detention without trial for up to ten days without access to lawyers, family and the courts. The Human Rights Commission documented 176 cases of detention without trial between January and August 1991. In an agreement between the government and the ANC in August 1990, elaborate guidelines were adopted to effectuate the release of all political prisoners by April 30, 1991. According to the agreement, an offense is political depending on the facts and the circumstances of the particular case, taking into account the motive, nature and purpose of the offense. Over six months after the deadline, more than nine hundred political offenders, including six in the homeland of Bophuthatswana, continue to be detained.**

**The violence has also severely affected two of South Africa's four so-called independent homelands. Despite official efforts to describe the violence as "local infighting," the pattern of violence shows it to be a result of the growing tensions**

between supporters of the homeland authorities and opposition to the homeland system itself. The homelands system has the effect of channeling black political discontent over repressive conditions in South Africa toward the homeland political structure, and homeland authorities have seldom hesitated to suppress such dissent. From January to August 1991, security forces in Bophuthatswana killed at least five, injured nineteen, arrested 244 and detained without trial thirty-eight. In Ciskei, they killed two, injured fourteen, arrested twenty-one and detained without trial thirty-three. In both Ciskei and Bophuthatswana, a strong military presence has been maintained to suppress opposition. Although the state of emergency in Bophuthatswana was lifted in March, repression by local authorities, backed by vigilante groups, continued. Violence reached a peak in the Braklaagte area of Bophuthatswana in January with the launching of a local ANC branch, as fighting erupted between opponents and supporters of the homeland regime. Over six thousand residents were forced to flee and were not permitted to return until June. A large police camp continues to occupy the Braklaagte village. Despite its stated intention to eradicate the last vestiges of apartheid, the South African government proceeded in early November to transfer about 2.5 million acres of land, encompassing twenty-five farms, to Bophuthatswana.

Both Bophuthatswana and Ciskei have bills of rights protecting fundamental freedoms. Yet, the freedoms of expression and association are severely curtailed by both homelands' National Security Acts, modeled on South Africa's repressive Internal Security Act before it was amended in June. The Acts provide for indefinite detention without trial, declare meetings of more than twenty people unlawful unless authorized, and provide the police with indemnity against prosecution.

On October 31, Brigadier Oupa Gqozo, the military leader of Ciskei, declared a state of emergency, only a few weeks after signing the September National Peace Accord in which he committed himself to the promotion of political tolerance. Brigadier Gqozo gained power after a military coup in 1990, overthrowing the regime of Lennox Sebe. The state of emergency is the most serious in an array of measures designed to stifle opposition to Gqozo's regime. Under the emergency powers, organizations may be banned or restricted, individuals may be restricted, and businesses may be closed. The commissioner of the police may restrict media presence and prohibit distribution of printed material. The emergency also gives the police license to use violence. On October 28, 1991, Gqozo stated publicly on Radio Ciskei: "I say to the police they should hit silly people on the head because the courts take a long time while they [his opponents] continue to burn people."

Since June 26, when Gqozo launched a cultural organization, the African Democratic Movement (ADM), the government has made a concerted attempt to

eliminate any form of opposition. At the launching of the ADM, Gqozo publicly stated his intention to "clean up Ciskei." One of the aims of the ADM, of which Gqozo is president, is to recruit traditional community leaders with the aim of moving local government under the direct control of the military regime. Subsequently, two ministers sympathetic to the ANC have been dismissed "for purposes of unity in the government." Radio Ciskei employees have also been dismissed, detained and harassed for providing government opponents an opportunity to air their views. Through the use of internal boards of inquiry into misdemeanors that were committed years ago, Gqozo also has attempted to remove officers in the police force who might oppose him.

The state of emergency was declared in the wake of growing friction between ANC supporters and the homeland authorities. One of the main causes of conflict is the imposition of unrepresentative, appointed "chiefs" over elected regional representatives. As resulting tension within communities escalated into violence between opposing factions and widespread destruction of homes, the state of emergency was announced, clearly as a device to silence dissent. Community leaders were detained without any attempt to negotiate an end to the violence. Only after national and international pressure did the government lift the state of emergency on November 17.

Numerous reports of the Independent Board of Investigation into Informal Repression (IBIIR) indicate collaboration of South African security forces with homeland authorities and allied vigilante groups. The IBIIR has documented activities of a Ciskei intelligence group, International Researchers (IR), which was headed by former members of the South African Defense Force (SADF) and has been involved in hit-squad activities. IR has had close relations with Brigadier Gqozo. Although IR was officially disbanded on August 30, there are numerous reports of a continuing SADF presence in the region.

