

## AFRICA OVERVIEW

### Human Rights Developments

#### Between a Dream and a Nightmare

HARDLY ONE YEAR AFTER BEING HOILED FOR SHOWING UNPRECEDENTED PROGRESS TOWARD TURNING ITSELF AROUND, AFRICA ONCE AGAIN VEERED TOWARDS THE PRECIPICE. THE MUCH-VAUNTED "AFRICAN RENAISSANCE," A THREE-WAY EQUATION OF A FLOWERING OF DEMOCRACY, CULTURE, AND ECONOMIC GROWTH APPEARED TO BE IN TATTERS. INSTEAD, SAGGING ECONOMIC PERFORMANCE, BACKSLIDING ON DEMOCRACY AND OTHER HUMAN RIGHTS REFORMS, AND INCREASED NATIONAL AND REGIONAL TENSIONS MENACED MUCH OF THE CONTINENT. A NEW WAR IN THE DEMOCRATIC REPUBLIC OF CONGO (DRC) DREW IN COUNTRIES AS FAR AFIELD AS CHAD AND ZIMBABWE, AND OTHER CONFLICTS THREATENED ETHIOPIA, ERITREA, GUINEA BISSAU, SIERRA LEONE, AND EVEN TINY LESOTHO. IN SOME COUNTRIES, HOWEVER, THE GAINS MADE IN RECENT YEARS WERE MAINTAINED: IN SOUTH AFRICA, BOTSWANA, MOZAMBIQUE, MAURITIUS, MALI, AND ELSEWHERE PROGRESS TOWARDS RESPECT FOR HUMAN RIGHTS AND THE RULE OF LAW STAYED ON COURSE. THE CHANGE OF GUARD IN NIGERIA WITH THE DEATH OF GENERAL SANI ABACHA AND THE UNDERTAKING BY NEW HEAD OF STATE GENERAL ABDULSALAMI ABUBAKAR TO RETURN NIGERIA TO DEMOCRATIC RULE ALSO OFFERED A MAJOR NEW HOPE DURING THE YEAR, AT THE SAME TIME DIVERTING THE THREAT OF INSTABILITY IN AFRICA'S MOST POPULOUS COUNTRY; BUT EVEN IN NIGERIA NOTHING WAS GUARANTEED.

THE SLOGAN OF "AFRICAN SOLUTIONS FOR AFRICAN PROBLEMS" HAD IMPLIED A NEW PARADIGM WITH MULTIPLE QUALITIES: INDIGENOUSNESS, THE INVOLVEMENT OF LOCAL ACTORS, AND COST-EFFECTIVENESS. BUT AFRICAN LEADERSHIP REPEATEDLY STUMBLER IN FINDING SOLUTIONS TO THE CONTINENT'S GRAVE POLITICAL AND HUMAN RIGHTS PROBLEMS OF 1999. LEADERS FROM COUNTRIES THAT COULD HAVE PLAYED A GREATER ROLE—SUCH AS COTE D'IVOIRE, GHANA, KENYA, NIGERIA, SENEGAL, AND SOUTH AFRICA—SEEMED UNABLE TO INITIATE COORDINATED RESPONSES TO THE CONTINENT'S PROBLEMS. REGIONAL MECHANISMS, INCLUDING THE ORGANIZATION OF AFRICAN UNITY (OAU), WERE EQUALLY UNABLE TO MUSTER THE POLITICAL WILL OR FINANCIAL RESOURCES TO ADDRESS THESE CRISES.

