

AFRICA WATCH OVERVIEW

Human Rights Developments

Human rights in Africa in 1992 were dominated by the twin themes of democratization and the descent into chaos and humanitarian disaster. Other concerns, such as the conduct of civil wars, arrest and detention, and accountability for past abuses, also persisted.

The cataclysm that has overwhelmed Somalia in 1992 has been called the most severe humanitarian disaster in the world today. The 21-year rule of former dictator Mohamed Siad Barre, who was driven from power in 1991, left the country with neither the institutions of civil society, nor intact structures of traditional governance and conflict resolution. After Barre's departure, the values he promoted—greed, clan loyalty and militarism—have rent the country. Two decades of grievances are being settled with the huge armory provided by both superpowers. The result has been an extraordinarily brutal civil war fought on the streets of Mogadishu and other towns, killing tens of thousands of civilians, and a famine of unparalleled severity, striking the disadvantaged farming communities of southern Somalia and killing at least 100,000. The war and famine feed on each other in a spiral of violence and deprivation: conflict is the main cause of the famine, while the need for food is an important motive for fighting. Meanwhile, hundreds of thousands of Somalis have fled to Kenya, Ethiopia, Yemen and elsewhere, where they, too, have been subject to cruelty and neglect.

In this picture of apparent hopelessness, the chief ray of hope has been the dedication of ordinary Somalis who have struggled to tend the wounded, provide relief, and resolve the conflict. Their contribution, often unseen by the outside world, has been a critical element in the effort to relieve suffering and achieve respect for human rights in Somalia. It is on their efforts that a future Somalia must be built.

The Somali disaster has drawn attention to the negligence of the international community, notably the United Nations, in failing to prevent a foreseeable tragedy. With one notable exception through the end of November, U.N. diplomatic and humanitarian interventions were late, inept, and done more with an eye to publicity than to resolving the problems. The exception was Ambassador Mohamed Sahnoun, special envoy of U.N. Secretary General Boutros Boutros-Ghali, who displayed extraordinary diplomatic skills and a refreshing willingness to criticize his own organization, but who was forced in late October to resign, precisely because his honesty had offended his superiors in New York. Sahnoun's commitment and professionalism were matched by the efforts of a few voluntary agencies, above all the International Committee of the Red Cross (ICRC), which spent up to half its worldwide budget on Somalia. Rarely in the history of humanitarian

assistance can an entire country have owed so much to a single voluntary agency as Somalia owes to the ICRC.

Central authority in a number of other African countries was on the brink of disintegration in 1992. Parts of Mozambique had been reduced to that condition in the 1980s, and in 1992, despite the long-awaited peace accord between the government and the RENAMO rebels, the disappearance of any form of effective government throughout most rural areas of the country has appeared to draw closer by the month. The severe drought of 1991-1992 undermined the unified command of both armies, as soldiers turned to looting and pillaging to provide for themselves. Relief agencies are already describing Mozambique as "the next Somalia."

Meanwhile, Liberia, having been brought back from the brink in 1990 through the intervention of a coalition of west African states, was plunged into civil war once more. Much of southern Sudan came to resemble Somalia as the Sudan People's Liberation Army fragmented, and severe famine loomed once more.

One of the most tragic cases has been Angola, where the hopes for democratization were dashed in an explosion of violence. At the end of September, Angolans went to the polls in their first ever free elections, 16 months after a peace accord between the government of President Eduardo Dos Santos and the rebel UNITA movement, led by Jonas Savimbi. U.N. monitors pronounced themselves satisfied with the fairness of the elections, but when it became clear that Savimbi had lost, he denounced the elections and returned to warfare. Both the government and UNITA began targeting each other's civilian supporters and summarily killing them.

Throughout the continent, countries have moved unsteadily down the path of democratization, while repressive rulers have used violence in an effort to destabilize democratic transitions. In Kenya, President Daniel arap Moi is implicated in provoking rural violence in an effort to fulfil his own prophecy that multiparty democracy will be a recipe for ethnic conflict. Zaire's President Mobutu Sese Seko has similarly sought to undermine the democratic transition with military rampages in rural areas. The hopes for democracy in Togo have faded as factions of the armed forces under the control of President Gnassingbé Eyadema have initiated violent attacks against its opponents.

Many transitions to democracy have been blatantly manipulated. In Nigeria, the military government of President Ibrahim Babangida has repeatedly interfered in the much-extended transition to civilian rule, undermining the vitality of the civil institutions that are so essential to a functioning democracy and doing his utmost to predetermine the outcome of elections. In mid-November, Babangida again postponed the hand-over to a civilian president for a further eight months, raising fears that popular resentments would turn violent, as they have in the past. In Cameroon, President Paul Biya won a general election amid widespread accusations of fraud, and immediately launched a crackdown on the opposition. A similar manipulation of the

transition process in Ghana culminated on November 3 when Flight-Lieutenant Jerry Rawlings was returned as elected president. The incumbent government in Mauritania was returned in an election in January marred by widespread fraud and disenfranchisement of opposition supporters. The hopes for a rapid establishment of peace and democracy in Ethiopia faded with widespread ethnic and organizational violence, and deeply flawed regional elections.

A similar process has been at work in South Africa, where violence (in the townships, rural areas and nominally independent homelands) has become the single greatest threat to the prospect of a peaceful transition to majority rule. More than 2,000 were killed, as further evidence emerged of the government's role in stoking the conflicts.

In all these countries, former rulers have sought to protect themselves by evading accountability for past abuses. Amnesties in South Africa and Ghana have allowed those guilty of gross abuses to remain in government and the security forces. In Mauritania, the government continued to deny any responsibility for its direct involvement in human rights abuses. In countries where there has been real change, such as Zambia and Ethiopia, political priorities have interfered with the fair treatment of members of the former regime. In Zambia, bitterness against former President Kaunda has led to vengeful stripping of his civil rights. In Ethiopia, preoccupation with other pressing political concerns has led to a neglect of the need to bring members of the former regime to trial.

The pitfalls of pluralism have not deterred democracy advocates in Africa's remaining one-party states. After prolonged debate, Tanzania moved toward multiparty democracy in 1992. On October 18, Life-President Hastings Kamuzu Banda of Malawi finally agreed to allow his people the choice of a multiparty system. Tragically, two days later, Orton Chirwa, a long-serving political prisoner, died in detention. Meanwhile, his wife, Vera, remains in prison, and democracy advocates are being harassed and arrested.

The government of Sudan stands out as one that has failed to make even cosmetic concessions to democratic reform. Wedded to a fundamentalist ideology, the ruling Muslim Brothers have dismantled all institutions of civil society, and have arbitrarily arrested and tortured dissidents. Determined to reshape the country in the image of an Islamic state, the government is engaging in several programs of massive forced relocation and "ethnic cleansing," and has mounted the largest offensive yet in the war in the south, halting almost all emergency relief operations to the civilian population. Sudan faces a humanitarian and human rights disaster on a horrifying scale in 1993.

The events of 1992 served to underline the intimate links between human rights and famine. The humanitarian disasters in Sudan, Somalia and Mozambique all sprang from extraordinarily abusive wars; only in the last case has the weather also played a role. The southern African drought, hailed as the precursor of the

worst famine this century, is also closely intertwined with human rights abuses. In each southern African country, a specific set of governmental actions has been instrumental in reducing sections of the population to imminent famine.

Zimbabwe is the clearest example. In 1990-1991, the Zimbabwe government exported its strategic grain reserves, leaving it with nothing when drought struck in 1991-1992. This policy reversal—which would have been deeply unpopular—was not subjected to public debate because journalists were prevented from raising it. Mozambican refugees in Malawi, Zimbabwe, Swaziland and South Africa were also subject to abuses that exposed them to starvation. In particular the South African government's refusal to recognize their refugee status (it is not signatory to the 1951 Refugee Convention) meant that refugees were subject to forced labor at wages below subsistence levels and *refoulement* (forced return) to drought-stricken areas of Mozambique.

The Right to Monitor

In 1992, human rights advocates in Africa were freer than ever before to obtain and publicize information about human rights violations, and to organize to pressure governments to rectify abuses. However, throughout the continent, the institutions of civil society that are the key to the protection of human rights remain fragile. In some countries, such as Sudan and Malawi, conventional repression has been the norm. In others, such as Ethiopia and Mozambique, the legal framework for a free press and independent human rights organizations now exists, but a combination of factors, including a legacy of fear instilled by decades of repressive government, have prevented the emergence of truly effective human rights advocacy. In many countries, a lack of resources and the temptations of political involvement in democratic experiments have hampered human rights advocacy, as have the challenges presented by monitoring issues relating to rural violence and famine.

Despite these obstacles and setbacks, advocacy of human rights has continued to flourish, and the language of human rights has gained ever greater currency throughout the continent. The peace agreement that brought an end to the civil war in Rwanda included a provision for a human rights commission to investigate abuses during the war, and several national and international human rights organizations are collaborating in this initiative. There have been moves to set up independent human rights organizations in countries that have never had them before, such as Mozambique and Eritrea. Some established human rights organizations have broadened their vision to encompass neglected issues, such as rural violence, famine and abuses against women. Individual journalists, lawyers, church members and others have continued to campaign on behalf of human rights. Even in the darkest circumstances of Sudan, Bishop Paride Taban has been an outstanding advocate for peace and human rights in the south,

while a number of courageous individuals, who must remain anonymous, maintain their clandestine monitoring in the north.

U.S. Policy

For the most part, there appeared to be a policy vacuum with respect to Africa in the U.S. administration. Since the end of the Cold War, the strategic value of African countries has dissipated, and only Nigeria, Angola and South Africa are significant trading partners. U.S.-African relations are no longer those of a superpower trying to entice clients, but rather orphaned African governments desperately searching for a patron. Speaking on July 26, Assistant Secretary of State for African Affairs Herman Cohen said that "the end of the cold war has changed the nature of U.S. foreign policy, allowing us to concentrate on social and economic development in Africa without the past preoccupation with strategic interests." However, with this change, the degree of concentration has waned considerably.

The policy of supporting democracy and "good governance" has in principle informed U.S. policy. The notion of "democratization" has thus been widely accepted by African rulers of all shades, despite—or perhaps because of—a notable lack of analysis as to what it actually consists of. There is a danger that this vagueness, combined with disillusion with electoral experiments in countries such as Angola and the perception of hopelessness in Somalia and Liberia, will encourage those in the incoming Clinton administration who prefer to ignore Africa altogether.

The Bush administration inherited some legacies from the Cold War era, such as support for President Mobutu in Zaire and Jonas Savimbi in Angola. In 1992, the appalling human rights records of both men, and their lack of strategic value, belatedly led to U.S. estrangement from these erstwhile allies. The U.S. was active in trying to persuade Savimbi to accept the verdict of the Angolan electorate and not return to fighting. However, in these countries—as in Liberia and Somalia—there has been no official acknowledgment that the current disasters spring in large part from unquestioned backing of abusive clients during the Cold War.

The Bush administration has vigorously opposed a number of abusive regimes in Africa. Partly due to the efforts of Ambassador Smith Hempstone, the U.S. has maintained its pressure on President Moi of Kenya to stick to his promises of holding elections. In a new development, it has exerted serious economic pressure on Malawi, while continuing to distance itself from Mauritania and condemning Sudan with exceptionally strong language.

South Africa was, once again, the country where U.S. interest was greatest. In 1992, the administration lifted most of the remaining sanctions against South Africa, taking an optimistic reading of President F.W. de Klerk's willingness and ability to pursue democratic reform. While these actions have undoubtedly encouraged de Klerk, and may have influenced the voters in the all-white referendum who overwhelmingly supported the transition

to majority rule, they have continued to give insufficient attention to serious ongoing abuses. The administration belatedly began to give recognition to the mounting evidence of government complicity in the violence in South Africa and the lack of accountability for abuses by the police. Only after the Bisho massacre in September did the administration publicly address the disastrous human rights situation in the nominally independent homelands and the ultimate responsibility of the South African government for that state of affairs. The Bush administration's criticism of South Africa has consisted, again, of too little, too late.

For many countries, humanitarian imperatives should have dictated U.S. policy. Effective action would have required making greater use of the U.N. system. In Somalia, the Office of Foreign Disaster Assistance responded generously to appeals by voluntary agencies and the icrc, but for much of 1992 there was no commensurate commitment from President Bush or the National Security Council. Only after the courageous visit of Senator Nancy Kassebaum to Mogadishu, on the eve of the Republican National Convention, and criticism by presidential candidate Bill Clinton, was an emergency operation belatedly launched. And not until late November did the administration propose using U.S. troops to provide needed security for the delivery of food.

The Role of the United Nations

Nineteen ninety-two could have been an auspicious year for Africa at the United Nations. The new Secretary General, Boutros Boutros-Ghali, is an African with experience of diplomacy in the Horn of Africa. His appointment in March of Ambassador Mohamed Sahnoun as special envoy to Somalia appeared to confirm a level of commitment that was much needed, following the disastrous involvement of Assistant Secretary General James Jonah earlier in the year. However, as the year wore on, the hopes for the reforms needed to make the U.N. Secretariat truly effective began to fade. They received a severe, perhaps fatal setback with the forced resignation of Sahnoun in late October, after his public criticism of U.N. shortcomings on Somalia. This reaction indicated a return to the dark days of institutional self-protection, at the expense of humanitarian imperatives.

The creation of the post of Under-Secretary General for Humanitarian Affairs on March 1, and the appointment of Ambassador Jan Eliasson, also promised much for Africa. These hopes, too, were to be disappointed. Eliasson chose to define his mandate narrowly, excluding the possibility of addressing the human rights crises that give rise to most humanitarian disasters. A combination of indifferent staff, organizational sclerosis, and bureaucratic infighting also hampered the effectiveness of the new Department for Humanitarian Affairs. On his visits to Africa in April and September, Eliasson failed to achieve progress in either Sudan or Somalia.

The U.N.'s failure in Sudan is particularly revealing, as it

gives the lie to the often-cited excuse that the U.N. is only as strong as its member nations, particularly those on the Security Council. Most of the major powers at the U.N., notably the European countries and the U.S., have condemned Sudan in extremely strong terms and used a variety of diplomatic and economic measures against the country. All were eager that the U.N. should follow suit. However, Secretary Eliasson preferred to follow the established pattern in dealing with Sudan through "quiet diplomacy," despite the accumulated evidence of the failure of this strategy over almost a decade.

The U.N. specialized agencies have continued to show a resistance to reform and a lack of accountability. Too many operations throughout the continent are plagued with slowness, overconcern with bureaucratic niceties, organizational jealousies, careerism and indifference to human suffering. The United Nations Children's Fund (UNICEF) has continued to operate with an agenda set chiefly by media profile rather than humanitarian needs. The urgent need for reform has never been greater.

The Work of Africa Watch

Rakiya Omaar, Executive Director of Africa Watch since its creation in 1988, resigned from her position in 1992 to devote her full attention to the Somali crisis. In her four-and-a-half years as director of Africa Watch, she set the agenda and standards that have established Africa Watch's international reputation as a leading human rights organization dealing with Africa.

Africa Watch's major effort in 1992 concerned Somalia. There were two Africa Watch missions to the country, and an unprecedented level of advocacy. Between late July and late September, Africa Watch staff gave more than 80 radio and television interviews, in addition to providing numerous articles in the U.S. and international press. Africa Watch also testified on Somalia three times before the U.S. Congress. This work broke new ground in a number of ways. It included analysis of the close links between the armed conflict and the lack of food, and it included penetrating criticism of the negligence of the United Nations.

As in previous years, Africa Watch was active on Sudan, especially covering issues that were neglected by other human rights and humanitarian organizations, such as the relocations from Khartoum and the abuses against the Nuba. Again, the willingness of the U.N. to make unacceptable compromises with the Sudan government was a target of criticism.

Africa Watch produced a comprehensive account of human rights in Mozambique, entitled *Conspicuous Destruction: War, Famine and the Reform Process in Mozambique*. The report was published in July, just as the warring parties negotiated the terms of a cease-fire.

Africa Watch closely followed abuses relating to the transition to democracy in Nigeria as well as attacks against civil society. Similarly, Africa Watch analyzed efforts by the

Mobutu government in Zaire to stop the democratization process, and documented the army's attack on peaceful demonstrators in February. Human rights abuses against democracy advocates in Mauritania, Cameroon and Togo were also monitored throughout the year. Africa Watch remained an important source of information on the deteriorating human rights situation in Liberia, especially after renewed warfare engulfed the country in October.

Africa Watch has also undertaken two investigations into the problem of land mines, one in northern Somalia and one in Angola. Africa Watch also investigated the links between human rights abuses and the creation of famine, and contributed a substantial chapter on this subject to the Human Rights Watch report *Indivisible Human Rights*, which was issued for the Non-Aligned Movement summit in Jakarta in September.

ETHIOPIA

Human Rights Developments

Nineteen ninety-two marked the first full year in power for the Transitional Government of Ethiopia, headed by the Ethiopian People's Revolutionary Democratic Front (EPRDF). The creation of the new government had produced high hopes for the establishment of peace and human rights, but instead the year saw the dawn of a sober reality.

In retrospect, the expectations that an impoverished, fractured, heavily armed country with no democratic tradition would quickly establish an unprecedented peace and democracy were unrealistic. The main partners in the coalition government—the EPRDF and the Oromo Liberation Front (OLF)—harbored deep mutual distrust. Moreover, the former ruling elite (variously termed "Amhara," "Shewan" and "Centralist") was vigorously opposed to the Transitional Government's radical program of political restructuring, in particular its regionalization plan, which envisaged granting "self-determination" to all "nationalities" (roughly equal to major ethnic groupings).

Nevertheless, there has been significant progress toward respect for human rights in Ethiopia, and the Transitional Government remains more accountable on human rights matters than any other government in Ethiopian history. However, both the government, including its chief force, the EPRDF, and its opponents have committed serious abuses.

The central event in Ethiopia's political calendar was the regional elections. Repeatedly postponed, the elections were finally held in 12 of the country's 14 new regions on June 20. With international observers invited to oversee them, the elections proved so deeply flawed that many dismissed them as meaningless.

The electoral process took place against a backdrop of nine months of intermittent military clashes between EPRDF and OLF forces. Originally a rebel front, the EPRDF by virtue of its military victory in 1991 became both a political party running the government and the national army. The OLF, while also becoming a political party, retained a small and poorly equipped private army. Disputes over the territory to be controlled by each front led to a series of agreements between the two fronts in late 1991 and early 1992, each signed after prolonged and often bitter negotiations. Under the final agreement, both fronts vowed to encamp their forces before the regional elections were held. Each force flouted the agreement by keeping substantial numbers of soldiers in the field through election day. The EPRDF in particular failed to encamp a significant number of its troops.

Intimidation was widespread before the election—practiced mainly by the EPRDF, which controlled the great majority of the territory, but also by the OLF and other fronts. EPRDF forces aggressively promoted the cause of its member organization, the Oromo People's Democratic Organization (OPDO), which was a direct rival of the OLF. OLF offices were closed and candidates were harassed and imprisoned. Two leading members of the Islamic Front for the Liberation of Oromia, an organization increasingly allied with the OLF, were killed at a roadblock in the town of Dire Dawa in January. The OLF and related forces attacked EPRDF military posts, sabotaged bridges and other installations, and increased their armed strength beyond that agreed to. On one occasion in March, OLF forces attacked the major EPRDF garrison of Harer in an attempt to capture it. The EPRDF put OPDO cadres in charge of voter registration wherever it could; the OLF did the same in areas it controlled.

Other victims of harassment were the Ethiopian Democratic Union, which was prevented from opening an office in Tigray, and the All-Amhara People's Organization (AAPO), whose candidates found themselves unable to register in many constituencies. The Ogaden National Liberation Front decided to participate in the elections in the ethnic Somali region, which were delayed until September, and many of its members were harassed and detained.

Shortly before the June elections, the OLF and AAPO announced their separate decisions to boycott the balloting. The OLF also withdrew from the government, and its leaders went into voluntary exile or returned to the rural areas controlled by the OLF.

On election day, the EPRDF mounted offensives in a number of areas formerly controlled by the OLF, such as western Wollega. Civilians and unarmed OLF members were killed in the EPRDF attacks.

Since the fall of President Mengistu Haile Mariam in May 1991, there has been an explosion of rural violence in the southern part of Ethiopia. The fighting has taken a variety of forms and has spread through diverse regions.

Some of the worst incidents of violence occurred when Oromo people attacked Amhara settlers in their vicinity. The Amhara

settlers were originally introduced to the area to pacify it on behalf of the central government in the nineteenth century. Generations later, the legacy of communal antipathy remains. In the Arba Guugu area of Arsi, the history of Oromo-Amhara relations has been particularly tense, in part because the former government exploited the differences a decade ago in its suppression of OLF activities in the area. In December 1991, OLF cadres instigated repeated attacks on Amhara settlers. Villages were burned and civilians were killed. One hundred fifty-four Christians, mainly Amhara, were killed in Arba Guugu, and a further 46 were murdered in a neighboring area of Harerghe. In July and August 1992, another round of attacks were launched, allegedly at the instigation of a senior OPDO cadre.

Harerghe province in the east of the country was the site of other fierce clashes. At Bedeno in mid-April, 150 civilians were reported killed, many of them by being forced to jump off cliffs. Most of those killed were ethnic Amhara. A commission of inquiry into the incident established by the Council of Representatives, the Ethiopian parliament, put the blame squarely on the OLF. While admitting that its supporters were responsible for the massacre, the OLF denied institutional responsibility.

On March 25, EPRDF forces opened fire on a crowd of Oromo demonstrators at Weter, also in Harerghe. Different reports placed the death toll between 24 and 92. The EPRDF claimed provocation, alleging that members of the crowd had fired first. The OLF claimed that the demonstration was entirely peaceful.

In the north of Harerghe, the EPRDF and the Issa and Gurgura Liberation Front have engaged in a series of clashes over the administration of the area and the regulation of trade. The Issa people are highly dependent upon trade, and have resisted attempts by the government to limit their access to trading licenses and their right to exact local customs duties. The Ethiopia-Djibouti railroad line has been sabotaged, and in response the government has sent punitive patrols to the area.

South of Harerghe, in the ethnic Somali area of the Ogaden, there have been a number of incidents of violence. For example, in the Kelafo area, members of the dominant Ogaden clan burned several dozen villages of the farming Rer Abbas people who live along the Shebelle river, forcing them to abandon their homes and take refuge in camps. A conflict between the Geri and Jaarso clans displaced 125,000 people near Jijiga, while 45,000 were affected by fighting between the Yabere and Isaaq.

In the far south of the country, there has been fighting between the Borena Oromo and the Marehan Somali. Other local ethnic groups, such as the Gujji, have also been drawn in. The fighting caused tens of thousands of refugees to flee to nearby Kenya. In the west, ethnic Anuak and Nuer have clashed, and Amhara settlers have been attacked. In July, an unknown number of highlanders were killed in a Nuer attack on a marketplace.

The rural violence has a multiplicity of causes: organizational rivalry; ethnic disputes, fuelled by the new

ideology of "self-determination" which has encouraged an upsurge in nationalism; local disputes over land, water and grazing rights, in many cases brought about by the former government's policies of forcible relocation of the population; and simple banditry, often by some of the 400,000 demobilized members of Mengistu's army who now face widespread rural unemployment and poverty in an environment in which weapons are readily available.