On September 4, the South African government proposed the abolition of the homelands. In a document which will be presented to an eventual constitutional convention, the government envisions a federal South Africa consisting of nine regions or states — none a homeland. However, despite this proposal, no attempt has been made to abolish the existing legislation providing for the homelands as separate independent states. Furthermore, the government has repeatedly denied responsibility for violence in the homelands while it continues to support the homeland authorities with military and economic assistance. The government also declared that it would not intervene to revoke the state of emergency in Ciskei.

## **The Right To Monitor**

Since the lifting of the nationwide state of emergency in June 1990, monitoring groups have been in a position, for the first time since 1985 when the emergency was originally imposed, to monitor human rights abuses. Despite this important step, the Internal Security Act, even after the June 1991 amendments, still provides for the banning of an organization if the minister of law and order has "reason to believe" that it uses, threatens to use, or encourages violence or disturbance to overthrow or challenge state authority or to bring about change.

In Bophuthatswana, human rights groups such as Black Sash, its affiliate the Transvaal Rural Action, and the Bafokeng Women's League are banned. Beginning on October 17, the Mafikeng Anti Repression Forum, the only organization allowed to monitor abusive practices by the government in Bophuthatswana, has been banned for several weeks from visiting prisons and hospitals there.

Another important impediment to human rights monitoring, as well as an indication of the South African government's ambivalent response to the violence, is a series of laws that in certain circumstances make it a crime to report on the violence and to document the government's involvement. The Protection of Information Act prohibits the possession or publication of any document obtained from a "prohibited place" and carries penalties of up to ten years' imprisonment and a fine of up to three thousand dollars. The police have been investigating whether a document obtained by the *Weekly Mail* and the *Guardian* of London, which discloses the government's funding of the IFP, was stolen. Freedom of the press is further inhibited by the Police Act, which imposes a sentence of up to five years and a fine of up to \$3,000 on a journalist who publishes false information about the police without having "reasonable grounds" for believing it to be true. Particularly because the burden of proving "reasonable grounds" is on the journalist, reporting on police activity is severely impeded. The Criminal Procedure Act requires journalists to identify their sources of information, contrary to their professional code of conduct. Throughout the year, numerous local and foreign journalists were imprisoned for refusing to disclose this information.

## **U.S. Policy**

Nineteen ninety-one marked the end of five years of U.S. economic sanctions against South Africa. Half a decade ago, a nearly united Congress took control of U.S. policy toward South Africa, imposing sanctions over the veto of President



**Ronald Reagan. On July 10, 1991, President Bush announced the lifting of sanctions, despite remaining obstacles to a peaceful post-apartheid South Africa, including unprecedented violence, the continuing existence of the homelands and the ongoing detention of prisoners whose release had been agreed to. There was little congressional opposition to the president's decision, largely because most members were persuaded that the reforms introduced by President de Klerk met the specific standards of the Comprehensive Anti Apartheid Act (CAAA). In announcing the end of the U.S. embargo, President Bush stated:**

**This is a moment in history which many believed would never be attained. But we've done so through the efforts of many people in South Africa and around the world. And in that sense this is a time for reflection. And it is also a time when all who care about the future of South Africa, as I do, should rededicate themselves to stay the course in the interest of peace and democracy. There has been a dramatic change. But all is not totally well there, and we will continue to be actively involved — as actively involved as we can.**

**Sanctions that remain in place include the mandatory U.N. embargo on arms exports and imports, the prohibition of exports to the South African military and police, restrictions on U.S. support for International Monetary Fund loans to South Africa, and the Fair Labor Standards Program, which applies to U.S. firms employing more than twenty-five persons in South Africa.**

**In making its case for the lifting of sanctions, the Bush Administration argued that all the conditions under the 1985 CAAA had been met: the release of political prisoners, the repeal of the state of emergency, the unbanning of opposition political parties, the repeal of apartheid legislation, and the entering of the government without preconditions into good faith negotiations with representative members of the black majority.**