YET, FOR GOOD OR ILL, AFRICAN GOVERNMENTS DID BECOME MORE WILLING TO MOBILIZE MILITARY POWER TO STEP IN WHEN STRIFE BROKE OUT IN A NEIGHBORING COUNTRY. DURING 1999, WEST AFRICAN PEACEKEEPING TROOPS, LED PRIMARILY BY NIGERIA, RESTORED CIVILIAN RULE IN SIERRA LEONE, WHILE REMAINING—in REDUCED FORCE—for THE EIGHTH YEAR IN LIBERIA. SENEGALESE AND GUINEAN TROOPS STEPPED IN TO STOP VIOLENCE IN GUINEA BISSAU. UNDER THE UMBRELLA OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC), SOUTH AFRICA AND BOTSWANA DISPATCHED TROOPS INTO LESOTHO TO RESCUE A GOVERNMENT THAT WAS ON THE VERGE OF COLLAPSE. WHILE INTERVENTIONS IN THESE SMALL COUNTRIES WERE RELATIVELY SELF-CONTAINED, REGIONAL INVOLVEMENT IN THE DRC THREATENED TO EMBROIL MUCH OF CENTRAL AFRICA IN CONFLICT: UGANDAN AND RWANDAN TROOPS FOUGHT ALONGSIDE REBEL FORCES IN THE DRC, WHILE ANGOLAN, NAMIBIAN, ZIMBABWEAN, AND EVEN CHADIAN TROOPS INTERVENED ON BEHALF OF EMBATTLED PRESIDENT KABILA, WHO HAD HIMSELF ONLY TAKEN POWER—with THE ASSISTANCE OF RWANDAN SOLDIERS—in 1997. WITH A RAPID MULTIPLICATION OF UNILATERAL OR SUBREGIONAL INTERVENTIONS, AFRICA WITNESSED A SLOW, BUT EVIDENT, EROSION OF THE CONCEPT OF STATE SOVEREIGNTY, ENSHRINED IN THE CHARTER OF THE ORGANIZATION OF AFRICAN UNITY (OAU) AND SO JEALOUSLY GUARDED IN THE PAST.

ALTHOUGH IT BECAME CLEAR THAT THE OLD RULES MIGHT NO LONGER APPLY, NEW RULES PROVIDING A REASONABLE BASIS FOR REGIONAL STABILITY HAD NOT BEEN ESTABLISHED. THE RESULT: THE OBJECTIVES OF INTERVENTIONS REMAINED DISTORTED BY EACH INTERVENING GOVERNMENT'S SHORT-TERM VIEW OF ITS NATIONAL SELF-INTEREST. MEETINGS OF AFRICAN LEADERS WERE HOSTILY CONVENED TO PUT OUT THE FIRES, YET THERE WAS AN ABSENCE OF SERIOUS LONG TERM PLANNING, MATCHED BY EFFECTIVE ACTION, TO ADDRESS AFRICA'S PROBLEMS AT A CONTINENTAL LEVEL AND TO TRY TO PREVENT ANOTHER CONGO-TYPE CRISIS. THE OAU'S MECHANISM FOR CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION REMAINED LARGELY UNTRIED; THE SADC'S ORGAN ON POLITICS, DEFENSE AND SECURITY WAS EXPOSED AS INOPERATIVE BY DIVISIONS BETWEEN SOUTH AFRICA AND ZIMBABWE OVER INTERVENTION IN THE DRC (A SADC MEMBER SINCE 1997) AND THE BOTCHING OF A SOUTH AFRICAN-LED INTERVENTION IN LESOTHO; AND THE DISCUSSIONS OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) FOR THE ESTABLISHMENT OF A PERMANENT REGIONAL PEACEKEEPING CAPACITY PRODUCED NO ACTION.

