

## **AFRICA WATCH OVERVIEW**

### **Human Rights Developments**

In 1993 the twin themes of peace-making and democratization, on the one hand, and descent into chaos and humanitarian disaster, on the other, continued to dominate human rights developments in Africa, presenting a mixed picture of precarious improvement in some countries, stalemate or deadlock in others and unmitigated catastrophe in a few cases. The political manipulation of ethnic tensions and conflicts also had serious human rights consequences in Kenya, Burundi, Rwanda, Zaire and elsewhere.

In contrast to the tragic situations in Angola, Liberia, Somalia and Sudan, there was the somewhat positive and hopeful case of, for example, Mozambique. As both types of cases clearly indicated, however, some form of international intervention (multilateral peacekeeping and peace-enforcement operations) was becoming an increasingly common, though highly problematic and controversial, factor in the status of human rights in Africa. Africa Watch was particularly concerned that unless human rights standards and mechanisms were fully integrated into the concept and implementation of intervention, if and when it occurred, it was unlikely to achieve its objectives. We have therefore always insisted on such integration, and called for rigorous monitoring and accountability for human rights violations in all cases and situations.

Calls for international intervention are made in a wide variety of situations, and rationalized in different ways. They may be made during peace-making negotiations to end a civil war and rationalized as necessary for regulating transitional processes, as in Namibia, Angola, Liberia and Mozambique. Intervention may also be called for at times of severe national crisis, as in Burundi after the failed military coup of October 21, 1993. However, the actual conception and implementation of an intervention initiative are conditioned by many factors, including the realities of international power relations, competing perceptions of national interest and the dynamics of domestic politics at any given point in time. This appears to be true whether the initiative purports to be global, as in the case of Somalia, or regional, as in the case of Liberia.

In this light, the precise outcome or consequences of intervention would be difficult to predict in advance with any degree of certainty. There will also probably be enduring disagreement about its appropriateness, timing and implementation in any given case. It is beyond doubt, however, that the integration and rigorous observance of human rights norms is essential for the success of any intervention, if and when it is justified.

Africa Watch was also particularly concerned about mounting evidence that some governments were either actively engaged in the manipulation of so-called "ethnic violence" among their citizens, or at least failing to take necessary action to prevent and control it. As clearly shown in country reports below, and other Africa Watch publications, the governments of Kenya, Rwanda, South Africa and Zaire, as well as Angola, Liberia and Nigeria, have been implicated in either encouraging or condoning ethnic-based violence within their respective countries. All governments must be held accountable for their responsibility in this regard.

### **The Right to Monitor**

As can be seen from the various country sections of this report, opportunities for human rights monitoring generally improved with greater democratization in many parts of Africa. There was also a growing body of independent African monitoring organizations and groups which could act in partnership with international NGOs in this regard. It was also encouraging to observe the development of inter-African networks of human rights monitors, like the Union Inter-Africain des Droits de l'Homme et des Peuples

(Inter-African Union for Human and People's Rights), based in Ouagadougou, Burkina Faso. The Union participated with Africa Watch in an international commission which conducted a very successful mission to Rwanda in the early part of 1993.

There was, however, an urgent need to strengthen the capabilities of African human rights organizations, and to promote a culture of independent nonpartisan human rights monitoring and advocacy. African human rights groups also need to develop a stronger sense of consistency, continuity and accountability to their local constituencies. African human rights organizations must see consistency, continuity and local constituency building as essential elements of their right to monitor.

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

U.S. policy in Africa was dominated in 1993 by the issue of American military involvement in Somalia. What began as a humanitarian effort in early December 1992, when President Bush deployed some 25,000 U.S. troops to break the strangle-hold of Somali warlords over the country's food supply, by year's end had become a tangled military engagement costing American lives. Congressional outrage over some nineteen American casualties incurred as U.N./U.S. forces pursued factional leader Muhammad Farah Aideed forced President Clinton to promise to withdraw the American force by March 1994, and cast a shadow over the possibilities of U.S. humanitarian intervention elsewhere.

The disaster in Somalia may be traced to the lack of clear purpose by the U.S./U.N. in that country, and in late 1993 the Clinton administration's overall policy towards Somalia was no clearer than it was when the President took office in January. A lack of attention to human rights had characterized U.S. policy toward Somalia, which in turn ensured that the U.N. would not incorporate human rights guarantees into its operations there.

On a positive note, U.N. operations outside of Mogadishu appeared to be bearing fruit, with much of Somalia conflict-free and a large portion of the country's displaced people returning to their homes and villages. Regrettably, however, little headway was made by the U.S./U.N. effort in establishing mechanisms to bring those responsible for gross abuses against Somalis to account, and to build institutions of civil society that might help avert a repetition of the human rights disaster that cost some 300,000 Somali lives before the international intervention.

Elsewhere in Africa the Clinton administration's human rights policies were influenced by its emphasis on democratization and conflict resolution.

Speeches about Africa by key figures in the administration—including National Security Advisor Anthony Lake and Secretary of State Warren Christopher—were meant to signal a new commitment to Africa, especially in the areas of democracy and human rights. While this effort was most welcome, the effects were largely symbolic, and most of sub-Saharan Africa remained marginal for the Clinton administration.

In the area of conflict resolution, crises in Liberia, Angola, and Sudan continued despite the administration's diplomatic efforts. In Liberia, the administration recognized the need to provide financial support to the U.N. and African peace initiatives which resulted in some progress, however tentative, by year's end. In Angola, one of Africa's worst human rights disasters, the U.S. did not succeed in its mediation efforts. The upsurge in the civil war following UNITA's refusal to cede to the results of U.N.-sponsored elections in October 1992 resulted in tens of thousands of civilian deaths due to abuses by both UNITA and government forces. The Clinton administration, which recognized the MPLA government in May 1993, had the opportunity to use the occasion of recognition to press the government for human rights commitments. There was no evidence that

administration did so, nor did it make any public statements about abuses by either side throughout most of the year. The announcement of the appointment of a special U.S. envoy to Angola by late October did indicate, however, a significant improvement in the level of U.S. involvement in that country.

U.S. human rights policy in Africa was more successful in the area of promoting democracy in several countries where governments attempted to thwart the will of their electorate. In Malawi, for example, the Banda regime, under pressure from the U.S. and other international donors, held a referendum on multiparty democracy in June. But the country's single political party, dominated by the Life President and his henchman, John Tembo, did everything in its power to guarantee a result in its favor: detaining the country's best-known political dissident, Chakufwa Chihana, and denying the pro-democracy movement access to the media. The U.S. played an important role in the process by strongly pressing the Malawian government to release political prisoners, and beaming independent news reports in the Chewa language through the Voice of America. The referendum was held in time and the electorate voted for multiparty democracy.

Nigeria was another country where the U.S. was helpful to the development of democracy. When Nigerian President Babangida refused to announce the results of the country's presidential election and then annulled the elections themselves, the U.S. immediately imposed sanctions on the regime, cutting off bilateral assistance, suspending commercial arms sales, and threatening opposition to Nigerian loans in the multilateral financial institutions. The strong American response encouraged some moderation on Nigeria's part, leading to the formation of an interim government headed by Ernest Shonekan.

With regard to some African countries, the U.S. failed to exercise the leverage it possessed as effectively as it might have. In the case of Kenya, where the United States had the potential to exercise significant leverage, an important opportunity to pressure the Kenyan police was missed when the U.S. provided some \$3.73 million in military assistance for border security. Certainly the Kenyan government faces a serious security problem on its Somali border, where Somali and Kenyan bandits committed all sorts of atrocities against both local and refugee populations in the area. But to have provided the assistance without first receiving a commitment on the part of the government of Kenya to discipline its own police—which has been responsible for rapes of Somali women in the area—was a lost opportunity to promote badly needed reforms.

In Sudan, one of worst human rights trouble spots on the continent, the U.S. government had little leverage to exercise with the Al-Bashir regime. Bilateral assistance from the U.S. was limited to humanitarian assistance, and real leverage to encourage human rights improvements was not available. The Clinton administration, like the Bush administration before it, spoke out frankly about abuses in Sudan, but the Sudanese government, increasingly isolated in 1993, appeared undeterred by pressure from the West.

One area where the U.S. ought have been more effective was with the anti-government SPLA forces in southern Sudan. Both SPLA factions, the Garang (Main-stream) and Riak (United), engaged in gross abuses of human rights against civilians from each other's communities. Although the U.S. had criticized these abuses in a few public statements, it did not succeed in influencing the behavior of the SPLA factions in southern Sudan. Gross and systematic human rights abuses continued to be committed by both factions. Given the commonly assumed susceptibility of such groups to external pressure, it may be asked whether the SPLA factions were receiving mixed messages from the U.S. administration and Congress: condemnation of

their human rights record in public and expressions of "understanding and support" in private.

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

Throughout 1993, Africa Watch continued its work of monitoring and documenting human rights abuses in about a dozen countries in Africa. An effort was made to maintain a balance between the work on humanitarian disasters—Somalia, Sudan, Liberia, and Angola—and reporting on abuses in those countries claiming to be establishing democracy, including Nigeria, Zambia, Rwanda and Mauritania. It is only by illustrating the range of abuses, from violations of free expression to manipulation of ethnic conflict to massacres of innocent civilians, that a picture of Africa's diversity and complexity can emerge.

Not surprisingly, Africa Watch devoted considerable resources to work on the Horn of Africa, particularly the crises in Somalia and Sudan. Two separate missions were sent to both countries during 1993 in order to provide consistent information on the pattern of abuses and, in the case of Somalia, the role of the U.N.

A theme that was woven through much of Africa Watch's work involved the government's role in manipulating ethnic conflict. Publications examined the government's incitement of communal violence in Zaire and Rwanda, the ethnic clashes in Kenya, and the KwaZulu conflict in South Africa.

Africa Watch also conducted studies of the international peacekeeping operations in Africa, with particular emphasis on the U.N. operation in Somalia and the West African intervention in Liberia. In both cases, the lack of a human rights component was found to undermine the success of the missions.

During 1993, Africa Watch produced several joint projects with Human Rights Watch's Prison Project, Women's Rights Project and Arms Project. These focused projects enabled Africa Watch to conduct in-depth studies on prison conditions in Zaire and South Africa, the rape of Somali women refugees in Kenya, and the civilian toll from land mines in Angola and Mozambique.

As in the past, Africa Watch was called to testify before congressional hearings on Africa: before the Senate Foreign Relations Subcommittee on Africa dealing with Liberia, and before the House Foreign Affairs Subcommittee on Africa dealing with Nigeria. In addition, Africa Watch continued to be an important source of information for the U.S. and international press, and provided numerous interviews about human rights conditions in Africa.

## **ANGOLA**

### **Human Rights Developments**

In 1993 Angola returned to full civil war. The September 1992 elections had provided Angolans with their first opportunity to express their will in what the U.N. and other foreign observers concluded was a "generally free and fair" process. In the presidential election President dos Santos, as winner, received 49.56 percent of the vote compared with 40.7 percent for rival National Union for the Total Independence of Angola (UNITA) leader Jonas Savimbi. In the legislative election, the Popular Movement for the Liberation of Angola (MPLA) dos Santos's party, obtained 53.7 percent of the votes compared to UNITA's 34.09 percent. Under Angolan law, the failure of the winner in the presidential election to receive 50 percent of votes cast requires an election run-off. But a second round of the 1992 election did not occur because UNITA rejected the results and returned the country to

civil war, such that 500,000 Angolans died in the renewed fighting or from a combination of starvation and disease. Toward year's end, some three million people, particularly children, women and the elderly, were suffering from the consequences of the conflict, including an estimated 1,000 people a day dying in a conflict that neither side could win outright.

Fighting first broke out in the central city of Huambo on October 17 and 18, 1992, and by the end of the month in Luanda also, culminating November 1 in street battles in the city center and in residential districts with at least 1,200 people killed, many of them innocent civilians. Savimbi's nephew and right-hand man, Elias Salupeta Pena, and UNITA vice-president Jeremias Chitunda were shot dead by soldiers on November 1 as they were trying to flee from Luanda. Top UNITA military commander Gen. Arlindo Pena Ben-Ben escaped with injuries, but his foreign affairs spokesperson, Abel Chivukuvuku, was injured and taken into government custody. The government also captured fifteen other senior UNITA officials. Fighting ended in Luanda on November 2 but continued in other provinces.

UNITA's strategy was one of brinkmanship, in clear violation of the May 1991 Bicesse peace accords. It pushed the government to breaking point and prompted a vicious backlash: the seventy-two hour attack by government forces and vigilantes on UNITA positions in Luanda and in towns across the country. Police and civilian supporters of the government razed UNITA offices, extrajudicially executed UNITA sympathizers and purged UNITA from the towns. Eyewitnesses interviewed by Africa Watch said that there were deliberate mass killings by pro-government forces. During those seventy-two hours the government made little effort to stop the killings. Militarily, the government destroyed a significant portion of UNITA's political leadership and support structure by destroying the guerrillas urban and armed militia. However, the government failed to confront UNITA's armed forces (FALA).

By mid-November 1992, the U.N. reported that fifty-seven of Angola's 164 municipalities were under UNITA control and that UNITA maintained an advantage in forty additional ones. UNITA also occupied several provincial capitals, including Uige (Uige province), Huambo (Huambo province), Benguela (Benguela province), Caxito (Bengo province) and Ndalatando (Cuanza Norte province). In spite of U.N. mediation attempts and a ceasefire agreement in November, UNITA continued to make territorial gains in the north. As these military gains continued, the position of those in the MPLA seeking a military response strengthened. President dos Santos installed a new government on December 2, 1992. Of its fifty-three members, eleven were affiliated with other parties that had won seats in the legislative elections. UNITA was offered five posts: Ministry of Culture and four vice-ministries. Among the other appointments was Gen. Joao Baptista de Matos as the new armed forces chief, replacing Gen. Antonio Franca ("N'dalu") who had been negotiating with UNITA in an attempt to avoid renewed civil war.

On December 27, 1992, the government launched its counter-offensive against UNITA. This marked a return to full-blown civil war. Fighting spread across the country with UNITA forced to retreat back from many locations and government forces regaining control of Benguela city and Lobito (Benguela) after fierce fighting. Although the MPLA captured Huambo, the government's objective of dealing UNITA a final blow on the battlefield failed because its forces over-extended themselves and could not sustain their gains under renewed pressure from UNITA. At the end of January 1993, the U.N. estimated that UNITA controlled 105 of the 164 municipalities.

From January 3, UNITA battled to capture the second city, Huambo, shelling it despite a majority of its residents having voted for UNITA in the elections. The town fell to the rebels on March 8, at a cost, according to U.N. estimates, of 15,000 casualties. In January UNITA captured the oil town of Soyo (Zaire) but the government soon recaptured it only to lose it

to UNITA once again in May. After June, the major focal point of the conflict for the rest of the year was Cuito, capital of Bie province. The city came under UNITA seige in January. In nine months of siege 35,000 people died, according to U.N. estimates. U.N. relief reached the city in late October following a local cease-fire. Two-thirds of Angola had fallen under UNITA control by November.

A number of attempts were made by the U.N. and its members states in 1993 to mediate in the conflict. In January, peace talks between UNITA and the MPLA in Addis Ababa failed on key issues. A projected second round of talks did not take place. Talks in Abidjan between May 12 and 21 came the closest to agreement of any negotiations so far; a thirty-eight-point protocol was drawn up. But the talks finally failed because of UNITA's inability to compromise. Agreement was reached between both sides on a power-sharing formula, but UNITA refused to agree to an article that demanded UNITA fighters' withdrawal from areas they had occupied since fighting broke out in October 1992. Attempts to reach a compromise on this point were frustrated by the U.N. UNITA wanted the symbolic presence of U.N. peacekeeping forces in the areas from which it withdrew. This would, in UNITA's view, protect its supporters from MPLA retaliation. The U.N. indicated, however, that such a force could only be sent after a full cease-fire had been signed, and then only six to nine months after the event. The talks failed.

Violence also continued in Cabinda, an oil-rich Angolan enclave between Zaire and the Congo, where separatist factions fought for independence. There was a spate of killings and abductions in the region. In mid-1993 one faction, Front for the Liberation of the Cabindan Enclave-Armed Forces of Cabinda (FLEC-FAC), seemed to have suffered a serious internal struggle, accompanied by killings and disappearances. Both UNITA and the Angolan government held talks with the separatist factions in an attempt to form alliances, and those approaches may have contributed to the fighting among the various FLEC factions.

Renewed conflict was being fueled by new arms and foreign expertise actively procured by both the MPLA and UNITA. The government used its oil revenue remittances to fund the conflict; UNITA used its access to diamond-producing areas to fund purchases of weaponry to augment what it captured from government forces. On April 23 the government unilaterally declared that the Triple Zero clause in the Bicesse accords, which prohibited either side from purchasing arms, was obsolete. Both sides also sought recruits in the mercenary market in South Africa and Europe. Britain and several other European Community countries lifted their arms embargo against the government in August.

The numbers of people displaced by the conflict continued to grow, estimated at two million by June 1993. According to the government, Angola required 27,000 tons of food per month plus medical supplies. Commercial food imports into Luanda diminished due to the lack of foreign exchange, with the government forced to spend money on armaments and exporters reluctant to send ships into a war zone. A U.N. World Food Program report suggested that a significant proportion of Angola's harvest would rot due to disruption caused by the fighting, and estimated that 1.9 million conflict- and drought-affected persons would require 337,000 tons of food assistance.

Reports of human rights abuses by both sides increased as the conflict intensified and civilians became victims of calculated violence. Reports from the central and northern provinces indicated that both sides have engaged in killings and intimidation of civilians, especially if they were not from the home ethnic group. These tactics caused massive civilian displacement, especially out of UNITA, held areas, and have encouraged ethnic divisions.

Africa Watch also received frequent reports of violations of the laws

of war by both sides, including executions of captured soldiers and cases of children forced to fight on the war front. UNITA was also responsible for gross human rights abuses, including executions of civilians and other deliberate and arbitrary killings. Near Quipungo (Huila) UNITA attacked a train on May 27 in which 225 people were killed and several hundred injured, most of them civilians.

Humanitarian efforts were also hampered by the war. Several relief flights were hit by UNITA fire. In April, a World Food Programme (WFP) aircraft was shot down by UNITA in eastern Angola. UNITA attempted to deny the delivery of food aid to isolated government towns in order to capture them. There were frequent suspensions of relief flights because of these attacks. The government also sought to deny food aid delivery to rebel-held areas. In July, an agreement reached between the government, UNITA and the U.N. allowed the resumption of some relief flights to agreed locations. Only in late October was the U.N. able to fly again to all towns across the country.

In August, the bombing of Huambo as part of a major government offensive against UNITA destroyed the International Committee of Red Cross (ICRC) headquarters in the city. In August, a WFP convoy of seventy-five trucks transporting relief aid to some 145,000 war-affected people in Caimbambo and Cubal was attacked by unidentified gunmen who destroyed one truck and damaged two more. Four members of the convoy were killed.

### **The Right to Monitor**

As Angola descended into renewed civil war, human rights monitoring as well as international relief efforts faced extreme dangers. The threat of violence came not only from the warring sides but from freelance bandits and looters.

Both the government and UNITA limited journalistic access and coverage as part of their war effort. More than twenty Angolan journalists died while trying to cover the fighting.

### **U.S. and U.N. Policy**

The Clinton administration initially delayed recognizing the MPLA in the hope that this would give it extra leverage over UNITA. But increasing frustration at UNITA's continued intransigence convinced the administration to recognise the Angolan government on May 19. Soon after recognition, the U.S. opened an embassy in Luanda and sent its first ambassador. An arms embargo on selling U.S. government non-lethal military equipment to the Angolan government was lifted in June.

Formal military assistance to the Angolan government did not appear to be on the immediate agenda of the U.S. administration, although the Defense Intelligence Agency (DIA) expanded its presence in Luanda. Except for recognition of the MPLA government, there was a strong sense of continuity from previous administrations' policies. For more than half the year, U.S. policy towards Angola was ad hoc; only in August did Robert Cabelly, special advisor to Assistant Secretary of State for African affairs George Moose, draft a policy document for the first time. Apparently as a result of this advice, emerging U.S. policy towards Angola appeared to concentrate on diplomacy rather than a military approach, encouraging both sides to return to peace talks. At the urging of key members of Congress, for example, the administration in late October appointed a special envoy to assist U.N. peace efforts and attend the talks that began that month in Lusaka. Testimony by administration officials in Congress concentrated on the peace process; apparently in order to foster progress in the negotiations, officials said virtually nothing about abuses by either side. Nor did Congress press for a stronger human rights stance; rather, Congress continued to be preoccupied by events elsewhere, such that Angola policy

remained determined by the State Department and favored the MPLA. The Defense Department, however, believed that U.S. policy should be even-handed between both sides, inasmuch as eventually stability in Angola would require a major role in government for UNITA.

In the context of this inchoate policy, the administration and Congress approved the selling of non-lethal military equipment to Luanda beginning in June. The equipment included the sophisticated U.S.-made Global Positioning System (GPS), a guidance system for relief drops and/or bombing. Sales of military items of any kind to a government engaging in a pattern of gross abuses of human rights like the Angolan government, is prohibited under human rights provisions of the Foreign Assistance Act, and should not have occurred in this case.

The U.N. presence in Angola was greatly reduced by renewal of the conflict. Staff of the United Nations Angola Verification Mission (UNAVEM II) in September 1993 numbered forty-three international civilian staff; fifty military observers; eighteen police observers; eleven military paramedics, and seventy-five local staff. UNAVEM military and police staff continued to be deployed at five locations (Luanda, Lubango, Namibe, Benguela and Sumbe).