**The condition that caused the most controversy was the Administration's claim that South Africa had released all political prisoners. The framework under which political prisoners were released had been negotiated by the ANC and the government in an August 1990 agreement known as the Pretoria Minute, and subsequent agreements. While the government released thousands of prisoners under the agreement and more after remitting their sentences, more than seven hundred politically motivated offenders continue to be detained. The Bush Administration concluded that all political offenders had been released based on its definition of political prisoners as "people who have been imprisoned for their**

**political beliefs [which] does not include people who have been convicted under due process for crimes of violence." While this definition is similar to those used by international human rights organizations, it is narrower than the one used in the Pretoria Minute, which includes some acts of violence.**

**Of particular controversy were 166 political prisoners who were held at the time in jails in Bophuthatswana homeland. Under the Pretoria Minute, these prisoners are regarded as political because they were convicted of treason after an abortive coup attempt against the Mangope regime in 1988. The Administration's exclusion of the Bophuthatswana prisoners is troublesome because it rested on the fiction that the homeland governments were independent of the South African government. It has long been U.S. policy not to recognize the independence of the homelands, which only South Africa regards as independent states. Notwithstanding the explicit provision in the CAAA holding that the homelands are part of South Africa, the Administration argued that the CAAA never envisioned the incorporation of the homelands into South Africa as a condition for the lifting of sanctions and thus does not address political prisoners held by homeland authorities. The result was that the Administration, in its rush to end sanctions, effectively endorsed the independence of Bophuthatswana and squandered an opportunity to press for the release of the remaining political prisoners in that homeland.**

**Apparently in an effort to mitigate the effect of this decision, Assistant Secretary of State for African Affairs Herman Cohen, in a July 31 statement before the House Subcommittees on Africa and on International Economic Policy and Trade, said: "I wish to emphasize that we have consistently urged the South African government to bring its full influence to bear in resolving this issue, specifically in Bophuthatswana." Such toothless "urgling]" was not enough. Although some of these prisoners were released for "behavioral and attitudinal" reasons and a handful for "humanitarian" reasons after suffering from health problems following a hunger strike, at least one prisoner died and eighty-seven remained in prison until mid-December, when all but six were released.**

**Although the CAAA does not explicitly require that political violence be taken into consideration, the devastating dimension of the problem — more than six thousand lives lost in the past eighteen months — should have prompted the Administration to discuss the South African government's role in the violence in the context of deciding whether to lift sanctions. To the contrary, the Administration refused even to acknowledge the role of the security forces in the killings. On March 28, after numerous killings in March — especially in Alexandra, outside Johannesburg, where seventy people were killed — State Department spokesman Richard Boucher stated:**

**The police have announced that they are investigating the incident. At this point, as far as who is responsible there is only speculation that involves the possibility that there were Inkatha sympathizers or elements of some rightist third force**

**On July 10, a week before the press published documents exposing covert government funding of the IFP and minutes after President Bush announced the lifting of sanctions, Secretary Cohen said in response to allegations of the South African government's involvement in the violence:**

**We have looked at all of the accusations. We have deployed our own resources to try and find out. We have seen no evidence that the South African government entities are supporting black-on-black violence. This does not exclude the activities of private citizens, which we're not aware of. But we have seen no evidence that the government entities are doing anything in that line.<sup>42</sup>**

**Even after the South African government acknowledged support of the IFP, Secretary Cohen, clearly evading the question of government involvement in the IFP's violence, said:**

**We are following these developments closely and will take appropriate action. However, it does not lessen our conviction that an irreversible process of change is occurring in South Africa.**

**Boucher, the State Department spokesman, was somewhat more direct on July 22, but again refrained from condemning the South African government for its covert activities. He said:**

**We would call upon the government of South Africa to take action to terminate all activities which undermine the political system created by reforms initiated since February 1990, and to take appropriate action against all persons found responsible for illegal acts. I believe that the integrity of the negotiating process requires nothing less.**

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<sup>42</sup> *New Yorker*, August 19, 1991.

To its credit, the Bush Administration has encouraged the government, the ANC and the IFP to negotiate. But an emphasis on negotiations without comparable public concern over the government's role in political violence can have dire consequences, because since the beginning of 1991, the bloodiest violence has occurred during negotiations. This outbreak of violence has been a predictable consequence of the security forces's policy of using the IFP to instigate violence and disrupt the peace process. For example, on September 8, a week before the first major peace agreement was to be signed, violence clearly aimed at derailing the negotiations erupted in what the South African press described as "Bloody Sunday." The next day, spokesman Boucher responded: "The weekend events were tragic and they illustrated once again the need for an agreement among the principal parties on a peace accord that will govern public political activity."