THE TURMOIL IN THE DRC, AS WELL AS A BORDER CONFLICT BETWEEN ETHIOPIA AND ERITREA THAT BROKE OUT IN JULY, ILLUSTRATED THREE FEATURES OF THE AFRICAN LANDSCAPE IN 1999. FIRST WAS THE ABRUPTNESS WITH WHICH THE "NEW LEADERS" OF UGANDA, RWANDA, ETHIOPIA, ERITREA, AND THE DRC, LOST THEIR CROSS, RAISING QUESTIONS ABOUT THE CAPACITY OF ANY AUTOCRATIC STRONGMAN TO CONTRIBUTE IN THE LONG-TERM TO AN AFRICAN RENAISSANCE. DESPITE THE FACT THAT ALL OF THESE LEADERS HAD REPLACED BRUTAL AND CORRUPT REGIMES, AND DESPITE ALL THE TALK OF SOLIDARITY, THEIR INTERESTS CLEARLY DIVERGED, IN SOME CASES INTO OPEN CONFLICT BETWEEN FORMER COLLEAGUES-IN-ARMS. SECOND WAS THE WIDER REGIONAL NATURE OF THE CONFLICTS, ESPECIALLY THE IMBRUGLIO IN THE DRC. THIS WAR NOT ONLY THREATENED A CONFLAGRATION INVOLVING AT LEAST A HALF DOZEN COUNTRIES IN THE HEART OF AFRICA, BUT ALSO CRYSTALLIZED AND BROUGHT INTO THE OPEN MAJOR RIFTS WITHIN THE CONTINENT, PIPPING COUNTRIES SUCH AS RWANDA AND UGANDA, TWO OF THE CLOSEST U.S. ALLIES, AGAINST IMPORTANT COUNTRIES IN SOUTHERN AND CENTRAL AFRICA, SUCH AS ZIMBABWE AND ANGOLA. THIRD WAS THE EXTENT TO WHICH SOME OF AFRICA'S "OLDER" STATESMEN—including MUGABE OF ZIMBABWE, NUSOMA OF NAMIBIA, AND DOS SANTOS OF ANGOLA, WHO HAD PREVIOUSLY PERCEIVED THEMSELVES AS THE VANGUARD OF "LEFTISM" AND "PAN-AFRICANISM"—FELT THREATENED BY THE FAVOR ACCORDED TO THE "NEW LEADERS" BY THE INTERNATIONAL COMMUNITY IN GENERAL AND THE U.S. IN PARTICULAR.

OVERALL, THE CONGO CRISIS APPEARED TO HAVE GENERATED A MAJOR, THOUGH INCHOATE, SHIFT IN POWER FROM THE BLOC OF "NEW LEADERS" IN CENTRAL AND EASTERN AFRICA TOWARD CENTRAL AND SOUTHERN AFRICA LEADERS, WHO THUS GAINED A NEW PLATFORM FOR DIPLOMATIC AND MILITARY INFLUENCE. THE SHIFT MAY LEAD TO A SITUATION VERY DIFFERENT FROM WHAT WESTERN STRATEGISTS HAD CONTEMPLATED WHEN THEY UNCRTICALLY EMBRACED THE PROJECT OF "AFRICAN SOLUTIONS FOR AFRICAN PROBLEMS." THE ASCENDANCY OF ZIMBABWE AND ITS ALLIES IN THE CONGO INTERVENTION IN THE LONG TERM COULD RETURN AFRICA TO A STATUS QUO OF UNCRTICAL SUPPORT OF SOVEREIGN RIGHTS WITHIN STATE BOUNDARIES, BUT WITH STATES INCREASINGLY PREPARED TO SUPPORT POLITICAL FAVORITES OF THE DAY MILITARILY WHATEVER THEIR RECORDS. THIS WOULD ENTAIL DIRE CONSEQUENCES FOR REGIONAL AND INTERNATIONAL EFFORTS TO DEFEND HUMAN RIGHTS. ALTERNATIVELY, BECAUSE SOUTH AFRICA'S LEADERS CREATED A MORE HOSPITABLE ENVIRONMENT FOR HUMAN RIGHTS THAN THE LEADERS OF EASTERN AFRICA, THE POWER SHIFT MIGHT CARRY POSITIVE CONSEQUENCES FOR HUMAN RIGHTS. BUT IT COULD RULE OUT, AT LEAST IN THE SHORT TERM, THE FORGING OF INCLUSIVE POLITICAL AND SECURITY ALLIANCES IN THE REGION THAT COULD BENEFIT ALL AFRICA'S PEOPLES.

## The Benchmarks of Democracy

ASSESSMENTS OF DEMOCRATIZATION IN AFRICA CONTINUED TO BE DOMINATED BY MISLEADING BENCHMARKS SUCH AS THE HOLDING OF "MULTIPARTY ELECTIONS" HOWEVER RESTRICTED WHILE UNDERPLAYING SUBSTANTIVE FREEDOMS. GROSS FRAUD, SERIOUS PROCEDURAL IRREGULARITIES, OPPOSITION PARTY WITHDRAWALS, AND BOYCOTTS PERSISTED. MANIPULATED AND FLAWED ELECTORAL PROCESSES THAT SEEMED DESIGNED TO ENSURE VICTORY FOR INCUMBENTS CONTINUED TO BE A PROFOUND SOURCE OF TENSIONS AND CRISES. DURING 1999, ELECTION-RELATED CONTROVERSY LED TO CRISES IN LESOTHO, TOGO, AND MALI. THOUGH THE BASIC NUTS AND BOLTS OF DEMOCRACY WERE INSTALLED ACROSS THE REGION—THERE WERE POLITICAL PARTIES, ELECTIONS, PARLIAMENTS, JUDICIARIES, NEWSPAPERS GALORE, AND A GROWING NUMBER OF ELECTRONIC MEDIA—THEIR ABILITY TO SECURE RESPECT FOR HUMAN RIGHTS AND THE RULE OF LAW WAS ANOTHER QUESTION.