Throughout 1992, the Transitional Government of Ethiopia has arbitrarily arrested and detained political opponents. In some cases, the government has shown an encouraging respect for habeas corpus, but these have been rare. For example, at the end of 1991, three leading members of the National Democratic Union, a "Centralist" opposition party, were detained for allegedly inciting violence during a demonstration in Addis Ababa. They were not formally charged. After writs of habeas corpus were presented, the three were released pending a court appearance.

After the OLF withdrew from the electoral contest, the EPRDF detained a large number of OLF supporters. The precise numbers and the circumstances of the arrests have been impossible to ascertain. In April, the OLF claimed that 250 of its members were being detained without charge. By October, there was credible evidence that well over 1,000 were imprisoned.

Ethnic Somalis suffered increasingly frequent abuses during 1992. Several leading members of the Ogaden national Liberation Front were detained early in the year, and at least one subsequently died in detention. The number of detainees reportedly reached 250 by September, when at least 11 people were killed while demonstrating against the EPRDF. Also in September, a large number of Somalis, of both Ethiopian and Somali origin, were arrested in Addis Ababa. More than 1,000 were detained in what was described as a screening exercise to distinguish Ethiopian citizens from refugees.

One of the most glaring incidents of abuse was the *refoulement* of refugees from Sudan. In June, 23 Ethiopian refugees who were resident in Sudan were arrested by a joint Sudanese-EPRDF security force. The 23 included four active members of the Ethiopian People's Revolutionary Party (EPRP), a long-time opponent of the EPRDF that had engaged in armed combat against the EPRDF and was not in the Transitional Government; and a number of disabled former EPRP combatants, together with some friends, relatives and servants. One of those arrested was Tadele Demeke, an Ethiopian student at the University of West Anglia in Great Britain, who was visiting Sudan to see her former husband and to conduct research for a degree. The refugees were taken across the border and held in several prisons. The Ethiopian government at first denied holding them but belatedly released 19 (keeping the four political activists) after an international campaign.

The *refoulement* of the 23 refugees drew attention to the EPRDF's secret detention centers in Tigray. In 1991, four political leaders of the EPRP were captured in combat inside Ethiopia, and disappeared into secret prisons in Tigray. Africa Watch has

obtained evidence suggesting that the four are still alive, but the government refuses to comment on the case. There are also an undisclosed number of dissidents from within EPRDF ranks held in prison, some for several years. These prisoners are denied family visits and access to the International Committee of the Red Cross (ICRC). Some of them are reliably reported to have been subjected to physical abuse.

The OLF has also engaged in arbitrary detention. In Jijiga, the OLF kept a number of dissident Oromos in detention until the OLF office in the town was forcibly taken by the EPRDF in June. Some of these detainees reported having been tortured.

Conditions in detention have varied substantially. Officials of the former regime have been kept under good conditions and allowed family visits. Others held in secret or rural detention centers are often kept in overcrowded facilities with inadequate food. Confirmed reports of physical abuse are rare.

Except in a few cases in Addis Ababa, there is no effective judicial supervision of detentions. Policing and security functions in Ethiopia remain under the control of organizations that are not accountable under the law, or even answerable to the Council of Representatives.

Immediately after its military victory, the EPRDF dissolved the security forces of the former regime, disbanded the army, and suspended the police force pending an investigation of its members. The EPRDF promised to reinstate a police force as soon as it could be purged of those guilty of abusive or corrupt practices. As a result, despite the laudable aim, Ethiopia was effectively without a police force until March 1992. This meant that the EPRDF and the newly established neighborhood Peace and Stability Committees (PSCs) were wholly responsible for policing. These organizations lacked the training and equipment for the task. For example, EPRDF soldiers were required to police large and sometimes violent public demonstrations without riot control equipment but with only assault rifles. In addition, structures of accountability were not established.

The EPRDF army assumed the role of national army in August 1991, although this was not publicly announced for several months, as well as a *de facto* policing role. EPRDF forces have been responsible for a number of arbitrary actions against suspected criminals. Some alleged criminals have been shot on sight, although this was rarer in 1992 than in 1991. Others have been abusively detained. For example, 850 suspected robbers were held in a round-up in Addis Ababa in March. Their friends and relatives did not know where to turn to obtain information or to seek the prisoners' release. The EPRDF routinely ignored court orders concerning alleged criminal detainees.

Peace and Stability Committees have faced similar problems. PSCs were set up by the EPRDF, and the EPRDF zonal commanders have ensured that they are accountable only to the EPRDF.

The Transitional Government has promised a new Judicial Commission and guarantees of the independence of the judiciary,

and has enacted legislation to establish these. However, as in so many of the government's ventures, progress has been slow, creating a serious vacuum.

Throughout 1992, the judiciary was not functioning properly, either as an adjudicating body or as a check on arbitrary action by the EPRDF and the PSCs. Various factors contributed to the problem, including a proposal to suspend all judges who were formerly members of the Workers' Party of Ethiopia (WPE), the single party under Mengistu), delay in enacting new legislation, paralysis at the Ministry of Justice following the resignation of the minister early in the year, and the absence of a functioning police force. This created the vacuum in which the arbitrary actions of the EPRDF and PSCs were possible.

To fill this vacuum, justice in the north of the country is administered by People's Courts. Originally set up by the EPRDF when it was a guerrilla movement, these courts are staffed by locally elected officials. Their shortcomings include a lack of independence from the EPRDF, their failure to afford criminal defendants the presumption of innocence or access to counsel of their choice, and inconsistency in sentencing. The Ministry of Justice has criticized the procedures used by People's Courts, but so far without consequences.

Ethiopia under the EPRDF has witnessed the flourishing of numerous political parties, representing an unprecedented variety of opinions and platforms. These range from monarchists to separatists representing small ethnic groups. All parties can produce their own literature, and can organize public demonstrations.

The development of other institutions necessary for a flourishing civil society promises to be a slow process, despite the government's gradual enactment of legislation that is largely respectful of civil and political rights. The establishment of a free press is proving slow. A press law, with guarantees against censorship, was belatedly promulgated in October, but technical and commercial obstacles remain, particularly a lack of paper and printing presses. The formation of a Bar Association progressed slowly. The University of Addis Ababa was granted a new charter securing its academic freedom, and appointed its own President (a professor known to be wholly independent of the government). Academic appointments made under the previous government—including professors known to be hostile to the EPRDF—have not been interfered with. However, there are indications that the government distrusts the university and is unhappy with the vigorous political debate that occurs on campus.

The government's treatment of the senior members of the Mengistu government has on the whole been good. None has been killed. About 1,500 remain in detention, under relatively good conditions, just outside Addis Ababa. However, the bringing of charges against them has been seriously delayed. Legislation for the creation of a special prosecutor to try those accused of

crimes under the former government has been promised since the end of 1991, but little progress has been made.

During 1991, former WPE members were stripped of most of their civil rights, such as their freedom to work and travel. Most of these rights were restored in 1992. There has been no wholesale purge of government institutions. The only category of former WPE members who are barred as a group from their former posts are judges.

In 1991, workplace Grievance Hearing Committees (GHCs) were established to hear complaints against those who were corrupt during the former regime. The GHCs often acted in an arbitrary manner, dismissing and detaining people who were denied judicial recourse. These activities continued for the first months of 1992, until the GHCs were brought under the control of the Prime Minister's office and subjected to more systematic scrutiny. In May, the GHCs were abolished, and all outstanding cases were handed over to the labor courts.

The Right to Monitor

A number of human rights organizations were set up in 1991 and continued to function in 1992. The Ethiopian Human Rights Council (EHRCO) is chaired by Professor Mesfin Wolde Mariam, a strong critic of the current government. EHRCO has been permitted to function and to publicize its criticisms of the government, but has also been subjected to a barrage of abuse in the government-controlled media. Another organization, ABUGIDA, is committed to public education in human rights.

In October, the government promulgated a press law that removes almost all censorship rules imposed by the former regime. However, almost all the media remains controlled by the government, there are chronic shortages of newsprint, and few journalists have the training or courage to test the limits of government tolerance.

The government has given free access to the country to foreign human rights organizations, and allowed the ICRC to operate freely. International observers were invited to monitor the June elections, and given the freedom necessary to do so. However, the leader of the American observer team was expelled from the country, after allegedly expressing support for an independent Oromo state at an OLF rally.

U.S. Policy

The U.S. government is the most prominent backer of the Transitional Government of Ethiopia, and has excellent access to the President and other senior members of government. It has been sympathetic to the huge difficulties facing the Ethiopian leadership, and has provided assistance to help overcome them. At the same time, the U.S. embassy often appeared to be missing opportunities to use its privileged access to the Transitional Government to press for more marked improvements in human rights.

In April, the U.S. waived the provisions of the Brooke

Amendment, which prohibits U.S. aid to any country that is in arrears on any loan payment to the United States, to make Ethiopia eligible for economic assistance. Ethiopia had lost its eligibility because the State Department held it responsible for failing to pay for military equipment purchased in 1976, although the equipment had not actually been delivered. The legal bar on economic assistance had proved embarrassing to the U.S. government, which until April 1992 had been able to provide only humanitarian aid to Ethiopia. In the summer, the U.S. pledged \$161 million in development assistance, of which \$60 million was delivered in September. The U.S. is active in assisting the Transitional Government in drafting a new constitution, formulating national election plans, and developing the institutions of civil society, such as a free press.

The U.S. government was moderately active in human rights initiatives, reportedly prompting the Ethiopian government on matters such as bringing detainees to trial and respecting the rights of former WPE members. It has encouraged attempts to negotiate agreements between the EPRDF and OLF, although for the most part other Western countries took the lead. However, there appear to have been no formal demarches on human rights issues, and little public criticism of the conduct of the elections.

The chapter on Ethiopia in the State Department's *Country Reports on Human Rights Practices in 1991*, issued in January 1992, was an accurate reflection of reality. The testimony of Assistant Secretary of State for African Affairs Herman Cohen before the House Africa Subcommittee on September 17 also included fair criticisms, but Cohen made it clear that these shortcomings would not affect U.S. relations with the Ethiopian government.

The Work of Africa Watch

Africa Watch maintains an active dialogue with the Transitional Government on human rights issues. On May 8, Africa Watch published a newsletter entitled "Waiting for Justice" which outlined concerns about the arbitrary actions of the EPRDF, OLF, PSCs, GHCS and People's Courts, and expressed disappointment at the delay in bringing the cases of former officials to court. Africa Watch staff members visited Ethiopia in March and in June-July, and exchanged views with senior members of the Transitional Government, including the President. Africa Watch's criticisms were taken seriously by the government, which responded carefully and in considerable detail, and invited Africa Watch to send further delegations to Ethiopia to investigate alleged abuses. The Transitional Government responded positively to Africa Watch's suggestion that the charges brought against officials of the former regime should include crimes under common Article 3 of the Geneva Conventions of 1949. Africa Watch also campaigned for the release of the 23 refugees abducted from Sudan.

KENYA

Human Rights Developments

In October 1991, President Daniel arap Moi announced that he would crush the opposition "like rats." He was compelled to change his strategy in November of that year when the consultative group of bilateral donors suspended aid to Kenya pending economic and political reforms. Moi and the ruling Kenya African National Union (KANU) immediately announced the introduction of a multi-party system in Kenya. The transition to democracy was quickly imperiled by growing ethnic violence, fueled by the government. The Moi government has long contended that political pluralism in Kenya would degenerate into tribal conflict, and many fear that the government is seeking to fulfill that prophesy.

In December 1991, the Kenyan Parliament repealed Section 2(A) of the Constitution which prohibited opposition parties. In 1992, the government permitted greater freedom of expression and association. The government also released some political prisoners who were convicted despite the lack of any tangible evidence and discrepancies in the prosecution's case. In February, George Anyona, a former member of Parliament and multi-party advocate who was sentenced to a seven-year prison term in July 1991 on charges of plotting to overthrow the government, was freed on bail. His co-defendants, Edward Akong'o, Esaiiah Ngotho Kariuki and Augustus Kathangu Njeru, were also freed. On June 24, the government released four government critics charged with treason, but refused to release the other four defendants—Koigi wa Wamwere, Rumba Kinuthia, Mirugi Kariuki and Godfrey Kuria Kariuki. All eight defendants had been accused of being members of the Kenya Patriotic Front, an underground organization that allegedly seeks the overthrow of the Kenyan government, and have been severely mistreated in custody.

Serious human rights abuses continued throughout 1992, including torture and mistreatment of prisoners, excessive use of force by police, government involvement in inflaming ethnic conflict, harassment of and attacks on opposition activists, and prosecution of independent journalists. In addition, much of the repressive institutional structure used by the Moi government remains in place, such as the laws on treason and sedition; the Preservation of Public Security Act, which allows indefinite detention without charge or trial; the law allowing the banning of any publication in the interests of "public safety and public order"; and powers to manipulate the justice system, such as pressing trumped-up criminal charges against government critics and applying illicit pressure on judges in politically sensitive cases. Until these pillars of Moi's rule are dismantled, respect for human rights will remain subject to the whims of the authorities.

One of the most disturbing developments in Kenya in 1992 was

a serious escalation of rural violence and its spread into areas formerly free of ethnic conflict, notably the Rift Valley and Western Provinces. The conflict stemmed directly from the Moi government's abuse of its powers of patronage to reward selectively members of certain ethnic groups, particularly Moi's own Kalenjin, and the government's manipulation of ethnic tensions since the advent of multipartyism.

There is no accurate estimate of the number of people killed in ethnic clashes during 1992, but it is clear that scores and perhaps hundreds have died. Many thousands of others have been left homeless, after their homes were burned and belongings looted. Despite clear evidence that pro-government Kalenjin were responsible for many attacks, the authorities have done little to protect civilians, and have preferred to blame the violence on the opposition.

The level of discontent with the government's apparent involvement in the ethnic clashes led to unprecedented criticism of the government by the Catholic bishops. In March, they issued a pastoral letter accusing the government of instigating the ethnic conflict in the western areas. The letter stated that the security forces' attitude "seems to imply that orders from above were given in order to inflict injuries only on particular ethnic groups."

On September 17, the Parliament's Select Committee on Ethnic Clashes released a report concluding that the violence was politically motivated and often incited by provincial officials. It called for criminal investigations of all politicians who had made inflammatory statements during the violence, and alleged that close Moi associates Nicholas Biwott and Ezekiel Barng'etuny were involved in organizing and financing the fighting. The parliamentary report confirmed many of the findings of an earlier report issued in late spring by a committee established by the opposition parties and the church. However, the government denied those charges and threatened criminal sanctions against the report's signatories. On October 14, the Parliament voted to reject the Committee's report. (Kennedy Kiliku, the former Assistant Health Minister who chaired the Committee, quit the ruling party on November 8.)

Excessive force by the Kenyan police continued to be a major problem during 1992. In one incident, the well known Kenyan environmentalist and Forum for the Restoration of Democracy (FORD) activist Wangari Maathai and three other women were beaten unconscious by riot police on March 3. They had joined a demonstration by about 50 women who were conducting a hunger strike in Nairobi's Uhuru (Independence) Park demanding the release of 52 political prisoners. Many of the protesters were mothers of the prisoners. After a crowd of demonstrators assembled in the park, the riot police attacked the women with batons and teargas. The police action led to two days of protests, with rioting and looting.

Excessive force was also used on March 20 in Kisumu, on March 22 in Kitale in Western Province, and on April 27 in Limuru. In

each of these cases, police fired at a crowd of peaceful demonstrators, killing at least three. In April, when FORD called a general strike to push for the release of political prisoners and secure elections, riot police clashed with groups of young people who set up roadblocks and stoned state-owned buses and cars; at least three people were shot and some 160 were arrested. The government considered the strike to be illegal. Violence continued in October and November, with attacks by police and KANU supporters against opposition activists, including the police beating of opposition leader Paul Muite in late October. The Kenyan police continue to act with impunity—harassing, beating and killing—without any known investigation or prosecution.

The principal political struggle has revolved around the impending elections. Moi's bid for re-election was helped by the disarray within the main opposition party, FORD. At the time of the September 4 FORD conference, the party split into two factions: "FORD-Kenya," headed by Jaramogi Oginga Odinga and Paul Muite, and "FORD-Asili" (Original Ford), led by Kenneth Matiba and Martin Shikuku. Both factions submitted requests to register as FORD, and in late September they were permitted to register separately.

Some eight other opposition parties have been allowed to register. The most prominent is the Democratic Party (DP), formed in January, a predominantly Kikuyu party headed by Moi's former vice president (he resigned on Christmas), Mwai Kibaki. Only one party was denied registration, the Islamic Party of Kenya (IPK), based on a presidential directive that religious groups are not allowed to form political parties. In May, police arrested several imams, which served to boost support for the IPK. One of those arrested was Sheikh Balala, who was initially charged with treason but the charges were later withdrawn. The IPK has filed a suit against the government demanding that it be registered. IPK supporters have staged demonstrations calling for registration, leading to clashes with police.

The government placed numerous administrative and legal obstacles in the way of the opposition, leading to delays in registration and permits for rallies. On August 5, Parliament passed a bill to amend the constitution to prevent any party from winning the elections based on regional strength. The bill states that the presidential candidate must win a majority of votes nationwide as well as 25 percent of the votes in at least five of Kenya's eight provinces. In addition, the president is required to choose a government from his party rather than forming a coalition. If no one wins a majority, a run-off will be held between the two candidates who won the most votes; if there is still no majority, the incumbent continues as president. Because the opposition draws its support primarily from two provinces, this amendment greatly enhances KANU's prospects of forming the next government.

On October 28, Moi dissolved the Parliament, paving the way

for elections, which were later scheduled for December 7. Moi had stated that his control over the date of elections would be his "secret weapon" against the opposition. However, on November 12, the High Court upheld an appeal by FORD-Kenya for an extension of the deadline for the nomination of candidates. The elections were then postponed until December 29. Since this date falls in the midst of the Christmas holiday period, many Kenyans who live in the cities and travel back to the rural areas for the holidays will be compelled to return to the place they had registered to vote.

Attacks on the independent press continued during 1992, although the press operated with significantly fewer restrictions than before. A particular target of government repression was the news magazine *Society*. In January, copies of the magazine were impounded by police because the material was deemed to be offensive to the President. In April, five *Society* journalists were detained, and later charged with sedition related to information they had published on the suspicious death of former Foreign Minister Robert Ouko. In June, 10,000 copies of the magazine were seized, with no explanation. Also in June, the magazine was subjected to a suspicious arson attack.

Another magazine, *Finance*, also encountered problems with the authorities. In May, thousands of copies of the magazine were confiscated without explanation. In August, the publisher and editor-in-chief, Njehu Gatabaki, was charged with sedition in connection with articles that appeared in the May 31 issue suggesting that the government, and especially the president, are responsible for the country's economic and political problems. In early November, police impounded over 50,000 copies of the November 15 issue of *Finance*, apparently because it carried the headline "Impeach Moi."

Kenya has traditionally sought to exclude refugees, using a variety of abusive means to deter them from entering the country, and to expel them after arrival. In 1992, these measures failed to prevent the development of a refugee crisis. Over 300,000 Somali refugees are currently registered in Kenya, with significant numbers of Ethiopians, Sudanese and others as well. Neither the Kenyan government nor the United Nations High Commissioner for Refugees (UNHCR) has fulfilled its obligations toward the refugees to provide basic material assistance and physical and legal protection. Humanitarian conditions in the camps for Somalis became a public scandal in January after death rates climbed to appalling levels due to poor siting of the camps and inadequate relief supplies. Abuses against refugees continued virtually unchecked, including killing, rape and looting. The Kenyan government preferred to blame incidents on Somali "bandits," but there is compelling evidence of the involvement of Kenyan forces in certain incidents. In August, about 3,000 Sudanese boys were abducted by the Sudan People's Liberation Army from Kenyan territory.

Meanwhile, ethnic Somalis in Kenya continue to suffer

persecution from the Kenyan authorities. In one incident in August, the police rounded up some 2,000 Somali and Ethiopian refugees in Nairobi and Mombasa, forced them at gunpoint into trucks, and relocated them to refugee camps. In the process, families were separated and children were abandoned.

The Right to Monitor

The Kenyan government continued to be hostile to visits by foreign human rights monitors. A delegation from the New York-based Robert F. Kennedy Memorial Center for Human Rights was denied visas to visit Kenya in August. Also in August, a delegation from the National Democratic Institute for International Affairs (NDI), an organization funded by the U.S. Congress, was permitted to visit Kenya but prevented from meeting with independent or opposition organizations.

In July, the Kenyan Civil Liberties Union (KCLU) was created in Nairobi by a group of pro-democracy activists, including Rev. Timothy Njoya, Kiraitu Murungi and Kathurma M'Inoti. The KCLU intends to defend human rights in the courts and through public education.

On September 17, a new human rights group was launched without incident in Kenya, called the Kenyan Human Rights Commission. Two of its principal organizers are Makau wa Mutua and Maina Kiai, although Mutua is based at Harvard University in Massachusetts.

Meanwhile, former human rights monitors who had been the focus of much international acclaim became subsumed in party politics.

U.S. Policy

During 1992, the Bush Administration continued to pressure the Kenyan government to organize free and fair elections and to enact political and economic reforms. To this end, the U.S. government withheld \$28 million of a projected \$47 million in economic aid to Kenya for fiscal year 1992. The remaining \$19 million that was delivered was for agricultural development, population programs and small enterprise development.

In private dealings with the Kenyan government, U.S. officials reportedly sent a consistent message: U.S. assistance will be re-evaluated only after economic and political reforms are instituted. Administration officials, including Herman Cohen, Assistant Secretary of State for African Affairs, and especially the U.S. Ambassador to Kenya, Smith Hempstone, denounced the Moi regime's efforts to manipulate and obstruct the electoral process.

The major statement of U.S. policy toward Kenya came in Secretary Cohen's testimony on June 23 before the House Foreign Affairs Subcommittee on Africa, in which he gave a forthright appraisal of the situation in Kenya. He praised the Kenyan government's progress since December 1991, but criticized continuing problems in its human rights record, including the harassment of opposition politicians and the press and instances

of police violence. He labeled ethnic conflict "the most disquieting development," noting that "the security forces did little to stop the violence." Cohen also put pressure on the opposition to participate in elections, saying that a boycott would be "ill-advised."

On several occasions in 1992, Ambassador Hempstone issued strong public criticisms of the government's human rights practices and its manipulation of ethnic conflict. In March, for example, he announced: "Self-fulfilling prophecies of chaos, bloodshed and tribal warfare are not useful. The government because it is the government has the primary responsibility of restoring order and maintaining security." On October 15, he gave an address to the American Business Association of Kenya which went to the heart of widespread doubts about the Moi government's commitment to ensuring free and fair elections:

Perhaps we can be forgiven for being just a little skeptical when virtually nothing has been done to allow for an effective domestic monitoring system, when the opposition has been hampered in its efforts to hold meetings or open branch offices in many parts of the country, when the registration process has been terminated before one million young people without ID cards have had a chance to register, when we read in the press that teachers, civil servants, the army and the police have been admonished to vote for KANU... or else, when opposition access to the media is limited, when KANU and the government have not been delinked, when dialogue among the political parties has been honored in the breach rather than in the observance. The spirit of fair-play and tolerance that is at the heart of the democratic process seems largely—if not entirely—absent.