After the presidential and legislative elections of September 29 and 30, 1992, UNAVEM II sought to mediate actively in the conflict despite its increasingly irrelevant limited mandate for monitoring and verification. Eight Security Council resolutions, beginning in October 1992, have gradually extended UNAVEM's mandate and condemned UNITA for violating the Bicesse accords. In January 1993, while extending UNAVEM's mandate, the Security Council also advocated greatly reducing UNAVEM staffing levels, to thirty military observers; eighteen police observers and forty-nine international staff. UNAVEM withdrew from the oil-rich Cabinda enclave in early March following an attack on its compound by unidentified gunmen. A March resolution of the Security Council appealed to both sides to 'strictly abide by applicable rules of humanitarian law, including unimpeded access for humanitarian assistance to the civilian population in need.

At the end of April, showing increasing exasperation with UNITA, the Security Council condemned attacks on humanitarian flights, particularly by UNITA. UNAVEM's staffing levels were reduced further after a June resolution that also held UNITA responsible for the breakdown of peace talks and for thereby jeopardizing the peace process. On July 15, the Security Council warned UNITA that international sanctions might be imposed unless it signed a cease-fire by mid-September. As UNITA continued military actions past that date, the Security Council warned that oil and arms embargo would be imposed in the absence of a cease-fire by September 25. When the deadline passed, sanctions were imposed.

The U.N. Special Representative on Angola, Margaret Anstee, retired following the collapse of the peace talks in May. Her replacement was a former Malian foreign minister, Alioune Blondin Beye. U.N. Secretary-General Boutros-Ghali had selected Sergio Viera de Mello, who represented the U.N. High Commissioner for Refugees (UNHCR) in Cambodia, but UNITA opposed his nomination on the grounds that his country of origin, Brazil, has been too friendly with the Angolan government.

UNAVEM's mandate was to be renegotiated whenever a cease-fire could be reached, and UNAVEM III created for the next stage.

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

Africa Watch was active in monitoring human rights abuses in the conflict and held meetings with senior government, UNITA and U.N. officials. In January, Africa Watch released *Land Mines in Angola*, the result of extensive research carried out in the country in 1992. It contained a technical assessment of mine-laying in Angola and examined the makes and types of



mines that have been used, and the methods of their use. The report also examined the human impact of land mines, finding that civilians were the most common victims. In examining mine clearance initiatives during the interim period up to the September 1992 elections Africa Watch discovered that some of these were seriously flawed. The report concluded that only a complete ban on the use of anti-personnel mines could remove the unreasonable danger they posed to civilians. Information obtained subsequent to publication of the report indicated that many land mines had been planted by both sides in the renewed conflict.

Africa Watch also worked closely with humanitarian organizations in drawing attention to Angola's plight and briefed and lobbied politicians and the media. Africa Watch staff gave a series of public talks and press interviews on Angola in the United States, southern Africa, Australia, France, Portugal and Britain.

## **KENYA**

### **Human Rights Developments**

On December 29, 1992, Kenya held its first genuinely multiparty elections since independence. Incumbent President Daniel arap Moi was reelected, and the Kenya African National Union (KANU), the ruling party since independence in 1963, returned as the largest party to the National Assembly. Although the political system was opened up to some extent by the elections, Kenya's government remained intolerant of criticism. Attacks on opposition politicians and on journalists, use of excessive force by police in the control of demonstrations, and the enforcement of repressive legislation remained serious concerns in Kenya in 1993. The politically motivated ethnic violence that had convulsed large areas of rural Kenya during 1992 returned intermittently during the first half of 1993, and erupted with renewed force towards the end of the year, amid continuing allegations of government involvement. As corruption scandals shook the government, Kenya's economy continued to decline.

Observers from Kenya and abroad concluded that, although there were significant irregularities in the conduct of the elections, the results substantially reflected the will of the Kenyan people. The reelection of President Moi and KANU, both undoubtedly unpopular after so long in power, owed much to the division of the original main opposition party, the Forum for the Restoration of Democracy (FORD), into two parties, FORD-Kenya and FORD-Asili, joined by a breakaway group from KANU, the Democratic Party. Moi himself received only 36 percent of the vote. KANU nevertheless secured one hundred of the 188 seats being contested in the National Assembly. Seven parties altogether were represented in the new parliament. Divisions within the opposition increased throughout the year: in September, FORD-Kenya split once more, as well-known lawyer Gitobu Manyara was fired as secretary-general of the party, in a conflict with Raila Odinga, the son of the party's leader Oginga Odinga; Vice-Chair Paul Muite and several others resigned from party offices in protest.

On January 27, 1993 the new parliament was suspended, legally, by President Moi one day after it was convened; it reopened only in March. Although debate on controversial government policies did occur, the opposition was frustrated by the bias of the speaker in favor of the government, and no significant reforms were introduced through parliament during the year. Despite plans announced in June by Attorney General Amos Wako to look into the need for law reform, repressive legislation such as the Preservation of Public Security Act, the Public Order Act, the Societies Act, the Nongovernmental Organization Coordination Act, the Chiefs' Authorities Act and the Local Authorities Act remained in force and in use.

More positively, the much-vilified British expatriate chief justice, Alan Hancox, was replaced in March by Ghanaian judge Fred Apaloo, who indicated that he would be more supportive of an independent judiciary.

The most disturbing trend of 1993 was the continuation of political violence in rural Kenya. Although many predicted that the so-called tribal clashes that erupted at the end of 1991 and became fiercer as the 1992 election campaign progressed would cease once elections were held, this was not the case. In late 1993, Africa Watch estimated that 1,500 Kenyans had been killed and 300,000 internally displaced since the clashes began. During 1993, conflict was concentrated in Rift Valley Province, and pitted members of Moi's ethnic group, the Kalenjin, against Kenya's majority community, the Kikuyu. Allegations of government promotion of this violence, verified by the report of a parliamentary committee in 1992, continued to be made in 1993.

The Kenyan government failed to take adequate measures to stop the violence. Although arrests were made, those arrested were often released without charge, or charges were not vigorously pursued. Strong action was taken in response to inflammatory statements by opposition figures, but similar comments made by ministers were ignored. In September, the government declared several districts to be "security operation zones" where emergency-type laws would apply. Regulations promulgated under the Preservation of Public Security Act also restricted access to these zones. Government officials denied later reports that violence was still continuing despite these measures. A challenge to the constitutionality of the regulations was filed in court.

The bulk of relief to the victims of the violence was carried out by church groups, principally the National Council of Churches of Kenya (NCCCK) and the Catholic Church. Church members engaged in relief efforts were subject to official harassment for their efforts. Others attempting to draw attention to the political violence were also attacked. Wangari Maathai, the well-known environmental activist, attempted on three occasions in February and March to hold a meeting for clash victims in Nakuru, which were all prevented by police action. On February 25, John Makanga, a pharmacist associated with Professor Maathai was arrested, assaulted, detained for two weeks, and charged with sedition for distributing leaflets accusing the government of responsibility for the violence. In what was widely presumed to be officially-sponsored harassment, an exhibition of photographs depicting victims of the clashes—organized by Maathai at the U.N.'s Vienna conference on human rights—was stolen by a group of Maasai who had been taken to the conference by a minister as representatives of Kenya's "indigenous" peoples.

Political violence also erupted in Kenya's coastal cities, where the Islamic Party of Kenya (IPK), denied permission to register as a party for the elections, clashed both with police and with a rival party, the United Muslims of Africa. In May, the leader of the IPK, Sheikh Khalid Balala, was arrested and charged for threatening to kill KANU leaders. Released on bail, amid unprecedented security precautions, he was re-arrested five days later. In September, Mombasa saw renewed rioting as Muslims protested the visit of President Moi to the city.

Freedom of political expression and assembly was threatened by police action on numerous occasions in 1993. In January, members of the security police attempted to abduct Paul Muite of FORD-Kenya from his office. In April, police violently dispersed a peaceful demonstration in Nairobi called to protest high food prices and the deteriorating economy. FORD-Kenya leader Raila Odinga was arrested and charged with joining an illegal procession. One month later, Odinga was again arrested, with five other opposition parliamentarians, while campaigning for a by-election in the western town of Kisii. In May, the leader of the Central Organization of

Trade Unions, Joseph Mugalla, was arrested and charged with inciting workers to break the law, by calling for a general strike. At the opening of parliament in March, a band of armed Maasai warriors, acknowledged to have been organized by government ministers, attacked opposition demonstrators outside parliament; some weeks later, police charged a crowd which was outside parliament heckling cabinet ministers. In June, riot police broke up a rally held by Martin Shikuku, deputy leader of FORD-Asili. Shikuku and a colleague were arrested and held overnight, then released without charge.

In August, a peaceful demonstration in the coastal tourist town of Lamu turned into a riot when police tried to disperse it.

Although increased press freedom did allow greater scrutiny of government activity following the election—revealing, for example, official involvement in the "Goldenberg" corruption scandal—the independent press most critical of the government remained under threat in 1993. Numerous issues of *Finance* and *Society* magazines were confiscated throughout the year, either before distribution or from street vendors in Nairobi. The editor of *Finance*, Njehu Gatabaki, was detained for twenty-three days in February, briefly detained again in May, and held for three days in June after being arrested as he was about to leave Nairobi to attend the World Conference on Human Rights in Vienna, where he was to speak on government attacks on the press. On April 30, armed uniformed police went to the premises of Fotoform Limited, the printers of both *Society* and *Finance*, and immobilized the printing machines by taking away essential components. Publication of both magazines was halted for several weeks.

Other publications were also objects of harassment. On February 13 and 14, police confiscated copies of *Watchman*, a church magazine, and of *People*, a new weekly newspaper financed by Kenneth Matiba, leader of FORD-Asili. On February 16, police arrested Rev. Jamlick Miano, the editor of *Watchman*, and another journalist with the magazine. They were charged with sedition and held for three weeks before being released on bail. These charges were dropped on June 28. In March the Kenya Television Network local news, which had established a standard of reporting far superior to the propaganda broadcast by the government-run Kenya Broadcasting Corporation, was taken off the air, after broadcasting statements by Wangari Maathai and Kenneth Matiba criticizing the government for its role in the clashes.

The situation in Kenya's North East province, along the border with Somalia, remained extremely insecure. Bandits known as *shiftas* operated throughout the region, preying on local residents, refugees and relief workers. Refugee camps housing Somalis fleeing civil war were especially unsafe, and women in particular were at risk of rape. In some cases these rapes involved Kenyan security forces. Efforts by the Kenyan police to control the situation led to armed clashes in which several tens of bandits were killed, in addition to numbers of police.

### **The Right to Monitor**

The government showed itself to be particularly sensitive to any attempt to report on or investigate the Rift Valley clashes. Journalists working in the areas and activists attempting to take action were repeatedly harassed.

Although representatives of Africa Watch toured the clash areas without official obstruction in June and July, more high-profile visits provoked a strong reaction. The declaration of security zones in the Rift Valley, with no access for any outsiders, followed wide publicity of visits to the clash areas made in August by Kerry Kennedy Cuomo of the R.F. Kennedy Memorial Center for Human Rights and by Lord David Ennals, on behalf of the British Refugee Council. The Kenyan government had, however, given visas to representatives of the RFK Center after many rejected requests in previous years.

In early September, after the declaration of security zones, a visiting group of Dutch members of parliament was barred from visiting the clash areas. Shortly thereafter, thirteen opposition MPs were arrested as they tried to travel to Molo, one of the worst areas. Bedan Mbugua, editor of *People*, was later arrested together with two ministers of the Presbyterian church, as they were traveling towards Molo. On September 13, they were charged with organizing an unlawful public procession and obstructing the police and released on bail.

The partial relaxation of political repression that accompanied the election campaign allowed the operation of a handful of new organizations examining human rights, including the Kenya Human Rights Commission and the Legal Education and Aid Program (LEAP). In June 1993, the creation of another new human rights organization was announced. The National Democratic and Human Rights Organization (NDEHURIO), led by former parliamentarian Kiogi wa Wamwere and lawyer Mirugi Kariuki (both ex-political prisoners), stated that its principal purpose was to stop torture and mistreatment of detainees in Kenya. Wamwere and Kariuki and five others were arrested in September as they were traveling in one of the clash areas, after it had been declared a security zone, and charged with entering into a prohibited area and being in possession of a firearm. Wamwere and Kariuki were held in custody for more than a month before finally being released on bail. In November, Wamwere was rearrested and charged with stealing guns that had been raided from a police station in the Rift Valley area.

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

Ambassador Smith Hempstone, regarded as a hero by many Kenyans for his leadership of the international pressure on President Moi to hold elections, resigned from his position, as is customary, at the end of the Bush administration. Aurelia Brazeal, a career diplomat previously ambassador to Micronesia, was finally confirmed as Hempstone's replacement in August, and took up her position in September. U.S. policy towards Kenya in 1993 was conducted in a somewhat more restrained style than Kenyans had become used to.

Following the elections, the Kenyan government lobbied intensively for the restoration of bilateral and multilateral aid, suspended in November 1991 in protest at human rights abuses and economic mismanagement. Since that date, all U.S. aid had been channeled through nongovernmental organizations. However, in September 1993, the State Department announced the release of \$3.73 million of pipeline money in military assistance to assist the Kenyan government in providing security along the border with Somalia. The department issued a public statement that "[t]he decision to release these funds is based solely on the need to respond to an extraordinary security threat. The release does not constitute satisfaction with the human rights situation in Kenya, a matter which remains of deep and fundamental concern to the United States."

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

The Moi government had received extensive U.S. military aid in

previous years. That aid largely ended during the Bush administration as a response to Kenyan human rights abuses and President Moi's suppression of democracy. The Clinton administration requested \$600,000 in military training for fiscal year 1994. Military sales to Kenya continued, with an estimated \$343,000 in commercial sales estimated in fiscal year 1993, and \$172,000 expected in fiscal year 1994. The U.S. continued to provide approximately \$18 million in development assistance to Kenya.

In March, the Kenyan government announced that it was abandoning the implementation of an International Monetary Fund (IMF) structural adjustment policy involving liberalization of prices and devaluation of the Kenyan shilling. The policies were reinstated the following month. In April, despite this suspension of cooperation with the IMF, the World Bank released \$85 million, citing some economic progress. However, a second tranche of that money was not released in July. Denmark cut its aid to Kenya in August, on the grounds of corruption and the inability to end the rural clashes, but Japan, Kenya's largest donor, announced in October that it was resuming balance of payments support. The consultative group of bilateral donors met at the end of November to decide whether the remainder of suspended aid would be restored.

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

A joint Africa Watch/HRW Women's Rights Project newsletter on the rape of Somali refugees in Kenya was published on October 4, in response to the critical situation along the border in north-eastern Kenya. In November, a report on the rural violence in Rift Valley Province was published, to coincide with the important meeting of the Paris Club group of donors to decide whether to resume aid to Kenya. A number of letters were sent to President Moi protesting the arrest and detention of journalists and human rights activists and urging respect for freedom of speech.

## **LIBERIA**

#### **Human Rights Developments**

Although significant progress was made in the second half of 1993 toward ending Liberia's bloody civil war, combat involving the Liberian warring factions and the West African peacekeeping force took a heavy toll on the civilian population. The June massacre of almost 600 civilians in a displaced persons camp in Harbel served to heighten international attention to the war and pressure the parties to resume peace negotiations. Nevertheless, the lack of protection for civilians from abuses by all sides and the profound distrust among the warring factions remained obstacles to lasting peace. The peace agreement signed in July was believed to be Liberia's last, best hope.

Throughout 1993, Liberia remained divided: the Interim Government of National Unity (IGNU) governed the capital, Monrovia, backed by the West African peacekeeping force (ECOMOG); Charles Taylor's National Patriotic Front of Liberia (NPFL), the main rebel group, controlled some 60 percent of the country; and the United Liberation Movement for Democracy in Liberia (ULIMO), a rebel group made up primarily of soldiers from former President Samuel Doe's army, the Armed Forces of Liberia (AFL), controlled at least two western counties. The warring factions are based in part on ethnic affiliations: the AFL is composed mainly of Krahn, the ethnic group of former President Samuel Doe; ULIMO is supported largely by Mandingos and Krahns; and the NPFL was initially formed by Gios and Manos.

The event that set the stage for the developments of 1993 took place in October 1992, when the NPFL attacked Monrovia, ending two years of an

uneasy peace and reigniting the civil war. Fighting raged in and around the city, with the suburban areas particularly hard hit. Approximately 200,000 people displaced from these areas flooded into the central city to escape the fighting, and hundreds of civilians were killed.

The offense caught ECOMOG unprepared, and thus compelled it to adopt a new strategy: in the interests of ending the war and defeating a seemingly intractable adversary in the NPFL, ECOMOG accepted the assistance of other Liberian factions in fighting the NPFL. The human rights record of these factions—ULIMO and the AFL—ranged from suspect to abysmal. The AFL was thoroughly discredited by its gross abuses during the 1980s and especially during the war in 1990, when it massacred civilians and devastated Monrovia. ULIMO is an offshoot of the AFL, and its conduct in the areas it captures have included attacks on civilians, looting, and executions of suspected NPFL sympathizers.

After first supporting the right of the AFL to defend itself from attack, ECOMOG soon permitted the AFL to operate alongside the multinational troops, although the AFL retained a separate command structure and controlled certain areas on its own. ECOMOG has claimed that ULIMO operated independently, but it was clear that some coordination existed. There was little indication that ECOMOG tried to curb excesses by these factions. The collaboration between ECOMOG and AFL/ULIMO changed the dynamics of the war, and raised questions about ECOMOG's commitment to human rights.

Meanwhile, refugees fleeing NPFL territory told of an ongoing pattern of NPFL abuses against the civilian population, especially harassment and looting, but also killings. For example, there were reports that in May the NPFL was responsible for a massacre at Fassama that left approximately one hundred civilians dead, although this was never fully verified. NPFL fighters continued to act with impunity in their territory. The human rights abuses and intransigent attitude of the NPFL constituted a serious obstacle to ECOMOG's efforts at peacekeeping.

There was increasing concern about ECOMOG air attacks on NPFL territory using Nigeria's Alpha jets. The NPFL had no air force, and ECOMOG planes could easily reach the whole country. Targets included the port of Buchanan and areas around Gbarnga, Kakata, Harbel and Greenville, as well as border areas in the Ivory Coast. There were also charges that ECOMOG violated medical neutrality by attacking hospitals—Phebe Hospital outside Gbarnga, F.J. Grante Hospital in Greenville, and the Firestone Hospital. Precise information about the targets and casualties were not available, because independent observers were prevented for security reasons from traveling to the sites. Relief convoys also were attacked, including a Médecins sans Frontières (MSF) convoy in April that was carrying medicines and vaccines.

There were consistent reports, by ECOMOG as well as other neutral sources, of the NPFL using the civilian population or civilian institutions as a shield for its military activities, which is a direct violation of the Geneva Conventions. Nevertheless, ECOMOG had an obligation under international humanitarian law to protect the civilian population, and was prohibited from conducting attacks that, while aiming at a military target, might be expected to inflict disproportionate harm on the civilian population.

The AFL maintained a fairly low profile from the November 1990 cease-fire until the NPFL offensive in October 1992. However, a pattern later emerged of AFL soldiers engaging in looting and armed robbery, with civilians fearing reprisals if they reported the incidents. One highly visible case illustrating the AFL behavior occurred on January 31, 1993; Brian Garnham, a British citizen working at the Liberian Institute for Biomedical Research, an affiliate of the New York Blood Center, was killed by the AFL. Garnham and his American wife, Betsy Brotman, had lived in Liberia for many years. After the killing, AFL soldiers went on a looting

spree, emptying the laboratory compound of whatever they could carry.

In late April, five AFL soldiers, including two officers, were charged in connection with Garnham's murder; however, none was charged with murder. The most severe charges were brought against the platoon commander, Capt. Gbazai Gaye, who was charged under Art. 131 of the Uniform Code of Military Justice for perjury, and under Art. 133, for conduct unbecoming an officer. As of November, the charges have either been dismissed or dropped against all the soldiers except one, who still faced charges of larceny.

For its part, ULIMO engaged in a pattern of abuses: it limited the free movement of people and goods in its territory; it denied Africa Watch a pass to travel to its areas without an ULIMO "escort"; and it established checkpoints along the roads, at which civilians and relief organizations often faced harassment. There were also reports of atrocities by ULIMO forces; Amnesty International received reports in March about the execution of fourteen young men suspected of supporting the NPFL in Zorzor, and the killing of thirteen civilians in Haindi. Liberian human rights monitors expressed concerns about summary executions, beatings and arbitrary arrests. Documenting human rights conditions in ULIMO territory proved to be difficult, largely because ULIMO denied access to independent observers. One of the most vicious acts of the entire war was the June 5-6 massacre of approximately 547 civilians, mostly women and children, at a displaced persons camp outside Harbel. The victims were shot, beaten or hacked to death, and mutilated. Initial reports seemed to indicate that the NPFL was responsible, and the interim government issued a report confirming that assumption. However, a UN investigation later concluded unequivocally that the massacre was carried out by the AFL. (See below.)

The massacre heightened attention to the Liberian war and set in motion a series of important international developments. On June 9, the UN Security Council condemned the massacre, requesting that the Secretary-General launch an immediate investigation and warning that those responsible would be held accountable for their actions. The Secretary-General, Boutros Boutros-Ghali, dispatched his special representative to Liberia, Trevor Gordon-Somers, to investigate the massacre. Gordon-Somers's report to the Secretary-General was never published, nor were his conclusions made public.