IN COUNTRIES SUCH AS ANGOLA, BURKINA FASO, CAMEROON, CHAD, COTE D'IVOIRE, EQUATORIAL GUINEA, GABON, GAMBIA, GUINEA BISSAU, KENYA, NIGER, TANZANIA, TOGO, ZAMBIA, AND ZIMBABWE, WHERE THE POLITICAL LANDSCAPE HAD HISTORICALLY BEEN DOMINATED BY SINGLE-PARTY STRUCTURES, DE JURE AND DE FACTO, A LEGACY OF DOMINANT POLITICAL CONTROL, RESTRICTIONS ON ENTRY AND PARTICIPATION IN POLITICAL LIFE AND EXCESSIVE REGULATION PERSISTED, EVEN WHEN THE ONE PARTY SYSTEM HAD BEEN LIBERALIZED. PROMISES TO TREAT POLITICAL COMPETITORS ON AN EQUAL BASIS WITH RULING PARTIES WERE OF LIMITED PRACTICAL VALUE, AND OPPOSITION PARTIES REMAINED AT A SUBSTANTIAL DISADVANTAGE. COUNTRIES WITH A LONG LEGACY OF INTRUSIVE STATE CONTROL WOULD REQUIRE HUGE EFFORT AND GOODWILL TO DISENTANGLE THE CAT'S CRADLE OF LAWS AND REGULATIONS THAT CONTINUED TO ENMESH THE MEDIA AND CIVIL SOCIETY AND TO HOBBLE POLITICAL OPPOSITION. FEW, IF ANY, GOVERNMENTS APPEARED TO RELISH SUCH A PROSPECT.

GOVERNMENT-CONTROLLED MEDIA CONTINUED TO SERVE AS PROPAGANDA TOOLS. IN MOST COUNTRIES TELEVISION AND RADIO REMAINED FIRMLY UNDER STATE CONTROL, AND GOVERNMENTS CONTINUED TO THREATEN CRITICAL NEWSPAPERS AND INDEPENDENT RADIO STATIONS THAT CHALLENGED GOVERNMENT ABUSES. AS A RESULT, JOURNALISTS WERE OFTEN CONSTRAINED TO PRACTICE SELF-CENSORSHIP. OTHERS WERE INTIMIDATED, ASSAULTED, THROWN INTO JAIL AND NUMEROUS BANNINGS OF NEWSPAPERS AND CLOSURES OF RADIO STATION OCCURRED DURING 1999. NIGERIA ALONE HAD THE DUBIOUS HONOR OF HAVING ARRESTED MORE THAN THIRTY JOURNALISTS, THOUGH ALMOST ALL WERE RELEASED BY NEW HEAD OF STATE GENERAL ABUBAKAR BY OCTOBER. IN ETHIOPIA THIRTEEN JOURNALISTS CONTINUED TO BE IMPRISONED AT THE TIME OF WRITING. EVEN IN SOUTH AFRICA, DEPORTATION PROCEEDINGS WERE COMMENCED AGAINST NEWTON KANHEMA, A LEADING JOURNALIST OF ZIMBABWEAN ORIGIN WHO HAD BEEN CRITICAL OF THE GOVERNMENT, AMID A DOMESTIC AND INTERNATIONAL OUTCRY THAT IMMIGRATION PROCEEDINGS WERE BEING USED TO LIMIT PRESS FREEDOM. FOLLOWING A COURT CHALLENGE, THE DEPORTATION WAS HALTED. IN OCTOBER, A SOUTH AFRICAN COURT RULED IN A LANDMARK DECISION ON CONSTITUTIONAL PROTECTION FOR FREE EXPRESSION THAT IT WAS ADMISSIBLE AS A DEFENSE TO A LIBEL ACTION AGAINST A NEWSPAPER FOR JOURNALISTS TO SHOW THAT THEY HAD ACTED REASONABLY AND CAREFULLY IN REPORTING.