Ambassador Hempstone went on to say that "second-class democracy" will not satisfy the U.S., and that elections that are "obviously flawed, blatantly rigged" will not be accepted as legitimate.

State Department officials in Washington also added their voice, although in more abbreviated terms. After the attack on the women protesters, State Department spokeswoman Margaret Tutwiler stated that the U.S. administration was "deeply concerned" about the Kenyan government's abuse of basic democratic rights. Meanwhile, dialogue continued at senior governmental level. In April, Secretary of State James Baker told Kenya's Vice President George Saitoti that "after a promising start, multi-party democracy in Kenya is threatened by a growing climate of political intolerance, including serious violence." In October, Acting Secretary of State Lawrence Eagleburger met with Kenyan Foreign Minister Wilson Ndolo Ayah and reportedly delivered a similar message.

LIBERIA

Human Rights Developments

During most of 1992, Liberia remained divided as it had been since the November 1990 cease-fire: the Interim Government of National Unity (IGNU) governed Monrovia, backed by the West African peace-keeping force (ECOMOG), while Charles Taylor's National Patriotic Front of Liberia (NPFL) controlled the rest of the country. The United Liberation Movement for Democracy in Liberia (ULIMO), a rebel group made up primarily of soldiers from former President Samuel Doe's army, launched incursions against the NPFL from neighboring Sierra Leone. However, the situation changed dramatically on October 15, when the NPFL attacked Monrovia, ending two years of an uneasy peace and plunging the country back into war.

Elections were originally scheduled for April 1992, but were twice postponed and then cancelled. At no point had the minimum conditions for holding elections—disarmament and encampment of all warring factions—been remotely accomplished. Additional obstacles to free and fair elections were that ECOMOG troops were prevented from deploying in many parts of the country controlled by the NPFL, and that one-third of the population remained as refugees in neighboring countries.

In early 1992, there was some hope of a political settlement. Roads between Monrovia and NPFL territory were opened and ECOMOG troops were permitted to conduct inspection tours of NPFL areas. In January, the Interim Elections Commission was sworn in, composed of three representatives of the National Patriotic Reconstruction Assembly Government (NPRAG—the NPFL's governing body) and two from the IGNU. On March 16, the ad hoc Supreme Court was sworn in, composed of three judges named by the NPRAG and two by the IGNU. In April, the University of Liberia re-opened. This progress was reversed as the warring parties continued to commit human rights abuses, and ultimately all-out war returned.

In January, Prince Johnson, the leader of a break-away rebel group called the Independent National Patriotic Front of Liberia (INPFL), held two Liberian journalists in incommunicado detention and subjected them to abusive treatment. Also in January, Johnson executed at least four of his commandos, in connection with his opposition to new bank notes issued by the IGNU in early January. Johnson forbade anyone to enter Caldwell (the area outside Monrovia where his troops are based) with the new currency, which he reportedly discovered some of his fighters confiscating and holding.

Taylor, too, objected to the new currency, and tried to prevent people from entering his territory with it. Many NPFL

fighters manning the checkpoints used the currency restrictions as yet another excuse to harass and conduct extensive searches of civilians traveling through the area. Those found carrying the new bank notes faced reprisals, including detention, beating and confiscation of property.

The security situation in NPFL-controlled territory continued to present problems for civilians as well as international relief agencies working there. A series of incidents took place in late 1991 and early 1992 involving the confiscation of relief vehicles, the detention of foreign and Liberian workers at checkpoints, accusations of spying, and general harassment of relief operations. In general, the ability of relief organizations to operate, like the safety of civilians, depended largely on the whims of the local NPFL commanders.

The principal source of tension in the NPFL-controlled territory during 1992 involved alleged ULIMO infiltration. Since the latter part of 1991, the NPFL used the ULIMO threat as a means of controlling the population in its territory, and Taylor often cited this threat as justification for his refusal to disarm his fighters and confine them to barracks. Civilians were arbitrarily denounced for spying for ULIMO, and faced a range of penalties, from harassment and detention to extrajudicial execution.

For the most part, civilians had little or no recourse against the NPFL fighters. However, on one occasion in Buchanan, the population rose up against the NPFL. Rumors began circulating in mid-March about a possible ULIMO attack on the city. On March 22, six bodies were found in a nearby river, including some young men who had been arrested for being ULIMO sympathizers. NPFL authorities responded by arresting four fighters and taking them to Taylor's capital, Gbarnga, although reports indicate that they were released shortly thereafter. The following day, the local population began to demonstrate against the NPFL, calling for it to leave. The city was effectively shut down, and Taylor himself travelled to Buchanan in an attempt to pacify the people.

Efforts to implement peace agreements continued throughout the year. The Yamoussoukro IV peace conference, held in the Ivory Coast in October 1991, yielded a plan for the deployment of ECOMOG forces, the disarmament and encampment of the warring factions, and elections. However, implementation of the agreement quickly stalled, due to Taylor's refusal to allow ECOMOG forces to enter his territory.

In April, a mini-summit of West African states was held in Geneva. The participants re-affirmed their commitment to the Yamoussoukro IV accords, and established a new timetable for ECOMOG deployment. They also reiterated the need to set up a buffer zone near the Sierra Leone border to separate NPFL and ULIMO forces. However, just after signing the accord, Taylor announced that he had been forced to sign and indicated that he was not prepared to disarm or encamp his fighters.

On April 30, ECOMOG began its long-awaited deployment in NPFL territory, with the aim of disarming all factions and establishing

an atmosphere in which free and fair elections could be held. Always problematic, the deployment took a serious turn for the worse in late May, when six Senegalese soldiers were apparently captured during a gun battle with the NPFL in Lofa County and executed, reportedly by having their throats slit. As a result, all ECOMOG troops were withdrawn from Lofa Country to Monrovia, and the Senegalese government announced that a commission would be formed to investigate the killings. At a summit of West African states in Dakar in late July, economic sanctions against the NPFL were proposed, which would have given Taylor one month to comply with the peace process before an economic blockade would be mounted.

Meanwhile, mounting insecurity was apparent in Monrovia. A series of grenade attacks in late spring and early summer were launched, leaving at least eight dead and sixty wounded. Responsibility for the attacks was never established. Growing frustration with the Interim Government, based in part on mounting economic hardship, the stalled political negotiations and reports of corruption, came to a head in mid-August, when fuel shortages led to anti-IGNU demonstrations in Monrovia.

The cease-fire was finally broken in August, when ULIMO launched an attack against the NPFL. Skirmishes between the two rebel groups had occurred sporadically since late 1991, especially near the Sierra Leone border. After refusing to participate in the peace talks held in Benin on August 17, ULIMO launched an offensive from Sierra Leone to the outskirts of Monrovia. The NPFL forces were routed and at least 30,000 displaced persons streamed into Monrovia. Civilians reportedly were targeted by both sides during the conflict, with fighters looting in villages, stealing from fleeing refugees, and executing those suspected of sympathizing with the opposing faction. Taylor has accused ECOMOG of supporting ULIMO.

ULIMO's political agenda is unclear. Officially, ULIMO leaders state that they are a group of displaced Liberians who seek to liberate Liberia from NPFL occupation. They claim to seek peace and democracy for the country, and deny that they will engage in reprisals against any ethnic group. However, many observers remain skeptical about ULIMO's real intentions, because of its links to the deposed Doe government and the number of former army soldiers in its ranks. The leader of ULIMO is generally recognized to be Raleigh Seekie, who had been deputy minister of finance under Doe. Additional support is provided by a largely Mandingo group based in Guinea, the Muslim Redemption Movement (MRM), headed by Alhaji Kromah. Tensions exist among the different ULIMO factions, and the infighting culminated in June with the execution of General Albert Karpeh, a leading member of ULIMO and chair of its military section.

The ULIMO offensive forced ECOMOG to announce the withdrawal of all its forces to Monrovia. However, the 580 ECOMOG soldiers stationed in small groups up-country were prohibited by Taylor from leaving. Until early September, the soldiers were effectively

being held hostage; they were disarmed, prevented from leaving their sites and prohibited from receiving supplies or communications from Monrovia. The ECOMOG soldiers were finally allowed to return to Monrovia in late September, due to the intervention of former U.S. President Jimmy Carter. However, during their return to Monrovia, many of the soldiers were humiliated, beaten, and had their weapons, vehicles and personal belongings confiscated by the NPFL.

After the ULIMO incursion, security in the western counties worsened. On August 26, a convoy of the International Committee of the Red Cross (ICRC) was attacked in Bomi; one Swiss national was injured and one Liberian was killed. On August 31, an ECOMOG soldier was also killed in a skirmish with NPFL fighters at the Po River Bridge. This was soon followed by other attacks by the NPFL and ULIMO on each other, sometimes leading to the involvement of ECOMOG. In one incident on October 2, the NPFL and ULIMO were skirmishing near ECOMOG positions in Brewerville, when ULIMO reportedly disappeared behind ECOMOG lines, leaving ECOMOG to fight the NPFL; three ECOMOG soldiers and as many as 50 NPFL fighters were reportedly killed.

Meanwhile, Taylor began a crackdown in his territory. According to NPFL radio broadcasts, some NPFL officials were executed, and others were prevented from leaving the country. There were also reports that local officials were harassed for not participating in Taylor's campaign to recruit young men into his army. A particularly egregious action occurred on September 28, when the NPFL reportedly massacred an unknown number of civilians—estimates range from thirty to 300, but no one has yet been able to conduct a full investigation—and burned houses in Klay, in Bomi County. The NPFL denied responsibility.

The fighting took a far more serious turn on October 15, when the NPFL launched an offensive against Monrovia. In the early morning hours, the NPFL attacked ECOMOG positions around the city as well as the Camp Schiefflin barracks of the Armed Forces of Liberia (AFL), former President Doe's army.

At the end of November, ECOMOG remained in control of Monrovia, but fighting continued in and around the city. Prince Johnson's base at Caldwell is under ECOMOG control, and Johnson is in ECOMOG custody. NPFL artillery shells and rockets have been hitting Monrovia daily, threatening civilians and destroying parts of the city. Heavy fighting near the Spriggs Payne airport has caused civilian casualties, and led to the temporary closure of the facility on several occasions.

Approximately 200,000 refugees from the suburban areas of Monrovia have flooded into the central city to escape the fighting. Some reports indicate that civilians are also being pushed behind Taylor lines into the country's interior. The lack of water has become a serious problem, since the NPFL controls the city's water processing plant at White Plains.

For its part, ECOMOG has conducted bombing raids in Taylor

territory, including the port of Buchanan and targets in Gbarnga, Kakata and the Firestone Plantation in Harbel. Precise information about the targets and casualties are not available, although NPFL officials report that many civilians have been killed and wounded. ECOMOG contends that any civilian casualties are unintentional and the result of collateral damage. One particularly disturbing incident took place on November 16, when ECOMOG apparently bombed the Catholic Relief Services (CRS) warehouse in Buchanan, destroying large quantities of rice and blended food.

Meanwhile, ECOMOG has approved the re-armament of the AFL, and has apparently allowed the AFL and ULIMO to help patrol the streets of Monrovia. Although it is difficult to confirm serious attacks against civilians, it seems clear that the presence of these factions has heightened tensions among many city residents, who fear a resurgence of the kind of brutality and ethnic violence associated with these soldiers in the past. On November 21, the AFL publicly executed Private Tarwaley Mannie, who was convicted by a Court Martial Board of the murder of a civilian he believed to be a rebel in late October. General Hezekiah Bowen, chief of staff of the AFL, announced that the execution was an example of what would happen to soldiers caught looting or killing. An additional armed group, what is known as the "secret army" or the "black berets"—a fighting force of approximately 500 men trained in Guinea and organized by the IGNU—has also arrived in Monrovia, and is patrolling the streets. Given all these armed combatants, the command and control situation is very unclear.

On the weekend of October 31, Archbishop Michael Francis announced that five American nuns had been shot by the NPFL. It is possible that four Liberian student nuns were also killed. The nuns were based in Gardnersville, a suburb of Monrovia, and were members of the Precious Blood order. Although the nuns represented a tiny fraction of those killed during the Liberian conflict, their death helped to elevate the level of international attention to the resurging war.

The ECOWAS leaders met again in Abuja, Nigeria, on November 7, and issued a communiqué calling for: a cease-fire effective midnight November 10, and the subsequent encampment and disarmament of all warring parties; the appointment by the Secretary General of the United Nations of a special representative to help implement the ECOWAS peace plan; and the imposition of sanctions.

On November 19, the United Nations Security Council passed a resolution authorizing an arms embargo against Liberia; the ECOMOG force is exempt from the embargo, subject to future review. The Security Council resolution also requested the Secretary General to send a special representative to Liberia to evaluate the situation and report back to the Security Council. The special representative, Trevor Livingston Gordon-Somers, who works for the United Nations Development Program (UNDP), was appointed the following day, and is scheduled to leave for Liberia in early

December.

The Right to Monitor

Human rights groups are permitted in Monrovia, although they are often precluded from operating in the area controlled by Charles Taylor. A new monitoring organization, the Catholic Faith and Justice Network, emerged in 1992 under the auspices of the Catholic Church. Monitoring is also part of the program of the Center for Law and Human Rights Education, which was formed at the University of Liberia Law School. There are no known human rights organizations in the area controlled by the NPFL.

U.S. Policy

The U.S. government in 1992 continued its policy of not recognizing any government in Liberia—neither the Interim Government nor the NPRAG. The U.S. also remained committed to supporting ECOWAS and its peace plan.

The U.S. is the largest donor to the Liberian relief effort. From the beginning of the conflict through July 1992, U.S. relief assistance totaled \$203 million, approximately \$60 million of which was sent during fiscal year 1992. For the past three years, the U.S. has provided only humanitarian aid to Liberia, since other assistance is prohibited by the Brooke Amendment, which suspends aid to countries that have failed to repay their loans to the U.S.

In addition to humanitarian assistance, the U.S. has provided a total of \$8.6 million to ECOWAS for peace-keeping, and \$18.75 million in Foreign Military Financing (FMF) and Department of Defense Drawdown (DOD) authority to ECOWAS member states to support ECOMOG.

A waiver of the Brooke Amendment was included in legislation that authorized the U.S. to provide limited assistance for "nonpartisan election and democracy-building assistance to support democratic institutions in Liberia" as well as assistance for repatriating refugees, and demobilizing and retraining troops, pending certification by the President that Liberia was making progress toward democratization. The legislation was signed by President Bush in April. In September, after conditions in Liberia began to deteriorate and the President was unable to make such a certification, Acting Secretary of State Lawrence Eagleburger used his discretionary authority under Section 451 of the Foreign Assistance Act to make \$2 million available for ECOWAS, to support their peace-keeping efforts, and \$1.3 million for the International Negotiating Network of the Carter Center, to promote programs about peace, democratization and conflict resolution.

On August 1, immediately after the ULIMO offensive, State Department spokesman Richard Boucher named ULIMO as the party responsible. Given that the U.S. usually refrains from directly naming any of the warring factions, this was a positive and important step.

After the NPFL attack on Monrovia, State Department sources indicate that the U.S. engaged in behind-the-scenes diplomatic efforts to encourage a cease-fire and negotiations. However, the administration did not issue any public statements until an NPFL rocket fell near the U.S. Embassy on October 29, when the State Department then announced that it would hold Charles Taylor "personally liable for such dangerous incidents."

The U.S. issued a far stronger statement on October 31, expressing outrage at the killing of the five American nuns. While not publicly blaming any of the warring parties, sources at the State Department privately acknowledged that they had reason to believe that the NPFL was responsible and were pressing for an investigation.

On November 5, to demonstrate U.S. displeasure with the continued practice of Burkina Faso of providing military aid to the NPFL, the administration recalled its ambassador, Edward P. Brynn, and informed the Burkinabe government that its ambassador-designate to Washington would not be welcome. The U.S. action fell short of breaking off diplomatic relations, but showed that the U.S. held the government of Blaise Compaore responsible for exacerbating the Liberian conflict and named Libya as the source of some of the arms.

The U.S. policy of supporting ECOMOG lost some credibility after the BBC broadcast remarks made by Herman Cohen, Assistant Secretary of State for African Affairs, on November 11. After an off-the-record briefing given at Harvard University on November 4, Cohen was taped as saying: "ECOWAS is unfortunately no longer a neutral party....They are now one of the combatants. I think the next step—and we are discussing this in Washington—will be U.N. intervention to provide a neutral party to try and bring about a political solution." Cohen tried to clarify his position the following day, when he told the BBC: "I think it must have been a slip of the tongue....We have not changed our policy. We still believe in what the West African countries are trying to do, which is to bring about a non-violent, democratic solution to Liberia." BBC officials apologized to the U.S. administration for permitting "use of information that was somewhat misleading."

The U.S. stepped up its attacks against the NPFL in an unusual post-session hearing held by the House Subcommittee on African Affairs on November 19. Deputy Assistant Secretary of State for African Affairs Leonard Robinson described the NPFL as "essentially an internal army of occupation, sustaining an environment of brutality and coercion and prolonging the misery of the Liberian people." While noting that none of the warring factions is blameless for the renewed fighting, Robinson stated that "no factor contributed...as much as the intransigence of the National Patriotic Front." He went on to list the recent record of the NPFL, including responsibility for the murder of the five American nuns.

Robinson also declared strong U.S. support for ECOMOG. He

refused to criticize the conduct of their bombing raids, saying only that the U.S. has expressed its concern about civilian casualties and "ECOMOG has assured us that such collateral damage is unintentional." In conclusion, Robinson warned that "no one who comes to power in Liberia through force or fraud can expect normal relations with the United States."

The Work of Africa Watch

Africa Watch continued to monitor the human rights situation in Liberia. Staff wrote articles that appeared in *West Africa*, *The Atlanta Journal and Constitution* and *Reconstruction* which updated and analyzed the ongoing human rights abuses.

MALAWI

Human Rights Developments

In 1992, Malawi experienced a surge of unprecedented public criticism of the repressive 28-year rule of nonagenarian Life-President H. Kamuzu Banda and his Malawi Congress Party (MCP). Spearheaded by the Catholic and Presbyterian churches, Malawians demonstrated against their government's authoritarian policies and in favor of multiparty democracy.

These protests were met with violent repression and only token concessions. Although Life-President Banda ultimately released several prominent prisoners and agreed to hold a referendum on whether to move the country to a multiparty system, only cursory moves were made to abandon the practice of imprisoning political dissidents and suppressing the freedom of the press. On October 20, Orton Chirwa, one of Malawi's most prominent political prisoners, died in Zomba Prison. His wife, Vera Chirwa, remains in detention. In November, government officials declared the opposition movement Alliance for Democracy (AFORD) illegal, and arrested hundreds of its supporters.

The protests were launched on March 8, when the country's seven Catholic bishops issued a letter containing the first public criticism of the government since independence in 1964. The letter expressed concern about a "growing gap between the rich and the poor" and called for greater popular participation in politics, and expanded freedom of expression and association. The letter noted that the bishops could not "ignore or turn a blind eye to our people's experience of unfairness and injustice, for example those who...are imprisoned without knowing when their cases will be heard."

The reading of the bishops' letter at Sunday masses throughout the country was met with applause and tears. Young Malawians danced with joy in the aisles and copies of the letter began to circulate widely.

The government reacted with predictable harshness. On March 10, the police interrogated the bishops for eight hours. The

government media condemned the letter, which was quickly banned. An extraordinary meeting of the Malawi Congress Party was called to discuss the letter, and the party chair for the city of Blantyre, Charles Kampulusa, reportedly said that if the government had known what the bishops were going to say, they would have been killed. Alleged tape-recordings of the meeting obtained by AFORD revealed that government officials discussed how to kill the bishops.

The bishops' letter sparked unprecedented student protests against the government. At Chancellor College, in Zomba, on March 15, a group of students held a demonstration to show their support for the bishops. The next day, following a confrontation between the students and the police, the Registrar of Students decided to close the college to avoid violence—an unprecedented step.

After hearing about the closure of Chancellor College, students at Blantyre Polytechnic decided to demonstrate in solidarity. On March 17, after students stoned stores owned by President Banda's company, Press Holdings, the police arrested up to 70 students. Six students are believed to have been beaten and tortured to death in police custody.

Although the threats to the Catholic bishops were never carried out, on April 17, Bishop John Roche, an Irish citizen who had lived in Malawi for 20 years, was deported, upon 24 hours' notice. A few days earlier, the government also revoked the residence papers of another Irish priest, Patrick O'Malley, as he was returning to Ireland on sick leave. A Presbyterian minister in Mzuzu, Rev. Aaron Longwe, was also twice arrested and released, in April and May.

The next wave of anti-government protests followed the arrest of unionist and pro-democracy activist Chakufwa Chihana. On April 6, after attending a meeting of Malawian exiles in Lusaka, Zambia, Chihana returned to Malawi with the intention of leading the campaign of the Interim Committee for a Democratic Alliance in Malawi. As he disembarked from the plane at Lilongwe International Airport and attempted to read a pro-democracy speech, Chihana was immediately grabbed by four plainclothes policemen, swept into a waiting car, and detained incommunicado.

On May 6, the most serious anti-government protests yet broke out in the city of Blantyre, as 30,000 striking textile workers were joined by other anti-government protesters. The demonstrators reportedly looted stores thought to be owned by President Banda. The police responded with bullets and teargas. On May 7, demonstrations spread to Lilongwe. Three thousand people gathered at the High Court where Chihana was to be produced for a bail hearing. When the government failed to produce him, the crowd reportedly began looting stores and overturning cars, and burned the MCP's Lilongwe headquarters.

Although the precise number of casualties is not available, at least 38 people are believed to have been killed. By May 8, after a shaken Life-President Banda appeared on national radio and

appealed for Malawian citizens "to behave like ladies and gentlemen," the situation in Lilongwe and Blantyre was calm. However, demonstrations later spread to tea and tobacco plantations in rural areas, where workers demanded higher wages and a change in government.

Government repression of perceived dissidents continued. On May 16, businessman Krishna Achutan was detained after pleading on BBC radio for the release of his father-in-law, Aleke Banda, a prominent political prisoner who had been detained in January 1980. (Achutan was eventually released on bail on July 13.) In June, reports began to surface of widespread arrests of people who the government believed to be copying and disseminating anti-government literature or receiving faxes from outside the country. Police are believed to have conducted sweeps of city offices searching for the Catholic bishops' letter and targeting in particular offices with photocopy or fax machines. Amnesty International reported that prisoners were tortured and kept in severely overcrowded cells: in one case a released detainee stated that 285 prisoners were kept in a cell measuring five by four meters, with one prisoner dying every two nights. A report in the South African newspaper *The Weekly Mail* stated that diplomats in Malawi estimated that as many as 2,000 people had been arrested.