On August 4, Boutros-Ghali ordered an independent inquiry into the Harbel massacre. A three-member panel, headed by Kenyan attorney general Amos Wako, visited Liberia in August and concluded that the massacre was "planned and executed by units of the Armed Forces of Liberia (AFL)." The report went on to recommend that three soldiers be prosecuted in connection with the massacre. In September, the interim government detained the three soldiers named in the report, but openly questioned the U.N.'s findings.

Simultaneous with these initiatives, the peace process gained momentum. In a major breakthrough, on July 25 a peace agreement was signed in Cotonou, Benin, by the NPFL, ULIMO and IGNU. The accord followed UN-sponsored negotiations in Geneva involving representatives of all the factions. These negotiations were part of a series of peace talks spearheaded by Gordon-Somers. Representatives of the Economic Community of West African States (ECOWAS) and the Organization of African Unity (OAU) also served as sponsors of the Cotonou agreement. The accord called for a cease-fire on August 1, the formation of a transitional government, disarmament and encampment of combatant forces, followed by elections.

An important element of the plan involved the creation of a UN Observer Mission in Liberia (UNOMIL) to help supervise and monitor the agreement, in conjunction with ECOMOG. The plan also provided for an expanded ECOMOG force, under the auspices of the OAU, to be composed of African troops outside the West African region. These new contingents would be responsible for disarmament and encampment, and would be monitored by UNOMIL.

The accord also provided for an amnesty for "all persons and parties involved in the Liberia civil conflict in the course of actual military engagements." Clearly, an amnesty for acts committed between combatants during a conflict is substantially different from one covering war crimes or crimes against humanity. The gross atrocities committed during Liberia's war should be excluded from any amnesty, as should attacks against civilians who took no part in the hostilities.

The peace accord stipulated that concomitant with disarmament, a five-person Council of State elected by all the factions would take power from the interim government until elections were held. A thirty-five-member transitional parliament would include thirteen members from the NPFL and the interim government, and nine from ULIMO. On August 16, the Liberian factions elected Bismark Kuyon, representing IGNU, as chairman of the interim council, and Dorothy Musuleng Cooper of the NPFL as vice-chairman. On October 20, the NPFL abruptly replaced Musuleng Cooper with Isaac Mussah, a notorious NPFL commander. On November 15, IGNU replaced Kuyon with Philip Banks, who had been serving as Justice Minister.

As of November, the process had reached a stalemate. The transfer of power hinged on the beginning of disarmament, which in turn depended on the arrival of the expanded ECOMOG troops. The countries that agreed to contribute those troops were Zimbabwe, Tanzania and Uganda, contingent on the provision of outside assistance. Finally, as part of the Benin meeting of November 3 through 6, the parties agreed that the transitional government would be installed upon the arrival of the first expanded ECOMOG troops.

In a disturbing development, a number of former officials of the Doe regime who were known for their involvement in human rights abuses were named to the transitional government and electoral commission. In addition to the nomination of Isaac Mussah, the most serious concerns focused on two ULIMO nominees—George Dweh, reputedly linked to killings at the height of the civil war; and Jenkins Scott, former Justice Minister and closely associated with Doe's repressive policies.

The situation of the displaced civilians and residents in many parts of central and northern Liberia became increasingly desperate by the summer of 1993. Relief assistance to these areas had been effectively cut off after the October 1992 offensive, although some food and medicine continued to flow through the Ivory Coast border. Relief groups found that up to 700,000 civilians in NPFL territory were in danger, with 200,000 already suffering starvation. Aid workers estimated that hundreds of children could die every week due to hunger and malnutrition.

Meanwhile, an estimated 652,600 Liberians remained as refugees in the neighboring countries: 380,000 in Guinea; 250,000 in the Ivory Coast; 12,000 in Ghana; 7,000 in Sierra Leone; and 3,000 in Nigeria. (The war also displaced some 200,000 Sierra Leoneans, 162,000 of whom went to Guinea and 105,000 to Liberia.) The issue of repatriation of the refugees remained subject to progress on the political front and the resolution of certain security concerns, and as of November no significant repatriation had occurred.

In a surprising development, on August 31, Ernest Shonekan, Nigeria's interim president, announced that Nigeria would withdraw its troops from Liberia within seven months. Nigerian troops formed the backbone of the ECOMOG force, and had become the principal enemy of Charles Taylor's NPFL. The Nigerians had also effectively financed the West African intervention, which was estimated to have cost well over \$500 million.

The emergence in September of a new armed faction, the Liberian Peace Council (LPC), threatened to disrupt the peace accord by attacking the NPFL. Reports indicated that the LPC was largely Krahn and included many former AFL soldiers.



### **The Right to Monitor**

A number of human rights organizations were established in Monrovia and were able to function without interference from the interim government or ECOMOG.

- The Catholic Peace and Justice Commission was the human rights and peace component of the Catholic Church of Liberia. It sought to gather and disseminate information on human rights violations, and engaged in some humanitarian relief.
- The Center for Law and Human Rights Education aimed to create awareness among Liberians of their basic rights. It operated two education projects, a Legal Aid Clinic, and a Resource and Documentation Library.
- The Liberian Human Rights Chapter and the Association of Human Rights Promoters were formed to act as human rights advocacy groups, and the Human Rights Chapter published a bulletin on human rights.

However, these Liberian human rights monitors operated under the same constraints as their international colleagues in trying to document violations in territory controlled by the NPFL or ULIMO: access was often prohibited by the factions or became too dangerous due to the fighting.

There were no known human rights organizations operating in either NPFL territory or ULIMO territory.

### **The Role of the International Community**

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

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

The main tenets of U.S. policy toward Liberia in 1993 were to support conflict resolution efforts by ECOWAS and the UN, to withhold recognition of any government in Liberia—neither the interim government nor the National Patriotic Reconstruction Assembly, the civilian arm of the NPFL—and to promote ECOWAS and its peace plan. By year's end, the conflict resolution efforts had gained new momentum, leading to a significant commitment of American resources. On September 30, the U.S. obligated \$19.83 million (\$13 million in Economic Support Funds and the rest in Foreign Military Financing) to the UN Trust Fund for peacekeeping in Liberia. The money would be used by ECOMOG and the Organization of African Unity (OAU) to help finance the deployment of the expanded ECOMOG troops, but not for lethal assistance.

The U.S. was the leading donor to the victims of the war: since the beginning of the conflict, the U.S. had provided some \$250 million in humanitarian assistance. According to the State Department's Office of Foreign Disaster Assistance, in fiscal year 1993 the U.S. provided approximately \$62 million, including assistance to Liberian refugees in Sierra Leone, Guinea, Ghana and the Ivory Coast. An additional \$28.7 million had been provided since April 1991 to assist the ECOWAS-led peace process. But, although the Clinton administration acted quickly to condemn the June massacre in Harbel and to welcome the July peace agreement, it did not stress adequately the human rights component of the crisis. The administration should have made clear to all the warring factions that human

rights issues would directly impact U.S. foreign assistance to any future government, and that the U.S. would distance itself from any force that continued to violate human rights and international law.

The Clinton administration's human rights policy would have been enhanced by greater attention to abuses by the ECOMOG forces. The U.S. was clearly aware of the increasing human rights problems associated with the ECOMOG intervention, yet U.S. policy still revolved around full support for ECOMOG. There is an obvious discrepancy between what American officials say in private and their public positions. Given the Clinton administration's request for \$12 million for ECOWAS's peacekeeping activities in fiscal year 1994, the U.S. was likely to have some leverage over ECOMOG's behavior. It was critical for the administration to make clear its concern about human rights violations by both ECOMOG and the forces with which ECOMOG was allied, and condition its aid on respect for human rights. The U.S. should also have supported enhanced training for the new ECOMOG forces, with an emphasis on internal disciplinary structures and procedures for addressing human rights complaints.

Liberia would have been an excellent test case for the approach enunciated by the U.S. at the United Nations Conference on Human Rights in Vienna, described in the U.S. Human Rights Action Plan. Under this plan, the administration called for human rights to be "an integrated element of all U.N. peacekeeping, humanitarian, conflict resolution, elections monitoring, development programs, and other activities."

On June 9, Assistant Secretary of State for African Affairs George Moose testified about U.S. policy toward Liberia before the Senate Foreign Relations Subcommittee on African Affairs. His statement reiterated the administration's objectives: a negotiated settlement, disarmament of the warring factions, return of the refugees and displaced persons, and free elections leading to the establishment of a unified government "based on respect for human rights, democratic principles and economic accountability."

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

### **The U.N. Role**

Although the United Nations has contributed significantly to the emergency relief and humanitarian aid that has gone to Liberia, it did not address the Liberian crisis in political terms until November 1992, almost three years after the crisis erupted. In 1993 all indications were that the U.N. considered Liberia a regional problem best dealt with by ECOWAS, the regional body. While strengthening and supporting the regional organization was a laudable effort, the U.N. should have ensured that human rights issues figured prominently in the regional organization's efforts.

After finally addressing the Liberian crisis in November 1992 and imposing an arms embargo (Security Council Resolution 788), the Secretary-General dispatched a special representative, Trevor Gordon-Somers, to investigate the situation. Human rights language was notably absent from his report released in March (not to be confused with his later report on the Harbel massacre), thus missing yet another opportunity to insert human rights protections into the peace process. The March report suggested that there might be a role for U.N. observers to monitor a new cease-fire agreement, but foresaw no human rights monitoring component to their mandate.

The U.N.'s humanitarian mandate in Liberia was challenged when ECOWAS

stepped up its effort to block cross-border humanitarian assistance to NPFL territory from the Ivory Coast. In early May 1993, ECOWAS executive secretary Abass Bundu called on relief organizations to cease all cross-border relief operations. ECOMOG contended that Taylor uses the cross-border convoys to transport supplies for his forces, and told relief organizations that they must inform ECOMOG when they conduct cross-border operations. However, since humanitarian aid was exempt from the U.N. embargo of November 1992, ECOWAS's stand contradicted the U.N.'s mandate to deliver such assistance.

This tension between the U.N. and the international relief organizations intensified on July 30, when Gordon-Somers wrote a diplomatic note to the Ivorian Minister of Foreign Affairs urging that a Médecins Sans Frontières convoy not be permitted to cross from the Ivory Coast into Liberia "because it is in violation of the Cotonou peace agreement." The U.N. defended its decision on the grounds that all convoys had to be checked for arms by U.N. observers. Relief groups, including the International Committee of the Red Cross, strongly protested the U.N.'s actions.

After the Harbel massacre in June, Secretary-General Boutros-Ghali condemned the killings and instructed Gordon-Somers to conduct an investigation into the incident. While this quick response by the U.N. was welcome, it was ultimately undercut by the fact that Gordon-Somers's report to the secretary-general was not published, or his findings revealed. Questions were raised as to why the secretary-general chose to send Gordon-Somers, when his role as a mediator of the conflict precluded him from making any findings that would antagonize any of the warring factions. As noted above, however, the secretary-general did order a subsequent investigation whose findings were published.

On September 22, the Security Council adopted Resolution 866 establishing the United Nations Observer Mission in Liberia (UNOMIL) for seven months. UNOMIL was to comprise approximately 500 members, some 300 being military, and its primary purpose was military: to monitor the cease-fire, the arms embargo, and disarmament and demobilization of combatants. In addition, UNOMIL was to observe the electoral process, help coordinate humanitarian relief and report "any major violations of international humanitarian law to the Secretary-General." This last aspect was particularly welcome, but it would have been important to specify the need to report on violations of human rights and humanitarian law.

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

Given the ongoing crisis in Liberia and the abuses committed by all sides to the conflict, Africa Watch decided to focus an investigation on the ECOMOG intervention in Liberia from a human rights perspective. The mission was conducted in March, and evaluated the West African peacekeeping force's three years in Liberia, with particular emphasis on the period of renewed warfare since October 1992. In June, Africa Watch published "Waging War to Keep the Peace: The ECOMOG Intervention and Human Rights in Liberia."

Africa Watch was actively engaged in advocacy about human rights in Liberia with the new Congress and administration, conducting briefings, drafting letters, suggesting language for legislation and highlighting issues that required action from the U.S. government. On June 9, Africa Watch testified on Liberia before the Africa Subcommittee of the Senate Foreign Relations Committee, and called on the United States and the United Nations to integrate human rights into the peace process. In addition, Africa Watch was called upon to conduct frequent radio and press interviews about human rights in Liberia with U.S., African and European journalists.

### **Human Rights Developments**

In 1993, Malawi joined the pro-democracy trend in Africa by abandoning its twenty-seven-year-old system of one-party rule. In an unprecedented referendum held in June, 63.5 percent of voters opted for a multiparty system, thereby dealing a decisive blow to Malawi's nonagenarian ruler, then-Life President Hastings Kamuzu Banda, who has ruled the country with an iron fist since independence in 1964. ("Life" has since been removed from his title.) The opposition's margin of victory was particularly significant considering the number of obstacles that the government placed in its path during the campaign period, including violent attacks on and arrests of opposition members, arbitrary bans on rallies, lack of access to the state-controlled radio, and restrictions on the printed press.

The most severe human rights abuses characteristic of the Banda regime, including the assassination, torture, long-term detention and exile of opponents, eased in the post-election period. A number of problems remained, however, particularly abuses by the police, who held themselves above the law, and abysmal conditions of detention. In addition, the Malawi Young Pioneers, a paramilitary wing of the ruling Malawi Congress Party (MCP), defied orders to disarm and continued to pose a threat to opposition members and the transition process.

Popular demonstrations against the government began in March 1992, following the issuance of a letter by the country's Catholic bishops that candidly criticized human rights abuses. The government reacted harshly, and in May 1992 major bilateral donors agreed to an aid freeze based on the country's abysmal human rights record. Five months later, President Banda stated his agreement to hold a referendum on one-party rule, and he invited a technical mission from the United Nations (U.N.) to visit the country to offer advice on the referendum process.

The first U.N. mission arrived in November 1992 and recommended the repeal or suspension of all laws that placed restrictions on freedoms of expression and association. The group also advised a six-month campaign period, to allow opposition groups an adequate chance to prepare for the vote. In a New Year's Eve address to the nation, Banda promised to abide by the U.N. recommendations, while at the same time refusing to allow more than three months for the campaign. Another U.N. team visited Malawi in January 1993 and urged Banda to postpone the polling date and to respect the U.N. recommendations. In February, after receiving a letter from U.N. Secretary-General Boutros Boutros-Ghali, Banda finally agree to move the date to June 14.

In response to the U.N. recommendations regarding freedom of expression and association, the government adopted regulations in February to govern the campaign process. Although guaranteeing "complete and unhindered freedom of expression and information in the exercise of the right to campaign," the regulations included a prohibition on "language which is inflammatory, defamatory or insulting or which constitutes incitement to public disorder, insurrection, hate, violence or war." Only three "pressure groups" (the MCP was then the only legal party) were recognized: the Alliance for Democracy (AFORD), the United Democratic Front (UDF)—both of these later became parties—and the Public Affairs Committee (PAC), which was composed of members of pro-democracy religious and professional bodies and opposition groups.

The government's guarantees proved meaningless throughout the campaign period, as police regularly denied opposition groups permission for rallies and arrested, beat and otherwise mistreated opposition figures for possessing documents advocating multi-partyism and even for wearing T-shirts bearing political slogans. At least 20,000 people attended the first officially sanctioned opposition rally in January, which was addressed by

members of AFORD, the UDF and the PAC. Shortly thereafter, four churchmen belonging to AFORD—Revs. Aaron Longwe, who was charged with sedition in 1992 and released on bail, Peter Kaleso, John Mwambira and Willie Zingani—were prohibited from addressing public meetings, although a high court judge later ruled that the men had been unfairly banned. Members of the Young Pioneers physically assaulted opposition members; such incidents increased after Parliament in April granted the MCP legal immunity for any crimes committed during the pre-referendum period.

Following the opposition's victory on June 14, Banda accepted defeat but refused to accept the opposition's claim that its victory required Banda and the MCP government to resign. Shortly thereafter, Parliament repealed the sections of the constitution that made Malawi a one-party state. Exiles were granted amnesty. The government agreed to the formation of a National Consultative Council (NCC), made up of seven representatives of each political party (of which seven existed as of November), to provide guidance to Parliament and to oversee the transition, the May elections and the drafting of a new constitution that would take effect following elections on May 17, 1994.

Banda fell ill in early October and was flown to South Africa for brain surgery. In accordance with constitutional provisions, a three-person presidential council was appointed in his place and given full powers to run the government. The council was headed by the controversial secretary-general of the MCP, Gwanda Chakuamba, who had been appointed party head only a week earlier after a decade-long vacancy in the post. Chakuamba, the head of the Young Pioneers in its most violent heyday, was released from prison in June after serving thirteen years of a twenty-two year sentence for sedition after a falling-out with President Banda. After his release from prison in June, he had initially joined the UDF before rejoining the MCP. Another member of the presidential council was John Tembo, Minister of State in the President's Office, who, together with his niece, Banda's "official hostess" Cecilia Kadzamira, was believed to have assumed a large share of political power in the country. The third member of the council was Minister of Transport and Communications Robson Chirwa. The opposition protested the appointment of the presidential council, but the government refused its demand that an interim president acceptable to all parties be appointed instead.

In November, Parliament formalized reforms that the government had already agreed to in principle, including legalization of the NCC, the repeal of provisions for detention without trial, and passage of a bill of rights to take effect immediately following the election.

The conviction and sentencing in December 1992 of Chakufwa Chihana, secretary-general of the Southern Africa Trade Union Coordination Council and leader of AFORD, was a devastating blow to the opposition. Chihana, a longtime critic of the government and an extremely popular leader, had been detained in 1992 on several occasions totaling approximately five months and charged with sedition. The charges related to papers he had delivered at a conference held in Zambia and an address he had planned for his return to Malawi on the prospects of multi-party democracy there, a topic that, following Banda's agreement to hold the referendum, was no longer off-limits. In December 1992, Chihana's conviction and sentence to two years in prison with hard labor sparked a demonstration at which some 260 protestors were arrested and held for five days; approximately 130 were charged with unlawful assembly. An appeal to the sentence was heard in March 1993, resulting in its reduction to nine months with hard labor. Some 6,000 demonstrators again protested, and police opened fire; at least five were wounded. While in prison, Chihana, who suffered from respiratory infections and headaches, was denied medical treatment, fed poorly and forced to engage in heavy labor throughout his illnesses. He was released on June 12, two

days before the referendum.

One of Malawi's most celebrated long-term political prisoners, Vera Chirwa, was released from prison on humanitarian grounds in January after spending eleven years in prison on a treason charge. Her husband, Orton Chirwa, had died in prison the previous October. Both Orton and Vera Chirwa had been detained in harsh conditions, including confinement in leg irons at various times during their incarceration. Vera Chirwa had been allowed to see her husband only once during her imprisonment and was denied permission to attend his funeral.

Opposition leaders who were arrested in the run-up to the referendum included Bakili Muluzi, chair of the UDF and a former cabinet member of the MCP, who was arrested and held for three days in February. He was charged with misappropriating MCP funds during the 1970s. Chakakala Chaziya, vice chair of the UDF, and three other UDF members were arrested in January and detained for two weeks. Rev. Peter Kaleso was arrested in January after addressing an AFORD rally; he was later acquitted of charges that he had insulted the Life President. Alice Longwe, the wife of Rev. Longwe, was arrested and charged with sedition. An assassination attempt was reportedly made on Rev. Chinkwita Phiri, who at the time was acting general secretary of the Christian Council of Malawi.

A number of exiles returning to Malawi were arrested, including members of the United Front for Multiparty Democracy, an alliance of veteran exile politicians, who were detained in February upon their return from Zambia. One of the group who was holding a Zambian passport was deported; another was held without charge until his release in April. Three officials of the Malawi Democratic Party returned from exile in South Africa in February and were charged with importing seditious literature.

Detainees endured inhumane conditions of detention, including severe overcrowding, inadequate food and torture. Amnesty International reported that one detainee, Flora Kapito, who was arrested for possession of multiparty literature, died in detention in February as a result of injuries sustained while in prison. All pro-democracy activists were eventually released following the referendum. Amnesty International reports that three political prisoners—Nelson Mtambo, Sidney Songo and Htwana Mlombwa, all imprisoned since the mid-1960s—remained in prison after twenty-nine years. They were reportedly arrested in the aftermath of an armed rebellion led by a former cabinet minister. The government has never publicly admitted their imprisonment.

Many political trials in 1992 did not meet international standards for fairness, but there were some surprising decisions, including one in May in which a Malawi high court judge ordered the government to pay Martin Machipisa Munthali, a political prisoner released in June 1992 after twenty-seven years of confinement, the equivalent of \$1 million; the government has since complied. Many prisoners continued on death row after unfair trials conducted by the so-called traditional courts, which, among other restrictions, prohibited legal representation for defendants. In October, traditional courts were suspended pending the repeal by Parliament of the laws under which they were established.

Because of Malawi's low literacy rate, radio, which was controlled by the government, was perhaps the most significant political tool in the campaign period, and it remained, predictably, in the control of the government. President Banda was the only campaigner allowed to broadcast on Malawi radio, and opposition rallies were not permitted live coverage.

Despite the referendum regulations lifting restrictions on the press, freedom of the press was not tolerated in the early months of the year. Independent newspapers, which did not exist before 1992, were occasionally shut down. The editor of one such paper, *New Express*, Felix Mponda Phiri, was arrested on January 2 upon his return from Zambia with copies of the

first issue of the paper. He was detained without charge for seventeen days. Two opposition newspapers—AFORD's *The Democrat* and *UDF News*—were temporarily banned in March.