IN MANY COUNTRIES, INCUMBENT OFFICIALS CONTINUED TO HARASS AND IMPRISON OPPONENTS AND CHOKED OFF ANY ATTEMPTS AT PUBLIC PROTEST. IN SUDAN, A RETURN TO POLITICAL PARTIES BANNED SINCE THE 1989 COUP THAT OVERTHREW THE ELECTED GOVERNMENT WAS THWARTED WHEN A KEY CLAUSE IN THE DRAFT CONSTITUTION WAS REVISED BY NATIONAL ISLAMIC FRONT LEADER HASSAN AL TURABI. THE NEWLY ELECTED GOVERNMENT OF CHARLES TAYLOR IN LIBERIA SHOWED AN INTOLERANCE OF LOSING FACTIONS IN THAT COUNTRY'S CIVIL WAR. PRESIDENT CHILUBA'S ZAMBIA CONTINUED TO BETRAY THE TITLE OF HIS PARTY, THE MOVEMENT FOR MULTIPARTY DEMOCRACY, BY DETAINING OPPONENTS. IN KENYA, PRESIDENT MOI BANNED ISLAMIC ORGANIZATIONS FROM OPERATING. IN ZIMBABWE, PRESIDENT MUGABE'S INTERVENTION IN THE CONFLICT IN THE DRC COULD NOT DISTRACT FROM AN INTERNAL CRISIS BROUGHT ON BY HIS FAILURE TO LISTEN TO CRITICISM FROM INTERNAL OPPOSITION LED BY THE UNIONS.

IN OTHER COUNTRIES, THE MILITARY CONTINUED TO PLAY A PIVOTAL ROLE IN SHAPING PUBLIC POLICY EVEN AFTER AVOWING TO EXIT THE POLITICAL ARENA. CLAIMING TO EMBODY THE GOOD OF THE NATION, THE ARMY CONTINUED TO PLAY A DUAL ROLE THAT WAS OFTEN CAMOUFLAGED BY A FACADE OF LEGALITY AND CONSTITUTIONALISM. IN NIGERIA, DESPITE PROMISES FROM THE NEW HEAD OF STATE TO RESTORE THE COUNTRY TO CIVILIAN ELECTED GOVERNMENT, HUMAN RIGHTS AND PRO-DEMOCRACY GROUPS ARGUED THAT THE DISGRACED MILITARY ESTABLISHMENT SHOULD NOT CONTINUE TO WIELD POWER DURING A TRANSITION PERIOD, AND THAT A CIVILIAN GOVERNMENT OF NATIONAL UNITY SHOULD TAKE OFFICE TO ARRANGE NEW ELECTIONS.

THERE WERE EXCEPTIONS TO PROVE THE RULE. AFTER FOUR YEARS, THE PROCESS OF DEMOCRATIC TRANSITION IN SOUTH AFRICA REMAINED ON COURSE. THOUGH THE GOVERNMENT LED BY THE AFRICAN NATIONAL CONGRESS FAILED TO ACT EFFECTIVELY IN SOME AREAS, AND REMAINED INORDINATELY SENSITIVE TO CRITICISM, MAJOR REFORMS OF THE JUSTICE SYSTEM AND POLICING CONTINUED, AS DID EFFORTS TO IMPROVE RESPECT FOR WOMEN'S AND CHILDREN'S RIGHTS, AND TO INCREASE ACCESS TO LAND AND WATER, AND (LESS SUCCESSFULLY) TO EDUCATION. THERE WERE OTHER SUCCESS STORIES. BOTSWANA'S AND MAURITIUS'S STABLE DEMOCRACIES ENDURED AS ISLANDS AMID TURBULENCE IN THE REGION. KEATUMILE MASIRE OF BOTSWANA RESIGNED THE PRESIDENCY BEFORE THE END OF HIS TERM—THUS STRENGTHENING THE COUNTRY'S FOUNDATIONS OF CONSTITUTIONAL GOVERNANCE. IN SENEGAL, A COMBINATION OF POLITICAL UNCERTAINTY, INSURGENCY, AND A CONTROVERSIAL MILITARY INTERVENTION IN GUINEA BISSAU TOOK ITS TOLL AND THE COUNTRY APPEARED TO HAVE SOMEWHAT LOST ITS STATUS AS A REGIONAL LEADER. BUT IT SEEMED UNLIKELY THAT IT WOULD UNRAVEL AND SUCCEMB TO WIDE SCALE INSTABILITY AND RIGHTS ABUSES THANKS TO ITS RELATIVELY STRONG DEMOCRATIC FOUNDATIONS. NEWLY DEMOCRATIZING BENIN, GHANA, MALAWI, MALI, AND MOZAMBIQUE STAYED THE COURSE, ALBEIT SOMETIMES ON A BUMPY ROAD. TAKEN TOGETHER ALL THESE SUCCESS STORIES CONSTITUTED THE REAL BEACONS OF HOPE THAT COULD SHOW THE WAY FORWARD FOR THE REST OF AFRICA.