By June, though, in response to increasing pressure from donor countries, the government began to release some well known political prisoners. On June 12, eight prominent prisoners, including Machipisa Munthali, were released. Munthali, who had been arrested in 1965 and held at Mikuyu prison, was believed to be one of Africa's longest serving political detainees. On July 10, Aleke Banda was released along with ten others. After his release, Banda stated that he had been kept in a windowless cell in Mpyumpyu prison. He said that he was in good health, but was astonished at the sight of stars: he had not seen them for 12 years.

The government defended its human rights record and instituted some minor reforms. On July 5, Life-President Banda stated that "detention has been used to protect national security and not to abuse human rights" and that "physical torture of prisoners is not our official policy." Banda stated that in the future, all prisoners would be charged and tried. The Life-President also stated that he had invited the International Committee of the Red Cross (ICRC) to visit Malawi's prisons, that he would recommend changes to the policy of enforced contributions to the MCP, and that freedom of the press and association existed. However, he also declared that political parties "are against the laws of this country" and that "detention is necessary" to avoid civil war.

Parliament then dutifully ratified several changes in the country's repressive legislation. On August 24, it approved the creation of a Detention Review Tribunal, to hear appeals of prisoners who were detained without charge, and moved to modify the Penal Code to limit the maximum sentence for sedition from

life to five years' imprisonment.

These steps fall far short of needed changes. The existing definition of sedition remains unchanged, and the press is legally barred from publishing anything likely "to undermine the authority of, or public confidence in, the government." The Detention Review Tribunal is to be led by a judge appointed by the Minister of Justice (who happens to be Life-President Banda) and its rulings are only advisory. The repeal of the 1964 Preservation of Public Security Ordinance, which allows for indefinite detention without charge or trial and arrest by not only the police but also the Malawi Young Pioneers, would be a far more significant step.

The actions of the Malawian government gave lie to its rhetoric of change. Shortly after approving changes to the security regulations, the government once again attacked the church. On August 25, the Synod of the Presbyterian Church, in an open letter to Life-President Banda, asked him to release immediately all political prisoners, institute a referendum on multiparty democracy, and established a broad-based national commission to consider political changes. The Presbyterians and other religious leaders also planned to hold a rally on August 30 in Mzuzu.

The government responded by arresting ten church leaders and declaring the meeting to be unlawful. It singled out for blame Presbyterian minister Aaron Longwe, stating that "misguided people like him should not be allowed to confuse the people." Although the ten church leaders were soon released, an Irish priest, Father Thomas Leary, who had been in Malawi for 20 years, was arrested, held for 20 hours and then deported. Reverend Longwe was arrested on August 31 at St. Peter's Cathedral and held under the Preservation of Public Security regulations for his role in planning the rally at Mzuzu.

Chakufwa Chihana spent three months in detention without charge. After the government failed to present him in court several times, Justice James Kalaile ordered his release on bail on July 10. Chihana was released the next day and stated that he had been kept in solitary confinement and refused reading material. For more than a month, he reported, he was kept in leg irons and repeatedly interrogated.

Only three days later, Chihana was charged with three counts connected with the issuance of seditious publications. The following day, as Chihana and his wife reported to a police station in Lilongwe, in compliance with his bail conditions, the police detained him again, and held him incommunicado until August 16, when his lawyer, Bazuka Mhango, was allowed to visit him and confirmed suspicions that Chihana had been arrested due to an interview he had given to the BBC shortly after his release in July. On September 8, he was charged with two further counts of sedition and released on bail.

When Chihana's case was brought to court, in October, crowds of as many as 30,000 surrounded the High Court in Lilongwe to show their support. After the first two weeks of trial, these crowds

were met by harassment and beatings by the police and the ruling party's youth wing, the Young Pioneers. At least five people are believed to have died as a result of beatings at the hands of government forces, and many more were arrested. On November 4, Chihana's car was stoned as he was leaving the court and his lawyer, Bazuka Mhango, and a bodyguard were slightly injured. By mid-November, arguments in the case had closed and Chihana was awaiting the judge's verdict.

On October 18, as he attacked dissidents for "spreading all kinds of false allegations," Life-President Banda announced "a referendum on the question of whether people want our present one-party system or want to switch to the multiparty system of government." Banda stated that he was confident that "his people" would "reject the chaos and disunity of multiparty politics" and stated that he hoped to hold the referendum as soon as possible. President Banda also stated that international observers could monitor the referendum and that the International Committee of the Red Cross (ICRC) would be invited to inspect Malawi's prisons.

Two days later, however, Orton Chirwa, one of Malawi's most famous political prisoners, died in detention. He and his wife, Vera, had been abducted from Zambia in 1981. In 1983, they were convicted of treason and sentenced to death, a sentence later commuted by President Banda to life imprisonment. They were tried before a "traditional court" which did not conform with basic international norms: for example, they were not allowed a defense lawyer or the right to call witnesses on their behalf.

Although the cause of Orton Chirwa's death is unclear, he was 73 years old and had been kept in harsh conditions. A delegation of British lawyers who managed to meet the Chirwas in September found that he was in poor health. He had been tortured and mistreated at various times during his 11 years of imprisonment. As just one example, in October 1992, Chirwa was forced to squat on the floor for two days with arm and leg-irons chained to a metal rod behind his knees. The results of the government's autopsy have yet to be publicly released.

Vera Chirwa is still being held at Zomba Central Prison and was not permitted to attend her husband's funeral. When she and her husband met with the delegation of British lawyers in September 1992, it was the first time she had seen her husband in eight years. In November, her family, which was in Malawi to attend Orton's funeral, was allowed to visit her for 45 minutes. Family members stated that she appeared strong emotionally, but had lost weight and was physically weak.

The Right to Monitor

There are no human rights monitoring organizations in Malawi. Given the government's harsh response to even the most simple political criticism from well established organizations such as the Catholic Church, it is apparent that human rights activity would be extremely dangerous and would be met with immediate suppression.

Actions by the World Bank and Major Donor Countries

In a significant break from the past, Malawi's major donor countries met in Paris in May and decided to freeze most of their bilateral aid to Malawi for fiscal years 1992 and 1993, with the exception of drought and refugee-related assistance. A Malawian request for \$74 million in development assistance was refused. A press release at the conclusion of the meeting expressed "deep concern about the lack of progress in the area of basic freedoms and human rights." The donors decided to meet again in six months to determine whether there had been "tangible and irreversible evidence of a basic transformation in the way Malawi approaches these matters, so that there is a fundamental shift in the way human rights in Malawi are viewed."

The World Bank did not follow this example. On June 17, it approved a \$55 million loan to Malawi to build a hydroelectric dam. Although World Bank policy on the granting of loans requires consideration of "good governance"—a concept broad enough to embrace human rights issues—Bank representatives stated that they were prohibited from considering non-economic factors.

U.S. Policy

In contrast to past years, in 1992 the U.S. government publicly and explicitly criticized the lack of respect for basic human rights in Malawi, and backed this criticism with a substantial reduction in economic assistance. Following the Paris meeting, the U.S. reduced its economic aid to Malawi by one third, to \$22 million, and stated that it would make no new aid commitments until its human rights concerns were resolved. In addition, the U.S. voted against the June 17 World Bank loan, on environmental grounds.

On April 6, when Chakufwa Chihana was detained, the United States embassy publicly protested:

The U.S. government views this action by the Malawi government in most serious light and urges the Malawian government to release Mr. Chihana so that he may freely express his political views and undertake political activities.

The U.S. earlier protested the government's reaction to the Catholic bishops' letter and the expulsion of Msgr. John Roche. The U.S. embassy was also reportedly instrumental in coordinating diplomatic pressure on the Malawian government and sent representatives to observe Chihana's trial. United States government officials have assured Africa Watch that Malawi's poor human rights record is consistently brought up in private meetings between U.S. and Malawian officials.

Although Africa Watch welcomes these developments, we believe that the government of Malawi is engaged in a consistent pattern

of gross violations of human rights, in particular because of the continuing use of torture and the degrading treatment of prisoners, and the continuing practice of imprisoning any critic of the government. As a result, Malawi falls under the provisions of U.S. law that mandate a cutoff of all U.S. aid that does not directly benefit the needy.

In the past, Malawi's sheltering of Mozambicans fleeing their country's brutal war has made the country a favorite of international donors. The Malawian government has handled the enormous influx of refugees—currently numbering approximately 950,000—with generosity and efficiency, and has argued that as a result it deserves assistance from the developed world. However, Africa Watch believes that this hospitality, and the harsh drought that the country is currently facing, should not obscure the government's lack of fundamental progress on human rights and should not impede the cutoff of all assistance except that targeted to meet basic human needs of the refugees and Malawian citizens.

The Work of Africa Watch

On March 18, shortly after Malawi's Catholic bishops were threatened, Africa Watch issued a statement detailing the threats and other human rights concerns. Africa Watch also called on the U.S. Congress and President Bush to urge the Banda government immediately to cease harassing the bishops, revoke the ban on their letter and permit freedom of the press and assembly. Later, in April, Africa Watch urged Assistant Secretary of State for African Affairs Herman Cohen and Lewis Preston, the president of the World Bank, to bring up these and other concerns during their meetings with John Tembo, a close associate of Life-President Banda who is believed to exercise day-to-day control over the government.

On June 11, Africa Watch called upon the Executive Directors of the World Bank to vote against the planned \$55 million hydro-electric plant loan. Africa Watch noted that this loan did not meet "basic human needs" and was at odds with statements made by the major donor nations reducing their bilateral aid programs.

In July, in a letter to John Tembo, Africa Watch followed up on statements made by Minister Tembo to the House Subcommittee on Africa indicating that he would invite Africa Watch to Malawi. Meetings were requested with Life-President Banda, Tembo and other government officials, and permission to conduct an independent investigative mission to Malawi was sought. No response has been received.

MAURITANIA

Human Rights Developments

Despite cosmetic democratization and a lessening of government-instigated violence in 1992, Mauritania retains all the apparatus of a repressive state with a disregard for basic human rights. In January, Mauritania held its first multiparty elections, which resulted in the re-election of President Maaouya Ould Sid'Ahmed Taya, but the elections were marred by serious irregularities and fraud. The new government, which is virtually identical to its predecessor, continues to be responsible for human rights abuses, particularly in the areas inhabited by the black populations along the Senegal River Valley.

The dramatic abuses associated with the mass deportations of 1989, during which tens of thousands of blacks were summarily expelled, and the massacre of November 1990-January 1991, in which at least 500 black political prisoners were executed or tortured to death, have been replaced by a more chronic and insidious pattern of violations, principally against the black population of southern Mauritania. For the ruling *beydanes* (white Moors of Arab-Berber descent), the result is the same: many blacks are forced to flee the country, and much farmland can be confiscated for future ownership by Moors. For the black population, subjugation to military rule and associated human rights abuses have often proven intolerable.

Throughout 1992, there were reliable indications that violent incidents, including killings, arbitrary detentions and torture, continued along the Senegal River Valley. Precise details are very hard to obtain because access to the area remains closed for independent observers. An unofficial night curfew and an undeclared state of emergency remain in place. Africa Watch learned of one incident on the night of February 21-22 in which security forces killed one man near Boghe, and another on August 22, in which they arrested a number of villagers in Sory Male, one of whom later died under torture. At least two mass graves dating from the 1990 killings were discovered in the summer of 1992.

The central political event of 1992 was the presidential election in January. The opposition united to support Ahmed Ould Daddah, the candidate of the Union of Democratic Forces (UFD) (later renamed UFD-New Era). Ould Daddah, an economist and half brother of the country's first president, Moctar Ould Daddah, attracted the support of most of the black voters, who saw him as the only alternative to President Taya. Although the opposition was not prevented from campaigning, the ruling party was able to use many of the state's resources to help its campaign, including the state bureaucracy and the national airline, Air Mauritanie.

Electoral malpractice began with voter registration. A variety of tactics was used to prevent many blacks and supporters of the opposition from registering. The UFD estimates that some 25,000 people were unable to register in Nouakchott, the capital, alone. In some districts, the prefect simply refused to register blacks. In others, special forces of the army were deployed around registration centers, and sometimes used in violence to disperse

those who had gathered to register. Blacks were often prevented from registering because they had no identity cards, since the authorities effectively stopped issuing these cards to blacks in the late 1980s. Another method was to ask questions in Arabic, knowing that many blacks would not be able to speak or understand the language, since they tend to speak French and their native languages—Pulaar, Wolof or Soninke.

Even managing to register to vote did not guarantee receiving permission to vote. Many blacks were denied voting cards on such pretexts as that the spelling of their names on the electoral list differed from the spelling on their registration or identity card; the number on the electoral list did not match the registration card; or the registration number had already been used by someone else. In some instances, the authorities simply did not bring the list of registered voters, or claimed to have lost the registration cards.

Both to register and to vote, blacks waited on long lines, often from early morning to late at night, and sometimes on successive days. Given the conditions surrounding the elections, the victory for the ruling party was not surprising.

After the January 24 elections, a curfew was announced and a crackdown on opposition activists was launched, leading to the arrest of opposition supporters in various parts of the country, including Nouadhibou, Nouakchott, Rosso and Kaedi. In addition, government forces violently attacked opposition activists in Nouadhibou and Nouakchott, including members of the UFD who were demonstrating in Nouadhibou on January 26. As a result, Ousmane Traore, Samba Diallo and possibly as many as three other UFD supporters were killed. Scores of UFD supporters in Nouadhibou were rounded up and 27 of them were imprisoned on charges of inciting violence. They were released in early February and all charges were dropped. On January 25, the security forces used tear gas to attack the UFD headquarters in Nouakchott, injuring 20.

In March, legislative elections were held, but the opposition boycotted, due both to the conduct of the presidential elections, and to the government's refusal to meet the opposition's conditions, such as postponing the elections to permit the political parties to prepare adequately, revising the electoral lists, creating a commission to supervise the elections, and forming an independent commission of inquiry to investigate the post-election killings in Nouadhibou. The president and his party thus retained control of the country.

On the diplomatic front, the most important development took place in April, when Senegal and Mauritania re-established diplomatic relations, which had been broken after the massive deportations of blacks from Mauritania to Senegal beginning in April 1989. Unfortunately, many of the issues relating to the deportations remained unresolved, especially the question of the return of those expelled and those who fled for their own safety. These 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.

Currently, there are more than 50,000 Mauritanian refugees in Senegal and more than 10,000 in Mali. That the Mauritanian government continues to paper over the past and trivialize the steps that must be taken to ensure their safe return was evident in a radio interview given by Prime Minister Sidi Mohamed Ould Boubacar on May 21:

Now I am anxious to affirm here that *Mauritania has never expelled any of its citizens* (emphasis added). The events of April 1989 constituted a real tragedy for both our peoples....[T]his situation has now been put behind us. We believe that all Mauritanian citizens who are in Senegal or elsewhere are free to return to their country. This has always been the case.

Until the Mauritanian government acknowledges the expulsions of 1989 and their attendant abuses, it gives exiles little confidence in their security if they return, and no reason to expect compensation for, or restoration of, their lost homes, land and belongings.

Nor has the government shown any inclination to investigate, prosecute or punish those responsible for such gross abuses as the deportations and the massacre of prisoners, despite ample evidence pointing to the direct involvement of many high-ranking government officials. To the contrary, the government has not acknowledged even that the killings occurred, let alone responsibility for them. It also has consistently refused to permit an independent commission of inquiry to investigate the deaths, allowing only a military commission whose findings were never publicized.

Moreover, in December 1991, the government promoted two colonels, both members of the Military Committee for National Salvation, who were directly implicated in orchestrating the prison massacre. The two men, Colonels Sid'Ahmed Ould Boilil and Cheikh Ould Mohamed Saleh, were, respectively, the commanders of the military regions of Nouadhibou and Aleg, where most of the killing and torture took place. Both men had been put on a kind of six-month probation as a result of the internal military investigation after the massacre. By then promoting them, the Mauritanian government sent a clear message that military commanders would not suffer for participating in egregious human rights abuses.

In addition, the families of the victims reportedly have never received official notification of the prisoners' deaths, nor any cooperation from Mauritanian authorities in determining the fate of their loved ones. Efforts in 1992 by a group of wives, mothers and sisters of those killed to obtain government acknowledgement of the executions have been unfruitful.

The one positive note is that the independent press became a more vibrant force in 1992, despite the restrictive new press law

issued in July 1991. Independent journalists investigated and wrote about government abuses, both past and present. In July, however, individuals closely associated with the government sued two of the most outspoken journals, *Al Bayane* and *L'Eveil Hebdo*. The case against *Al Bayane* was brought by the administrator of a private school in Nouakchott because of an article about corruption in the school. The case against *L'Eveil Hebdo* was brought by a relative of the President, Hadramy Ould Taya, concerning an article on the post-election violence in Nouadhibou which reported that one of the demonstrators was killed by a bullet that may have come from his home. Both plaintiffs won their cases, and although the damages awarded were not substantial, the cases may have a chilling effect on the independent press.

The Right to Monitor

The Mauritanian League for Human Rights is the only human rights organization in the country, and it has been known for its pro-government positions. During 1992, however, the League was more vocal in calling on the government to respect human rights.

On March 5, a coalition of opposition groups organized a day of events to honor human rights, including a march and a conference in Nouakchott. Reports indicate that the march was the largest ever seen in the capital, with estimates of the number of demonstrators as high as 200,000. Some participants carried pictures of those killed in the 1990-1991 massacre; others held signs denouncing torture, slavery and dictatorship. Another symposium on human rights that the UFD-New Era tried to hold in Nouadhibou in July was reportedly blocked by the authorities.

In late 1991, an official government delegation from Nouakchott visited the United States and promised Africa Watch that it could send a fact-finding mission to Mauritania, which Africa Watch had been attempting to do for more than two years. Unfortunately, the promised visas never materialized.

U.S. Policy

With few interests in Mauritania, especially after it supported Iraq in the Gulf War, the U.S. government has criticized Mauritania on human rights grounds. In 1991, the United States ended all bilateral assistance. In November 1991, the Bush administration took steps against Mauritania at the World Bank. Citing human rights violations, the administration instructed the U.S. Executive Director at the World Bank to abstain on World Bank loans to Mauritania, except those involving basic human needs.

In February 1992, a high-ranking State Department official visited Nouakchott and delivered a strong, private message to President Taya concerning ongoing human rights violations against the black population. State Department sources indicated that the U.S. official made it clear that improvement in the human rights performance of the Mauritanian government was the key to any amelioration of U.S.-Mauritanian relations.

The U.S. in 1992 did not make any public statements about

human rights violations in Mauritania, even after the elections. However, State Department sources indicate that U.S. Ambassador William Twaddell was authorized to make private demarches about human rights concerns.

In response to a petition filed in May 1991 by Africa Watch documenting systematic labor rights violations in Mauritania, U.S. Trade Representative Carla Hills announced in June 1992 that she would extend her review of worker rights in Mauritania for another year, rather than immediately cut off trade benefits under the Generalized System of Preferences as required by U.S. law.

The Work of Africa Watch

Africa Watch continued to monitor the situation in Mauritania, issuing protests about abuses and serving as a source of information for the press and others interested in Mauritania. A major report on human rights violations in Mauritania will be released in 1993.

MOZAMBIQUE

Human Rights Developments

Nineteen ninety-two was a year of both hope and disaster in Mozambique: hope, in that progress in the peace talks between President Joaquim Chissano and RENAMO (Mozambique National Resistance) leader Afonso Dhlakama led to the signing of a cease-fire agreement on October 4; disaster, in that much of the country plunged into the most severe famine in living memory, both caused by and in turn aggravating widespread violence, much of it by undisciplined soldiers from both armies.

The 15-year war has been the main cause of human rights violations in Mozambique, and the October cease-fire is a prerequisite for improvement. However, the cease-fire agreement was soon violated—for example, on October 18, RENAMO occupied four northern towns in Nampula province, which were later abandoned or retaken by government forces—and serious human rights abuses were committed.

It is uncertain whether the forces led by Chissano and Dhlakama will obey their leaders and lay down their arms. RENAMO has been known for its extremely abusive tactics, and it is unclear to what degree its forces are under a central command. There is also reportedly some disagreement within the organization's leadership over whether a cease-fire should be implemented. On the other hand, hungry and unpaid soldiers of the Mozambique Armed Forces (UFD) have mutinied in several instances. Disgruntled soldiers reportedly continue to attack people and extort money and food.

The effects of war and continuing insecurity have combined

with the worst drought to hit the country in the past century to create what could be an unprecedented tragedy. According to a United Nations estimate, as many as 3.2 million Mozambicans face famine and are in need of urgent aid. However, attempts to secure overland "peace corridors" for the delivery of food aid have been stalled and blocked, mainly by RENAMO.

Throughout 1992, the famine and the war have strongly influenced each other. The scale of humanitarian need has added urgency to the negotiations, while the need for unpaid soldiers to provision themselves has led to looting and pillaging on both sides.

An important breakthrough in the negotiations came on July 16. In a meeting in Rome, where mediators led by the Italian government and the Catholic Santo Egidio community had been coordinating talks since July 1990, RENAMO and the Mozambican government signed an agreement to permit the nationwide distribution of humanitarian aid. The joint declaration guaranteed "free circulation and respect for personnel and means of transport" for vehicles and workers under U.N. or Red Cross flags and "unrestricted movement of people to allow them complete access to humanitarian assistance."

However, RENAMO was slow to implement the accord. Several weeks after its formal signing, no land route had been agreed upon and no food delivered. A U.N. representative in the capital, Maputo, blamed RENAMO for not responding to a proposal of possible relief routes.

On August 5, Chissano and Dhlakama met for their first face-to-face talks in Rome. The meeting was preceded by intense diplomatic efforts by Zimbabwean President Robert Mugabe and efforts by the British businessman "Tiny" Rowland, chairman of Lonrho, a British multinational corporation. On August 8, following meetings brokered by the Italian foreign ministry, the two sides agreed that they would sign a cease-fire on October 1. President Chissano later told the press that he had asked for an immediate end to the war but that Dhlakama had declined. The RENAMO leader explained that there were still outstanding concerns about the disarmament procedures, the status of the security police, and the formation of a new army.

During the next meeting, held at Gaborone, Botswana, on September 18, Dhlakama and Chissano agreed on the size and composition of a future national army (30,000 soldiers with 15,000 each from the government and the rebels) and concurred that the State Security and Intelligence Service (SISE) would remain under government control. The two sides also agreed on the eventual withdrawal of Zimbabwean and Malawian troops who were in Mozambique to guard transportation corridors.

However, RENAMO once again hesitated to accept a U.N. plan for the delivery of food aid to areas held by the rebels. The Government ratified the plan on September 14. After several delays, RENAMO accepted only two of ten proposed relief corridors, subject to certain conditions.

Food deliveries were also blocked in the field by rebel and government troops. In September, for example, foreign diplomats reported that three regiments of unpaid UFD soldiers rioted on the outskirts of Beira, putting the city under virtual siege for several days and cutting off the delivery of aid along this crucial transportation corridor. Diversion of food aid by government officials, soldiers and traders reached levels of 75 percent in many areas. The government also repeatedly accused RENAMO of blocking food deliveries and attacking relief convoys.

The next stage of the peace process was the signing of a cease-fire accord, set for October 1. Again, RENAMO hesitated. Two days before, the Italian mediators called off the signing, saying that RENAMO would not attend. Although Dhlakama did eventually arrive in Rome, he said that RENAMO still had objections which had to be resolved before the agreement could be signed.