Dozens of newspapers have now appeared in Malawi, and after the referendum they did not face any serious constraints. After the referendum, the government and opposition agreed on a code of conduct for radio broadcasts, which, however, was regularly flouted. Broadcasts continued to favor the government and ruling party, and government officials were able to censor news reports.

Serious human rights concerns that remained in Malawi included rampant abuses by the police force. Police continued to arrest and torture particularly outspoken critics of the government and regularly to flout court orders. Conditions in the prisons, which were under police control, were deplorable due to abuses by guards, overcrowding and inadequate food and medical care. Another area of concern was Malawi's judicial system, which lacked the independence necessary to fulfill its role as a guardian of human rights. Rectifying these institutionalized forms of abuse will require the inclusion of rights guarantees in the new constitution, a redrafting of laws which contravene human rights guarantees, and the active support of government leaders for internationally accepted human rights norms.

#### **The Right to Monitor**

Because of the government's absolute intolerance of dissent, human rights monitoring by Malawians was impossible before 1993. Starting in the pre-referendum period, several groups expressed an interest in monitoring human rights and began to formalize their work. Three such groups are the Civil Liberties Committee, an independent group founded in February, and the Law Society of Malawi and Christian Council of Malawi, both well-established organizations. In addition, a lawyer affiliated with AFORD, who recently founded the Foundation for Justice and Human Rights, has successfully brought human rights cases to the courts, including the case of Martin Machipisa Munthali described above.

International human rights groups were permitted to visit Malawi in 1993 and were granted meetings with high-level governmental officials.

#### **The U.S. Role**

The U.S. government played an important role in maintaining pressure on Banda during the run-up to the referendum. An aid freeze, which excepted humanitarian assistance, was agreed to by Malawi's major donors in May 1992 and was maintained by the U.S. government throughout the first half of 1993.

Citing significant progress in moving toward democracy, on August 11 the U.S. released \$11 million of that aid to Malawi, which was specifically targeted for literacy and agricultural projects. Total aid for fiscal year 1993 was \$15.5 million, earmarked for projects on family planning, agriculture, AIDS prevention, child mortality and election support. A total of \$15 million was requested for fiscal year 1994, but the request was expected to increase by \$10 million. Another meeting with western donors was expected to be held in December 1993. World Bank loans to Malawi continued during the aid freeze.

An unusual and welcome demonstration of support for human rights by the U.S. government occurred in April, when Vice President Al Gore summoned the Malawian ambassador, Robert Mbaya, to the White House to discuss the referendum. According to a press release issued after the meeting, the vice president made the following statement to the Ambassador:

The administration is deeply interested in the process of democratization in Malawi. The upcoming referendum on a multiparty

system is an extremely important event, and both its conduct and results will be watched closely by the international community.

The press release also noted that Vice President Gore raised human rights issues with Ambassador Mbaya and called for Chihana's immediate release.

The Voice of America played a commendable role in the pre-referendum period by airing a six-part series in the local language on political developments not reported on state radio.

The American Federation of Labor and Congress of Industrialized Organizations (AFL-CIO) filed a petition on workers rights in Malawi in 1992, following which the review committee of the Generalized System of Preferences (GSP) agreed in 1993 to examine Malawi's labor practices. A State Department official told Africa Watch that improvements in labor practices since 1992 would likely result in a continuation of Malawi's GSP benefits.

Members of Congress were active on Malawi during the year. A letter signed by ten Senators was sent to President Banda on March 5 to protest Chihana's continued detention. Also in March, Senators Kennedy, Kassebaum, Simon and Spectre introduced a resolution condemning the incarceration and harassment of dissidents and the restrictions on freedoms of speech, press and assembly. The resolution, which was not passed because it was overtaken by the referendum itself, was nevertheless important in sending a strong message of support to the Malawian opposition.

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

Africa Watch's work consisted of writing letters to the Malawi government regarding human rights issues relevant to the referendum. A January 11 letter protested the Chihana conviction. Later in January, in light of the government's pledge to respect the U.N. recommendations, Africa Watch wrote to request permission for an Africa Watch mission. Previous requests had been denied, and no reply was received to this letter. In February, Africa Watch protested the arrests of AFORD and UDF members. A letter in late March raised concerns regarding Chihana's health.

Africa Watch also wrote to the U.S. representative of the World Bank in March, urging opposition to loans for Malawi based on Section 701(A) of the International Financial Institutions Act of 1977, which obliges the U.S. to oppose multilateral loans to countries that engage in a consistent pattern of gross violations of international human rights.

## **NIGERIA**

#### **Human Rights Developments**

Nigeria, which began the year with promise of a presidential election, ended the year with the stark reality of the return of military dictatorship and the abolition of all democratic institutions. The November 17 coup was the direct result of a final attempt to cling to power by Nigerian leader Gen. Ibrahim Babangida, who annulled the results of a presidential election held in June. The furor that followed the election's annulment succeeded in sweeping General Babangida from power in late August but not in preventing the installation of an unelected civilian interim government hand-picked by the outgoing regime. In mid-November, Defense Minister Gen. Sani Abacha forced the head of the interim government to resign, effectively staging what is the seventh coup d'etat in Nigeria's thirty-three years of independence. On assuming power, Gen. Abacha banned all existing democratic institutions, including the legislature, the political parties, and state and local elected offices.

Although Babangida had manipulated the transition process and had seen



to it that the presidential election would be contested by two of his friends, Moshood Abiola and Bashir Tofa, the June 12 election represented to the nation an important if imperfect opportunity to move toward democracy. One of the most unfortunate effects of the annulment was the impetus thereby provided to the divisive influences of ethnicity and regionalism, which have tainted Nigerian politics since independence. The three largest ethnic groups are the Hausa-Fulani, who dominate the northern half of the country; the Yoruba, who control the southwest; and the Ibo, who are the largest group in the southeast. Historically, political power has been dominated by the Hausa-Fulani, the majority of whom are Muslims. The Yoruba, who form the majority in the commercial centers of Lagos and Ibadan, and the Ibo are largely Christian. The strong showing throughout the country by Abiola, a Yoruba Muslim from the south, would have provided the nation's more than 250 ethnic groups an unprecedented opportunity for unity, which was lost in the post-cancellation crisis.

Although election observers gave their approval to the election, Babangida first suspended and later annulled the vote without announcing the final results, which were later published by the Campaign for Democracy (CD), a loose coalition of human rights and other grass-roots organizations.

It remained unclear if the election would have been permitted to stand had Tofa, a northern Hausa-Fulani Muslim, won or whether Babangida would have been unwilling to leave office in any case.

Riots erupted in Lagos in early July after peaceful demonstrations organized by the CD were overtaken by local thugs. Over one hundred demonstrators and other innocent victims were reported killed by military and security forces. The Civil Liberties Organisation (CLO), a Lagos-based human rights group, reported that some 250 protestors were secretly detained for four weeks at a notorious, remote island detention camp. The British government, Nigeria's largest investor, the U.S., the European Community and Canada condemned the election annulment and cut off aid.

Additional strikes and demonstrations by the CD, the Nigerian Labor Congress, the oil workers unions and other organizations were held in August, September and October. Support for the strikes was generally strong in Lagos and Ibadan but less so in the northern and eastern areas of the country.

On August 26, due largely to opposition within the military to his continued stay in office, Babangida resigned as head of state and retired from the military. He named an "interim government," headed by industrialist Ernest Shonekan, to take over from the military. Shonekan had previously headed a group of civilians co-opted by General Babangida in an attempt to placate critics of his decision to postpone his departure from politics from January to August 1993, his third such postponement. Although Shonekan was named commander-in-chief of the armed forces, Defense Minister Gen. Sani Abacha, who was the only military hold-over from the previous regime and who was widely believed to be responsible for pressuring General Babangida to leave office, actually held the reins of power.

Soon after assuming office, the interim government called elections for February 1994. However, a large segment of Abiola's party indicated it would not participate, and the CD called for a boycott of voter registration in November. The government postponed the convening of the National Assembly until November 4, citing financial constraints as the reason, but political dissension was believed to be the actual cause of the postponement.

The following week, two unannounced moves by the government followed immediately by a ruling in a Lagos High Court, increased popular disaffection with the government. On November 8, without warning, the government raised fuel prices by nearly 700 percent, prompting the NLC to call for a nationwide strike. The same day, Nigerian television announced

that all elected local government council were to be immediately dissolved "in preparation for the local government elections scheduled for February 1994." Two days later, a Lagos High Court ruled that the interim government was illegal; the government immediately appealed the decision.

The next week, while the country was in the throes of strikes and demonstrations, came the announcement that had been feared since the political crisis began. Shonekan and his cabinet had been forced out of office by General Abacha, who banned the legislature, the political parties, the National Electoral Commission, and state and local governments, which were to be replaced by military commanders. All political meetings and associations were also banned. No timetable was set for the return to civilian rule.

Predictably, in this tumultuous year, human rights abuses were widespread, most notably ethnically-based attacks, killings of demonstrators, detentions of activists and journalists, and interference with freedom of expression and association.

The most devastating abuses were related to attacks against the Ogonis, a minority group inhabiting the oil-producing delta region of Rivers State, who have vocally protested the destruction of their land and culture by multinational oil companies and Nigerian military forces. From July onwards, approximately 1,000 Ogonis were killed in attacks believed to be sanctioned by governmental authorities. Villages were destroyed, and thousands of Ogonis were displaced. The government did not provide aid or investigate the attacks.

Ogoni spokesperson Ken Saro-Wiwa became the target of a government harassment campaign, and in June he was arrested and detained for over one month, during which time he was denied access to medical treatment despite a critical heart condition. On July 13, Saro-Wiwa was charged before a Port Harcourt magistrates court with six counts, including unlawful assembly and sedition, relating to a boycott by the Ogonis of the June election. Two other members of the Movement for the Survival of the Ogoni People, which Mr. Saro-Wiwa headed, were also charged. Later that month, all three were released on bail, and their trial was adjourned.

In another ethnically related incident, death sentences were handed down between December 1992 and March 1993 to thirteen alleged participants—all members of the Kataf, a largely Christian ethnic minority—in ethnic and religious riots that had taken place in May 1992, in the northern state of Kaduna. The riots began after Katafs attacked a community of Hausa-Fulanis, and then spread to the cities of Kaduna and Zaria, where they took on a religious dimension. Hundreds of Katafs were arrested after the riots, and at least thirty-seven languished in detention for over a year.

The trials were conducted before two Special Tribunals, where all constitutional guarantees were suspended and from which there was no right of appeal. One group of six defendants received widespread attention because of the extraordinary level of abuse at the trials and the prominence of one of the defendants, retired Maj. Gen. Zamani Lekwot. The six are believed to have been made scapegoats in reprisal for their criticism of abuses against the Katafs. The involvement of the government in ensuring the convictions of the Lekwot group was made most apparent by the promulgation of Decree 55, announced in December 1992 but made retroactive to the previous July, which barred inquiries into abuses of constitutionally guaranteed rights during the trial.

The death sentences were sent for review to the National Defense and Security Council (NDSC), which in January 1993 replaced the Armed Forces Ruling Council. A suit brought by the Constitutional Rights Project, a Lagos-based human rights organization, resulted in a stay of execution for the Lekwot group. In late August, the NDSC commuted all thirteen death

sentences to five years in prison and ordered the immediate release of all detained Katafs held without trial.

The press, which became increasingly outspoken in 1993, suffered its worst government assault in the country's history, beginning in March, when the editor of the Kaduna-based *Reporter*, owned by a former presidential candidate banned by Babangida in 1992, was arrested. In late May, the paper was proscribed. Two new and outspoken publications, *The News* and *Tell*, endured an incessant campaign of government-sponsored harassment. In May, *The News* was shut down and its entire editorial staff declared wanted for arrest. The magazine was later banned for several months.

In May, the Nigerian government unveiled the Treason and Treasonable Offenses Decree, which, although never published, announced a prohibition on promoting "ideas that minimize the sovereignty of Nigeria." It was believed to have been directed at the Ogonis as well as at human rights activists and outspoken journalists. In announcing the decree, the Justice Minister said that it could be interpreted to convict "[a]nybody who acts alone or conspires with anybody...either by word or publication of any material capable of disrupting the general fabric of the country or any part of it."

Conviction under the decree would result in death. Two weeks after the announcement, following international protest, the decree was suspended, and it has not been revived.

After the election was aborted, the government assault on the press intensified. Five media were shut down in July--*Concord Press*, owned by Abiola; *Punch*; the *Sketch* group; *Abuja Newsday*; and *The Observer*. All except *Newsday* were proscribed by decree the following month. Four *Tell* journalists were arrested in August and detained for approximately two weeks.

On August 16, the Babangida government promulgated Decree 43, which contained a litany of restrictions on the press, including punishment by a ten-year prison term or stiff fine or both for publishing "false information"; the establishment of an office for each paper in Abuja within one year; and an order to submit all newspapers to the Information Secretary. If implemented, the decree's financial burdens alone would force the closure of most of the the country's independent press.

On taking power in November, General Abacha lifted the bans on the news media, but warned them to be careful about what they published.

Abuses by members of the police and security forces, a persistent human rights problem in Nigeria, remained severe, and virtually no members of these forces were held accountable for their actions. Cases of harassment and shooting of innocent travelers at illegal checkpoints, torture and extrajudicial killings of "suspects," and the widespread use of bribes to ensure release from detention continued throughout the year. There were no initiatives by the government to investigate the deaths in the July Lagos riots.

As in previous years, abysmal prison conditions, including overcrowding, insufficient and poor quality food, and the lack of sanitation, water and medical treatment contributed to an estimated prison death rate of more than 1,000.

Nigerian universities were closed down during most of 1993 largely due to strikes by various unions. In early May, the government lifted the seven-year ban on the National Association of Nigerian Students. After repeated unsuccessful attempts to negotiate with the government, the still proscribed academic staff union called a strike in May over issues including lack of autonomy and conditions of service. The government responded by announcing a decree that reclassified teaching as an essential service and called for the dismissal of striking teachers. After a public outcry the decree was "set aside." Following meetings with the interim government in September, the academic union agreed to call off its strike.

### **The Right to Monitor**

Attacks on human rights monitors escalated shortly after Babangida's November 1992 decision to postpone the transition. A crackdown from late November through early January included the arrest and short-term detention of a number of individuals involved in pro-democracy activities; forcible police entry into the headquarters of the CD and CLO and the seizure of materials; the interruption of a number of gatherings sponsored by human rights and pro-democracy groups; and the confiscation of a magazine that carried an interview with Femi Falana, president of the National Association of Democratic Lawyers. Printers of human rights and pro-democracy materials were detained for several days and their print shops were temporarily closed by police.

Incidents of harassment continued through the winter and spring. In late February, security agents invaded the CLO offices, took away documents, and questioned CLO officers about their funding sources and other matters. Femi Falana and Dr. Beko Ransome-Kuti, CD chair and president of the Committee for the Defense of Human Rights, were briefly arrested in March. In April, Falana and Ransome-Kuti were again briefly arrested and CD leaflets were confiscated on several occasions. CD activists were also arrested elsewhere in the country.

Hundreds of human rights and pro-democracy activists, labor leaders, academics, students and workers were arrested after the elections were canceled. Many were held for weeks without access to their families or defense counsel. In addition to the detentions, security agents conducted raids on offices of human rights activists and pro-democracy groups. In one raid on CD headquarters on August 9, forty security agents arrested everyone in the office, including visitors, and removed files.

Ransome-Kuti, Falana and Chief Gani Fawehinmi, all leaders of the pro-democracy movement, were arrested in early July and detained at Kuje Prison near Abuja. The three were charged with sedition and conspiracy to incite violence and initially refused bail. They were informed that, in addition to their criminal charges, they were also subject to detention under Decree 2, Nigeria's administrative detention decree. The three were denied access to their lawyers, families and doctors, despite serious health concerns of both Dr. Ransome-Kuti and Chief Fawehinmi. The Abuja High Court granted them bail in late July, but they were not released then because of the Decree 2 detention orders. They were finally released in August as one of the first acts of the interim government.

Many other activists were arrested in early July as well, including three members of the CLO, Wale Shittu, Femi Adeluga and Emma Nweke, who were detained for twenty-five days for possession of CD leaflets. Hundreds of protestors were arrested throughout the country following various demonstrations held from August through October. Most were released, but it was feared that some unidentified activists might have remained in detention.

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

The U.S. had a strong human rights policy towards Nigeria throughout 1993, raising criticism of the government's abuses and its manipulation of the electoral process. In the period shortly before the election, the White House refused a request for a meeting with General Babangida, who was in the U.S. on other business. On June 10, Michael O'Brien of the U.S. Information Agency issued a statement that a threatened postponement of elections was "unacceptable" to the U.S. government. Following protests by the Nigerian government, the statement was amended to say that a postponement of the election would cause "grave concern" to the U.S. But even that was too much for Nigeria, which reacted by expelling Mr. O'Brien and by withdrawing the

accreditation of eight nongovernmental observers from the U.S. to monitor the election.

Less than twenty-four hours after the election was canceled, the State Department released a statement "deploring" the move. The U.S. quickly cut off \$450,000 in aid for military training and followed by canceling an \$11 million grant to the Ministry of Health and other smaller grants totaling less than \$1 million. The rest of the bilateral aid, which funded humanitarian programs through nongovernmental channels, was left intact. One of the State Department's most commendable actions on Nigeria was a suspension of arms sales, which has only rarely been used elsewhere and represents an important initiative by the Clinton administration. In addition to these steps, Nigeria's military attaché in Washington was ordered to leave and a U.S. security assistance officer was withdrawn from Nigeria. Military relations between the two countries were also reduced. In July, the U.S. announced that it would review commercial military sales on a case-by-case basis with the presumption of denial. U.S. citizens were urged to defer travel to the country.

At an August 4 hearing on Nigeria's political crisis before the Africa Subcommittee of the House of Representatives, Assistant Secretary of State for Africa George Moose promised "additional steps" if a civilian government was not in place on August 27. Following the installation of the interim government, some lower-level Nigerian government officials were permitted to meet with U.S. officials in Washington, but a meeting requested by Mr. Shonekan with high-ranking officials was refused.

An unfortunate aspect of U.S. policy towards Nigeria was the decision in the middle of the upheaval to replace Amb. William Swing, who during his brief tenure strongly promoted observance for human rights in Nigeria. Ambassador Swing left Lagos in September to be replaced by Amb. Walter Carrington, who, among his previous academic and political posts, worked in the office of former Congr. Mervyn Dymally and also briefly served as ambassador to Senegal.

In a strong speech delivered at Ambassador Carrington's swearing-in ceremony on October 25 and released in Lagos, State Department Counselor Timothy Wirth criticized Nigeria's failure to further the transition process and promised that the U.S. would maintain the above-mentioned restrictions on aid and other forms of cooperation until there was "genuine progress toward fulfilling the aspirations of the Nigerian people for unhindered, democratically-elected civilian government."

In a statement on November 18, the State Department "condemn[ed]" General Abacha's coup, and said it was "assessing new measures...which may be necessary to reinforce those taken in the wake of the June 12 election."

The Nigeria chapter in the State Department's *Country Reports on Human Rights Practices in 1992*, released in January 1993, provided an accurate view of human rights abuses in Nigeria, devoting thorough discussions to such widespread problems as police abuses and prison conditions. One shortcoming of the report was the absence of discussion of the trials of the Kataf suspects and the promulgation of Decree 55.

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

Africa Watch published four newsletters on Nigeria. The first, published in December 1992, highlighted the renewed crackdown on human rights and pro-democracy groups. In March, "Military Injustice" discussed the death sentences of General Lekwot and the other convicted Katafs. A newsletter released in early June, "Threats to a New Democracy," was based in part on an Africa Watch mission to northern Nigeria to investigate the government's involvement in communal violence and discussed manipulation of the transition and interference with civil institutions. "Democracy Derailed," released in August, detailed human rights abuses surrounding the election

annulment.

Africa Watch wrote protest letters to the government after the elections were suspended in June and again in July to protest the arrests of pro-democracy activists. A press release was distributed in June regarding the election's annulment. In August, Africa Watch testified before the Africa Subcommittee of the House of Representatives Foreign Affairs Committee.

Africa Watch wrote to Mr. Shonekan in September, raising issues including attacks on the Ogonis and restrictions on freedom of expression and asking him to respect the results of the June 12 elections. Also in September, Africa Watch called on the IMF/World Bank to take human rights into consideration in negotiating a new agreement with Nigeria. On October 6, to coincide with an address by Shonekan before the U.N. General Assembly, Africa Watch issued a press release raising various human rights concerns.

## **RWANDA**

### **Human Rights Developments**

The year 1992 ended and the new year began with another crisis for human rights in Rwanda. Local government officials, acting on orders from the general staff of the Rwandan army, organized attacks on Tutsi, a minority people, in several communes in the northwest. Three were killed, dozens injured and thousands forced to flee their homes for refuge in churches, schools or government centers. The operation was to "clear the brush" that might be used as "cover" by members of the Rwandan Patriotic Front (RPF) in their guerrilla war against the Rwandan government. Most members of the RPF are Tutsi, and, following their invasion of Rwanda in October 1990, the government had identified Tutsi within Rwanda as RPF "accomplices" providing "cover" for the invaders. Using this excuse, the government killed approximately 2,000 Tutsi between 1990 and 1992, some singly or in small groups, others in massacres that took hundreds of lives at Kibilira, Bugesera and in northwest Rwanda. In addition, the government arrested or detained without charge about 10,000 Tutsi and members of the political opposition in 1990 and 1991, and dozens of others in 1992. Many of these were tortured or badly beaten; some were held incommunicado in military camps rather than in regular prisons.