The Administration's stubborn refusal to see an official hand behind the killings was particularly evident in the South Africa chapter of the *Country Report on Human Rights Practices for 1990*, issued by the State Department in February 1991. The Department accurately identifies the violence as the most serious obstacle to a peaceful future in South Africa, but fails to comment on the role of the security forces. Instead, as in the past, it treats the violence as a domestic problem of political and ethnic rivalries. Although the State Department notes the belief of others that a "third force" of "right-wing extremist elements of the security forces" is behind the fighting between ANC and IFP supporters, the report concludes that "evidence of this was lacking."

On June 18, President Bush extended a warm welcome, of the sort usually reserved for major foreign leaders, to Gatsha Buthelezi, leader of the IFP. At the time, the IFP, together with South African security forces, had been implicated in most of the violence. Numerous witnesses had described IFP intimidation and harassment, and a former military-intelligence agent had testified that the IFP received arms from the government. Though initially denying it, Buthelezi admitted receiving funds from the government a month later. Yet, there was no public discussion at any time during his U.S. visit of the IFP's role in the violence. Instead, President Bush announced publicly in Buthelezi's presence, in a manner designed to convey a reward to him, the Administration's intention to lift sanctions soon. In August, the U.S. Agency for International Development announced a grant of \$2.5 million to the IFP, part of a ten million dollar "Transition to Democracy" project for South Africa which was initiated in 1990 by President Bush, with all funds to be used on behalf of victims of apartheid.

Although an irreversible process of change is undoubtedly underway in South Africa, as stated by the Bush Administration on numerous occasions, a

peaceful negotiated settlement will not be attained until there is an end to the violence and those implicated in the killings have been brought to justice. The Administration's role in encouraging reforms would have been more effective had it been willing to recognize the role of government forces in the killings and call for a halt to their deadly practices.

### **The Work of Africa Watch**

In January, Africa Watch released a report, *The Killings in South Africa — The Role of the Security Forces and the Response of the State*. The report contains dozens of eyewitness accounts describing security forces promoting the violence and failing to respond to the needs of the victims.

Several detailed letters were sent to the South African government in 1991 protesting covert government funding to the IFP, the lack of effective steps to end the violence, and continuing restrictions on press reporting of the violence. Africa Watch also supplied congressional aides with updated information on political prisoners, including those in the homelands. This information contributed to the adoption of legislation by Congress to urge the release of all political prisoners.

An April report, *Academic Freedom and Human Rights Abuses in Africa*, included a substantial chapter on South Africa.

Throughout 1991, Africa Watch documented human rights abuses in the homelands and contacted the South African authorities to protest their failure to alleviate appalling conditions there.

In September, Africa Watch released a newsletter, "Out of Sight: The Misery in Bophuthatswana," which gave an account of repression in one of South Africa's four homelands. In December, "Ciskei: Ten Years on Human Rights and the Fiction of 'Independence'," a newsletter detailing the conditions in Ciskei, was released.

## **SUDAN**

### **Human Rights Developments**

During 1991, the military government headed by Lieutenant General Omer al-

**Bashir strengthened its grip on Sudan. It increasingly institutionalized its authority and moved purposefully in the direction of creating its version of a fundamentalist Islamic state.**

**The centerpiece of the government's legislation was the promulgation in March of a new Islamic penal code, which contains a number of provisions that are contrary to international human rights standards. These include the withdrawal of full rights from women and non-Muslims; the prohibition of apostasy (renouncing Islam), which effectively criminalizes dissenting political views; and the introduction of cruel, inhuman and degrading punishments, such as amputation of limbs for theft. However, these measures have been implemented cautiously, and there have been only a few cases in which the extreme punishments have been carried out — notably several cases of public hanging followed by crucifixion of convicted robbers in the Darfur region. There have been no prosecutions for apostasy to date. The government, which abrogated the independence of the judiciary following the June 1989 coup, is gradually installing politically loyal individuals throughout the judicial system.**

**Other examples of the institutionalization of the repressive machinery included continued attempts to create an illegitimate trade union organization, to replace the authentic unions dissolved at the time of the 1989 coup, and the reorganization of the higher education system to bring it under closer government control. A particularly insidious move was the creation of a government-sponsored "Sudan Human Rights Organization" which, using the name of a genuine organization banned in 1989, has defended the government's record. Similarly, a government-sponsored Sudan Bar Association has continued to defend the government's human rights record, and its secretary-general has denied publicly that torture occurs in Sudanese prisons and detention centers.**