The cease-fire agreement was finally signed in Rome on October 4, with the cessation of hostilities to occur upon enactment by the Mozambican Assembly of several new laws addressing RENAMO's concerns. The agreement stipulated that UFD and RENAMO troops were to gather in sites under U.N. supervision, where they would hand over their guns and receive food. Zimbabwean troops in Mozambique would leave the country within 30 days and the new, unified army was to be created. Special commissions to monitor the cease-fire, the operations of the State Security and Intelligence Service, the demobilization of the combatants and the formation of a new army were also agreed to. Elections were to be held within 12 months of the cease-fire.

In the following weeks, the Mozambican Assembly ratified several of the requisite new laws, including an amnesty that covers RENAMO members accused of crimes against state security and military crimes such as terrorism, kidnapping and treason, as well as battlefield acts. The amnesty reflects a consensus in Mozambique that holding accountable those responsible for gross human rights abuses during the war might jeopardize the process of national reconciliation. The cease-fire formally went into effect on October 15.

Despite the cease-fire, serious violence continues. Disputes and delays occurred regarding the formation of the verification commissions and the procedures for confining troops. RENAMO delayed sending its representatives to Maputo to sit on the commissions on the asserted grounds that it feared for their safety. Even more worrying, food deliveries were not been regularized due to ongoing fighting.

On other human rights issues, the government has finally begun to disclose the fate of dissidents detained and executed after independence in 1975. Prison conditions and the rights of detainees have improved compared to previous years, but remain well below international standards. A large number of political prisoners remain detained, although many are being released following the cease-fire accords which stipulated that the government and RENAMO should release all prisoners. The

establishment of a viable judiciary is hampered by the economic problems of the country and an acute lack of qualified lawyers.

Mozambican citizens in the major towns have continued to enjoy the freedoms recognized in the 1990 constitution and related legislation. Political parties are able to function. The press law enacted by the government in 1991, which guarantees press freedom, has led to a flowering of independent journalism, including much candid coverage of the war, famine, corruption and banditry. However, there have been incidents of harassment and censorship of journalists, and in April a journalist at *Notícias*, Noe Ditimande, was dismissed after criticizing two senior government figures.

The Right to Monitor

As yet, there are no organized human rights organizations in Mozambique, although several prominent jurists, with the support of the Minister of Justice, have begun to set one up. The Mozambican government has allowed independent foreign observers to report on conditions in the country. In 1990, the government invited Africa Watch to undertake research in the country and allowed representatives to visit prisons without obstruction or interference. Africa Watch was also granted access to senior members of the government, including the President. This level of access, and the accompanying frankness of government officials, was unprecedented in Africa Watch's dealings with African governments.

U.S. Policy

The United States has continued to play a positive role in the search for peace and improved respect for human rights. In 1992, U.S. policy concentrated on supporting the peace process, in particular attempting to influence RENAMO to move forward.

The United States also continues to deliver more aid to Mozambique than to any other sub-Saharan African country. For fiscal year 1992, the Bush administration had planned to disburse a total of over \$68 million dollars of aid, composed of \$36 million in development assistance, \$32 million in food aid and \$100,000 in International Military Education and Training funds. It is believed, though, that due to the emergency famine situation in Mozambique, U.S. assistance for 1992 will top \$150 million, mainly in food and humanitarian assistance.

Beginning in June 1992, the U.S. participated in the peace talks as an official observer, along with Portugal, the United Kingdom, France and the United Nations. The U.S. was particularly involved in working sessions on the cease-fire.

The U.S. played an important role in pressing RENAMO to cooperate in the peace process. On April 25, Assistant Secretary of State for African Affairs Herman Cohen met with Afonso Dhlakama in Malawi and reportedly pressed the RENAMO leader to permit the distribution of food assistance and restart the stalled peace talks. Although Dhlakama objected to a U.S.-proposed temporary truce to facilitate the delivery of food aid, Secretary Cohen did

secure Dhlakama's agreement to return to Rome for further talks. While the U.S. has increased its contacts with RENAMO to further the peace process, it has still not granted Afonso Dhlakama a visa to visit Washington, an important symbolic policy in light of the horrendous abuses committed under his command. The U.S. government has continued to condemn these brutal tactics, and has not allowed the imperatives of the peace process to soften its criticism.

During a trip to the United States in July, President Chissano met with Secretary of State James Baker, who reportedly expressed positive views on constitutional and economic reforms enacted by Chissano and assured him of continued support from the U.S. government. The U.S. has also promised to "participate generously" in the effort to "avert a large-scale human catastrophe." While Africa Watch applauds the humanitarian assistance donated by the administration, we also note that Assistant Secretary Cohen has expressed concern about "ballooning U.N. peacekeeping costs" and indicated that the United States will seek to keep the U.N. presence in Mozambique "as lean as possible." Africa Watch hopes that the U.S. will be prepared to fund U.N. operations in Mozambique to the fullest extent necessary.

The Work of Africa Watch

In July, Africa Watch released *Conspicuous Destruction: War, Famine & the Reform Process in Mozambique*, a 200-page report. The report was the result of extensive research carried out in Mozambique at the invitation of the government. It detailed abuses by the RENAMO rebels and the UFD, the role of the war in the creation of famine, prison conditions, and efforts by the government to move toward a liberal democracy that respects civil and political rights. It is the most comprehensive report on human rights in Mozambique available, both in the range of issues addressed and in its apportionment of blame for war-related abuses to both sides. The report was delivered to representatives of the government and RENAMO and to the mediators at the Rome peace talks.

NIGERIA

Human Rights Developments

The overriding human rights issue in Nigeria in 1992 was the postponement, once again, of the departure of the military government of President Ibrahim Babangida from political office. The blame for many of the human rights abuses during the year can be tied directly to the failure of the Armed Forces Ruling Council (AFRC) to leave office as promised.

Right up to its supposed conclusion, the government has insisted on repeatedly interfering with the details of the transition program, by disqualifying candidates of the political

parties it created, promulgating military decrees to regulate behavior of candidates and voters, and changing dates of elections. It has allowed only its own two parties to contest elections. In January 1992, the hand-over was postponed for a further three months, to January 1993, to allow additional time for National Assembly and presidential elections. The government also announced that it would continue to use the so-called "open ballot," according to which voters line up behind photos of the candidates of their choice, even though this inherently coercive system had failed to eliminate fraud in elections in 1991.

National Assembly elections in July 1992 took place with a minimal amount of fraud, but then the government announced that the Assembly could not be sworn in until January 1993. Extraordinary fraud in the first presidential primary election in August 1992 caused the government to annul the results. A second attempt in September fared no better, leading the government in October to annul those results too and to dissolve the parties' leadership. The National Electoral Commission was given the task of creating a new selection process and screening all prospective candidates. It recommended a return to the secret ballot. In November, President Babangida again announced a postponement of the hand-over date, this time to August 27, 1993, the anniversary of the coup that brought him to power. All 23 presidential candidates were banned from participating in new elections to be held in June 1993. In attempting to head off resistance to the postponement, Babangida promised to disband the AFRC on January 2, 1993 and replace it with a National Defense and Security Council; to inaugurate the National Assembly in December 1992; and to replace the Cabinet with a civilian-led Transitional Council in January 1993.

Decree 2, which provides for virtually unlimited detention without trial, was used in 1992 to detain members of a pro-democracy group, a former military governor and others. A positive development was the release in March of all relatives of suspected participants in the coup attempt of April 1990, including wives, girlfriends and infants, who had been detained under Decree 2 for nearly two years, together with two civilians tried in secret in October 1991 for their role in the coup attempt along with nine army officers. The nine officers are still held, reportedly in incommunicado detention.

Thousands of Nigerians died in 1992 in rioting and internal conflicts in various parts of the country. Longstanding disputes over political dominance, economic privileges and land control have been major causes of violence between various ethnic groups, such as the conflict between the Tiv and Jukun ethnic groups in Taraba and Benue States in east-central Nigeria, which has claimed some 5,000 lives since October 1991. Dozens of villages have been burned to the ground, and up to 150,000 residents have fled the area. Federal and state governments have been criticized for failing to give proper attention to the conflict because of the remoteness of the area and the involvement of minority ethnic

groups that lack a voice in government. Although the federal government has made some attempts to stop the killings, its efforts began late in the crisis and have failed to take account of inaction by local authorities and allegations of police bias. Police have been implicated in abetting the killings by joining in the attacks and selling arms.

Already severe economic conditions deteriorated drastically with the devaluation of the naira by nearly 80 percent in March. President Babangida only inflamed resentments with statements such as the following, on March 30: "People themselves, quite frankly, should start rising now. They should start resisting some of these arbitrary prices being fixed." On May 4, riots broke out in Lagos, sparked initially by an increase in commuters' transportation fares. On May 13, a peaceful student demonstration led by the National Association of Nigerian Students, which has been banned by the government since 1986, was joined by angry mobs who turned the event into a violent looting spree. On May 20, ethnic clashes between Igbo and Yoruba traders in Lagos left several dead, and rioting broke out again the next day. Some 80 people died in the month of disturbances. Riots also spread to other cities, such as Benin, Akure, Enugu, Nsukka and Port Harcourt. Police were widely criticized for random shootings, indiscriminate use of teargas and arbitrary arrests.

Also in May, devastating riots struck Kaduna State, in northern Nigeria. Existing tensions over political supremacy in Zango Kataf, in southern Kaduna, between the predominantly Christian Katafs and Muslim Hausas erupted during an argument over the construction of a larger marketplace. Three months earlier, more than 60 residents of Zango Kataf died in a confrontation over the government's plan to move the local market, but government leaders had ignored the warnings from that incident and had not acted upon recommendations to the President sent by Muslim and Christian leaders in Kaduna to form problem-solving committees at all levels of government. In the May riots as many as 1,800 may have died in Zango Kataf, which is now a ghost town. When news of the killings reached Kaduna city, riots also broke out there, resulting in many more deaths.

Security forces arrested hundreds during and after the riots. Among them was the former military governor of Rivers State, retired Army-General Zamani Lekwot, who was arrested on May 18 in Kaduna, under Decree 2. On July 29, he and five other Kataf leaders were arraigned before a special tribunal on charges of unlawful assembly with intent to subjugate the Hausa community in Zango Kataf. The charges were dropped for lack of evidence, but the six were immediately rearrested. Lekwot and six others were later served with a 22-count indictment that included the charge of culpable homicide, punishable by death. Lekwot is accused of distributing guns and ammunition to rioters and instigating a group of Katafs. Nigerian human rights groups believe that leaders in Kaduna are attempting to make scapegoats of Lekwot and the others because they are vocal leaders of Christian ethnic

minorities in the state.

On May 20, the government proscribed all ethnic, religious and regional associations that supported political candidates. Five days later, the president outlined security measures including a crackdown on all persons, associations and groups that seek either to derail the transition program or to destabilize the nation. A number of arrests were made in Lagos, and five members of a pro-democracy group were detained for more than a month.

As in past years, the Nigerian Police Force continued its practice of extrajudicial execution, torture and arbitrary arrest. The government offered some reforms in 1992: the carrying and use of firearms were restricted, and mobile police were ordered to withdraw from police checkpoints. It remains to be seen whether these reforms will be fully implemented, and in the absence of more rigorous attempts to change police attitudes and behavior and to charge and try police for violent abuses, whether the reforms will have the desired effect. For example, Nigerian human rights groups have noted that the government's usual practice in cases of extrajudicial killings is to launch investigative commissions, the findings of which it then disregards.

Deaths in prison from diseases such as tuberculosis and diarrhea probably numbered in the thousands in 1992, abetted by malnutrition, severe overcrowding and lack of medical care that plague the prison system. A positive development was an increase of over 125 percent in prisoners' food allowances.

Hundreds of students were suspended or expelled in 1992 for either participating in demonstrations or taking part in student union activities. Four student activists who were detained in mid-1991 were released in January 1992, after charges of murder and conspiracy against them were withdrawn, but they were not readmitted to the university. Student unions at universities across the country have been harassed or dissolved, and many universities have shut down temporarily after student demonstrations. The National Association of Nigerian Students continues to be banned, and its president was arrested in May, along with several human rights activists.

Once again, the government banned the Academic Staff Union of Universities (ASUU), the national professional association of university lecturers, following a strike it had called in July over issues of university funding, conditions of service, and university autonomy. The government then pressured lecturers with threats of dismissal and eviction from their living quarters.

As in past years, newspapers were shut down and individual journalists were detained and harassed after controversial stories appeared. In April, the Concord press group was closed by police after the *African Concord* had published a series of articles critical of the government's handling of the economy and the transition program. The offices were reopened two weeks later, after publisher Chief Moshood Abiola apologized to the government for the "discomfort" caused by the publication. Bayo Onanuga, editor of the *African Concord*, and three journalists resigned

rather than apologize.

The managing and deputy editors of the government-owned *Daily Times*, Nigeria's most widely circulated newspaper, were fired in January 1992, following a front-page story on December 31, 1991 that cited criticism of the open ballot system. In March, editor Fola Olamiti and deputy editor Victor Antwi of the *Nigerian Tribune* in Ibadan were briefly arrested following publication of a story entitled "Ibadan Under Police Siege," which claimed that police were making random arrests and demanding bribes to secure the detainees' release. The two editors were released shortly after their arrests. In October, Olamiti was reportedly arrested again and taken to Lagos for questioning.

The Right to Monitor

As in the past, the AFRC paid lip service to human rights, while maintaining its antagonistic attitude toward human rights monitors. In February, the Nigerian Ministry of Foreign Affairs co-sponsored an "International Seminar on Human Rights" in Lagos, but none of the active domestic human rights groups was invited. While the conference was taking place, Nigerian Vice President Augustus Aikhomu issued a warning to Nigerian human rights groups not to criticize government programs.

In February, security agents seized the passport of Emma Ezeazu, the former national secretary of the Civil Liberties Organisation (CLO), as he was attempting to leave the country for a human rights training session in Geneva. In March, the passport of Dr. Michael Ekpo, former chair of the Lagos branch of the Committee for the Defence of Human Rights (CDHR), was seized. Later in March those passports, as well as the passports of human rights activists Gani Fawehinmi, seized in 1991, and Alao Aka-Bashorun, seized in 1990, were returned with no explanation. However, this evidently did not signal a change in government policy, since the passport of CLO president Olisa Agbakoba was then seized on April 21, while he was en route to the Hague to attend a human rights conference, and has not been returned.

In May, the government used the riots and demonstrations as a pretext to arrest and detain some of the most outspoken members of the human rights community on the grounds that they were allegedly plotting to overthrow the government. The arrests are probably in retribution for the activities of the Campaign for Democracy (CD), a coalition of human rights, students, women and journalists organizations that was formed in November 1991 to protest the undemocratic nature of the transition program and the continuation of military rule.

At a press conference on May 10, the CD called for the resignation of the government because the country was "gradually moving toward a situation of chaos." Arrests quickly followed. On May 19, the home of Dr. Beko Ransome-Kuti, CDHR president and CD chair, was raided by 200 State Security Service (SSS) members. The same day, Femi Falana, a lawyer, leading CD member and head of the National Association of Democratic Lawyers, was also arrested by

the sss, as was Baba Omojola, a labor economist, human rights activist and CD member. Chief Gani Fawehinmi, one of the lawyers representing the detainees before the Lagos High Court and a well known human rights activist, was arrested on May 20, after filing habeas corpus applications with the Lagos High Court on behalf of the detainees. On June 9, Olesegun Mayegun, NANS president, was arrested. Two other students were arrested and released on bail on June 16. Three offices of the CLO were raided and documents taken away. The CD offices were raided, and computers, diskettes and files were seized.

The detainees initially were held in incommunicado detention under Decree 2. On June 15, they were charged with conspiracy and treason. Although all were in Lagos when arrested, they were tried in Magistrates Court in Gwagwalada, 500 miles away, probably to discourage popular demonstrations in their support. The government's refusal to produce the defendants on the dates ordered caused the Nigerian Bar Association (NBA) to call a strike in Lagos, which was halted by a court injunction after a day. All detainees were granted bail on June 29, and the treason trial was adjourned initially to October 23 and later to March 26, 1993. Ransome-Kuti, who became ill during his detention, and Falana were awarded damages for unlawful detention; by November the damages had not been paid.

U.S. Policy

William Swing became the new U.S. ambassador to Nigeria in September, replacing Lannon Walker, who was, according to human rights groups, privately quite outspoken in defending human rights before the Nigerian government. In February, Ambassador Walker forwarded to the Nigerian government under formal diplomatic note a letter written to him by Africa Watch raising a number of human rights issues, including police abuse, and attacks on human rights organizations, students and the press. The note requested the government's assistance in responding to the letter. Ambassador Walker's candidness on human rights and other issues apparently angered the Nigerian government so much that even in October, well after the ambassador's departure from Lagos, Information and Culture Minister Professor Sam Oyovbaire accused him of "espionage and acts detrimental to the well-being of Nigeria." Although new in his post, Ambassador Swing has met with some local human rights groups and is expected to be supportive of human rights concerns.

Unfortunately, there were no public statements issued either by the State Department or the embassy in Lagos on human rights issues. A strong public protest would have been particularly welcome during the arrests of the Campaign for Democracy supporters, as would a public statement urging the military to keep to its original transition timetable.

No military assistance was provided in 1992. U.S. aid for military training in 1992 totaled \$401,000. Non-military aid totaled \$16.3 million, including \$2 million in aid not assigned to specific projects. For 1993, \$20 million in non-military aid has

been authorized, all on specific projects relating to children's health, family planning, and HIV prevention and care.

The Nigeria chapter in the State Department's *Country Reports on Human Rights Practices in 1991*, released in January 1992, appropriately criticized abuses such as extrajudicial killings, arbitrary arrests and torture by the security forces; abysmal prison conditions; and harassment of the press. Unfortunately, the report downplayed violations of academic freedom. It also attributed to others rather than pronouncing in its own voice criticisms of the open ballot system and the reliance on special tribunals.

The Work of Africa Watch

Africa Watch released two newsletters on Nigeria in 1992. A 30-page newsletter released in April, "Contradicting Itself—An Undemocratic Transition Seeks To Bring Democracy Nearer," updated a 1991 report on the transition and attacks on civil society. In June, "Silencing the Vocal Opposition"—Crackdown on Democracy Advocates" reported on the trial of the Campaign for Democracy supporters.

In March, Africa Watch wrote a letter to President Babangida to urge greater efforts by the government to resolve the conflict between the Tivs and Jukuns. In June, Africa Watch wrote to Nigerian Ambassador Zubair Kazaure protesting the arrests of the Campaign for Democracy supporters. Africa Watch representatives also met with Ambassador Kazaure in November to pursue these and other issues.

SOMALIA

Human Rights Developments

Somalia experienced the most tragic year in its modern history in 1992. Riven by conflict, devastated by famine, and ignored by most of the international community, Somalis living at home and as refugees have been undergoing traumatic suffering with apparently no end in sight.

The year began with intense fighting on the streets of Mogadishu between the forces of self-appointed Interim President Ali Mahdi and his rival, General Mohamed Farah Aidid. Both are members of the same Hawiye clan and of the same political party, the United Somali Congress (usc). The fighting, which broke out in November 1991, arose from a number of factors, including rivalry for the position of President and the symbols of sovereignty that go with it (particularly money), sub-clan loyalty (President Mahdi's Abgal versus General Aidid's Habr Gidir), competition for the commercial exploitation of looted property, and the need for unpaid soldiers to steal in order to eat. The fighting saw an

extraordinary level of indiscriminate brutality as all the weapons of the former dictator Mohamed Siad Barre's arsenal were deployed. Field artillery, anti-aircraft guns, heavy machine guns, mortars, the ubiquitous AK-47 and even air-to-air missiles mounted on jeeps were used in the capital of Mogadishu. Most were fired by untrained teenagers merely in the approximate direction of the "enemy." Residents referred to artillery rounds fired across the city as "to whom it may concern" shells, because of their wholly indiscriminate targeting. In addition, the breakdown of civil authority, the lack of legitimate employment and the scarcity of food led to a serious problem of freelance banditry, with looters and thieves displaying a near-total disregard for human life.

According to calculations made by Africa Watch and Physicians for Human Rights, 14,000 people were killed and 27,000 injured in Mogadishu between November 1991 and the end of February 1992. An unknown number were permanently disabled. Tens of thousands more were psychologically scarred and will suffer from post-traumatic stress disorder and varieties of pathological grief, not only because of the horrors they have suffered, but also because of the failure to observe traditional rituals to respect the dead.

The city's medical facilities were swamped. On the southern side, in General Aidid's area, four hospitals, staffed by Somali doctors and nurses who have not been paid since before the fall of Siad Barre in January 1991, worked extremely long hours, often without electricity and adequate clean water, and with few drugs, to tend the wounded. Week after week, the physicians were compelled to use triage, neglecting those who would almost certainly die to allow the possibility of caring for those who might survive. In the northern part of the city, controlled by Mahdi, there was no functioning hospital, but on the second day of the fighting, a group of Somali doctors came together and formed the Health Emergency Committee. They requisitioned a seafront villa to serve as an operating theater and casualty ward, and gradually requisitioned dozens of other houses to serve as post-operative wards. For several months, "Karaan Hospital," as this was known, was the only medical service available on the northern side of the city, until February, when the International Committee of the Red Cross (ICRC) opened an emergency hospital in a former prison just outside the city perimeter.

In March and April, the fighting in Mogadishu began to subside somewhat, although chronic insecurity remained. The lull followed the failure of a major attempt by the Aidid forces to overrun the Mahdi enclave at the end of February. It also coincided with the threat of a renewed offensive by the forces of the former dictator Siad Barre, the Somali National Front (SNF), composed mainly of Siad Barre's Marehan clan. General Aidid patched together a coalition of forces to confront the SNF, and succeeded in driving it into Kenya in April and May. Aidid also defeated forces belonging to the Somali Patriotic Movement (SNM), consisting mainly of the Ogaden clan, and captured the southern port of Kismayo. The military campaign saw widespread abuses

against civilians, including the selective killing of scores, possibly hundreds, of Marehan in the towns of Belet Hawa and Luuq.

The rout of the Siad Barre forces meant that the Bay, Gedo and Juba regions were accessible to journalists and relief workers for the first time (only the ICRC already had a presence there). What came to light was apocalyptic—a famine of perhaps unparalleled proportions. The farming populations of these regions had traditionally been disadvantaged in Somali society; the Rahanweyn farmers had been considered second-class citizens, and the Bantu descendants of slaves living in the lower reaches of the Juba Valley had even lower social standing. Under Siad Barre, they had suffered a gradual erosion of their economic position, and in many cases, forcible confiscation of their land. They had few firearms and were easy targets for looters. There had been chronic war in these areas since late 1988, and the armies of Siad Barre, the SNM and the USC had crossed the region numerous times in 1989, 1990 and 1991, on each occasion looting as they went. The final straw was the 1991-1992 occupation by the SNF, which had engaged in systematic and comprehensive looting of food, livestock, household possessions and even clothes. One relief worker reported that Rahanweyn women, robbed of even their clothes, were so destitute and demoralized that they would not leave their houses despite imminent starvation.