The Tutsi, once a ruling aristocracy, had been driven from power by a revolution in 1959. Hundreds of thousands fled to surrounding countries, where many continued to live as refugees in 1993. The largely Tutsi RPF invaded Rwanda to back their demands that the refugees be allowed to return home and that the current government be changed.

President Juvenal Habyarimana, who first took power in a military coup twenty years ago, publicly deplored the attacks on the Tutsi. However, although he had widened his single-party government into a four-party coalition in April 1992, he had maintained his control over the party militia, police and local administration. This control allowed him to continue abuses against Tutsi and members of the opposition, and Tutsi were targeted in an effort to bolster crumbling solidarity among Hutu, who form about 85 percent of the population of Rwanda. President Habyarimana is himself Hutu as are virtually all officials. His role in the violence emerged clearly just prior to the December 1992 attacks when one of his spokesmen made a widely publicized speech calling on Hutu in the northwest to rid the region of Tutsi by all means necessary, including killing them and dumping them in the nearest river. President Habyarimana never denounced this inflammatory speech nor disassociated himself from this spokesman.

Several Rwandan human rights associations, united within the coalition

known as the Liaison Committee of Associations in Defense of Human Rights in Rwanda (CLADHO), had been urging the creation of an international investigatory commission on human rights in Rwanda. During 1992, they asked Africa Watch, the International Federation of Human Rights (Paris), the Inter-African Union of Human Rights (Ouagadougou) and the International Center for Human Rights and Democratic Development (Montreal) to organize the inquiry. The commission, a ten-person panel representing eight nationalities, known as the International Commission of Investigation on Human Rights Violations in Rwanda since October 1, 1990, was co-chaired by representatives from Africa Watch and the International Federation of Human Rights. On their arrival in early January 1993, the commission's members were welcomed by President Habyarimana, a public posture belied by attempted assassinations and threats against potential witnesses that had taken place in the days immediately preceding. The commissioners collected testimony from hundreds of persons, ranging from ordinary cultivators out on the hills to the highest government officials. They engaged in formal interviews, but also collected information presented spontaneously, sometimes by persons who had learned of their presence in Rwanda from radio news broadcasts. They reviewed numerous official documents, including many judicial dossiers, and verified lists of victims presented by families, clergy and human rights associations. They excavated two mass graves where Tutsi victims had been buried, one in the backyard of a local government official.

While conducting its investigation, the commission had been told that the government was only awaiting its departure to launch new violence. Just hours after the commission left on January 21, 1993, supposedly spontaneous demonstrations against a recent political agreement between the RPF and the Rwandan government turned into attacks on the persons and property of Tutsi and opponents of the regime. Apparently wary of increased unfavorable attention to official participation in abuses, President Habyarimana this time had attacks led by militia of his political party, the National Republican Movement for Democracy and Development (MRND), and its ally, the Coalition for the Defense of the Republic (CDR), rather than by local officials. In the next five days, more than 300 people were killed, and thousands of others were driven from their homes.

On February 8, the RPF violated the cease-fire in effect since the previous July and drove Rwandan troops farther south. After this resumption of the conflict, Rwandan soldiers took vengeance on Tutsi civilians and opponents of the regime. They killed at least 147 persons and beat, tortured and raped many more, often after detaining them in military camps.

They burned and looted hundreds of homes and businesses. In some cases, the soldiers acted alone; in others, they were joined by local mobs of civilians. In some communes where Tutsi had been repeatedly attacked in the past, the military distributed arms to groups of civilians known to support President Habyarimana.

These abuses came shortly after a group of Rwandan soldiers calling itself *amasasu* (meaning "bullets" in Kinyarwanda, the local language) threatened to "detect and destroy" opposition politicians and others who, in their view, were supporting the RPF. They declared themselves above the law and said they would deliver "an exemplary lesson to these traitors from inside." In early February, Prime Minister Dismas Nsengiyaremye, a member of the political opposition included in the government since April 1992, criticized the Minister of Defense for the official compilation of a list of "accomplices" of the RPF and asked that the names of those accused be turned over to the Ministry of Justice for prosecution by legal channels. As late as May, civilians were being detained without charge in military camps and were eventually delivered to the regular judicial system only after vigorous intervention by local human rights associations.

When the RPF launched its early February attack, it justified the

offensive in part by the need to counter human rights abuses of the Rwandan government, such as the massacre two weeks earlier of hundreds of Tutsi. The Rwandan government in turn accused the RPF of massive killings of civilians, including thousands who had sought shelter in camps for displaced persons. While most of the government charges lacked credibility, investigations by local human rights associations established that the RPF had summarily executed sixteen civilians, eight government officials and eight others, mostly family members of the officials. One of those executed was the local official whose backyard contained a mass grave excavated by the international commission. According to information collected by local human rights groups and the clergy, the RPF killed more than one hundred civilians during its February attack. Open warfare was halted once more in March by a new cease-fire.

In a report published March 8, 1993, the international commission found the Rwandan government guilty of serious and systematic human rights abuses between October 1990 and January 1993, the period it investigated. The commission's report concluded that the majority of the approximately 2,000 victims of massacres and other abuses were Tutsi who had been targeted for the sole reason that they were Tutsi. It determined that authorities at the highest level, including the President of Rwanda, were responsible for these abuses, which were carried out by civilians, soldiers from the Rwandan army, and by the militias attached to the MRND and the CDR. Local administrative officials had coordinated the attacks in many cases. The report pointed out that the president and government of Rwanda tolerated the activities of armed militias attached to political parties, a clear violation of Rwandan law, and that these militia were playing an increasingly important role in violence against Tutsi and members of the political opposition. The commission also observed that the judicial system was paralyzed by political interference even more than by lack of resources and the poor training of judicial officials. Although hundreds of accused persons had been arrested following massacres, for example, all had been released shortly after and not one had actually been brought to trial.

The international commission also found that during the same twenty-seven month period, the RPF had attacked civilian targets and killed and injured civilians who were clearly protected by the Geneva conventions. It reported that the RPF had also kidnapped Rwandans and forced them to go to Uganda and has looted and destroyed the property of civilians.

The Rwandan government responded to the report of the international commission by "recognizing and regretting" the human rights abuses that had taken place in Rwanda. In a joint statement of acknowledgment and apology delivered in April, President Habyarimana and Prime Minister Nsengiyaremye promised a ten-point set of reforms that conformed closely to recommendations made by the international commission on March 8 and by Africa Watch in its February 1992 report. At the same time that they admitted and deplored the abuses, the Rwandan authorities promoted the formation of four supposedly autonomous human rights associations whose chief purpose was to denounce the international commission and its report. These associations, whose names sounded remarkably like those of the authentic human rights associations, published a pamphlet critical of the commission in Rwanda and held press conferences in Europe and the U.S. The leading propagandist, Ferdinand Nahimana, for this effort was the official responsible for radio broadcasts that had provoked the massacre of hundreds of Tutsi in Bugesera in March 1992.

One of the reforms promised by the Rwandan government was administrative and judicial sanctions against authorities responsible for human rights abuses. Even before this date, several local officials (*burgomasters*) accused of abuses had been removed as part of a general administrative house-cleaning that had also removed officials guilty of



corruption, negligence, or other shortcomings. The burgomasters were replaced in a restricted electoral process that represented a welcome, if limited, step toward democratization. The officials removed, however, were all low-level and none was brought to trial.

The Rwandan government instituted its own investigatory commission to look into the massacres of January 1993. Like several earlier internal commissions that inquired into abuses in 1992, this one produced a report that assigned responsibility to some local officials but obscured the role of higher authorities. As part of an agreement with the RPF, the Rwandan government replaced some of the officials implicated in the January killings, but as of November not one of them had been indicted or tried for participation in the violence.

The Rwandan government also undertook to prosecute individuals and organizations that promoted armed militias attached to political parties. For several months following the April 7 statement, the militia adopted a low profile, but in August and September, they became visible again, easily identifiable on the streets by their distinctive dress. No one has been prosecuted for supporting such militias. The post of Minister of Justice, vacant for six months following the December 1992 resignation of the incumbent to protest interference in the judicial process, was finally filled and the new minister began trying to reform the system.

Although the Rwandan government partially executed some of the reforms promised in April, by November 1993 it had not carried out its commitment to guarantee the security of all Rwandans. No large-scale killings took place since after April, but assassinations and a series of explosions took a number of lives. Among the victims of assassinations were Emmanuel Gapyisi, a leading opposition politician, killed in May, and Fidèle Rwambuka, a former burgomaster, shot down in his home in August. Attacks by bombs, grenades and landmines continued thorough fall 1993, with the worst, an explosion at Kirambo, killing sixteen and injuring 127 in late May. Many of these killings were attributed to "death squads" reputedly operating under the direction of high authorities and hence protected from arrest and prosecution.

The insecurity and privations of war, coupled with open and easy trading of guns and grenades, fostered a rapid increase in crime of all kinds. In the face of the ineffectiveness of the police and judicial systems, private citizens organized neighborhood guards who were armed and who threatened and shot persons whom they suspected of wrongdoing. The government did nothing to halt the formation of such groups or to prosecute those who injured or killed alleged criminals.

Security within the prisons was also inadequate. In August, two prisoners who supposedly had provided information to the secret police were killed by fellow inmates at Kigali prison, while in the prison at Butate, thirteen prisoners met death at the hands of their fellows in the four hours that it took guards to intervene and reestablish order.

On August 4, the Rwandan government and the RPF signed, in Arusha, Tanzania, a peace treaty in which both sides reaffirmed their commitment to establishing human rights and a state of laws in Rwanda. The agreement transferred much of the Presidential power to a cabinet which would be staffed during a twenty-two-month transition period by representatives of the three political blocs: President Habyarimana's political party and its allies, the internal opposition parties, and the RPF. The accords named Faustin Twagiramungu of the MDR, the largest internal opposition party, as Prime Minister during the period of transition. The armies of the Rwandan government and of the RPF were to be combined into a single joint force of 13,000, considerably reduced from the 40,000 then under arms on the government side and the approximately 10,000 in the RPF army. The parties asked the United Nations to send a force to keep the peace during the

twenty-two months leading to national elections. This force would replace troops provided by the Organization of African Unity (OAU) that had enforced the cease-fire in the year prior to the signing of the peace treaty. The transitional government was to take power after the arrival of the U.N. troops, on September 11. The U.N. force was delayed, however, and was expected to arrive in December 1993. In the meantime, the old government—a coalition of Habyarimana and internal opposition representatives—continues to function.

During the period of most intense warfare, nearly one million Rwandans—about one-seventh of the total population—were forced to flee their homes in the battle zone. Many took refuge in hastily improvised camps where shelter and sanitation were completely inadequate. They depended on food assistance delivered by the Red Cross, the World Food Program, and other agencies. In June, members of parliament and local human rights groups publicized thefts of food by local officials and aid workers, some of whom had been charging displaced persons for the supplies or confiscating them for resale on the open market. With the end of fighting, the displaced began returning to their homes, leaving about 300,000 in the camps.

The peace treaty guaranteed the right of all refugees living abroad to return to their homeland. Reintegrating the returnees and balancing their rights against those of other Rwandans was likely to prove a serious challenge to the new government.

Providing for the thousands of soldiers to be demobilized with the return of peace would pose significant problems as well.

Encouraged by the signing of the peace accords, Rwandans began to explore paths to national reconciliation. Human rights activists stressed the need to establish reconciliation on a foundation of honesty and justice and pressed for continued investigation and prosecution of those responsible for abuses in recent years. As of November, neither the Rwandan government nor the RPF had demonstrated a serious commitment to bringing the guilty to justice.

### **The Right to Monitor**

While President Habyarimana made a show of welcoming international inquiry into the situation of human rights in Rwanda, his subordinates threatened or attacked those who could or did give testimony before the investigative commission. The family of one young man who aided the commission was attacked by a mob incited by local officials, and the father of the family was forced to commit suicide. A student who had provided information to the commission was among the victims killed in the massacres that began the day of the commissioners' departure. A human rights activist, Monique Mujawamariya, executive director of the Rwandan Association for Human Rights and Public Freedoms (ADL), who had been instrumental in organizing the visit of the commission, was injured in an automobile accident of suspicious origin shortly before the arrival of the commission. In addition, she was threatened with death by Capt. Pascal Simbikangwa, known to have tortured many persons detained by the secret police, in full view of members of the commission who were preparing to board the plane to leave Rwanda. In April, Gakwaya Rwaka, executive secretary of the human rights association, The Christian League for the Defense of Human Rights in Rwanda (LICHREDHOR), was threatened, as were members of his family. In May, Ignace Ruhatana, an activist with the human rights group Kanyarwanda, was attacked and wounded in his home and many of his papers were taken. Carpophore Gatera, another member of Kanyarwanda, was attacked five days later. In late 1992 and early 1993, the offices of Kanyarwanda were attacked three times. On November 14, 1993, Alphonse-Marie Nkubito, president of CLADHO, and one of the founders of the Rwandan Association for Human Rights (ARDHO), was attacked by several assailants who threw a grenade into his car, and he was hit in the back by a

second grenade as he tried to flee. As of mid-November, he was in critical condition in a hospital in Kigali.

Despite official intimidation, five human rights associations actively monitored the situation and cooperated effectively in joint investigations, letters of protest, and press releases. They developed a network of contacts with international human rights organizations that enabled them to publicize abuses promptly to an audience outside of Rwanda.

### **The Role of the International Community**

Belgium, the former colonial power in Rwanda, recalled its ambassador from Rwanda for consultations within hours of the publication of the report of the international commission. Subsequently the Belgian Senate unanimously passed a resolution acknowledging the report of the commission, condemning abuses by the Rwandan government and the RPF, and directing its own government to review aid policies towards Rwanda.

France has consistently supported President Habyarimana over the years and continued this policy during 1993 despite evidence of human rights abuses by his regime. Just after the beginning of the war in 1990, France sent a contingent of troops "to protect French citizens and other expatriates" in Rwanda. After the RPF violated the cease-fire in February, France sent an additional 300 soldiers, some of whom actively supported Rwandan troops in the combat zones. Some of the French troops were withdrawn after the March cease-fire, but others remained in Rwanda, in violation of accords which called for the departure of all foreign troops. France supplied Rwanda with arms and with political and propaganda support within the European Community.

The European Parliament reacted to abuses reported by the international commission with a March 11 resolution condemning the violations and asking increased financial and logistical support from its member nations for OAU observers in Rwanda to implement the cease-fire. The legislative body of the European Economic Community and its affiliated countries, the Assemblée Paritaire ACP-CEE, passed a stronger resolution condemning the abuses and asking the European Community to suspend price supports for agricultural products from Rwanda (STABEX) until reforms had been instituted.

The diplomatic community in Kigali, the capital of Rwanda, also intervened effectively on the spot to defend human rights. The ambassadors and other representatives of the United States, Belgium, Canada, Germany, Switzerland, the Vatican and the European Community protected individuals in danger and censured the Rwandan government at critical times. The ambassador of France joined in some of these protests even as his government continued to support President Habyarimana.

The Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions appointed by the United Nations Commission on Human Rights investigated the situation in Rwanda in April. He issued a report that confirmed the findings of the international commission and called for a number of measures including a mechanism for protecting Rwandans against any further massacres, dismantling the armed militias, further investigations and bringing violators of human rights to account, an end to arbitrary detentions and arrests, and support for local human rights organizations.

The OAU played an important role in bringing the Rwandan government and the RPF to a final settlement of the war. In addition to facilitating the peace negotiations, the OAU provided a neutral peacekeeping force that effectively patrolled the cease-fire line from 1992 on.

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

During the first months of 1993, the United States showed increasing concern with human rights abuses in Rwanda. Following publication of the report of

the international commission in March, the State Department announced it was "deeply disturbed" by the Rwandan violations. Soon after, the U.S. reduced to about \$6 million its projected \$19.6 million aid package for Rwanda. This decision resulted as much from dissatisfaction with the continuation of the war and with poor economic performance, however, as from concern with human rights abuses. The U.S. eliminated or froze funds for economic development, while amounts designated for humanitarian aid were increased. Rwanda had been a country targeted for special U.S. assistance but was now put on the "watch list," meaning that it could lose this status if it did not improve its performance in several areas, including protection of human rights.

The United States attributed human rights abuses largely to the tensions of wartime and expended great effort in obtaining a peace settlement for this as well as for other reasons. Once the peace treaty was signed in August 1993, the U.S. appeared ready to turn its attention to other issues. When President Habyarimana visited Washington for official conversations in October, Africa Watch urged Assistant Secretary of State George Moose to raise human rights questions with him, especially the important issue of accountability for past abuses. The U.S., however, appeared to place little if any stress on human rights during the talks so as not to spoil the "positive atmosphere" of the discussions.

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

By immediate, direct and forceful communications to Rwandan authorities, the U.S. government and the press, Africa Watch intervened to call for a halt to abuses as they were happening, such as the massacres of January and February and the detention of civilians in military camps later in the spring. Through the same channels, it deplored violations brought to its attention after the fact, such as the executions by the RPF in February and the assassinations of Gapyisi and Rwanbuka, and pressed for those responsible for these crimes to be brought to justice.

Africa Watch continued to view certain reforms as essential for the establishment of the rule of law and the protection of human rights in the long term. It repeatedly brought such measures to the attention of the Rwandan government, the RPF and the U.S. government through correspondence and through recommendations made in its reports. Those recommendations included:

- dissolving armed militias, the *amasasu* military association, and bands of armed neighborhood guards;
- strengthening the judicial system, including creating measures to protect the courts from political interference and improving training for magistrates and police;
- equal treatment for all Rwandan citizens, a measure which would mean ending classification according to ethnic group and removing such labels from all government documents;
- ending impunity for human rights abuses in order to end the cycles of violence that have killed thousands in Rwanda.

To assist in establishing accountability, Africa Watch helped organize the international commission that documented human rights abuses from October 1990 to January 1993. It also pressed the Rwandan government and the RPF to conduct serious and credible investigations of civilian and military authorities accused of such crimes and to prosecute all those implicated.

In both short-term crisis intervention and long-term initiatives, Africa Watch worked closely with Rwandan human rights associations. The international inquiry, initiated by the Rwandan associations and carried out

by Africa Watch, the International Federation of Human Rights, the Inter-African Union of Human Rights, and the International Center for Human Rights and Democratic Development, was an important innovation in human rights intervention and a model of cooperation between locally-based and international associations. The continued strength and growth of the Rwandan associations is vital to improving the situation of human rights in the country.

In March 1993, Africa Watch together with the other sponsors of the international commission issued a one hundred-page report documenting the findings of the commission. Africa Watch issued an update, "Beyond the Rhetoric: Continuing Human Rights Abuses in Rwanda" in June 1993.

Africa Watch invited Monique Mujawamariya, executive director of the Rwandan Association for the Defense of Human Rights and Public Freedoms, to be honored by Human Rights Watch as part of its observance of Human Rights Day, December 10.

## **SOUTH AFRICA**

### **Human Rights Developments**

In 1993 a date was finally fixed for the end of white minority rule in South Africa. Multiparty negotiations that had been suspended in June 1992 were resumed, and April 27, 1994 was set as the date for the first multiracial general election in South Africa's history. In October the Nobel Peace Prize was awarded jointly to Nelson Mandela, President of the African National Congress (ANC) and to State President F.W. de Klerk, for their leadership of the negotiations since 1990. However, the transition period was threatened by the withdrawal from the negotiations of conservative groups, including Chief Gatsha Mangosuthu Buthelezi's Inkatha Freedom Party (IFP) and several right-wing white parties, and by the sudden escalation of political violence following the announcement of the election date. During 1993, some steps were taken to increase accountability in the law enforcement system, but abuses of human rights continued to be committed by the security forces, including detention without trial and torture and ill-treatment of detainees. South Africa signed several human rights treaties during 1993, including the Convention Against Torture and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

In February 1993, bilateral negotiations between the ANC and the National Party government, based on a September 1992 Memorandum of Understanding between the two parties, set the stage for the resumption of multiparty talks. A controversial agreement provided that an interim government of national unity, effectively a form of power sharing between the two parties, should rule South Africa for a period of five years after an election. A Multiparty Negotiating Forum (MPNF) began to sit in April, taking over the work of the Convention for a Democratic South Africa (Codesa) abandoned in June 1992. Two months later, April 27, 1994 was agreed, by twenty of the twenty-six parties to the negotiations, as the date for the election of a 400-member constituent assembly. In September, legislation was passed in the existing parliament for the establishment of a Transitional Executive Council (TEC), with extensive powers to promote free political activity during the election campaign. In November, the MPNF agreed to a new interim constitution to take effect after the elections, pending agreement on a final version. It included a bill of rights guaranteeing basic freedoms and abolished the ten nominally independent homelands.

Right-wing resistance to the negotiations process grew during the year. In May, a new coalition of twenty-one right-wing parties, known as the Afrikaner National Front (Afrikaner Volksfront, or AVF), was founded by

several former leaders in the South African Defence Force (SADF). On the day the election date was supposed to be confirmed, approximately 3,000 members of the white supremacist Afrikaner Resistance Movement (Afrikaner Weerstandsbeweging, or AWB), crashed an armored vehicle through the glass-fronted entrance of the World Trade Centre in Johannesburg, location of the talks, and occupied the building. Several right-wing delegations—including the IFP and the governments of the homelands of KwaZulu, Ciskei and Bophuthatswana—refused to endorse the election date and walked out of the negotiations. In October, these and other members of the right-wing Concerned South Africans Group (Cosag), joined to form a new party, known as the Freedom Alliance. The Freedom Alliance did not endorse the new constitution, nor the abolition of the homelands.