**Political parties and other nonreligious organizations independent of the government remain prohibited. There is no freedom of assembly, and only a few government-controlled or government-sponsored newspapers are permitted to publish. Publications entering and leaving the country are carefully screened. Certain areas of the country have been subjected to prolonged and comprehensive news blackouts, usually because of counterinsurgency activities in the area. The treatment of political opponents has also been shrouded in increasing secrecy. In September and October, about seventy people accused of participating in an alleged coup attempt in August were said to be brought to trial, but the government failed to divulge the names of the defendants, the charges, the court, or the date of the proceedings.**

**The government continues to detain and torture suspected opponents. Detentions occurred at various times in 1991, notably after an alleged coup**

attempt in September. In April, the government announced an amnesty and released 240 political detainees; however, about sixty remained in prison, and numerous others were arrested in the following month. The unofficial detention centers, known as "ghost houses," in which torture is common, continue to function under the control of the government's security agencies. A number of detainees have been brought to trial before special tribunals or ordinary courts, but in no significant case has due process been respected.

Abdel Moniem Salem, a teacher who was arrested in February 1990, was kept at Shalla prison under poor conditions, at the insistence of the security forces, for six months after his transfer to a hospital was first requested, despite his deteriorating health and repeated interventions by doctors. When he was finally transferred, his condition deteriorated and in the new year of 1991, he died.

The main targets of government repression in 1991 were trade unionists, academics and students at the universities, and military officers. A series of disturbances at the universities of Khartoum and Gezira followed the government's arbitrary dismissal of lecturers and disputes over accommodations. Security forces entered the campuses on several occasions and used indiscriminate violence against students: at least one was shot dead. Strikes by railway workers also led to violence by government forces. In addition, a prominent British professor of political science was invited to the University of Khartoum in September, but on arriving at the airport was turned back by security forces.

In addition to the legal discrimination instituted in the March Penal Code, women are subject to discrimination in employment. In November, the government decreed that all women should henceforth wear a strict Islamic veil, concealing not only their hair but also the lower part of their face, contrary to Sudanese custom.

The famine, which was created largely by government actions in 1990, continued into 1991, although a better harvest and more appropriate government policies led to an improvement in the final months of the year. In early 1991, the government finally admitted the extent of the crisis and began to relax some of its conditions on allowing relief agencies to operate. However, considerable obstacles still remained, and the government continued to direct food to urban centers and away from camps for more needy displaced people. In the south, the government continued to obstruct relief efforts, notably by bombing distribution centers and refusing permission for relief flights to operate at certain times. In late May, as refugees returned from Ethiopia to southern Sudan (see the above chapter on Ethiopia), the Sudanese air force bombed the returnees on two occasions, killing over fifty civilians.

**The war in the south, the principal conflict in Sudan, remained a major source of human rights abuse. Government forces were active, often in conjunction with militias, in Kordofan and Upper Nile. Although details are not available, there are credible reports of abuses against the civilian population including villages being burned and civilians killed.**

**The government was also engaged in intensifying counterinsurgency activities in western Sudan, in the Darfur and Kordofan regions, sometimes under the cover of operations against "bandits." There were reports of villages in Darfur being destroyed by aerial bombardment, and several incidents in which civilians of the Zaghawa and Fur ethnic groups were killed. In the Nuba mountains, there were two distinct patterns of abuse. One was attacks on rural villages, primarily by the Popular Defense Forces; dozens of villagers were killed by these raids during the year. The second was the detention and disappearance of Nuba community leaders and educated people at the hands of military intelligence. Between January and August, at least thirty-seven such people disappeared following their detention by military intelligence, and in October about one hundred people were reported to have been detained; many are feared to have subsequently disappeared.**

**The rebel Sudan People's Liberation Army (SPLA) was also responsible for abuses, including violence against civilians and prisoners of war, and the conscription of children. These abuses, together with the detention of political dissidents within the SPLA and the debacle of the organization's support for the doomed regime of President Mengistu Haile Mariam in Ethiopia, contributed to an attempted coup in August, in which the military commanders of Upper Nile tried to overthrow the SPLA's leader, Colonel John Garang.**