The Rahanweyn towns of Baidoa and Baardheere became the sites of some of the most appalling famine camps seen in Africa. Death rates reached extraordinary levels, and starvation was common. By the end of November, death rates were reportedly dropping in Baidoa but had risen sharply again in Baardheere, due to a new outbreak of fighting.

The final factor in the creation of famine has been the blockage of relief. In a destitute country, food is a vital resource which people are prepared to fight and kill for. Delivering food relief under these circumstances is a difficult and hazardous business. While no warlord will claim that he opposes humanitarian relief, few are prepared to allow it to be distributed in areas not under their control. The negotiations needed to ensure effective delivery and distribution have therefore been long and difficult. If one local warlord or clan believes that it has been left out, it may decide to claim its share by force. There is also always the chance of undisciplined soldiers or freelance bandits seizing the food to save themselves.

Along with the Rahanweyn and Bantu farmers, several other groups were severely hit by the famine. They included those displaced by the fighting, urban people who had lost all their possessions in the war or who had been reliant on trade, and Ethiopian refugees. The displaced were affected not only by hunger but also by epidemic disease brought on by overcrowded squatter camps and the lack of sanitation facilities and clean water. Nomadic cattle and camel herders from the powerful clans were less hard hit; their herds remained intact and they possessed the

firepower and political influence to protect themselves and lay claim to food resources.

Conflict and scarcity of food fed on each other in a vicious spiral. High food prices compelled soldiers to steal to eat. Food aid was the target for looters because it was a precious commodity. Merchants also hoarded food to drive the price up. Meanwhile, the fighting caused more food shortages and population displacement. Fortunately, these processes also operated in reverse. As food became more widely available (and, equally important, people began to have the confidence that it would remain readily available) prices came down and merchants released stored grain stocks onto the market. By the end of November, the cycle of famine feeding war seemed to have been broken in some parts of the country, allowing attention to turn to ensuring that the marketing system can be rebuilt and not damaged by food aid supplies.

In October, the security situation deteriorated sharply as Aidid's alliances began to unravel. His coalition of Hawiye, Rahanweyn and some Darod groups had lasted only a few months before beginning to come apart. The SNF, with support from the Kenyan army, launched a counter-offensive and succeeded in capturing the town of Baardheere. In Mogadishu, Aidid's power perceptibly weakened as freelance banditry increased, and speculation mounted that out of desperation he would resume full-scale war in the city.

The Somali National Movement (SNM), the Isaaq-dominated front controlling northwestern Somalia, unilaterally declared independence in May 1991, to create the Republic of Somaliland, an entity not recognized by any other country. During 1991, the Somaliland government of Abdel Rahman Tur appeared to be making progress in establishing peace and security, rebuilding the shattered infrastructure that had been destroyed in the war of 1988, and encouraging the return of the 400,000 refugees who had fled to Ethiopia.

Still, enormous problems faced the government: it had virtually no resources, and international assistance was slow in coming due to the lack of diplomatic recognition. Land mines were a major problem in both the towns and countryside, killing and injuring hundreds of people, but also blowing up livestock and discouraging the use of water-reservoirs, the lifeline of the largely nomadic population.

In January 1992, a battle between the fighters of two subclans of the Isaaq at Burao left over 150 dead, and forced tens of thousands to flee to the countryside. In late March, fierce fighting broke out in the port of Berbera, Somaliland's economic and commercial capital, and unrest spread to Sheikh and the city of Hargeisa, the political capital. Most civilians had to flee Berbera.

The Right to Monitor

As Somalia descended into complete anarchy and chaos, human rights

monitoring as well as international relief efforts faced extreme dangers. The threat of violence came not only from the various armed factions but also from freelance bandits and looters.

U.S. and U.N. Policy

Despite the enormity of the human rights disaster in Somalia, it did not receive the attention of the White House or the top echelons of the State Department until well into 1992. Officials at the State Department's Africa Bureau, including Assistant Secretary of State for African Affairs Herman Cohen, as well as Andrew Natsios and James Kunder of the Department's hard-working Bureau for Food and Humanitarian Assistance, were clearly concerned about the Somalia tragedy and pressed for a more active U.S. response. But they were largely ignored by the National Security Council and President Bush's political advisors, who sought to minimize foreign policy issues in the course of the U.S. presidential campaign throughout much of 1992. By year's end, the Bush administration had made Somalia a priority, but by that time the disaster had reached such cataclysmic proportions that options for dealing with it were limited.

The decade of generous U.S. support to the Siad Barre dictatorship—hundreds of millions of dollars in military and economic aid were provided throughout the 1980s—placed a special burden on the United States to respond quickly when the collapse of the regime predictably ushered in civil war and widespread famine. Rather, following assaults on the U.S. embassy in Mogadishu at the time of Siad Barre's ouster in January 1991 (necessitating a dramatic helicopter rescue of the ambassador and his staff) and the subsequent sacking of the embassy by insurgents, the U.S. presence in Somalia ended. For most of the next two years, U.S. involvement with Somalia was limited to providing generous humanitarian assistance to the few, superb humanitarian organizations working within the country—the International Committee of the Red Cross, Save the Children (U.K.), the International Medical Corps and the French Médecins Sans Frontières. U.S. aid to Somalia in fiscal year 1992 was composed of \$26 million to support humanitarian organizations in Somalia, \$51 million in food donations and \$23 million to support refugee programs.

But humanitarian assistance alone was not enough. Although the relief groups pleaded for greater involvement in Somalia, the international community dithered and temporized for all of 1991 and half of 1992. The Bush administration largely avoided the issue of Somalia when U.S. leadership at the United Nations was most needed. In particular, the U.S. could and should have insisted that the United Nations play the role that was required of it by providing humanitarian assistance and assisting in the political reconciliation of the country in the months following Siad's departure in early 1991.

But the United Nations ignored Somalia in 1991. And despite

the passage of three separate Security Council resolutions on Somalia in the first half of 1992, U.N. humanitarian agencies failed to implement the U.N.'s own relief program or to play the kind of leadership and coordination role with other groups that is expected of them in crises of this kind.

Indeed, there is some evidence that for months the United States actually held back U.N. efforts. *The New York Times* reported on December 29, 1991 that "[s]enior Administration officials rejected the suggestion, made by some at the State Department, of putting Somalia onto the Security Council agenda at the United Nations." And when Somalia did first come up on the Security Council agenda on January 23, 1992 at the instigation of Cape Verde, the U.S. changed the text of the resolution to weaken its call for U.N. involvement in a political settlement of the conflict. The U.S. apparently also weakened a second resolution on Somalia considered by the Security Council in March. When questioned about the U.S. stance at hearings in April before the House Subcommittee on African Affairs, John Wolf of the State Department's International Organizations Bureau confirmed that the U.S. had pressed for a change in the resolution because of concern over the safety of a peacekeeping force. He added that "at the very senior level" of the Security Council there was "a lot of appreciation for the position the United States took."

The effect of the Bush administration's dithering at the U.N. was to signal that Somalia was not a priority. Absent another strong patron, Somalia remained an orphan until July 1992. The U.N. agencies continued to resist appeals by private relief groups to establish programs within the country, and famine and disease spread.

One bright spot in an otherwise dismal picture was the appointment by U.N. Secretary General Boutros Boutros-Ghali of special envoy Mahmoud Sahnoun on April 28. Sahnoun, an experienced Algerian diplomat, quickly became engaged in painstaking and comprehensive political negotiations with Somalia's warring parties, and demanded the immediate involvement of the U.N.'s humanitarian agencies. Although the response by these agencies to sluggish, Sahnoun nonetheless was able to provide badly needed leadership and coordination to relief efforts within Somalia. Officials of private humanitarian agencies working within Somalia are unanimous in their praise of Sahnoun's efforts.

However, the situation in Somalia worsened over the summer as tens of thousands died from hunger or disease. The civil war's disruption of crop planting, animal herding and market activity, the interference by armed bandits with relief efforts, and the continued severe drought were a deadly combination that claimed as many as 300,000 lives by mid-1992. In July, U.S. Senator Nancy Kassebaum helped to galvanize international attention to Somalia by undertaking a trip to the country. Until the senator's visit, not a single prominent official from any country had visited Somalia. Spurred by Kassebaum's example, by extraordinary press reports of the Somalia disaster, and by mounting criticism of U.S.

inaction by members of the U.S. Congress, top Bush administration officials at last focused on the crisis in mid-August. On the eve of the Republican National Convention, the administration announced that it was commencing an airlift of supplies to Somalia.

The airlift, though hastily conceived and executed, was nonetheless an important and highly visible demonstration of U.S. interest in Somalia. It had an immediate effect on the creaking U.N. bureaucracy. Within a matter of weeks, the director of the United Nations Children's Fund (UNICEF), James Grant, and the U.N.'s humanitarian affairs coordinator, Jan Eliasson, made their first visit to the country and promised the kinds of large-scale programs that Sahnoun had been pleading for since May. In another important development, the State Department's Office of Foreign Disaster Assistance sent a team of relief experts to help coordinate the entire relief effort, in clear recognition of the U.N.'s neglect of this badly needed role. In addition, the team introduced important relief innovations, such as the revitalization of traditional Somali markets, in an effort to speed the provision of relief and bolster the authority of the country's clan elders and civilian infrastructure. The U.S. also offered to transport U.N. troops that had been authorized to be deployed to protect relief efforts.

The heightened U.S. attention was welcome but many months too late: despite the new efforts, famine worsened in Somalia. The forced resignation of U.N. special envoy Sahnoun in October brought efforts at political reconciliation to a full stop, and the relief community was left demoralized and overwhelmed. Increased fighting in the area along the Kenyan border (exacerbated by Kenyan logistical support for one of the warring parties) disrupted relief supplies to very fragile communities of displaced people, and the death toll mounted. Many in the U.S. Congress and some in the humanitarian relief community appealed for a more vigorous response, and on November 25, Acting Secretary of State Lawrence Eagleburger notified the U.N. of the U.S. willingness to provide a battalion of troops (including up to 20,000 U.S. soldiers) to be employed as part of a multinational force to help protect relief supplies and officials.

The offer of U.S. troops to the United Nations appeared to be a recognition of the U.N.'s failure to employ its own forces successfully in Somalia. A force of 3,500 U.N. peacekeeping troops had been approved for Somalia in August but has yet to be fully deployed. By late November, only 500 of the U.N. troops were stationed in Mogadishu, with plans for the deployment of the additional 3,000 repeatedly deferred. According to press reports, President Bush decided to offer U.S. troops to the U.N. on the condition that they be incorporated into a broader multilateral effort under U.S. command with enough authority to carry out their mission.

As of November 30, the issue of an expanded international military presence in Somalia had not yet been resolved. President

Bush's offer of troops heightened international attention to the crisis further, and clearly indicated that Somalia is now a top U.S. priority. The tragedy is that the magnitude of the crisis and the years of neglect by the U.S. and the international community have assured that even extraordinary efforts at this point may not save millions of Somalis from death, or facilitate the rebuilding of Somalia's devastated society.

The Work of Africa Watch

The disaster in Somalia has been the highest priority of Africa Watch in 1992. Africa Watch has devoted unprecedented resources to the country, and achieved a significant impact on policy in the U.S. and at the U.N. As of November, Africa Watch had participated in 101 radio and television interviews on Somalia (92 of them after late July), published 19 articles in the press, and received innumerable mentions in the media. Africa Watch sent two missions to Somalia in 1992, one to Mogadishu in January and February, and one to the north in June and July.

For the first half of 1992, Africa Watch sought primarily to draw attention to the crisis in Somalia—both the scale of human rights abuses being committed and the need for a greater international response. Africa Watch produced two newsletters in February and March (the second jointly with Physicians for Human Rights) detailing the fighting in Mogadishu, including the armaments used, the military tactics, the number of casualties, the types of medical treatment available, the social and psychological impact, and the impending famine.

In Mogadishu, Africa Watch met with both President Mahdi and General Aidid and expressed outrage at the abuses being committed by both sides. Africa Watch told the two leaders that their aspirations to legitimacy had been destroyed by their flagrant disregard for human life, and predicted that they would remain international pariahs unless this barbaric behavior was halted immediately. Both leaders appeared somewhat taken aback by this frank criticism, which they were unused to. Africa Watch pressed both leaders for at least an artillery cease-fire and free passage with protection of humanitarian assistance.

Following the first mission to Somalia, Africa Watch had a series of meetings at the State Department and the U.S. Congress to encourage similar frank condemnations. We encouraged Senator Kassebaum to contemplate a visit to Mogadishu. Africa Watch also lobbied for a greatly expanded humanitarian effort in Somalia, both to relieve the famine and to remove one reason for fighting.

A second focus of Africa Watch's work has been to highlight the failure of the U.N. system. Africa Watch was highly critical of the bungled intervention of some U.N. officials, the negligence and indifference shown by the specialized agencies, the failure of the Security Council to pay adequate attention to the crisis, and of the Secretary General to implement the provisions of a Security Council resolutions relating to the deployment of the humanitarian

protection force, and the forced resignation of Mohamed Sahnoun. Africa Watch stressed the lack of accountability within the U.N. system as a key reason for the organization's failure in Somalia. Starting in August, Africa Watch has called repeatedly for an independent public inquiry into the conduct of the U.N. in Somalia.

Africa Watch also criticized African leaders for failing to respond adequately to the Somali crisis. The principal African reaction has been to try to keep Somali refugees from entering their countries. No African leader has visited Somalia, and the only significant African diplomatic initiative was a mission by the Eritreans in January. The Arab and Islamic countries have also neglected Somalia.

After July, the international media belatedly focused on Somalia. Africa Watch was heavily involved in informing journalists about the nature of the crisis, and trying to correct some misconceptions about the origins of the famine and the role of the international community. Africa Watch argued that any international reaction that ignored the contribution of Somalis to the resolution of conflict and the relief of distress was likely to impair the chances for future recovery.

In August, Africa Watch visited Yemen to investigate the abuses suffered by the 60,000 Somali refugees there, both in their attempts to reach Yemen by boat, and in their treatment by the Yemeni authorities on their arrival. A 30-minute documentary based on the trip was shown on British television.

Africa Watch is working on a report on the impact of land mines in northern Somalia.

SOUTH AFRICA

Human Rights Developments

Nineteen ninety-two was another turbulent year in South Africa. In March, hopes soared following the all-white referendum favoring the continuance of negotiations to establish democracy. By late June, however, when negotiations between the African National Congress (ANC) and the government broke down, fears grew that the transition process would fail and political violence would spin out of control. Although formal negotiations are likely to resume early in 1993, the prospects for a successful transition have become bleaker.

Multilateral negotiations for a transition to majority rule began in 1991. Known as the Convention for a Democratic South Africa (Codesa), they made some progress in the first half of 1992 but stalled in May after a series of disagreements between the government and the ANC. Following the killing of 42 residents of the township of Boipatong in June, the ANC instituted a program of mass action and suspended its participation in Codesa until the

government satisfied certain preconditions.

In September, after troops of the nominally independent homeland of Ciskei killed 28 ANC demonstrators, the government finally agreed to meet the ANC's demands, including the phased release of over 500 political prisoners, the fencing off of certain hostels for migrant workers, and the banning of the public display of dangerous weapons, thus laying the basis for the resumption of formal negotiations. However, other groups, including the Natal-based Inkatha Freedom Party (Inkatha), led by Chief Gatsha Buthelezi, Chief Minister of the KwaZulu homeland, and the regimes in Ciskei and Bophuthatswana, rejected the agreement. Multilateral negotiations have not yet resumed; however, in November, State President F.W. de Klerk announced plans to hold multiracial elections in April 1994. The ANC rejected this timetable as unacceptably slow. Until an agreement is reached and implemented, black South Africans do not have the right to vote.

Escalating violence, especially in Natal province and around Pretoria and Johannesburg in the Transvaal ("the PWV area"), has become the single most important issue facing political leaders. Politically related violence resulted in over 3,000 deaths nationally from January through October 1992. Patterns of violence evident in 1991 continued, and targets included many participants in the peace process that was initiated with the signing of the National Peace Accord in September 1991. There was also an increase in the number of attacks on commuter trains and in violence between township residents and hostel dwellers in the PWV area.

In its October 1992 figures for the year to date, the independent Human Rights Commission (HRC) reported that 1,147 people had been killed in political violence in Natal, including 32 killed by the security forces. Attacks on prominent grassroots organizers continued and in many cases blocked local efforts to establish peace. The Natal violence has been ongoing since the 1980s and is closely related to rivalry between the ANC and Inkatha. A major factor contributing to the violence is the conduct of the KwaZulu Police (KZP) who have shown a strong pro-Inkatha bias and have been repeatedly accused of instigating attacks. Few KZP members have been prosecuted for misconduct. No public investigation of KZP activities has yet been undertaken.

Through October, the HRC recorded 1,663 deaths in the PWV area. With the exception of train attacks, which accounted for 257 of these fatalities, the level of violence dropped in the second half of the year. Most of the train attacks took place during the morning or evening rush hours. Attackers shot commuters on platforms and boarded trains to shoot, hack and stab passengers to death. Many passengers lost their lives jumping from moving trains in an attempt to flee attackers. After two years of such attacks, only one successful prosecution has been launched. Only in March 1992, 21 months after the train attacks began, did the government finally prohibit the carrying of dangerous weapons at railway

stations and on trains.

One important effort to end violence that the government supported was the establishment of the Goldstone Commission. Formed in 1991 and led by Justice Richard Goldstone, it has conducted numerous investigations into public violence and developed a reputation as an independent and impartial body. In 1992, it publicly recommended steps the government should take to end the violence. These recommendations are not binding and the commission has complained that many have been ignored. In January 1992, the Goldstone Commission announced that it would investigate train violence. Following this announcement, both police and Spoornet, the commuter railway operator, increased efforts to end train violence. In July, the commission's interim report on train violence identified many problems with the physical condition and layout of trains and stations that contributed to the large number of deaths.

Violence between hostel dwellers and township residents was particularly serious in the PWV area in 1992. In March, the violence was so intense in Alexandra, north of Johannesburg, that many township residents were forced to flee their homes and at least 52 people were killed and 389 injured. The violence centered around the Madala Hostel, following a recruitment campaign by Inkatha, and residents now want the hostel to be closed. In Soweto, a similar pattern of violence between local residents and inmates of the Jabulani, Nancefield, Dobsonville and Mzimhlope Hostels has resulted in at least 200 deaths since January 1991. Initial demands that the hostels be converted to family units are being dropped in favor of demands for their demolition. In May 1991, the government agreed to upgrade the hostels, but no action was taken. The government's reluctance to act on the hostels issue can be explained in part by Inkatha's vigorous opposition to these proposals.

The pressure on the government to take steps to halt the bloodshed grew dramatically after the massacre of 42 people in Boipatong in June. Witnesses alleged that hostel dwellers, with police assistance, entered the township at night and hacked and stabbed men, women, children and infants to death. The Goldstone Commission heard evidence from witnesses that police casspirs (armored vehicles) escorted armed hostel dwellers into the township. Police arrested 93 residents of the nearby KwaMadala Hostel. In July, the commission recommended that the government place fences around hostels and provide security to ensure that people carrying weapons cannot enter or leave hostels.

The Goldstone Commission also recommended a total ban on the carrying of dangerous weapons in public, an issue that became highly politicized in 1991 when Inkatha vigorously defended the right to carry "cultural weapons" such as spears and sticks. The government has wavered on this issue. In 1991, it banned dangerous weapons in public but excluded Zulu "cultural weapons," despite the numerous violent incidents involving these weapons. In September 1992, the government finally agreed both to fence the

hostels and to ban the public display of "cultural weapons." Chief Buthelezi, the Inkatha leader, immediately vowed to defy the ban, which has not been enforced.

The South African government has shown a new willingness to permit international involvement in the country's problems. Most important, in June, a Special Representative of the United Nations Secretary-General visited South Africa for the first time and produced a report, considered by the U.N. Security Council in July. The report made several recommendations, some of which focused on the need to strengthen the National Peace Accord structures to enable them to operate effectively. U.N. monitors were sent to South Africa to work with the National Peace Secretariat during mass protests and demonstrations in August and September, and were instrumental in some cases in reducing violent incidents.

The Goldstone Commission has also received international assistance. In May, Justice Goldstone announced the appointment of a multinational advisory panel to examine the policing of public demonstrations. The panel produced a detailed report in July and made many recommendations, including new training for police officers in public relations, communication and the use of non-lethal equipment to control demonstrations. It also recommended that legislative changes be implemented to facilitate the holding of peaceful demonstrations, transferring authority to impose conditions on demonstrations from police to local magistrates and suggesting appropriate criteria.

The commission also invited Dr. Peter Waddington, a British criminologist, to review the police investigation of the Boipatong massacre. He sharply criticized the South African Police (SAP), calling their response to the attack and subsequent investigation "woefully inadequate" and "incompetent." He found serious shortcomings in command and control and in contingency planning. The police ignored the main conclusion of the report, which was that "the SAP is an unaccountable police force."

Following press reports of numerous deaths in detention, and allegations in August by a senior independent pathologist, Dr. Jonathan Gluckman, that he believed police to be responsible for many of these deaths, the government announced it would permit the International Committee of the Red Cross to examine prisons in South Africa for the first time. Deaths in detention continue and remain a serious obstacle to the creation of public trust in the much-discredited SAP. The HRC reported that 113 people died in detention through October.

During 1992, evidence implicating the security forces in the violence devastating the black townships continued to emerge, much of it uncovered by the Goldstone Commission. Evidence was produced to the commission showing that SADF Military Intelligence had funded companies in the past that had provided training and arms to Inkatha and township gangs that were later involved in violence. In November, a British-born former Inkatha official who had been deported to Britain in July confirmed these reports by

revealing that he had imported arms for Inkatha from Mozambique to fuel a terror strategy designed to prevent the ANC from taking power.

In May, the commission investigated the conduct of 32 Battalion, a white-led unit composed mainly of black soldiers recruited in Angola. The commission found that the battalion had acted, in Phola Park squatter camp in April, in a manner "completely inconsistent with the functioning of a peacekeeping force, and, in fact, became perpetrators of violence." After initial resistance, the government announced in July that the battalion would be disbanded, together with two other notorious foreign units.

Also in May, a South African newspaper reported that it had evidence linking the head of Military Intelligence, General C.P. van der Westhuizen, to the 1985 murder of four prominent anti-apartheid activists, including Matthew Goniwe, who was a teacher and an important figure in the United Democratic Front. The paper claimed it had a copy of a transcript of a conversation suggesting that these activists should be "permanently removed from society as a matter of urgency." The document was also apparently approved by the State Security Council, a body composed of members of the cabinet and senior military officers. President de Klerk was compelled to reopen the inquest into Goniwe's death following these disclosures. However, four months after the inquest was reopened, the investigators had not interviewed van der Westhuizen, who continues to carry out his duties.

In October, the inquest into the murder in 1989 of Johannesburg academic David Webster was reopened. Evidence was presented to the inquest concerning covert security force involvement in the shooting of Webster outside his home, and in the killing of other opposition figures. A witness to the inquest admitted that he had lied to the 1990 Harms Commission of inquiry into the operation of hit squads.