However, political violence remained the most serious threat to the transition process. Violence had been on a downward trend in late 1992 and early 1993, but exploded with renewed force in July 1993, following the announcement of the date for multiracial elections. The July-August toll of 1,159 deaths, as monitored by the independent Human Rights Commission (HRC), was the highest ever two-month total. By the end of October, the organization calculated that 3,521 people had died in political attacks in 1993, the overwhelming majority in conflict between ANC and IFP supporters.

However, as in previous years, allegations were made that a "third force," formed of security force and/or right-wing elements, was instigating much of the violence. In July, it was revealed after his death in custody that Victor Kheswa, a notorious criminal involved in many violent incidents, was a member both of the extreme right-wing World Preservatist Movement and of the IFP.

Earlier in the year, negotiations had been threatened by the highest-level political assassination in South Africa since President de Klerk unbanned the ANC in 1990. On April 10, 1993, Chris Hanu, president of the South African Communist Party (SACP) and member of the National Executive Committee of the ANC, was shot dead outside his home by Janusz Waluz, a Polish immigrant and member of the AWB. In October, Waluz was found guilty of the murder of Hanu, together with Clive Derby-Lewis, a Conservative Party member of parliament, who had supplied the gun. Both were sentenced to the death penalty.

Attacks on white South Africans also increased during 1993, although the vast majority of victims were black. In May, an attack on a hotel bar in East London carried out by the Azanian Peoples Liberation Army (APLA), the armed wing of the Pan Africanist Congress (PAC), killed five white men.

In July, ten people were killed and fifty injured in an attack on a church in a white suburb of Capetown. Other whites died in attacks on farmers and travelers, many attributed to APLA. In the first six months of 1993, 109 policemen, black and white, were killed.

The government's response to political violence remained inadequate, despite several high-profile initiatives, and continued to rely on suppression of protest rather than attempt to address underlying problems of policing. The declaration of "unrest areas" under the Public Safety Act, where emergency-type legislation gives police the right to detain without trial and other powers, remained routine. At the end of October, twenty-seven districts were unrest areas; 609 people had been detained without trial during the year to that date. Although the MPNF voted in November to abolish detention without trial under the Internal Security Act, detention under unrest regulations was not affected. In March 1993, the government announced a "ten point plan" to combat violence, focusing on increased police presence and manpower. Stronger penalties for possession of illegal weapons and ammunition were brought into effect by an amendment to the Arms and Ammunition Act, passed in May. Following the upsurge of violence in July, the government flooded the townships with troops, in a manner

reminiscent of the days of emergency rule in the mid-1980s.

Government action taken to address fears raised by attacks on white South Africans remained more forceful than the response to violence in the black townships. In April, the homeland of Transkei was surrounded by troops, as a response to a Goldstone Commission report indicating that the homeland was used as a base for APLA cadres. On May 25, partly in response to the attack on an East London hotel attributed to APLA, police arrested eighty-one members of the PAC, in a nationwide sweep. Most were eventually released without charge. In the wake of the Capetown killings, the government announced that about 2,000 ex-policemen were to be re-employed, and 4,000 civilians to replace trained police in administrative posts. In October, SADF troops illegally entered Transkei, and raided a house in Umtata, the capital, killing five teenagers alleged to be APLA cadres. By contrast, the police failed to take prompt action to prevent the occupation of the World Trade Centre by the AWB. Sixty-nine of those involved were eventually arrested and charged with various offenses, but most were only fined for their behavior. At the same time, the government began distributing large numbers of sophisticated assault rifles to white farmers, following attacks on rural homesteads, under the "kommando" or reservist system for the SADF.

The structures of the September 1991 National Peace Accord (NPA), including the Goldstone Commission of Inquiry into the causes of the violence, continued to function during 1993. Measures taken under the NPA, especially the establishment of local dispute resolution committees, were widely credited with the decline in political violence in late 1992 and early 1993; however, they were unable to cope with increased tensions later in the year. The Goldstone Commission released reports or conducted investigations of numerous violent incidents during 1993. Some of these reports, especially those investigating the security forces, were strongly criticized for failing to allocate blame for the causes of the violence. To supplement these efforts, it was agreed at the MPNF that a multiparty national peacekeeping force should be established to counter political violence during the run-up to the elections. This was provided for by the act establishing the TEC.

In December 1992, following a raid by the Goldstone Commission on a secret military intelligence headquarters, President de Klerk fired twenty-three top army officers alleged to be involved in covert action aimed at undermining black opposition groups and provoking violence. However, some of the most notorious officers, including Gen. "Kat" Liebenberg and Lt.-Gen. George Meiring, were not removed. During 1993, the reopened inquest into the 1985 deaths of four anti-apartheid activists, including Matthew Goniwe, implicated General Liebenberg in his assassination and in attempts to destabilize the homelands of Ciskei and Transkei. In March, the notorious 31 and 32 Battalions, made up of Angolan soldiers under white command, were finally disbanded, more than a year after the government had promised it would do so; though the individual members of the battalions remained in the army. In August, Liebenberg retired as head of the army; but he was replaced by Meiring, rather than an officer with a relatively untainted image. Also in August, the Minister of Defense announced the end of military conscription for whites only and the forthcoming establishment of an all-volunteer army.

Police misconduct, including the indiscriminate use of lethal force in crowd control, and the torture and ill-treatment of individuals in police detention, remained routine during 1993. According to the HRC, 115 people were killed in actions by the security forces, and thirty-five people died in police custody in South Africa in 1993 up to the end of October. One of the most noteworthy incidents of bad crowd policing occurred in April, when police fired on a demonstration in Soweto protesting the death of Chris

Hani, killing four people.

Some important measures were taken by the government to address these concerns. In January, ten regional police reporting officers were appointed under the NPA by the Minister of Law and Order to investigate allegations of police misconduct. The government announced additional measures in May, including the appointment of ten regional "ombudsmen" to whom members of the public could complain, a review of police training, and the introduction of "community supported" policing. In September, the government said that it would cease to employ about 13,000 rudimentarily-trained *kitskonstabels* ("instant constables"), responsible for many abuses. In July, the Security Forces Board of Inquiry Act provided for a board, chaired by a judge, to investigate serious offenses by the police. The same month saw an agreement, under the NPA, to allow civilian inspection of police cells in the Vaal area. Despite these measures, the vast majority of security force abuses remained unpunished and uninvestigated, especially abuses committed by the homeland security forces, not affected by reforms introduced by the government in Pretoria.

The South African government retained extensive powers under the Internal Security Act to ban or restrict public gatherings. Although a new cooperation between government and political parties began to be evident in the planning of mass action, many demonstrations continued to be banned. Hundreds of arrests were made during the year for participation in illegal gatherings. In April, the Goldstone Commission published draft legislation for the regulation of gatherings in the future. The draft was widely criticized as giving too many powers to the police.

Government censorship of the media in South Africa continued to ease in 1993. As part of the negotiation process, the appointment of a new board for the government-operated South African Broadcasting Corporation (SABC) was agreed, to ensure balanced coverage of the election campaign. However, the airwaves remained restricted: the transmitter of Bush Radio, a community station in Capetown, was confiscated on April 30, and its operators charged with broadcasting illegally.

At the end of October, 316 prisoners were on death row in South Africa (excluding the nominally independent homelands). Although the South African parliament voted in June by a two-thirds majority to resume implementation of the death penalty, after a moratorium on executions of two years, the Minister of Justice stated that the government would not resume hangings without consulting with parties outside parliament, and no further executions did in fact take place before mid-November. The government of the homeland of Bophuthatswana announced a moratorium on executions in March. In the homeland of Venda two executions were threatened in May, but were postponed after national and international protest.

Abuses committed in the past by the ANC continued to receive attention in 1993. In August, a report was issued by the second internal commission of inquiry appointed by the ANC to examine allegations of torture and ill-treatment in detention camps in Angola and other southern African countries during the 1980s. The three-person commission confirmed the conclusions of previous investigations and named individuals responsible for torture and other abuse. The ANC, while accepting "collective moral responsibility" for the abuses and offering an apology to the victims, declined to take any further action. It called for the establishment after elections of a "truth commission" to examine and determine punishment for abuses by all sides during the apartheid era.

The ten homelands maintained their separate identity from South Africa during 1993, and their separate representation at the multiparty talks. Three of the homelands—Bophuthatswana, KwaZulu and Ciskei—continued to demand that an extreme form of federalism, effectively perpetuating the homeland system, should be entrenched in rules binding a constituent



assembly. The governments of all three homelands joined the right-wing Freedom Alliance. However, the new interim constitution agreed by the MPNF in November provided for the reincorporation of the homelands after elections in 1994.

In Bophuthatswana, political organizations opposed to the regime, in particular the ANC, remained unable to organize within the homeland boundaries, as meetings were dispersed and activists detained under the homeland's extremely repressive Internal Security Act and other legislation.

The University of Bophuthatswana and other educational institutions were particularly targeted for attack as a result of efforts by students and faculty to promote free political activity. The university was closed down for several months during the year.

In Ciskei, 1993 saw continuing repression by the homeland government of opposition groups, and promotion of the African Democratic Movement, or its replacement, the Christian People's Movement, set up by homeland leader Brig. Oupa Gqozo. In May, an unconditional indemnity was announced for seventy soldiers and police involved in the shooting of twenty-eight demonstrators in the "Bisho massacre" of September 1992. However, in August, after being compelled by court order to give evidence, Gqozo was found by an inquest to be responsible for the 1990 death of former Ciskei Defence Force Commander Maj.-Gen. Charles Sebe, during an alleged attempted coup. In December 1992, in an interesting development for the future adjudication of a bill of rights in South Africa, the Appellate Division of the Ciskei Supreme Court overturned Section 26 of Ciskei's National Security Act, which allowed indefinite detention without trial. However, the homeland reintroduced detention powers in a September 1993 decree replacing the invalidated section.

Natal Province, the location of the KwaZulu homeland, remained the focus of some of the worst violence between supporters of the ANC and the IFP. Much of this violence was rooted in the lack of free political activity in the homeland, and in the arbitrary and illegal behavior of KwaZulu officials. The biased, incompetent and criminal behavior of the KwaZulu Police (KZP) led to repeated calls for the force to be disbanded. A limited investigation of the KZP was carried out by the Goldstone Commission during the second half of the year.

### **The Right to Monitor**

The South African government continued to allow greater freedom than in the past to organizations monitoring human rights based both inside and outside the country. In January and February, Africa Watch was given permission to visit five prisons, as a follow-up to visits made by the Prison Project of Human Rights Watch in August 1992. Several international and local networks monitored violence in South Africa, including teams from the United Nations, the European Community (E.C.) and the Commonwealth, with government consent.

Both monitors and journalists reporting on the violence were targets of harassment and sometimes attack, but mostly by township youths rather than government forces.

In the homeland of Bophuthatswana, two South African human rights groups, the Black Sash and the Transvaal Rural Action Group, remain banned.

U.N. and E.C. monitors were refused entry to the homeland in March, and two monitors from the Ecumenical Monitoring Programme in South Africa were arrested; in May the leader of the U.N. team in South Africa and four other U.N. monitors were also briefly detained. In December 1992, three lecturers at the university involved in human rights monitoring or political activity were "deported" to South Africa. The coordinator for the Mafikeng Anti-Repression Forum, a local human rights group, was detained in August, together with five members of the executive of the local ANC branch. Student leaders on the campus of the university protesting lack of political

freedoms were repeatedly harassed and detained.

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

The election of Bill Clinton as President of the United States was widely expected in South Africa to lead to greater U.S. support for the ANC, as opposed to the government, in the negotiations process. Nelson Mandela was amongst the first world leaders that President-elect Clinton called after his election, and the only African leader invited to his inauguration. In 1993, the Clinton administration supported the negotiations process and showed itself more willing than the Bush administration to criticize those who obstructed it; in particular, Chief Buthelezi was strongly urged to resume participation in the talks when he refused to endorse the decision to fix April 27, 1994 as the date for elections and led the IFP out of the negotiating forum.

In April, after the assassination of Chris Hani, Secretary of State Warren Christopher sent letters of condolence to Nelson Mandela and to Hani's widow Limpho, in May, a high-level U.S. delegation, headed by Health and Human Services Secretary Donna Shalala, attended the funeral of Oliver Tambo, former leader of the ANC in exile, who died of natural causes. In August, officials confirmed reports that the State Department was providing security training for the protection of Mandela and other ANC leaders.

On July 4, Nelson Mandela and President de Klerk were joint recipients of the Philadelphia Liberty Medal, sponsored by We the People 2000, a business and civic organization. Both leaders visited the White House during their trip to the U.S., and had high-level meetings with administration officials and others, but Mandela received much more attention. After the presentation of the medal, he toured the U.S. fundraising for the ANC's election campaign and calling for renewed contacts with South Africa after the elections. In October, President Clinton welcomed the award of the Nobel Peace Prize to Mandela and de Klerk.

All U.S. aid to South Africa has since 1985 been paid through non-governmental channels. In 1993, the U.S. Agency for International Development (USAID) program in South Africa amounted to \$80 million, making it South Africa's largest donor after the European Community. In addition, \$10 million was allocated by the U.S. government in 1993 for support of the election process.

In September 1993, following the passage of the legislation to establish a Transitional Executive Council to regulate the period until elections in 1994, Nelson Mandela called on the U.N. General Assembly to lift all sanctions against South Africa except the oil and arms embargoes.

Within hours, the United States, which had already removed most restrictions on trade with South Africa in 1991, announced that it would comply. Legislation lifting the ban on U.S. support for International Monetary Fund (IMF) and World Bank loans to South Africa, and removing all conditions on Export-Import Bank guarantees, was passed immediately in the Senate, and one week later in the House. President Clinton announced a trade and investment mission to South Africa to explore business opportunities. Other countries, together with the Commonwealth and the European Community, also lifted sanctions. The IMF announced that it would lend \$850 million to South Africa for balance of payments assistance.

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

Africa Watch's work in South Africa in 1993 followed themes established in previous years, focusing on abuses in the homelands and accountability. A representative of Africa Watch traveled to South Africa in January and February. In May, a report examined the official response to political violence, in the light of recommendations made by Africa Watch in January 1991. In September, a newsletter examining human rights in KwaZulu

continued a series of reports focusing on the homelands. A chapter on South Africa was included in the *Human Rights Watch Global Report on Prisons*, published in June 1993. A report focusing on South African prisons, undertaken with the HRW Prison Project, was scheduled for release in January 1994.

Several detailed letters were sent to the governments of South Africa and the homelands, protesting threats of execution in the homelands and interference with free political activity. A letter was also sent to the ANC urging the organization to accept the recommendations of the Motsuenyane Commission and take action against those found to be responsible for human rights violations in ANC detention camps.

## **SOMALIA**

### **Human Rights Developments**

Despite a considerable improvement in the overall humanitarian situation in Somalia during 1993, after it became a major focus of international interest and the subject of United Nations intervention, the country remained in crisis. For several months in the middle of the year, U.N. forces, sent to Somalia to restore peace and reestablish a functioning civil society and state after a year of brutal clan warfare, found themselves caught up in a serious military confrontation in Mogadishu. Humanitarian and political issues took second place to military priorities. The whole process of U.N. intervention raised serious questions of accountability as well as various legal and ethical issues. The Somalia operation underlined the U.N.'s overall weaknesses in peacekeeping operations, and demonstrated problems inherent in the concept of peace enforcement.

The decision to send the predominantly U.S. forces of the United Nations International Task Force (UNITAF) to Somalia from December 9, 1992, was taken by outgoing U.S. President George Bush in response to reports that the majority of food arriving in Somalia for relief of the famine was being looted, and that relief agencies could not operate because of a general climate of insecurity. It was authorized by Security Council Resolution 794, under Chapter Seven of the U.N. Charter, "to establish a secure environment for humanitarian relief operations." The reports of food diversion may have been exaggerated, and earlier aid, together with a successful harvest following a drop in military activity, had already made a substantial difference in food supplies. Nevertheless, the famine was certainly not under control by December 1992, and mortality rates in the worst-hit areas remained high.

With the arrival of UNITAF forces (made up originally of some 24,000 U.S. troops and another 13,000 from other countries) the general climate of insecurity suffered for most of 1992 eased greatly. The port of Mogadishu, closed to the U.N. for weeks, was reopened; the airport was able to operate much more efficiently; international agencies and nongovernmental organizations were given military protection, and most of the protection rackets, food diversion and looting were brought to an end—at least in the areas in which UNITAF forces operated. Food distribution improved, and, in a matter of weeks, meals and supplemental food were being delivered to virtually all areas of southern and central Somalia without interference.

There were, however, unanticipated results to UNITAF activities. Hundreds of armed militiamen from Mogadishu together with their "technicals" (armed vehicles) dispersed to various other towns, including Baidoa and Kismayo. Between the arrival of the U.S. marines in Mogadishu and their presence in Baidoa ten days later, gunmen launched a wave of attacks. In Kismayo, dozens were assassinated before UNITAF forces reached the town. The presence of U.S. marines and subsequently Belgian troops did nothing to

prevent control of Kismayo changing hands several times in severe factional fighting between Gen. Mohamed Siad Hersi "Morgan" (son-in-law of the former president of Somalia, Siad Barre) and Col. Ahmed Omar Jess.

The first effort at reconciliation came on December 11, 1992, when Gen. Muhammad Farah Aideed and "Interim President" Ali Mahdi, rivals for the control of Mogadishu and for the leadership of the Hawiye clan, shook hands in a public relations exercise, arranged by the U.S., which had no effect on the ground. With UNITAF firmly in place, the U.N. organized two peace conferences in Addis Ababa, Ethiopia, in January and March 1993. In January 1993, a large number of delegations from Somalia met in Addis Ababa under U.N. auspices. The meeting produced an agreement on disarmament, including a requirement to inform the U.N., by February 15, of the location and composition of clan militias and weapons held. The deadline was not met, and neither implementation nor verification made any significant progress before the second conference (or indeed subsequently). The March conference was essentially a meeting of the main clan-based factions. Agreement was reached on the establishment of a Transitional National Council (TNC), with four subcommittees covering disarmament and security, rehabilitation and reconstruction, restoration of property and settlement of disputes, and transitional mechanisms. Regional and district councils were to be set up, and an independent judiciary created.

One immediately controversial element was the application of these arrangements to the self-proclaimed Republic of Somaliland in the north of the country. The new leadership and elders of Somaliland categorically rejected the agreement's relevance to Somaliland. The elders had already made it clear that the planned deployment of U.N. troops in the north, announced in February, was unacceptable. Large public demonstrations in several towns underlined the point. The north made significant progress during 1992 and 1993, following its declaration of independence in 1991, in reestablishing functioning state structures and demobilizing clan militias.

Little progress had been made with other aspects of the March agreement by the time UNITAF, under U.S. command, was replaced, on May 1, by the United Nations Operation in Somalia (UNOSOM II). UNOSOM II was authorized, by Security Council Resolution 814, to use force to bring peace, and to disarm and demobilize all troops. In addition, it was empowered to establish a police force and assist in the formation of government and legal structures. Many U.S. troops remained in Somalia, though the Pakistani detachment became the largest component of the U.N. force. Overlap between U.N. and U.S. command structures remained. The U.N. Special Envoy to Somalia, Jonathan Howe, was a retired U.S. navy admiral.

Some efforts were made by UNOSOM to establish regional and district councils, a judicial system and a police force. However, in some instances, premature efforts to establish district councils in contested areas caused problems. For example, twenty-three Somalis were killed in inter-clan fighting in Qorioley in early September after UNOSOM called for elections. Moreover, virtually all such political efforts were suspended after June 5, when twenty-four Pakistani soldiers died in a confrontation with General Aideed's forces. Exactly what happened was not investigated or established at the time, but UNOSOM immediately blamed General Aideed. On June 6, Security Council Resolution 837 authorized the arrest, detention and prosecution of those responsible for the attack. Admiral Howe also announced a \$25,000 reward for information leading to the capture of Aideed. UNOSOM subsequently commissioned an internal investigation of the incident: the report produced in mid-August, a summary of which was later published, stated that there was *prima facie* evidence of General Aideed's responsibility.

All sides bear responsibility for the marked deterioration in security and the substantial increase in human rights violations over subsequent

months. That included UNOSOM, which became drawn into open conflict with General Aideed, and in its military activities showed a disregard for the laws of war. The applicability of the Geneva Conventions and their Additional Protocols may not be clear with respect to U.N. military operations, but each component force is clearly bound to observe them at all times. Lawyers with the UNOSOM forces stated that the U.N. regarded the rules of international humanitarian law as binding on its forces.

On June 12, Pakistani troops fired on a small civilian demonstration close to the U.N. compound, killing at least two people. On June 13, Pakistani forces again opened fire on a crowd, this time killing at least ten, including women and children. UNOSOM claimed that the shooting was in self-defence, but the facts of the case were not clearly established. Journalists who were eyewitnesses to the incident stated that it was not clear that shots had been fired from the crowd before the Pakistani troops opened fire, and that in any event the response to any fire from the crowd was disproportionate to the threat faced and was not in conformity with the obligation to minimize the danger to noncombatants. No public investigation of this incident was carried out by UNOSOM.