## Open Markets, Closed Political Systems

BOWING TO PRESSURES FROM INTERNATIONAL AND DOMESTIC FORCES AND PINNING HOPES ON AN OBSOLETE "ASIAN MODEL," ALMOST ALL THE REGION'S FORTY-EIGHT COUNTRIES CONTINUED TO IMPLEMENT PROGRAMS TO LIBERALIZE FINANCIAL AND TRADING POLICIES AND ADOPT PROGRAMS OF MACROECONOMIC ADJUSTMENT SUPPORTED BY THE WORLD BANK AND THE IMF. PROMINENT IMPLEMENTORS OF ECONOMIC LIBERALIZATION INCLUDED ANGOLA, COTE D'IVOIRE, ETHIOPIA, GHANA, GUINEA, BENIN, KENYA, MADAGASCAR, MALI, MOZAMBIQUE, SENEGAL, TANZANIA, UGANDA, ZAMBIA, AND ZIMBABWE. ALTHOUGH MANY OF THESE COUNTRIES ACCOMPLISHED SIGNIFICANT MACROECONOMIC REFORMS, THERE WERE FEW SIGNS THAT GOVERNMENTS WERE DISPLAYING SIMILAR COMMITMENT TO THE EXPANSION OF POLITICAL FREEDOMS. IN MANY CASES, ECONOMIC PROGRESS WAS DAMAGED PRECISELY BECAUSE OF THE LACK OF DEMOCRATIC ACCOUNTABILITY AND RESPECT FOR HUMAN RIGHTS AND THE RULE OF LAW.

WITH GLOBALIZATION AND THE INCREASED POWER OF MARKET FORCES TO PROPEL CHANGE, FINANCIAL AND COMMODITY VOLATILITY EMERGED AS CRITICAL ELEMENTS THAT AFRICAN GOVERNMENTS HAD TO FACTOR INTO POLITICAL CALCULATIONS. AS POLITICAL LEGITIMACY WAS BEGINNING TO BE TIED DIRECTLY TO ECONOMIC SUCCESS, THE FALLOUT FROM ASIA'S ECONOMIC CRISIS APPEARED TO TRANSLATE INTO POLITICAL FRAGILITY. WITH SAGGING ECONOMIC PERFORMANCE, POLITICAL LEADERS WERE CONFRONTED BY A FORCE BEYOND THEIR CONTROL, A POWER MORE RADICALLY UNYIELDING THAN THE DOMESTIC POLITICAL OPPONENTS THEY HAD GROWN USED TO CONTROLLING BY A COMBINATION OF BRUTE FORCE, FAVORITISM, OR POLITICAL MANIPULATION.