**Several prominent SPLA dissidents remain in detention, including the veteran politician Joseph Oduhu. Reports of forcible conscription of soldiers have been received from several areas. Several tens of thousands of boys, most of them under fifteen years of age, were also in the SPLA forces, either as combatants, undergoing military training, or undergoing schooling prior to military training. In Ethiopia, the SPLA was responsible for numerous incidents of burning villages and looting food and cattle, and some instances of killing civilians. Following the split in the SPLA, there was intense fighting between the two factions during September and October, which displaced tens of thousands of civilians.**

## **The Right to Monitor**



**Before the military coup of June 1989, which brought the current regime to power, Sudan had a strong and extremely active human rights community. The two most prominent organizations were the Sudan Bar Association and the Sudan Human Rights Organization. Smaller organizations included the Sudanese Amputees Union, the Sudan branch of Amnesty International and a number of independent human rights activists, including academics and journalists. In the last two years, human rights organizations have been banned and their assets confiscated, and virtually all activists have been detained, silenced or driven into exile.**

**In 1991, the government embarked on a policy of establishing new "human rights" organizations to defend its record. These include a government-appointed "Bar Association" and an officially sponsored "Sudan Human Rights Organization," neither of which is independent of the government. There are fears that the government-sponsored Sudan Human Rights Organization will be allocated the frozen assets of the legitimate organization, which were raised by public subscription and donations from individuals and international human rights organizations. In July, the new Sudan Human Rights Organization attacked Amnesty International as a "political arm" of western countries. The government also attacked Africa Watch in 1991 as a "tool" of the SPLA.**

**No international human rights organization was permitted by the government to enter the country to monitor human rights in 1991. Limited access to SPLA-controlled areas was possible, however, both before and after the split.**

### **U.S. Policy**

**U.S. interest in Sudan was low in 1991. In March 1990, following the Sudanese government's failure to make any move toward restoring democracy after the June 1989 military coup, the U.S. government suspended all development assistance to Sudan under Section 513 of the Foreign Assistance Act, which mandates a cutoff in most U.S. aid to any nation where an elected government has been overthrown in a coup. However, food aid under P.L. 480 and humanitarian assistance are permitted to continue.**

**In 1991, that estrangement was deepened following the Sudanese government's support for Iraq during the Persian Gulf crisis, and its failure to reach agreement with the International Monetary Fund on the repayment of debts. As relations with Sudan worsened, the U.S. government became an outspoken critic of its human rights record.**

The U.S. Agency for International Development was active in famine relief operations in Sudan. It contributed over 100,000 tons of emergency relief and pushed other western donors to overcome varying degrees of reluctance and do the same. The aid was distributed by voluntary agencies. The U.S. government also overcame past hesitancy and repeatedly criticized obstruction of relief efforts. In the south, where the relief operation is led by the United Nations, the United States contributed resources but did not play a major role in initiating programs.

### **The Work of Africa Watch**

Africa Watch has continued to monitor human rights abuses in Sudan. Early in 1991, Africa Watch produced a newsletter containing detailed testimonies of torture and substandard prison conditions. Following the promulgation of the Islamic penal code, Africa Watch published a newsletter describing the provisions of the code and drawing international attention to those that are contrary to human rights standards. A report issued in April, *Academic Freedom and Human Rights Abuses in Africa*, included a substantial chapter on Sudan. Frequent protests were sent to the Sudanese authorities concerning detentions and trials without due process. An article was published in October in *West Africa* on women's rights in Sudan. In December, Africa Watch issued a newsletter drawing attention to the plight of the Nuba of southern Kordofan, to coincide with a publicity campaign by the London-based organization Survival International.

An Africa Watch report on war and famine in Ethiopia (see the above chapter on Ethiopia) included several sections criticizing the SPLA, which was active inside Ethiopian territory from 1983 to 1991. Abuses by the SPLA against Ethiopian civilians included looting, killing and enslavement.

Africa Watch nominated the original Sudan Bar Association (SBA) for the American Bar Association's first human rights award. The nomination was successful and Dr. Amin Mekki Medani of the SBA, who had himself been detained by the current regime, traveled to the United States in August to receive the award. In September and October, Africa Watch was active in promoting the relaunching of the Sudan Human Rights Organization (SHRO) in exile. We published a newsletter detailing the activities of the genuine SBA and SHRO, and contrasted their authenticity with the illegitimate clones set up by the government.