In their search for General Aideed, UNOSOM forces attacked the clearly marked Digfer Hospital in Mogadishu on June 17, killing several patients and wounding others. Members of Aideed's militia had entered the hospital, and, in violation of the laws of war, used it as a vantage point to fire on UNOSOM forces that were pursuing them; the U.N. claimed that its troops were acting in self-defense. However, as in the June 13 incident, the UNOSOM forces were under an obligation to take action to minimize noncombatant casualties. Again, the facts of the case were not clearly established. The U.S. denied that its helicopters were used in the attack, though it admitted that eleven missiles were fired from helicopters on June 17, during the battle. Several otherwise unexplained missiles did hit the hospital, though it is not possible to say whether they were responsible for any deaths. At least five patients were killed during the battle. Damage to the hospital observed after the fighting was over indicated that the whole hospital had been targeted, and not just specific points where Somali militiamen might have been seen. UNOSOM confirmed that no warning of the attack was given, stating that none was possible in the circumstances. On September 13, in a similar incident, U.N. forces fired on Benadir Hospital, near the U.N. compound.

On July 12, an attack was carried out on an alleged command center of General Aideed, using missiles fired from U.S. helicopters. UNOSOM originally claimed that only thirteen Somalis were killed in this attack, but the International Committee of the Red Cross later verified at least fifty-four deaths. No warning was given before the attack, and no fire had been aimed at UNOSOM from the building. The legality of the attack was questioned by UNOSOM's own justice division in a report that was not released to the public. The report concluded: "UNOSOM should anticipate that some organizations and member states will characterize a deliberate attack meant to kill the occupants without giving all the building occupants a chance to surrender as nothing less than murder committed in the name of the United Nations."

The use of air power supplied by the U.S., in particular Cobra helicopter gunships, resulted in the deaths of many Somali civilians from ill-directed rocket and cannon fire. Helicopters were used as a threat, hovering over buildings and houses, singly or in a mass, and homes were destroyed and civilians knocked over by the draught from their rotors. By the end of October, Africa Watch estimated that at least 500 to 600 Somalis, both civilians and combatants, had been killed by U.S. or UNOSOM forces, and more than 2,000 wounded. UNOSOM officials were quoted in mid-November stating that nearly one hundred UNOSOM or U.S. soldiers had died, including

seventy-four killed and 325 wounded since June 5.

Several hundred Somalis were detained by UNOSOM forces, most of them following the June 5 attack on Pakistani forces. Although the great majority were released after short periods, many were detained without charge for several weeks. Some were held in secret locations and denied access to lawyers or family, only obtaining visits from the International Red Cross after long delays. There was no indication of what laws would apply to these cases, what rights the defendant would have, or indeed by what tribunal they would be tried. They were not allowed to consult with lawyers, nor to talk to reporters. In September, a rudimentary court system was set up, and many U.N. detainees were handed over to the newly established Somali police force for processing. Forty-three Somalis were still in U.N. custody in mid-November.

No procedures were established by UNITAF or UNOSOM for Somalis to lodge complaints in case of wrongdoing by U.N. forces, though some of the individual military detachments had their own procedures. This was the case for the U.S. forces, and for the Canadian and Australian forces serving with UNITAF. There were no such procedures for the other forces with UNOSOM. In April, a U.S. Marine was convicted for use of excessive force in an incident in which he killed two civilians. In mid-June, a U.S. soldier was arrested by military police, accused of subjecting a Somali to torture. The soldier was released, pending further investigation. Another soldier was convicted of aggravated assault of two civilians. Six Canadian soldiers were eventually charged with murder and torture in connection with the beating to death of a Somali in their custody. A court martial proceeding was undertaken in Canada. Belgian forces operating in Kismayo instituted an inquiry in response to criticism of their behavior.

General Aideed's forces were also guilty of violations of the laws of war. The neutrality of hospitals was violated on at least the two occasions reported above. On several occasions, civilians seem to have been used to "shield" his troops, a serious violation of international humanitarian law which contributed to the high civilian casualties during exchange of fire with U.N. forces. Several Somalis working for the U.N. were killed, and there were reports that these were summary executions by Aideed's troops. Somalis working for locally produced newspapers critical of General Aideed, including a broadsheet published by the U.N., received death threats. Two U.N. soldiers, a Nigerian and an American, were captured by Aideed, but were not seriously mistreated, after initial manhandling by Somali civilians, and were ultimately released. The Red Cross visited them while they were in custody.

When the pursuit of General Aideed proved unsuccessful, elite U.S. Rangers were sent in August to reinforce the U.S.-commanded rapid deployment force left in Mogadishu after the handover from UNITAF to UNOSOM. On October 3, U.S. Rangers from this force were trapped by Aideed's forces in a densely populated area of narrow streets, while undertaking an armed sweep, ostensibly in search of weapons. Eighteen U.S. soldiers and one Malaysian were killed, seventy-five U.N. troops wounded, and one taken prisoner. According to eyewitness reports, several hundred Somalis may have been killed in this episode; Aideed himself claimed that 315 were killed and 812 wounded, figures accepted by the Red Cross as "plausible."

This attack resulted in a major review of U.S. and U.N. policy. In response to the domestic outcry at the American casualties, President Clinton sent in thousands more U.S. troops, but also announced a date, March 31, 1994, for the withdrawal of all U.S. forces from Somalia. He reappointed Robert Oakley as U.S. Special Envoy, a position he had held earlier in the year, with the task of organizing a fresh reconciliation conference, and announced that a commission of inquiry staffed by Africans would seek to establish responsibility for the June 5 deaths. It was also made clear that

the U.S. would no longer look for General Aideed. In mid-November UNOSOM formally ended its search for Aideed; instead, the Security Council resolved that a special commission would determine who was responsible for attacks on U.N. forces. A conference on the economic reconstruction of Somalia, to which 150 Somali leaders were invited, was convened in Addis Ababa.

Nevertheless, towards the end of the year prospects for a settlement still remained poor. Almost as soon as it became clear that U.S. policy had changed, more arms began to appear on the streets of Mogadishu, and in rural areas there were signs of rearmament and some skirmishes. Several clashes between factions underlined the fact that nearly a year had been lost with no real progress towards any political solution. There were indications that some areas of the center and south of the country to which displaced people were returning might be on the verge of suffering food shortages again. Insecurity and banditry continued to be problematic throughout southern Somalia.

### **The Right to Monitor**

Although the overall security situation in Somalia improved, human rights monitoring remained difficult. The most dangerous area was Mogadishu, affected as it was between June and October by the conflict between General Aideed's forces and those of UNOSOM. Both proved extremely reluctant to acknowledge violations and even more reluctant to assist in investigations. Local Somali organizations attempting to monitor human rights violations were ignored by the U.N. Elsewhere, the threat of violence was limited largely to free-lance bandits, and, at times, Somali factions.

### **U.S. and U.N. Policy**

Suspicion over the intentions of UNITAF and then UNOSOM, and the role of the U.S. in both, crystallized quickly in Somalia. There was widespread concern that solutions were being imposed on the local population without regard for their views. Very few Somalis were consulted in advance of either operation, and even fewer involved as participants in subsequent processes. UNOSOM in particular, after the June 5 attack on Pakistani troops, took on the attitude and mentality of an occupying force, firing Somali staff, keeping its personnel in "safe houses," or in a guarded compound, and "offering" to protect journalists.

From the beginning, many Somalis were discouraged that the leaders responsible for gross violations of human rights under President Siad Barre and after should be those that the U.S. and the U.N. turned to during 1993. It soon became apparent that the U.S. was prepared to deal with General Morgan, despite the declarations of the U.S. special envoy, Robert Oakley, that he would never deal with the "Butcher of Hargeisa," responsible for the destruction of 80 percent of that city in 1988 and the deaths of tens of thousands of its inhabitants. Within two months, the U.S. military's view of Morgan as a more reliable figure than General Aideed or his allies had been accepted, and Morgan's forces were in control of Kismayo, with his opponents disarmed by UNITAF. In Mogadishu, most of those disarmed belonged to General Aideed's forces. Other factions guilty of equally serious human rights violations during Somalia's civil war, including troops under "Interim President" Ali Mahdi, were not systematically disarmed.

Where UNOSOM attempted to fulfill its original humanitarian mission, it also failed to consult with Somalis. For example, little evaluation of local needs took place before attempts were made to set up the regional and district councils provided for under the March agreement in Addis Ababa. Considerable concern was also expressed that the rights of displaced people, or of refugees who might return, were being neglected. There is little indication that UNOSOM's political office consulted or worked through any of the local voluntary organizations that sprang up in many areas, and which

often operated across clan lines. Their expertise, in some cases, was considerable. As the local councils were to have responsibility for law and order, these weaknesses were significant.

From May on, military priorities—the enforcement of law and order, and the subjugation of the so-called warlords—governed UNOSOM policy, rather than human rights or humanitarian concerns. This was supported by the U.S.

However, at the end of the year, after the major reconsideration of policy caused by U.S. casualties, the U.S. was showing a much greater willingness to encourage the involvement of other African states in peacemaking efforts; UNOSOM was also trying to reestablish its own credibility by keeping control of the process, and giving its humanitarian functions priority. UNOSOM seemed reluctantly prepared to accept the role of regional powers, in particular that of President Meles Zenawi of Ethiopia, in reconvening the Addis Ababa conference.

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

Africa Watch sent missions to Somalia in January and October, and, in association with the HRW Women's Rights Project, to Somali refugee camps in Kenya in July.

From the outset, Africa Watch raised general and specific questions of accountability of U.N. troops, whether under UNITAF or UNOSOM II, and emphasized the need for the U.N. to document past and present human rights abuses by all sides. Accountability for human rights abuses, including by U.S. or U.N. forces, should be insisted upon whatever future agreements are reached for the settlement of the conflict. In March, a newsletter detailed the need for the creation of a legitimate government and the fostering of a civil society. It drew attention to the need for a safe environment, and noted the problem of disarmament, arguing that, if undertaken, it should be even-handed and verifiable. The creation of a police force, the need for Somali participation, and for realistic clan and sub-clan involvement at all levels, were also emphasized.

Africa Watch wrote to the U.N. Secretary-General on June 15 and again on July 15. The letters protested attacks on Somali civilians, by both U.N. forces, principally from the U.S. contingents, and armed Somali factions. Africa Watch called for a special session of the Security Council to be held on Somalia to investigate human rights abuses; for an independent commission of inquiry to be set up to investigate all violations since June 5, including U.S. air attacks; for the U.N. to ensure that any future military operations should be conducted with "scrupulous regard" for the laws of war, and for the U.N. to start a vigorous policy of dialogue and negotiation. Other suggestions included relocating Pakistani troops out of Mogadishu. Finally, Africa Watch suggested a contingent of unarmed human rights monitors to be deployed throughout Somalia to collect information on abuses by all parties. Africa Watch also expressed concern over the failure of the resolution authorizing the arrest of those responsible for the attack of June 5 to detail the applicable legal procedures.

Africa Watch argued against any premature withdrawal of U.S. troops, for fear it might lead others to pull out and precipitate a sudden departure of all foreign troops. A probable consequence, in the absence of realistic peace agreements, would be renewed fighting and an upsurge in human rights abuses.

## **SUDAN**

### **Human Rights Developments**

The human rights tragedy of Sudan, the largest country in Africa, continued in 1993.



The repressive government headed by Gen. Omer al Bashir and controlled by the National Islamic Front (NIF) continued to consolidate the power they seized through a military coup that in 1989 overthrew the elected government. Its radical agenda was to impose its version of Shari'a (Islamic) law and convert Sudan into a totalitarian Islamic state. Sudan's thirty million citizens would be ranked according to religion, sect, political affiliation and sex and granted or deprived of rights accordingly.

This discriminatory agenda completely failed to respect the diversity of Sudan's more than 600 ethnic groups. None is in the majority although those who call themselves Sudanese Arabs are over 40 percent, Dinka 11 percent, and Nuba 8 percent. Only 73 percent of the population is Sunni Muslim (most of them followers of Sufi sects), followed by traditional African religions (16 percent) and Christians (9 percent).

All institutions, from the army to the courts to the schools, have been steadily purged of independent civil servants and staffed by NIF party loyalists, and all forms of civil liberties have been suppressed. Political parties are banned, religious intolerance is the order of the day, and arbitrary arrests and torture prevail.

More than twenty people were detained in April 1993 in connection with an alleged coup attempt. Some of these detainees were paraded on public television, chained and bearing signs of ill-treatment. Reports indicated that the accused were severely tortured. The government announced that they would have a fair and open trial, but no trial had yet taken place as of November.

A campaign against Islamic groups other than the NIF was carried out in mid-1993. The two largest political parties in pre-coup Sudan had roots in the traditional Islamic sects of Al-Khatmiya and Al-Ansar. The government confiscated an important mosque in Khartoum North belonging to Al-Khatmiya in late May, 1993. On May 22, 1993, police troops took control of the Omdurman religious complex of the tomb of Muhammad Ahmed Al-mahdi, the most important shrine of the Al-Ansar sect, evacuating the buildings and confiscating the furniture. Many members of the Al-Ansar sect were arrested. Sheikh Al-Hadiya, the leader of Ansar Al-Suna Al-Muhammadiya, was arrested in June 1993.

The armed opposition, represented by two factions of the Sudan People's Liberation Army (SPLA), had a poor human rights record in the areas of south Sudan it controlled. The two factions were the SPLA-Torit faction headed by John Garang and the 1991 breakaway SPLA-Nasir/United faction led by Riak Machar.

The ten-year-old conflict in the south continued to bring famine, pestilence and death to the 3.5 million people who lived in that region. The violations of the rules of war committed by the government and the SPLA factions were a direct and important cause of food shortages and deaths.

South Sudan had, at best, only a subsistence economy intermittently disrupted by floods, droughts and disease. The precarious balance with the environment in which its people lived has been upset by war. Civilians have had difficulty planting and harvesting because they have been, more than once, displaced by the conflict. Fighting also impeded their search for work or food, and seasonal migration with their cattle. Armies engaged in burning villages and widespread looting of cattle, thus depriving civilians of another means of coping with grain shortages and rendering them vulnerable to disease and death.

Pockets of famine continued to exist in south Sudan, as they had throughout the decade of war. They shifted according to battle lines. In three southern areas of food shortages surveyed by the U.S. Centers for Disease Control and Prevention, in March 1993 (Ame, a displaced persons camp, Ayod and Kongor), half the deaths in the preceding twelve months were attributed to starvation, with diarrhoeal disease the second most frequent

cause of death. The team found that the rates of severe under-nutrition were "among the highest ever documented," including in Somalia.

The U.N. estimated that approximately 800,000 people were in need of international food relief while another 700,000 need such non-food assistance as seeds, farming tools, fishing implements, and mosquito nets. Such implements, lost or destroyed in the war, are needed to restore self-sufficiency and reduce dependency on expensive imported food.

Not only personal tools but most infrastructure, electricity and communications had been destroyed during the war. The few roads were impassable during the rainy season, sprinkled with landmines and targets for ambush at all times. Commerce was reduced to barter in most areas. The rebel-controlled countryside and the government-controlled towns did not trade with each other; the government towns were besieged garrisons surviving on relief food, captive markets for army profiteering.

Included in the civilians dependent on relief food were some 250,000 residents of Juba, under SPLA-Torit siege for years. SPLA-Torit had indiscriminately shelled the government-held town, which continued to be ringed by landmines laid by both sides. The government prohibited movement out of the town, while engaging in iron-fisted repression of civil society and non-Muslims.

Indiscriminate government aerial bombardment produced hundreds of thousands of displaced persons and refugees during the year. Early in 1993, the government bombed the towns of Kayo Keiji, Mundri, Lotukei and Chikudum, causing numerous civilian victims. But the most damage was done in August by indiscriminate government bombing preceding a major military offensive in Western Equatoria, generating over 100,000 new Equatorian refugees who fled into Uganda; tens of thousands of already displaced Dinkas fled further north into Sudan.

The devastating impact of the prolonged war was illustrated by the decline in population for the three southern provinces from 5.2 million in the 1983 census to a U.N. estimate of 3.5 million in 1993. The U.S. Committee for Refugees estimated that in ten years of war 1.3 million people, southerners, had died because of the conflict.

Despite the shocking need for all kinds of assistance to the southern population, the government continued callously to obstruct relief efforts, as part of its strategy of punishing civilians living in rebel areas and strangling rebel forces. It permitted the U.N.'s relief effort, Operation Lifeline Sudan (OLS), to reach only six locations in south Sudan in 1992. In December 1992, however, the government was temporarily shocked into facilitating delivery of humanitarian relief by an avalanche of international pressure and the sudden appearance of nearly 30,000 U.S. troops under the U.N. flag to protect delivery of humanitarian assistance in nearby Somalia that month. OLS then was permitted to expand its deliveries to forty locations in south Sudan in 1993, but constant struggle is required to maintain the assistance. In mid-1993 the government refused entry to the Special Envoy for Humanitarian Affairs for the Sudan appointed by the U.N. Secretary-General, and only relented under pressure.

In May 1993, the government finally permitted the International Committee of the Red Cross (ICRC) to resume its operations in south Sudan. The ICRC's expulsion in March 1992 had put a halt to its work in the protection of war victims, particularly minors, and in visiting persons detained on account of the conflict.

The ferocity of the attacks on civilians had been heightened since 1991 by tribal revenge-taking between the Dinka aligned with SPLA-Torit and their traditional Nilotic cousins and rivals, the Nuer, aligned with SPLA-Nasir/United. In 1993, Equatorian tribes were increasingly affected.

Three Didinga villages near Chikudum in Eastern Equatoria were burned by SPLA-Torit troops in early 1993 for allegedly siding with the other

faction. Several Didinga men were summarily executed after capture by SPLA-Torit. SPLA-Torit looted and burned the seven Pari villages of Lafon in Eastern Equatoria to the ground after occupying it in early 1993, causing many civilian deaths and displacing thousands. In both locations, civilians complained of SPLA-Torit's confiscation of their food.

A pocket of famine dubbed the "hunger triangle" was created by factional fighting in 1993 along the Nuer-Dinka territorial divide in Upper Nile, including the towns of Ayod, Waat, and Kongor.

The SPLA-Nasir faction occupied Kongor, where Dinka civilians complained of mistreatment, including killings, beatings and theft of food, by those forces. The SPLA-Nasir faction convened a meeting there to unite all SPLA dissidents, but the meeting was attacked by SPLA-Torit on March 27.

The most prominent victim was an elder Equatorian statesman, Joseph Oduho, who had been released from long-term detention by SPLA-Torit in 1992. An expatriate U.N. World Food Program monitor was brutalized in the March 27 attack, forced to strip naked and walk through thorns, shot at eight times and left for dead. (In 1992, two U.N. relief workers were killed while in SPLA-Torit custody.)

Following the attack on Kongor, the SPLA-Torit forces swept north into Ayod and Yuai in Upper Nile in April, burning those two Nuer population centers to the ground, destroying the U.N. compounds, looting cattle, and causing heavy civilian casualties. They continued to justify these actions as retaliation for the Nasir faction's massacre of several thousand Bor Dinka in late 1991.

On May 28 the U.S. brokered a cease-fire and agreement to military withdrawal between the SPLA factions in the "hunger triangle." The cease-fire was broken in June. Although it is not clear which side struck first, both parties advanced on the territory of the other, killing civilians and burning villages. SPLA-Nasir/United manipulated relief food for military purposes. Recognizing that relief agencies would attempt to deliver food to the starving, and that the hungry would walk for days to reach a food source, the faction summoned desperate civilians to Yuai in the "hunger triangle" in early 1993, creating a town of thousands where fewer than one hundred had lived. Relief food followed, from which the new Yuai base, close to the Dinka/Nuer front line, could be illegally provisioned. Yuai was attacked in April and June and burned down by the SPLA-Torit faction, which killed scores of civilians.

In late July, the Nasir faction attacked Kongor, making it the sixth attack on the town in the last two years.

In late July, the government started an offensive from the garrison town of Yei into Kaya in Western Equatoria. The government's heavy indiscriminate bombardment of SPLA-held towns and villages resulted in a flow of 106,000 Equatorian refugees into nearby Uganda in less than four weeks, according to the U.N. High Commissioner for Refugees (UNHCR). The economy was severely disrupted, and the towns of Kaya and Yondu deserted and looted. Relief officials predicted that several hundred thousand more were at risk of starvation.

Finally, in the Nuba Mountains in South Kordofan, the "transition zone" north of the three southern provinces, the government army continued its counterinsurgency campaign: forced relocation of villagers and burning of their villages, forcible conscription, and killing of resisters. Nubans are non-Arab tribesmen of Muslim, Christian and animist faiths. The government armed and used tribal Arab militias (*murahaleen*) to raid the Nuba population with impunity. The *murahaleen* were then transformed into the Popular Defense Force (PDF).

The relocated were sent outside of the Nuba Mountains, although some were returned to work on "peace villages" serving as labor pools for large agricultural estates. Much of the Nuba civic urban leadership was

eliminated through arrest and disappearance.

Despite reports of severe rural deprivation caused by the counterinsurgency campaign, the government adamantly refused permission for the U.N. or foreign agencies to bring assistance to non-government-controlled areas of the Nuba Mountains. The cruelty of this policy was reinforced by food shortages due to drought and locusts.

The government continued to subject southern and other displaced persons who fled north to Khartoum and other cities to discrimination and harassment. As of November, about 150,000 displaced persons remained outside Khartoum proper in unsuitable sites called "peace camps," far from any job possibilities; some 700,000 squatters and displaced had been forcibly relocated to these sites starting in early 1992, their possessions were destroyed in transit. Relief and development assistance by international nongovernmental organizations was severely restricted by government obstructionism, while access was wide open to Islamic agencies which used relief to proselytize.