In November, in one of the most spectacular revelations of covert security force activity, the Goldstone Commission announced that it had seized files indicating that Military Intelligence had recruited a convicted murderer, who was also a former hit-squad member suspected of Webster's murder, to undertake operations to discredit the ANC, including the use of prostitutes, drug dealers and other criminal elements. President de Klerk reshuffled the command of Military Intelligence following the commission's report, but did not fire or suspend any of the officers implicated in the scandal.

The Goldstone Commission continues its investigations. It has requested additional powers to investigate the South African Defence Force (SADF), the SAP, the KZP, Umkhonto we Sizwe ("Spear of the Nation," the armed wing of the ANC) and other paramilitary groups and private security firms. The government refused to grant the additional powers, but has promised to supply more police personnel to the commission. The commission currently has no independent power to compel testimony or the production of

evidence and it has no power of prosecution. On several occasions it has recommended that charges be brought against police officers and others, but with one exception, no prosecutions have taken place.

The failure to ensure accountability for security force violations of human rights remains a serious problem, despite exceptional cases in which individual officers have been successfully prosecuted. Even when police officers are implicated in violence, they are often not suspended pending trial and receive lenient sentencing if convicted. Two police officers, convicted and sentenced for several murders, were released early from prison in 1992 after serving only months of 17- and 18-year sentences. In a case known as the "Trust Feeds case," which was heard in April, the court found one white police captain and four black special constables guilty of the murder of 11 people in 1988. However, evidence at the trial indicated an earlier cover-up of police complicity.

In October, the government introduced legislation that would extend its existing powers to grant indemnity from prosecution. Unexpectedly defeated in the Indian house of the racially divided tricameral parliament, President de Klerk forced the bill into law through the President's Council, a rubber-stamp body with the power to overrule parliament. The legislation will allow the government to exempt unconditionally members of the security forces from prosecution for offenses they have committed, including the most serious human rights violations. No details of the offenses forgiven need be disclosed. The act was condemned by the ANC and by national and international human rights organizations.

In March, the government announced that a moratorium on hangings of prisoners sentenced to death, in effect since the end of 1989, would be lifted. However, it was forced to back down after numerous denunciations by national and international human rights groups, churches and the ANC. The moratorium was reinstated, pending the conclusion of constitutional negotiations and agreement on a bill of rights. In Bophuthatswana, three convicted murderers were to be hanged in November, but were granted a 90-day reprieve. Three hundred prisoners remain on death row.

Although many of the most important statutes that formed the basis of apartheid were repealed in 1991, much repressive legislation remains in place, including the Internal Security Act, which, as amended in 1991, permits police to detain a person without trial for up to ten days, and the Public Safety Act, which permits the Minister of Law and Order to declare an area to be an "unrest area." In an "unrest area," police can impose curfews and impose restrictions on entry and exit from the area, conduct warrantless searches and seizures, detain suspects without trial for up to 30 days, and enjoy indemnity against prosecution. The press may also be excluded. For the first seven months of 1992, 49 declarations of "unrest areas" were made.

New legislation of concern was also passed during 1992, including the Criminal Law Second Amendment Act, which amends existing legislation to broaden the definition of the crime of "intimidation" and shifts the burden of proof to the defendant on the often-critical issue of intent. This measure is inconsistent with the presumption of innocence. The government also introduced the Interception and Monitoring Prohibition Bill, which gives the police extensive powers to intercept mail or tap telephones. The bill is drafted very broadly, and South African human rights groups have condemned it.

The legislation establishing the ten black homelands remains in force. Although it is assumed that the "non-independent" homelands will be superseded under a new constitutional order for South Africa, the question of reincorporation of the four nominally independent homelands (Transkei, Bophuthatswana, Venda and Ciskei) has not been resolved. The South African government maintains that it is up to each "independent" homeland to decide whether to retain its "sovereignty." Although Transkei and Venda have stated that they favor reincorporation, Bophuthatswana maintains that it will remain "independent," while Ciskei has equivocated. The position of the ANC is that the consent of the homeland administrations is irrelevant and alleged legal difficulties in reincorporation of no validity.

In Bophuthatswana, the high level of repression has continued. Police brutality is extreme and virtually unchecked, and has increased over the last two years. The rights to freedom of assembly and association are not respected: any meeting of more than two people requires government permission, and those who have not registered themselves as citizens of the homeland are forbidden from taking part in political activity. Numerous "illegal gathering" cases have been prosecuted. In October, the Bophuthatswana parliament approved the Prevention and Control of Mass Action bill, which will effectively prohibit public demonstrations in the bantustan. Detentions of ANC members and officials and others, including students at the University of Bophuthatswana, continue to take place, though usually for limited periods. While most long-term political prisoners who had been held in Bophuthatswana were released by the beginning of 1992, at least six remain in jail. Two of these, Christopher Makgale and Petrus Mothupi, undertook a hunger strike to protest their continued detention. Discussions between the ANC and the homeland government offer the hope of some improvement in the situation.

The situation in Ciskei remains critical. Brigadier Oupa Gqozo, the military ruler who came to power in a coup in 1990, has continued to restrict freedom of expression, assembly and association, and tension between the ANC and the homeland government has remained high. Detention without trial is common. Incidents of violence within the homeland have also been on the rise, with attacks on appointed headmen leading to retaliation by the homeland police.

On March 11, the ANC and allied organizations officially

launched a "Popular Front for Peace and Democracy in Ciskei," despite a "truce" between the homeland government and its opponents in which Gqozo had agreed to review Ciskei's security legislation restricting freedom of assembly. This campaign led to serious clashes between the ANC and police, notably in the township of Mdantsane on August 2, and in the "Bisho massacre" of September 7, when a peaceful demonstration of approximately 70,000 ANC supporters was fired on by members of the Ciskei army and police. Twenty-eight died and approximately 200 were wounded. The officer in charge of the Ciskei forces was a seconded SADF officer, Brigadier Marius Oelschig, and large numbers of SADF troops were present near the site of the march, but took no action. The Goldstone Commission published a report condemning the actions of the homeland armed forces as "morally and legally indefensible," and unjustifiable as a response to ANC actions.

Among the "non-independent" homelands, the situation in KwaZulu is of most concern. Political violence is extremely severe. The police force of the homeland is deeply implicated in the perpetuation of this violence, and is independently guilty of the summary execution and torture of detainees in its control. Chief Gatsha Buthelezi, the president of Inkatha, is also the chief minister of the homeland. Membership in Inkatha is virtually compulsory for all involved in the administration of the homeland, and freedom of expression and association are severely compromised.

The Right to Monitor

Human rights organizations have been free to monitor human rights abuses in South Africa to a greater extent than in the past. However, the Internal Security Act still permits the Minister of Law and Order to ban certain organizations or forbid specific gatherings.

In the homeland of Bophuthatswana, the Black Sash and the Transvaal Rural Action Committee, South African-based human rights organizations, continue to be banned. The Mafikeng Anti-Repression Forum (MAREF), a local human rights group, was refused permission to visit political prisoners on hunger strike in Bophuthatswana prisons.

A provision of the Police Act of 1958, which prohibited the media from reporting on police actions and imposed the onerous burden of proof on editors to produce sworn evidence supporting reports of police misconduct, was repealed. The provision had severely inhibited the ability of the press to report on police matters. As a result of this repeal, it became possible to cover stories such as the report by Dr. Gluckman alleging police responsibility for deaths in detention.

Still, journalists remained subject to restrictions in 1992. In April, the editor and a journalist from the *New Nation* were subpoenaed to appear before a court to reveal their source for an article alleging police involvement in a taxi war in the Western Transvaal. In May, the Commissioner of Police obtained an

injunction against the *Vrye Weekblad*, which prevented the paper from publishing a report on police activity. In September, a former agent of a covert security force unit obtained a court order preventing the *Weekly Mail* from publishing details of his activities. On several occasions, journalists were attacked and injured when attending township funerals. In August, a South African journalist narrowly escaped death and an American journalist was injured when they were shot by youths while covering the general strike.

U.S. Policy

In 1992, the U.S. government continued to urge all political parties in South Africa to negotiate a transition to democracy. It publicly welcomed the overwhelming "yes" vote in the all-white March referendum on whether President de Klerk should continue democracy negotiations. When negotiations broke down in June, the Administration urged both the government and the ANC to resume talks. In July, the U.S. supported sending a U.N. mission to South Africa in an effort to restart democracy negotiations but said that the purpose of the U.N. was "not to diagnose the origins of the violence in South Africa, nor to impose conditions on those who bear the responsibility for the violence."

While the administration has not previously publicly acknowledged the South African government's role in the violence, Assistant Secretary of State for African Affairs Herman Cohen, in testimony before the House Foreign Affairs Committee on July 23, said:

The government must do more to address allegations of complicity in the violence by members of the security forces. A peaceful climate is not possible as long as people lack confidence in the impartiality of the police. In addition, we are concerned by Justice Goldstone's recent report stating that the South African Government has failed to implement his recommendations.

Secretary Cohen also criticized the ANC and Inkatha for their role in the violence without attempting to apportion relative blame. In the past, the administration, while criticizing both groups, has given undue emphasis to abuses suffered by Inkatha supporters.

In September, following the Bisho massacre, the administration delivered a strong condemnation of security force action. State Department spokesman Richard Boucher said, "The South African government is ultimately responsible for the actions of the homelands." However, the ANC organizers of the demonstration that led to the massacre were also criticized on the grounds that their actions were a distraction from the primary issue, namely, negotiations with the government.

Although most U.S. sanctions against South Africa were lifted in 1991, certain trade sanctions remain in place. Exports to the

SAP and SADF of arms and related material, and imports to the United States of arms, ammunition and military equipment manufactured in South Africa, remain prohibited. The U.S. executive director of the International Monetary Fund is still instructed to oppose any application for the extension to South Africa of a loan unless the loan serves basic human needs. Support for exports that would enable the South African government to maintain apartheid also remain banned. A large number of state and local governments also maintain their own sanctions against South Africa, most of which have not yet been lifted.

In 1992, the U.S. government lifted some remaining sanctions to improve South African economic prospects. Restrictions on the provision by the Export-Import Bank of credits for U.S. exports to the South African government were lifted. These credits may also be provided to South African companies if the Secretary of State certifies that the company complies with the Fair Labor Standards Act. In March, the State Department also announced that South Africa was a "friendly country" and therefore eligible for Trade and Development Program development planning services. The State Department's *Country Reports on Human Rights Practices for 1991*, issued in January 1992, correctly acknowledges that violence threatens the negotiation process, but is misleading because it suggests that the violence is the result either of factional conflict or criminal elements using factionalism as a disguise. It completely ignores the repeated allegations made of government and security force complicity in the violence. While the report notes many instances of alleged police misconduct and numerous failures by the criminal justice system to prosecute police for unlawful activities, it does not suggest that this or the failure of the government to take effective measures to end the violence are factors that contribute to the violence. The report also credits the government for being "somewhat responsive" to claims of police brutality by instigating some investigations when all the government had done was establish an internal team of police investigators.

For fiscal year 1992, \$80 million was budgeted for assistance to South Africa. The administration initially requested \$70 million to be provided to nongovernmental groups, mostly for scholarships in South Africa and the United States. Congress also provided an additional \$10 million targeted for distribution to black opposition groups that had renounced violence. These additional funds were intended to assist political groups to acquire the technical support facilities needed for effective organization.

The Work of Africa Watch

In December 1991, Africa Watch published a detailed newsletter on human rights in Ciskei, the first international report on that homeland. In August 1992, the Human Rights Watch Prison Project made a trip to South Africa to visit prisons. A follow-up visit is planned for 1993 when a report will be released. In October 1992,

a newsletter was issued on the provisions of the Amnesty Law, which protected from prosecution members of the government security services and the ANC who have been responsible for human rights abuses in the past.

Several detailed letters were sent to the South African government and to the homeland administrations protesting the continued imprisonment of political prisoners in Bophuthatswana and the excessive use of force by the Ciskei Defence Forces in September.

SUDAN

Human Rights Developments

During 1992, Sudan suffered an extraordinary range of human rights abuses committed on a huge scale. The military government headed by General Omer al Bashir remained firmly in power and resolutely committed to the transformation of Sudan into an Islamic state, by whatever means necessary. The policy has resulted in the suppression of all forms of civil society, the arrest, detention and torture of dissidents, a war in the south of extreme brutality, and the relocation and deprivation of hundreds of thousands of people. In the south, the rebel Sudan People's Liberation Army (SPLA) also has shown itself to be contemptuous of human rights.

Without doubt, the major cause of human rights abuse in Sudan has been the war in the south, now nine years old. In March, the government launched its largest offensive yet against the SPLA. Its aim was to break key lines of communication by seizing strategic garrison towns, and to cut off sources of relief supplies to civilians in SPLA-held areas. The offensive proved successful, and by July a string of important SPLA-held towns, mainly on the east bank of the Nile, had fallen to government attack. They included the towns of Bor, Torit and Kapoeta—key conduits for Operation Lifeline Sudan, the cross-border relief operation mounted from Kenya and Uganda, which was severely impaired. On capturing the town of Pochalla of March 29, a relief operation mounted by the International Committee of the Red Cross (ICRC) was also closed down. United Nations relief airlifts were progressively suspended from March to August, and only partially reinstated in September. At the end of November, only one town in the SPLA-controlled areas was receiving U.N. food relief.

The offensive produced numerous abuses of human rights, including arbitrary killing and looting of civilians. The town of Kapoeta was bombed on March 13, killing two. After new government garrisons were established in the towns of Rumbek and Yirol, Sudanese troops practiced scorched-earth policies, burning all villages within a 20 kilometer radius. Over 100,000 people were displaced by these atrocities.

The government offensive struck at a region already weakened by SPLA internecine strife and abuse of human rights. In August 1991, two leading commanders (the "Nasir faction") had split from the mainstream SPLA of Colonel John Garang (the "Torit faction"), accusing him of holding more than 40 political detainees, forcibly recruiting child soldiers, and ruling the organization in a highly authoritarian manner. These accusations were largely correct. Despite some attempts by Garang to improve his image in late 1991 and early 1992, no significant improvements in the front's human rights record were noted. Prisoners remained in captivity and, in August, several thousand refugee children were spirited away from a camp in northern Kenya, almost certainly to serve on Garang's front line.

The split in the SPLA led to some of the worst human rights abuses that the south has witnessed since the outbreak of war. Both sides were responsible. Between November 1991 and February 1992, a series of attacks by forces loyal to the Nasir faction left at least 5,000 civilians dead in the Bor-Kongor area. About 200,000 civilians were displaced, their cattle stolen and their villages burned. In the villages of Pagerau and Adermuoth and the cattle camp of Wun Rit on January 21-22 alone, 189 civilians were killed, including leprosy patients, 20 to 30 women and children were abducted, and 4,000 cattle were stolen. The immediate consequence was widespread hunger throughout the area.

The counteroffensive by Garang's forces also yielded widespread killings of civilians. For instance, over 80 were believed killed at the village of Baliet in April. Garang's forces also took punitive action against groups that supported the government. For instance, in retaliation for the support to the army given by a Toposa militia, Garang's forces burned a number of Toposa villages, killed over 100 civilians, and drove much of the population from their land into Kapoeta town.

One of the Nasir faction's charges against Garang was that he favored his own ethnic group, the Bor Dinka, over all others. However, the Nasir faction also showed itself prone to ethnic favoritism. The great majority of its support was drawn from the Nuer. There is evidence that they discriminated against smaller groups in their territory, such as the displaced Uduk people, by denying them access to relief, looting their crops and fish, and not prosecuting Nuer who committed crimes against them. Ultimately the Uduk were forced to abandon their camp close to Nasir and cross into Ethiopia to register as refugees.

Attempts to heal the rift in the SPLA met with only moderate success. On September 28, the SPLA fractured further when Garang's senior commander, William Nyuon, broke away. Shortly afterward, a Norwegian journalist and three expatriate U.N. workers were murdered in unclear circumstances, causing the U.N. to suspend relief flights to much of southern Sudan. Africa Watch repeatedly condemned both the government and the SPLA for their abuses of human rights and obstruction of relief.

The most severe human rights abuses in the south occurred in

the southern capital, Juba. In reaction to military reverses elsewhere in the south and his endangered position within the SPLA, Garang launched an all-out attack on Juba on June 6. The offensive was repulsed, but Garang attacked again on July 7, and this time his forces remained entrenched in and around the city. At least 30 civilians were killed and 200 injured in the cross fire. However, the most severe atrocities started with the army's reaction. Several quarters of the city were leveled by the army in an attempt to create a free-fire zone. Over 100,000 residents were forcibly displaced and crowded into the northwest part of town, where they had minimal sanitation and shelter, and were wholly reliant on international airlifts of food. The SPLA repeatedly shelled the airport and said that relief flights landed at their own risk. Following an incident in which a plane with U.N. insignia was used by the government to fly in arms and ammunition, the SPLA also threatened to shoot at relief planes. The airlift continued intermittently nonetheless, but by late September the majority of children in the city were reported to be seriously malnourished.

The army undertook repeated sweeps through the city, picking up civilians it suspected of sympathizing with the SPLA. Suspected SPLA soldiers were shot on sight, including wounded soldiers hiding in houses. The civilians who allegedly sheltered them were also often executed on the spot. Hundreds were arrested, and many were tortured, some fatally. Methods of torture included beatings, electric shocks, pulling nails, crushing testicles, throwing victims into very hot water, and having hot irons pressed against their body. About 300 people are believed to have been summarily executed by the army, including 30 army officers. One of those executed was Andrew Tombe, a Sudanese employee of the U.S. Agency for International Development (USAID), who was accused of treason for allegedly using his radio to direct the shelling of the city by the SPLA. He was killed on about September 15, and his death announced one week later. It is unclear whether he was tried, but if he was, it was before a military tribunal, with no right of counsel or right of appeal. The U.S. government strongly protested his execution, and the reported execution of another USAID employee around the same time.

The SPLA persistently shelled the city of Juba. Its shells were aimed primarily at military installations, but also fell on civilian areas nearby.

In late October, the Nasir faction of the SPLA, together with forces loyal to the Nuer prophet Wurnyang, captured the city of Malakal. The SPLA had given no thought to the supply of provisions for the 180,000 inhabitants. Many civilians fled for the town of Waat, where severe starvation was reported. Others were too weak or frightened to leave. In mid-November, the army retook the city. Mass arrests, torture and executions reportedly followed.

The cumulative effect of the war and human rights abuses in southern Sudan has been to bring the region, once again, to the brink of a major humanitarian disaster. In 1988, a belatedly

publicized famine is estimated to have killed up to 250,000 people before Operation Lifeline Sudan was launched to feed civilians on both sides. Operation Lifeline was coordinated by the U.N. and depended on government permission for all its deliveries. The government has consistently used this control over the operation, exercised in the name of national sovereignty, to obstruct the operation. Permission for relief flights is granted only on a monthly basis, and the government always waits until the last moment before announcing which, if any, flights may proceed. As a result, medium-term planning has been impossible.

The events of 1992 have brought the program to an effective end. Throughout the year, junior U.N. staff in Khartoum and Nairobi, and their counterparts in the voluntary sector, struggled to keep open the small trickle of aid. In September, U.N. Under-Secretary General for Humanitarian Affairs Jan Eliasson visited Sudan and made a short trip to Juba. He obtained permission for greater U.N. access, initially to assess needs. However, this initiative immediately foundered because of government obstruction, the execution of Tombe, and the killing of the four expatriates by the SPLA. Eliasson and the U.N. declined publicly to condemn either side for its famine-creating actions.

With the demise of Operation Lifeline and the massive displacement and disruption caused in 1992, several areas in the south are rapidly descending into a famine on the scale of 1988. The areas most affected are Juba, the vicinity of Bor and Kongor and the areas to which the people displaced from these towns have gone, and parts of Bahr el Ghazal region that have been subjected to scorched-earth policies by the Sudanese army. The plight of civilians in and around Malakal is of serious concern, and it is likely that 1993 will see a large flow of refugees to Ethiopia.

The Nuba Mountains lie in southern Kordofan, which is part of northern Sudan. The Nuba themselves are non-Arab people, numbering about one million, who practice a mixture of traditional religion, Christianity and Islam. They are well-known for body-painting, wrestling, music and dance. However, the very qualities that have attracted Western anthropologists to the Nuba have drawn the concern of a succession of conservative Arab-oriented Islamic governments in Khartoum. The Nubas' anomalous position—non-Arabs in the north—has made them a target for discrimination in jobs, education and building permits.

In 1987, the SPLA sent a battalion to the Nuba Mountains to try to open a new front in the war. This move has sparked such abuses by the SPLA as forcible conscription, the stealing of food, and the killing of village chiefs who have advocated staying out of the war. However, the response of successive governments in Khartoum has been far more destructive. Military operations in the Nuba Mountains have led to killings of hundreds of civilians, and perhaps more, and destruction of their property. In addition, the government has armed the local Arabs, traditional rivals of the Nuba, and formed a local Popular Defense Force (PDF). The PDF has

been responsible for many of the worst abuses, such as the massacre of 150 Nuba civilians at the town of Lagowa in October 1989. Many members of the PDF seek to expropriate Nuba land for themselves.

In 1991, evidence emerged of a stepped-up campaign against the Nuba, including the systematic "disappearance" of educated Nuba men. Africa Watch obtained evidence of more than 40 such men who had disappeared.

In 1992, the campaign against the Nuba reached a new height. In early January, the governor of Kordofan declared a "Jihad" or Holy War in the Nuba Mountains, while the military commander vowed to "cleanse" every area "sullied by the outlaws." The size of the military forces assembled suggested that the government had planned an action that was far beyond what was required to combat the small SPLA forces alone. Killings and burnings mounted. In June, the government began the forcible relocation of the Nuba. Nuba civilians were first herded into camps close to the regional capital, Kadugli, or other towns. Only pro-government Islamic relief agencies were permitted to operate in these camps. From there, some were relocated to "peace villages" within the Nuba Mountains; these are essentially work camps attached to newly established mechanized farms owned by the Khartoum elite, on land previously farmed by Nuba villagers. Others were relocated outside the Nuba Mountains altogether. Starting in June, "Peace Convoys" with military guards began transporting tens of thousands of Nuba northwards, dispersing them in small towns in northern Kordofan. Many are reported to have died from disease and starvation. By early September, more than 40,000 had been moved.

Africa Watch received reports that the authorities planned to segregate men and women, sending the men to work as laborers on "production sites" and the women and children to work in the households of wealthy northern families. If carried through, this policy would lead directly to the complete eradication of traditional Nuba culture, language and society, as well as the death and suffering of many Nuba.

Another large-scale abuse perpetrated by the Sudanese government was a systematic attempt to relocate the population of squatters and displaced people that over the previous decade had grown up around the national capital, Khartoum, as a result of repeated drought, chronic war and the concentration of services and economic development in Khartoum. The problem had become severe because of a lack of town planning, so that between one and two million people were living in "unplanned" areas. These areas ranged from wholly undeveloped sectors to semi-planned suburban sites equipped with services. Most of the "squatters" originated from western Sudan, most of the "displaced" from the south or the Nuba Mountains. The government regarded these settlements not only as a blot on the landscape but also as a threat to the Arab-Islamic identity of Sudan's capital city.