### **The Right to Monitor**

The Sudan Human Rights Organization (SHRO) was still banned in Sudan in 1993. The government's human rights organization, of the same name, served solely to defend the government from criticism of its human rights record. The original SHRO was re-launched in the United Kingdom in January 1992, and during 1993 was active in the U.K., Egypt, the Netherlands, former Czechoslovakia, Hungary, Canada, Sweden and the U.S.

Typical of the government campaign to close down civil society and block human rights monitoring was the destruction of the independence of the legal profession; attorneys had used the courts to fight human rights abuses. The Sudan Bar Association was banned on June 30, 1989 and replaced in September 1989 by a government-appointed "steering committee" for the Bar Association. This committee defended the government's abuses. A presidential decree of January 1993, amending the Advocate's Act of 1983, in effect put the bar association under the jurisdiction of the general law of trade unions (1992 Trade Unions Act). The legal profession thus fell under the supervision, for the first time in Sudan's history, of a nonjudicial government official, the Registrar of Trade Unions.

Government supporters then created the General Union of Sudanese Lawyers (GUSL) to serve as a new Bar Association. They approached the Registrar of Trade Unions to call an election of officers for their organization. Obliging them and guaranteeing their electoral victory, the registrar called an election among attorneys on one day's notice in March 1993.

An Africa Watch researcher was extended a visa by the Sudan government to conduct a human rights fact-finding mission in mid-June. At the last minute, the government asked for a postponement of the visit until mid-July.

In July, also at the last minute, the government reneged on that invitation. It has since abstained from contact with Africa Watch while maintaining a public posture of "openness" to foreign human rights visitors and others.

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

The U.S. condemned human rights violations by both the government and the SPLA factions. In its February 1993 annual *Country Reports on Human Rights Practices* (covering 1992), the U.S. State Department harshly and extensively criticized the human rights record of the Sudan government for total lack of political freedom, due process and civil liberties. It also criticized the government for extrajudicial executions and disappearances, and noted that "torture and other forms of physical mistreatment by official and unofficial security forces were widespread in 1992." The State Department also

concluded that "the SPLA ultimately ruled by summary methods that included beatings, torture, and arbitrary execution." It also noted that SPLA shelling of Juba killed over 200 civilians.

Then on March 10, Assistant Secretary of State Herman J. Cohen condemned government bombing of rebel-held towns and rebel looting of relief deliveries. He reiterated U.S. shock and outrage over the government's execution of two employees of the U.S. Agency for International Development (USAID) in Juba in August 1992. Secretary Cohen listed as principal human rights concerns the forced removal of Khartoum's squatter populations, forced relocations and abuses against Nubans, infringement of women's rights, arbitrary detention, torture, repression of the press, restrictions on labor unions, and coercive Islamization.

On May 4, newly-appointed Assistant Secretary of State George E. Moose reiterated these concerns and added concern about massacres, kidnapping, forced labor, child conscription, forced displacement and Arabization in the transition zone between north and south.

In public testimony, in contrast with the *Country Reports*, little mention was made of human rights abuses by the SPLA factions. This criticism was couched in terms of "intra-SPLA fighting" that shut down relief operations and demonstrated the rebel leaders' lack of regard for their own people's welfare.

To further publicize abuses in the government-controlled areas, in May 1993 the State Department (at the request of Cong. Frank Wolf) declassified a cable from the U.S. Embassy in Khartoum describing widespread human rights abuses in Bahr El Ghazal and the Nuba Mountains. Since access to those areas was so limited, publication of this information played an important human rights role.

U.S. Ambassador to Sudan Donald Petterson visited both government- and SPLA-controlled areas of Sudan and brokered a cease-fire agreement whereby the two SPLA factions agreed as of May 28 to withdraw their troops from a famine-afflicted zone in south Sudan, in order to facilitate delivery of much-needed relief. But the cease-fire held only a few weeks.

In August 1993, the State Department designated Sudan a state sponsor of international terrorism under the Export Administration Act, as a result of the department's conclusion that Sudan allowed the use of its territory (including safe houses and training) by terrorists such as members of the Abu Nidal Organization, Hizballah and Palestine Islamic Jihad. The bombing at the World Trade Center in New York in early 1993 contributed to the downward spiral in U.S.-Sudan relations when it was discovered that some of the accused had Sudanese passports.

As a result of that terrorist listing, Sudan became ineligible for non-emergency assistance, certain benefits under the Trade Act, U.S. foreign tax credits, commercial sales of U.S. munitions, and other items. The U.S. also was required to vote against loans in international financial institutions and other uses of funds for Sudan.

Before being placed on the terrorist list, however, Sudan was already barred from 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. already routinely opposed development assistance to Sudan through the World Bank, and the State Department was hostile to Sudan's readmission to full membership in the International Monetary Fund.

Although development aid was prohibited by the terrorist listing, humanitarian assistance through voluntary agencies was not barred, and the U.S. was an important contributor to Operation Lifeline Sudan, the U.N. operation responsible for overseeing the delivery of assistance to 1.5

million Sudanese in need. In fiscal year 1993, the total U.S. government assistance to Sudan was over \$85 million, most of it for emergency relief. From 1988 to mid-1993, the U.S. provided over \$300 million in relief assistance to Sudan.

Sudan received increased attention in Congress concerning human rights and conflict resolution. Cong. Frank R. Wolf made his third visit to Sudan in February 1993, and denounced a government bombing of Kajo Keji, the aftermath of which he witnessed. He urged U.N. and U.S. pressure to stop government bombing and stem the flow of sophisticated military equipment.

The Senate Foreign Relations Committee held a hearing in May on Sudan, focusing on human rights issues and the nature of the conflict. The House Committee on Foreign Affairs, Subcommittee on Africa, held hearings on Sudan in March and its chair, Harry Johnston, headed a congressional delegation to Sudan in July to raise human rights issues with all parties. The subcommittee co-sponsored a panel discussion by the parties in Washington on October 20 and 21, 1993.

That conference was followed by a breakthrough peace agreement dated October 22, 1993 between the two SPLA factions, facilitated by Representative Johnston and the State Department. Nowhere in the eight points of agreement, however, did the parties mention human rights or agree to cease their abusive treatment of the civilian population.

#### **The Role of the United Nations**

The U.N. increased its response to the human rights and humanitarian disaster in Sudan during 1993, but without including a human rights component in its relief operations. On December 18, 1992, the U.N. General Assembly had expressed "its deep concern at the serious human rights violations in the Sudan, including summary executions, detentions without due process, forced displacement of persons and torture." The General Assembly had called upon the government to ensure that all religious and ethnic minorities enjoy the rights recognized in the Convention on Elimination of All Forms of Racial Discrimination and called upon all parties to the hostilities to fully respect international humanitarian law.

On March 10, 1993, the U.N. Commission on Human Rights appointed a Special Rapporteur for Human Rights in Sudan, Gaspar Biro, who visited the country in September in preparation for a report to be delivered to the General Assembly in November 1993. The extensive U.N. relief effort for the displaced in the south, however, has no full-time human rights or protection function, despite the massive abuses of humanitarian law that were the root cause of civilian suffering, famine and death. The needs of Sudan for constant human rights protection were so great that a Special Rapporteur in twice-yearly visits could never meet them. The crisis required a large team of U.N. human rights monitors stationed throughout Sudan, especially in the south and the Nuba Mountains, to promptly document and denounce violations of human rights and humanitarian law.

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

Africa Watch issued a report on the persecution of the Coptic minority in Sudan in February 1993. It conducted two fact-finding missions to south Sudan and Nairobi, in March and for five weeks in June-July 1993; after each mission, a summary of concerns was issued on the war in south Sudan. A more comprehensive report was planned for early 1994.

## **ZAIRE**

#### **Human Rights Developments**

Human rights in Zaire deteriorated substantially during 1993, with pervasive

lawlessness and government manipulation of ethnic conflicts leading to widespread abuses against civilians. This situation was intensified by the political deadlock between two rival governments: one loyal to President Mobutu Sese Seko, who had been in power for twenty-eight years; the other to Prime Minister Etienne Tshisekedi and the transitional parliament, the High Council of the Republic (HCR). The potential for even greater disintegration and human rights abuses loomed large, summarized in a confidential U.S. State Department cable in February warning that Zaire could turn into "Somalia and Liberia rolled into one, with vast potential for immense refugee flows, regional destabilization and humanitarian disaster."

President Mobutu repeatedly undermined the prospects for multi-party elections, which he had promised in April 1990, and made clear his disdain for the transition process. (His term of office actually expired in December 1991.) This attitude was demonstrated in his crackdown on members of the opposition and his willingness to use force against civilians. As long as Mobutu controlled the elite army troops and the treasury, he was able to maintain power.

The economic crisis, characterized by soaring four-digit inflation and massive unemployment, produced serious starvation and malnutrition. Food shortages also resulted from the army rioting and massive looting that had taken place since 1991. Feeding centers were established around the capital by international relief organizations, and children were especially at risk.

Zaire was plagued by months of fighting between President Mobutu, Prime Minister Tshisekedi, and the HCR. On January 15, the HCR, a transitional legislative body elected by the National Conference and chaired by Archbishop Laurent Monsengwo Pasinya, claimed Mobutu was blocking "the functioning of the country's institutions at every level," and declared him guilty of high treason, for which he could face trial before the Supreme Court. Mobutu dismissed the threat on the grounds that he was not answerable to the HCR.

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

In contrast to the 1991 riots in which the population joined the soldiers on a looting spree, the soldiers' rampage in 1993 terrorized the population. Hundreds of civilians were killed, including the French ambassador, Philippe Bernard, who was shot in an attack on the embassy, and the twenty-eight-year-old son of opposition leader Frederic Kibassa Maliba, who was killed during an attack on his father's home. Many more civilians lost their belongings in looting raids conducted by soldiers. There were numerous reports of rape by soldiers, and the Belgian government claimed that soldiers raped Belgian nuns in the Limete district of Kinshasa. Hundreds of foreigners were evacuated from Kinshasa by French troops; the Belgian troops worked to evacuate foreigners from Brazzaville in neighboring Congo to Europe, because Mobutu refused to allow them into Zaire.

Mobutu's elite troops took advantage of the chaos to attack newspapers, churches, and politicians opposed to the regime. Estimates of numbers killed range from 300 to more than 1,000, including many regular army soldiers who were killed by the presidential guard, the Special Presidential Division (DSP). Several hundred soldiers were arrested by the DSP, and there were fears that many were tortured.

Mobutu blamed Tshisekedi for the riots, and tried to dismiss him—for

the second time in sixteen months, the first time being a week after he was appointed in October 1991. Tshisekedi claimed that since Mobutu did not hire him, he could not fire him.

Another showdown occurred in late February, when government troops held some 400 legislators hostage in the parliament for three days; the International Committee of the Red Cross was not allowed access to the hostages to feed them. Hundreds of other soldiers soon joined in, often with their wives and families. The soldiers demanded that the parliament approve the new banknotes as legal tender and require local merchants to accept them. They also rejected the interim constitution, approved by the National Conference. After finally releasing the legislators, on February 26 soldiers attacked the residence of Archbishop Monsengwo, who fled unharmed.

On March 29, Mobutu named Faustin Birindwa as prime minister to replace Tshisekedi, and revived the one-party National Assembly as a rival to the HCR. Birindwa was a former ally of Tshisekedi who was expelled from the Union for Democracy and Social Progress (UDPS). Neither Tshisekedi nor the HCR accepted Mobutu's move, reaffirming that since the HCR elected him, only it could remove him. Western countries and the HCR continued to recognize the Tshisekedi government.

In April, authorities launched a new crackdown on members of the opposition, including politicians, unionists, independent newspapers, and human rights activists—the first wave of political detentions by the security forces since 1990. During April, some twenty members of the Sacred Union, the coalition of opposition parties, were arrested. On April 6, gendarmes blocked off the parliament building, preventing the transitional parliament from meeting. On April 13, troops were sent to search the houses of Tshisekedi and his ministers, looking for government property; they claimed to have found proof of "sedition." Meanwhile, attacks on independent journalists continued: on April 23, Mukengeshayi Kenge, of *Le Phare* newspaper, was arrested and later charged with "spreading false rumors;" Mulumba Kandolo, from *Le Potentiel*, was arrested on April 28; and Kalala Mbenga Kalao, from *La Tempete des Tropiques* was arrested on August 25. Several trade union leaders were arrested in May, and were still in detention in late July.

The most visible illustration of the government's manipulation of the ethnic and regional conflict took place in Shaba, Zaire's mineral-rich province. A government-inspired campaign of terror had caused more than 100,000 residents with origins in the neighboring region of Kasai to be displaced from their homes since November 1991, and most since August 1992.

Under the guise of promoting the interest of Shaban natives, or "Katangese," Mobutu's regional representatives attacked the substantial Kasaien community, which had been in place since well before independence, and raised a youth militia to reclaim the wealth of the region for its "original" inhabitants. As many as 90,000 were displaced by mob violence in March 1993.

Although there were historical roots to the animosity between the two communities, the explosion of violence in 1993 was largely explained by Mobutu's struggle to retain power: the violence erupted at the moment when Mobutu was forced to accept the appointment of Tshisekedi, who is himself Kasaien, as prime minister.

The attacks on Kasaiens and the promotion of Katangan interests took the form of a campaign, spearheaded by Gov. Gabriel Kyungu wa Kumwanza and Deputy Prime Minister Nguza Karl-I-Bond, for "regional purity" throughout Shaba. The governor turned the youth wing of Nguza's UFERI party into a security and intelligence apparatus, which was implicated in the attacks.

The pattern of attacks had begun in Likasi in August 1992; by year's end, an estimated 68,000 Kasaiens had been forced out of their homes. There



was no effort to investigate or prosecute those responsible for the violence. The same tensions exploded in the mining city of Kolwezi in March 1993. But while it had taken six weeks to convince the Kasaiens of Likasi to leave their homes, the same process took only two weeks in Kolwezi. The facts surrounding the initial violence in Kolwezi are vague, but by March 22, Katangese youth carrying knives and machetes attacked Kasaiens—looting, burning homes and conducting house-to-house expulsions of Kasaiens. Again, the attacks were carried out with total impunity.

In an even more deadly explosion of regional violence linked to the political stand-off, ethnic fighting broke out in North Kivu in March 1993.

The conflict in North Kivu, which borders Rwanda, pitted the Nyanga and Hunde ethnic groups against Hutu and Tutsi of Rwandan origin (Banyarwanda). Reports from international relief organizations indicated that at least 7,000 people, mainly Banyarwanda, might have been killed, and over 200,000 more displaced. Some Banyarwanda reportedly staged counter-attacks, killing and wounding members of other ethnic groups. As in the case of Shaba, the fighting appeared to be instigated by the local authorities, and the central government did nothing to protect civilians.

In April, Tshisekedi asked the U.N. to send peacekeeping troops to Zaire to help stop the ethnic and political violence.

U.N. Secretary-General Boutros Boutros-Ghali appointed a special envoy to Zaire in July—Lakhdar Brahimi, a former Algerian foreign minister. Brahimi visited Zaire in August to investigate the political crisis. In early October, U.N.-brokered negotiations were reporting some progress. However, there was nothing to indicate that President Mobutu was willing to make any real concessions. By November, Mobutu's intransigence seemed to be paying off. His international image was enhanced after participating in the Francophone summit held from October 16 to 18 in Mauritius, where he was granted an audience with French President Francois Mitterrand. Although the two sides were nearing agreement on moving the country toward elections, they remained deadlocked on issues such as the role of the President and the selection of the interim Prime Minister.

### **The Right to Monitor**

Several independent human rights organizations began functioning in Zaire. These monitors operated under difficult conditions, and were frequent targets of harassment by the Mobutu regime. Nevertheless, they became an important source of information about human rights abuses in Zaire, and collaborated with various international organizations including Africa Watch.

In 1992, a coalition of human rights organizations joined together to form Human Rights, Now (Droits de l'Homme, Maintenant). The participating groups included: The League for Human Rights (Zaire); the Voice of the Voiceless for Human Rights (VSV); the Zairian Association of Human Rights (AZADHO); the Committee for Democracy and Human Rights in Zaire; the Group Amos; the Black Robes. Human Rights Now served as a forum to coordinate their activities and to resolve disagreements. Another human rights group was the Committee for Democracy and Human Rights. The groups in Human Rights, Now differed slightly in focuses; for example:

- VSV, the oldest of the human rights groups, worked on educating Zairians about their rights, providing assistance to victims, conducting investigations, and producing reports.
- The League for Human Rights, founded in 1990, published periodic reports on human rights and waged campaigns in the press. It tried to work on a national and international level, and has branches in Shaba, Kasai, North Kivu, Maniema and Equateur, as well as a representative

in Belgium.

- AZADHO, created in 1991, published reports on various human rights topics as well as a bi-monthly journal on human rights.
- The group Amos was not a regular nongovernmental organization but, rather, an independent group within the Catholic Church. Amos was engaged in a range of activities involving education and sensitization on human rights, and played a major role in organizing within local churches, especially in Kinshasa.
- The Black Robes was an association of young lawyers and magistrates active in human rights. Individual members played a significant role in several human rights-related cases in the courts and prisons.

There were also specialized groups, including an association of prison professionals involving civilian prison employees in reporting on human rights and prison conditions.

### **The U.S. Role**

As of early 1992, the Western governments that formerly supported Mobutu—the U.S., France and Belgium—collaborated to support the transition process headed by the National Conference and then the Tshisekedi government. All U.S. military aid was ended by Congress in November 1990, and most economic aid ended the following year, long after such measures had been urged by the U.S. Congress and human rights groups in Zaire and the United States.

On February 11, 1993, the State Department revealed possible steps that the U.S. and its allies might take regarding Zaire, including: freezing Mobutu's bank accounts in the U.S. and Europe; seizing his personal assets; denying visas to Zairians closely associated with Mobutu; suspending Zaire from the International Monetary Fund; and seeking an arms embargo and a ban on exports from Zaire. However, the U.S., France and Belgium were slow to take any further measures, except for restrictions on visas to President Mobutu and his close advisors.

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

The Clinton administration took a more forceful public line toward Zaire than its predecessor. In several public statements, senior U.S. officials distanced themselves from Mobutu and criticized the human rights abuses. In February 5 testimony before the Senate Foreign Relations Committee, then-Assistant Secretary of State for African Affairs Herman Cohen said, "Mobutu must effectively give up power so that a transition to a fair election can take place." In testimony before the Senate Foreign Relations Committee on June 9, Assistant Secretary of State for African Affairs George Moose put it more firmly: "There is no doubt about the cause of the problem. It is President Mobutu's stubborn refusal to honor his promise to permit a democratic transition process to proceed." He went on to note a "a pernicious pattern of government-provoked or -tolerated violence against minority ethnic groups," and a "sharp escalation of human rights abuse."

Assistant Secretary Moose described how the U.S. was working with the French and Belgian governments to increase political and economic pressure, using measures such as visa restrictions and prohibition of arms exports. In April, the U.S. did impose a ban on arms sales to Zaire.

On June 21, the State Department's spokesperson announced that President Clinton had banned entry to the U.S. to Zairians "who formulate or implement policies impeding a transition to democracy in Zaire or who benefit from such policies and the immediate families of such persons." This policy was to remain in effect for so long Secretary of State Warren Christopher considered it necessary. The State Department explained the move as "a sign that the administration will not conduct normal business with President Mobutu so long as he thwarts a transition to democracy."

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

After the meetings, the State Department's spokesperson gave a strongly worded statement, holding Mobutu responsible for a situation that "puts at risk the lives and welfare of millions of his countrymen and the stability of an entire region."

On October 26, Assistant Secretary Moose testified again on Zaire, denouncing Mobutu's intransigence and stating that the U.S. was exerting "mounting pressure" on the regime. It was unclear, however, what concrete steps the U.S. was taking to pressure Mobutu, other than threatening economic sanctions.

As of July, the U.S. had obligated \$1.5 million in fiscal year 1993 to assist displaced persons in several parts of Zaire, including the victims of civil strife in Kinshasa and the displaced in Shaba and North Kivu.

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

In March and April, Africa Watch sent a mission to Zaire to investigate both prison conditions and the ethnic conflict in Shaba province.

The results of the study of prisons and police detention in Zaire first appeared in June as part of a larger report by Human Rights Watch's Prison Project, *The Human Rights Watch Global Report on Prisons*, and were issued in November as a separate report titled *Prison Conditions in Zaire*. Among our findings: that prisons in Zaire had become private enterprises and prisoners were slave laborers, with extremely high rates of death and disease. The prisons themselves were in an advanced state of decay, most of them dating from the period prior to independence in 1960. In addition to extreme overcrowding, inmates suffer from very limited drinking water and sanitary facilities that are, at best, semi-functional.

Also in June, Africa Watch published "Inciting Hatred: Violence Against Kasaiens in Shaba." The report documented the government-inspired campaign of terror threatening the lives and livelihoods of tens of thousands of Zairians who have their roots in Kasai. The violence was found to be the result of a cynical and politically expedient effort to shift popular grievances away from the failed Mobutu regime and onto one group of Zairians closely identified with the opposition. The events in Shaba were highlighted as an example of the suspicious re-emergence of regional violence linked to the political stand-off.

Africa Watch engaged in various forms of advocacy regarding Zaire, focused on informing members of Congress and the administration about the deteriorating human rights situation and the Mobutu regime's role in the violence. Africa Watch also conducted numerous press interviews about human rights in Zaire.