Attempts to regularize or relocate the squatters and displaced had been made for some years. In 1991, the military

government introduced an amendment to the Civil Transactions Act that forbade legal actions on behalf of the squatters and provided that the government had an absolute right to dispose as it wished of the land they occupied. In the last months of 1991, on the basis of this extraordinary piece of legislation, the government began the latest and most systematic round of forced relocations.

In a typical operation, the residents of a certain area are given warning of a day or so before the army moves in to bulldoze and burn the area. Residents are forced onto trucks with what possessions they can salvage and removed to new sites. On December 21-22, 1991, the army opened fire on residents of Kurmuta, south Khartoum, who tried to resist the demolitions, killing 21. Since that display of force, residents offered no systematic resistance, although the army reportedly still occasionally killed or wounded those to be displaced. By the middle of 1992, the program had become more systematic, with houses to be demolished marked well in advance, and residents given some warning that they were to be relocated.

No compensation is paid to those whose houses have been destroyed. The land is reallocated to long-time residents of Khartoum and others. In one demolished site, Mayo, UNICEF had formerly maintained a large project providing water to the residents; this will now benefit the new owners. Schools and clinics have been closed and demolished.

The displaced are relocated to transit camps at some distance from the city. The government has said that it plans to relocate them a second time, to "production sites," where they will presumably be reduced to the status of wage laborers on mechanized farms. The squatters are removed to "Peace Cities" outside the city. For much of 1992, the conditions in the transit camps and Peace Cities were appalling, with inadequate water, no shelter, no services and little food. In the early months of 1992, the relocated people were forced to dig holes in the sand to provide a minimum of protection from the cold for their children; there were some deaths from exposure. Those relocated there could only continue with their employment in Khartoum by spending most of their income on public transportation to and from the city. Soldiers and guards kept the people in their new homes with electric cattle prods, whips and guns. The government strictly limited outside access to the new camps, permitting only certain Islamic relief agencies to supply services. Many of those relocated, particularly the large Christian minority, saw these restrictions on outside access as an attempt to encourage Islamic proselytization. Toward the middle of 1992, material conditions in the camps were improving.

By September, the government had relocated about 750,000 people, and was implementing a "replanning" program for further areas of the city that would lead to the destruction of the homes of about 500,000 more. The government succeeded in outmaneuvering the U.N. by repeatedly promising to slow down the relocations and to improve humanitarian access to the camps. The U.N. responded by

undertaking a series of general investigations into the program and the problem of urban replanning, finally recommending a small pilot program of voluntary relocation in May. However, while these negotiations and prevarications went on, the demolitions and relocations proceeded. By the time the U.N. realized that it had managed to achieve nothing, the majority of the program was a fait accompli. On his visit to Sudan in September, Under-Secretary General Eliasson privately condemned the relocations, but failed to make any public statement—in effect continuing the failed policy of "quiet diplomacy."

Despite an amnesty declared in April 1991, in which 299 political prisoners were released, detention and torture remain routine in Khartoum and the other major cities of northern Sudan. The Sudanese government has changed its strategy of detention. Rather than holding a certain number of well known political opponents and trade union activists in regular prisons for long periods, it is implementing a program of "rolling detention"—a form of harassment. Suspected dissidents are required to present themselves regularly (often daily) at the headquarters of the security service, where they are kept waiting all day and told to report back the next day. Sometimes they are questioned. This arbitrary treatment keeps people in a state of vigilance and fear, and prevents them from earning an income.

Suspected opponents are also arrested and taken not to regular prisons but to unofficial detention centers known as "ghost houses," four of which exist in Khartoum. Occasionally they are subjected to torture, but in general the regime inside the ghost houses appears to be an attempt to demoralize and degrade the detainees. Inmates are under continual surveillance, and their sleep is regularly interrupted. Every day they are required to perform strenuous and humiliating drills, such as standing on one leg with arms outstretched for a long period, or placing one finger of the right hand on the ground and spinning around it very fast. The detainees are also subjected to degrading verbal abuse, including threats of sexual assault. The only respite allowed is during prayer.

Several hundred detainees are kept in ghost houses. Their families are not informed of their whereabouts—indeed, the government denies their very existence—and they receive no visitors. When they are released they are also subjected to surveillance.

Though less dramatic in scale than the atrocities in the south, human rights abuses against Sudan's civil and political elite have continued unabated. The actions taken when the junta seized power against all elements of civil society—trade unions, political parties, the press, the judiciary and the university—still stand.

In 1991, the government introduced a new penal code allegedly founded upon Islamic principles. Most of the prescribed *hudud*

punishments, such as amputation or stoning to death, have not been implemented to date. The exception is flogging, which has been regularly practiced since 1983. However, other significant sections of the code that relate to treason and other offenses against the state, and which reduce non-Muslims to second-class citizens, have been implemented.

Nineteen ninety-two saw several trials of political opponents. Brigadier Nasur Hassan Bashir Nasur was condemned to death for treason for allegedly plotting a coup following a trial in a military tribunal. Sid Ahmed el Hussein, a prominent politician in the former parliamentary regime and a close associate of U.N. Secretary General Boutros Boutros-Ghali, was tried for the same offense in September 1992 but eventually acquitted following a high-profile campaign in the Arab world.

Provisions in the penal code that discriminate against non-Muslims reflect an increasing campaign against Sudan's Coptic community that is designed to compel them to leave the country. Coptic Christians have lived in Sudan for over a century, usually in urban areas as traders and administrators. Although most Coptic families originate from Egypt, they have become Sudanese citizens over the generations. Under the current government, they have been subjected to harassment—denied employment in government, refused trading licenses, and confronted by threats against their churches. Thousands have left the country, although violence by radical Islamists against Copts in Egypt—their obvious refuge—is also growing.

Of the institutions of civil society most threatened by the government in 1992, Sudan's universities rank high. Sudan's three main universities—Khartoum, Juba and Gezira—were once among the most liberal in the Arab world. The current government has embarked upon a program intended to transform them into centers of exclusively Islamic learning, following the doctrines of the Muslim Brothers.

The Right to Monitor

The Sudan Human Rights Organization remains banned in Sudan, its place taken by a government-created body of the same name, whose sole function appears to be to defend the government from criticism of its human rights record. The genuine Sudan Human Rights Organization is now active abroad. Africa Watch has been helping the Organization with office space and technical assistance, until it becomes financially self-sufficient. The Sudan Bar Association is similarly banned, and its place taken by a government-sponsored organization that is eager to defend the government's record. Strict censorship of all newspapers prevails, and the media plays no role in monitoring human rights abuses. However, a few courageous individuals, who must necessarily remain anonymous, continue to monitor human rights abuses clandestinely.

In the south, there is little open expression of dissent. A rare exception is Bishop Paride Taban of Torit, who has been an

outspoken advocate for the release of political detainees, as well as for peace and reconciliation between the two factions of the SPLA.

U.S. Policy

The United States has had an extremely cool relationship with Sudan over the past three years. The Sudanese government has supported Saddam Hussein's invasion of Kuwait and remained friendly with Libya; it has also provided bases for radical Palestinian groups such as Abu Nidal, and has worked closely with the Islamic fundamentalists in Algeria and Egypt. For these reasons, the U.S. has been unwilling to upgrade relations with Sudan, despite repeated attempts by the latter (most recently manifest in hiring a Washington, D.C., public relations firm to lobby on its behalf).

Sudan is prohibited from receiving economic or military aid by the Brooke Amendment, which prohibits countries in arrears on loan payments to the U.S. from receiving economic assistance, and Section 513 of the Foreign Assistance Act, which imposes the same prohibition on military rulers who have overthrown an elected government. The U.S. routinely opposes development assistance to Sudan through the World Bank, and the State Department is hostile to Sudan's readmission to full membership in the International Monetary Fund. The U.S. administration has been quick to condemn human rights abuses in Sudan, such as the forced relocations from Khartoum and the execution of the USAID employee, Andrew Tombe. It has been particularly vocal in its criticism of obstruction of humanitarian relief. It has also been ready to condemn the SPLA for its abuses. At the same time, the U.S. has continued to provide humanitarian assistance to the Sudanese people through voluntary agencies working on both sides of the conflict.

In late October, James Kunder, the director of the State Department's Office of Foreign Disaster Assistance, made a particularly important contribution by pressing the Sudanese government to admit more relief personnel to the besieged southern capital of Juba. He also requested and received permission to visit Juba himself, which he did in late October. Kunder had requested permission to visit the Nuba mountain area as well but was denied access.

In October, the U.S. Senate adopted a resolution on humanitarian relief and human rights in Sudan, calling upon the administration to raise the crises in Sudan at the U.N. Security Council. It remains to be seen whether this will be done; however, Assistant Secretary of State for African Affairs Herman Cohen has reportedly spoken in very strong terms to Minister of Finance Abdel Rahim Hamdi, and U.S. Ambassador Watson in Khartoum has condemned the Sudan government's human rights record in extremely strong language.

The Work of Africa Watch

Africa Watch issued newsletters on the Nuba mountains, the forced

relocations from Khartoum, conditions in the "ghost houses," academic freedom and the Coptic community, as well as press releases and appeals concerning the south.

ZAIRE

Human Rights Developments

In 1992, for the first time, Zaire made real progress in the transition to democracy nominally begun in 1990, despite sustained attempts by President Mobutu Sese Seko to thwart this process. The year began with Mobutu's suspension of a National Conference called to discuss the nation's future. However, popular pressure forced him to allow it to reconvene, and on August 31 the first government in 27 years that had not been designated by Mobutu assumed office. An agreement between Mobutu and his opponents provides that Prime Minister Etienne Tshisekedi will preside over two years of transitional government, while Mobutu will remain as President until elections take place. Mobutu is still using his immense personal fortune to try—with some success—to buy off opposition leaders. He is also refusing to cooperate fully in the transition, and is encouraging ethnic violence to destabilize the transition, apparently so that he can present himself, as he did in the 1960s, as the only national figure capable of holding Zaire together. By the end of November, relations between Tshisekedi and Mobutu had reached crisis point. On December 1, Mobutu issued decrees purporting to dissolve the transitional government, and troops surrounded ministry buildings.

On April 24, 1990, in the wake of changes in eastern Europe and South Africa, President Mobutu announced the end of the period he had designated Zaire's "Second Republic," and of Zaire's one-party state. However, there was initially little indication that fundamental change in the government's policies would occur. In May 1990, only two weeks after Mobutu's democracy speech, students on the campus of the University of Lubumbashi demonstrated against a further speech in which Mobutu had backtracked on his promises. They were attacked by security forces, and a still undetermined number was killed. Mounting internal opposition and international pressure provoked by this massacre eventually forced the convening of a "Sovereign National Conference" to discuss the future of the nation.

The Conference first met in August 1991, and effectively collapsed within a month. In September, soldiers in Kinshasa and elsewhere engaged in serious looting which brought much of the economy to a standstill. Following these disturbances, the Conference was recalled for early December, shortly after Mobutu's term of office as President officially expired. On December 12, the Conference elected as its president Catholic Archbishop

Laurent Monsengwo Pasinya, the respected chair of the Bishops' Conference, and prepared to begin its substantive work in the new year. However, on January 19, 1992, as it became clear that a real effort would be made to achieve a change of government, Prime Minister Nguz Karl-i-Bond suspended the Conference. Mobutu had appointed Nguz, a former opponent, in November 1991. Once again Mobutu seemed to have blocked an attempt to erode his power.

The suspension of the Conference galvanized the opposition. Numerous strikes paralyzed what remained of the economy. In an apparently related development, during the night of January 22, soldiers announced that they had taken over the *Voix de Zaire* radio station, and called for the resumption of the National Conference and the resignation of the Prime Minister and President. Many later believed that this "mutiny," described by the government as an attempted coup, was rather an attempt to discredit the opposition, since it was used as a pretext to round-up suspected opposition figures and to take control of radio and television broadcasts for the next several days. Eleven of the lowest-ranking soldiers involved were subjected to a show trial in March. While the military court sentenced nine of the eleven to prison terms, it found no evidence of an attempted coup. The remaining soldiers were reported by the government to have fled and were sentenced to death in absentia. The Zairian Human Rights League expressed fears that they may already have been killed.

On February 16, as many as one million Zairian Christians marched through the streets of Kinshasa in a "March of Hope" to demand the resumption of the National Conference. Mobutu's security forces responded with lethal force, and at least 30 demonstrators died and hundreds were wounded. Injuries also occurred at protests in other cities. Organized by an ad hoc committee of priests and lay people outside the Catholic hierarchy, the march—probably the largest demonstration in Zairian history—together with the international response to its suppression, forced Mobutu to allow the Conference to reconvene in early April. On April 24, the second anniversary of Mobutu's formal ending of the one-party system, Bishop Monsengwo announced that the real work of the Conference would finally begin.

In the following months, frequently stormy negotiations between Mobutu's government and the Conference resulted in a compromise agreement, concluded on August 3. Under the agreement, Tshisekedi—a leading figure in the opposition coalition known as the "Sacred Union"—assumed the post of Prime Minister. However, he is required to "cohabit" with Mobutu, his long-time enemy, who remains President. A "Transitional Charter" set the terms of power-sharing, replacing Mobutu's constitution. Although the Prime Minister and his government supposedly have full control over the economy, Gendarmerie and Civil Guard, defense and foreign policy are areas of "collaboration" between the President, the government, and the "High Council of the Republic," which will replace the National Conference as a transitional parliament.

Despite this agreement, the power struggle between Mobutu and Tshisekedi for political control continued. One of the flash points of this struggle was the Conference's vote in August, repeated in September and October, to change the name of the country back to Congo, in symbolic rejection of Mobutu's rule and, in particular, the drive in the 1970s for "authenticity." Another dispute erupted in early October, when Tshisekedi attempted to fire the governor of the Central Bank, a Mobutu appointee at the center of illegal diamond deals that are blamed in part for the free-fall of Zaire's currency. His action provoked a crisis in relations between Mobutu and his opponents.

On October 4, troops loyal to Mobutu surrounded the bank and the nearby National Assembly building, where they remained for the following two weeks. On October 9, the governor of the bank announced that his suspension was illegal and that he was still in office. Mobutu attempted to reconvene the Assembly, which had been dissolved six weeks earlier for the period of the transition, to override restrictions on his power imposed by the National Conference. Lacking a quorum, the Assembly nevertheless held a session in which Mobutu's supporters claimed that the constitution of the Second Republic was still in force. In late October, the High Command of the Armed Forces announced that it was withdrawing from the Conference, following a decision—protested by the Zairian Human Rights League—to deprive the military of the right to vote.

In November, the Conference adopted a new draft constitution, to be approved by referendum in April 1993, which provides for a bicameral parliamentary system in which the president will have only a symbolic role. Mobutu rejected the right of the Conference to adopt such legislation, and demanded that the Conference conclude its proceedings by the end of the month. On December 1, Mobutu issued two decrees purporting to dissolve the government and require Tshisekedi to form a new government of national unity. The central bank, in defiance of the government's anti-inflation policy, simultaneously began distributing banknotes with a face value of five million zaires (worth less than three U.S. dollars). In a defiant address to the Conference, Tshisekedi rejected Mobutu's power to dissolve his government, but security forces responded by sealing off access to ministry buildings and throwing several officials out of their offices. Radio and television broadcasts of the Conference proceedings, where committees established to report on corruption and rights abuse under Mobutu were reporting, were cut off.

Since April 1990, the most visible forms of state repression in Zaire have diminished, at least in the major cities, and long-term political detention has ceased. A vigorous press has also developed. However, suspicious deaths and disappearances are reported, and there have been attacks on opposition figures and on journalists. For example, in January 1992, Jean-Marie Katonga Kabuluku, an opposition supporter, disappeared in Kinshasa. In May

and June, two Belgian expatriates were killed by uniformed soldiers. In August, hours after the resignation of Prime Minister Nguz, a rocket attack was launched on the residence of Frederic Kibassa, president of the Sacred Union.

Examples of harassment of the press in 1992 included the arrest and detention of publishers and journalists working for the opposition paper *Elima*, raids on newspaper offices by unidentified forces, the cancellation of the license for one paper in June 1992, and the arrest of the editor of another in July after he ignored an order to suspend publication. On the night of November 7, a printing press used by a number of publications was burned down by armed and uniformed men. However, none of these activities has apparently prevented the publication and distribution of newspapers. While government control over radio and television remained strict throughout the period of the National Conference—for example, the transmission of the resolution to change the name of Zaire to Congo was prevented—broadcasting has since become more open. However, in November, two journalists were forced into hiding, following the transmission of a news program alleging abduction and torture by members of the armed forces in Shaba province.

Even before the confrontation at the end of 1992 between the National Conference and Mobutu, supported by parts of the armed forces, soldiers frustrated at the non-payment of their wages had been at the center of the many cases of looting and disorder that have paralyzed the economy since the major disturbances of September 1991. Moreover, the "specialized security forces" created under Mobutu, each serving under the personal leadership of one of his close collaborators, continue to exist. Since 1991, there have also been credible reports of an unacknowledged strike force operating in Kinshasa, known as "Les Hiboux," or "The Owls." In September 1992, a South African newspaper reported that Mobutu was recruiting mercenaries in Johannesburg.

Of particular concern has been violence in the interior of the country, especially in Shaba province, formerly Katanga. The governor of Shaba, Kyungu wa Kumwanza, has repeatedly incited violence against non-Shabans, and the situation steadily worsened in 1992. In January, riots erupted in several towns in Shaba; in March, the governor sent supporters into Lubumbashi to destroy independent newspapers sold at newsstands; and in August, Kyungu ordered his supporters to oppose all demonstrations in support of the new Prime Minister, leading to the death of at least eight people in the disturbances that followed.

The situation in Shaba is being used by supporters of Mobutu to threaten the transition process. After he was obliged to resign as Prime Minister on August 17, Nguz Karl-i-Bond immediately returned to Shaba, his home province, where he stated that Shaba would not recognize the new premier or accept a replacement of Kyungu as governor. Zaire's exiled secessionist movement declared its support for Nguz in a statement from Angola, and Mobutu

subsequently condoned Nguz's actions by appointing him "Minister of State," a specially created non-cabinet position. The violence continues: according to a September 18 government statement, 20 people were killed and 60 wounded in disturbances in Shaba during the previous week. Other reports stated that 60 died in the month of September, and that up to 30,000 took shelter from the violence in military bases and school compounds. A curfew was imposed in mid-October by governor Kyungu.

There has also been violence in the northeast province of Kivu, where soldiers of the 41st Brigade were sent on a "disciplinary promenade" in early 1992 to counter rebel activity. More than 30,000 refugees fled to neighboring Uganda, reporting the devastation of their villages. In October, soldiers again looted towns in that province, and the government announced that it would pull out its "commandos," stationed there since 1986. It also accused army leaders of distributing money to soldiers to carry out looting in Kisangani. Further looting was reported in Mbandaka, in the northern province of Equateur.

The Right to Monitor

Since April 1990 a number of significant human rights organizations have come into existence in Zaire, including *La Voix des Sans Voix* ("The Voice of the Voiceless," which previously operated underground), the Zairian Human Rights League, the Zairian Association for Human Rights (known by its French acronym, AZADHO), the Committee for Democracy, and Amos. These five organizations are affiliated through a coordinating body, Human Rights Now.

Although harassment of activists continued through 1991 and early 1992, it is no longer impossible to monitor human rights violations openly, as it was during the "Second Republic." For example, monitors from all of the major Zairian human rights groups were present at the February 16 March of Hope, and news of its suppression immediately reached the national and international press, perhaps the first time in the history of Zaire that this had been possible. Similarly, lawyers associated with the Zairian Human Rights League succeeded in becoming defense counsel for the soldiers accused of involvement in the "mutiny" at the *Voix de Zaire*. Buana Kabue, director of the League, was detained by police after the March of Hope, and his office and home were ransacked. He was again threatened with arrest in May, but no further harassment of monitors has been reported.

U.S. Policy

Zairians hold the United States most responsible among the Western states for President Mobutu's rise and continued hold on power. Mobutu received massive support from the U.S. throughout the period of the cold war, despite evidence of corruption, mismanagement and serious human rights abuse. Recent support for the work of the transition government is therefore all the more welcome.

Even following the Lubumbashi massacre of May 1990, the U.S. response was weak in comparison with the action taken by France and Belgium, Mobutu's other main supporters. While Congress reduced and eventually cut off aid to Zaire, the Bush administration consistently opposed this step, and as late as the budget proposal for fiscal year 1992 continued to urge military aid. In April 1991, President Bush delivered a letter to Mobutu, assuring him that "despite the restrictions imposed by Congress, Zaire remains one of the principal beneficiaries of U.S. aid in Africa."

The Bush administration began to harden its position toward President Mobutu after the outbreak of looting in September 1991. In testimony on November 6 before the Senate Foreign Relations Subcommittee on Africa, Assistant Secretary of State for African Affairs Herman Cohen said: "Recent events have proved beyond any doubt that the present regime under President Mobutu has lost the legitimacy to govern Zaire during the transition to democracy." However, he maintained that Mobutu's continued presence in the country was necessary for the transition to succeed.

In January 1992, after Prime Minister Nguz suspended the National Conference, the U.S. joined Belgium and France for the first time in a joint statement opposing the suspension. The U.S. also promptly and strongly condemned the February 16 attack on the March of Hope. However, this protest was undercut a few days later, when Secretary Cohen stated that Mobutu "continued" to support democratic transition. In the last week of March, the U.S. Embassy delivered a letter from President Bush to President Mobutu. Although the contents of the letter were not made public, Mobutu announced the reconvening of the National Conference soon after, and many Zairians believe the letter was in part responsible.

In late June and early July, Archbishop Monsengwo toured several European states, Canada and the United States, looking for support for the work of the National Conference and the government that would succeed it. In Washington DC, he spoke with Secretary of State James Baker, Secretary Cohen, and National Security Council staff. Following this visit, the U.S. government stated that it supported the process of democratization, rather than any particular personality, and that the National Conference should lead the country to free and fair elections through the formation of a new and credible transition government.

Secretary Cohen was present again in Zaire on July 31 and August 1, and announced that he was "impatient to see the start of the transition in Zaire." Two days later, on August 3, an agreement on the transition was reached between the National Conference and President Mobutu.

On October 7, following the unsuccessful attempt to dismiss the governor of the Central Bank, the State Department issued a strong statement of support for Prime Minister Tshisekedi. In particular, it "call[ed] upon all Zaire's political forces to support a transition government with full authority to achieve

political economic and social recovery, including control over public finances and key appointments."

On December 1, following Mobutu's order to Tshisekedi to dissolve his government, the U.S. joined Belgium and France in issuing a strong statement of support for Tshisekedi and the democratization process. The statement urged the transition government "to assume full control over the central bank, major public enterprises, and all other activities essential to Zaire's economic recovery." Ambassador Melissa Wells went to the prime minister's office in Kinshasa to offer her support.

The Work of Africa Watch

Africa Watch began to monitor Zaire in 1992. In April, an Africa Watch researcher traveled to Zaire to collect information, and in July, Africa Watch published its first report, entitled *Zaire: Two years without transition*.