UGANDA, ETHIOPIA, AND ERITREA CONTINUED TO BUILD AN AUTOCRATIC BRAND OF CAPITALISM. FOR THIS THEY HAD CONTINUED TO BE HAILED AS BEACONS OF HOPE. YET THE DOMINANCE OF RULING PARTIES WAS UNRELENTING AND OPPOSITION REMAINED HOBbled. YOWERI MUSEVENI SHOWED NO SHIFT FROM HIS SO-CALLED "NO-PARTY" SYSTEM, WHILE ETHIOPIA CARRIED ON DETAINING POLITICAL CHALLENGERS. NONE OF THE LEADERS OF ETHIOPIA, ERITREA, OR UGANDA SHOWED ANY SIGN OF EARLY

departure—apparently joining the “old” leaders in Zimbabwe, Kenya, Gabon and elsewhere in their attachment to power. Namibians, too, continued to contemplate a third-term reelection of Sam Nujoma, raising strong feelings: Ben Ulenza, Namibia’s High Commissioner to London and a senior member of the ruling party, resigned his post in August, citing his opposition to the proposed third term move as one of the reasons for quitting.

In the context of the global financial crisis precipitated by economic collapse in southeast Asia, liberalization and the opening of markets had significant costs. Market openings might have improved economic efficiency, but openness escalated the potential and actual impact of international influence on internal processes. Although the scale and impact of globalization in Africa was not comparable to the Asian meltdown, the impact of a fall in demand and price for basic commodities supplied from Africa, including oil, metals, timber, coffee, and cocoa was not inconsequential. For countries that depended heavily on selling raw materials globally to generate growth and to support their government budgets, the economic downturn contributed to cutbacks, radically lower currency values, shortfalls in revenue and ballooning trade deficits. In many countries, the results were profoundly unsettling as evidence of lasting social and political consequences mounted. Human rights problems were hard to solve at the best of times.

How this played out in domestic political processes varied from country to country. Even in South Africa, the perilous state of the economy posed a huge challenge to the sustainability of democratic reform. Though South Africa’s economy remained the largest in Africa, more than 30 percent of its almost forty million people were without work, and many continued to live in extreme poverty as a legacy of apartheid. Squeezed by astronomical interest rates and thwarted by turmoil in key export markets, the economy labored through a bad year. Growing xenophobia, including incidents of violence directed against foreigners were a direct manifestation of the detrimental effect economic problems could have on respect for human rights.

Elsewhere in Africa where a transition to democracy had hardly commenced, as was the case in Nigeria, or was only half complete, in countries such as Ghana, Kenya, Malawi, Uganda, Zambia, or Zimbabwe, a retreat from democratic and human rights reforms and tolerance for civil society was threatened in the face of economic problems. In both Kenya and Zimbabwe the government was in the grip of a crisis of confidence regarding its ability to manage the economy, and both Mugabe and Moi appeared to have opted for a mixture of carrot and stick: conceding limited economic and political points while lashing out against some of their most virulent critics.

For some countries, rich in oil or precious minerals such as diamonds, wealth appeared rather to buttress dictatorial regimes characterized by a lack of respect for human rights than to promote development. Angola, Cameroon, Central African Republic, Chad, Democratic Republic of Congo, Republic of Congo, Equatorial Guinea, Guinea, Liberia, and Nigeria all fell in this category. The huge profits earned in royalties either reinforced autocratic governments, and sometimes rebel movements as well, or prevented the development of mechanisms for transparency and accountability, often with the connivance of foreign corporations. Wasted national wealth, hampered development, and massive abuse of human rights was the price local populations continued to pay for “economic success.”

## Man-made Disasters

Civil strife, often spawned by longstanding and monumental human rights abuses, and fueled by weapons supplied from outside the continent, threatened many countries in Africa during the year, provoking large-scale forced migrations. As always, civilians—mostly women and children—bore the brunt of horrific abuses.

Some of the most alarming reports came from Sierra Leone, where civilians were subjected to mutilations, rape, and systematic killings by rebel forces. Children were victims of gross violations of human rights committed by both sides to the conflict, both prior to and following the restoration of the government of President Kabbah. Rebel forces fighting the government abducted an unknown number of children—probably in the thousands—for use as laborers, fighters, and in the case of girls, sexual prisoners. There were many child soldiers among fighters aligned with rebel forces, and despite promises by the government to demobilize all combatants under the age of eighteen, government allies continued to recruit children at least until July. Close to half a million Sierra Leoneans fled the fighting as refugees to neighboring Guinea and Liberia or to camps for the internally displaced. Refugees and the internally displaced suffered from a host of problems including a lack of protection, high malnutrition and disease rates, and attacks by rebel forces.

Following the outbreak of fighting in Guinea Bissau on June 7, when the army mutinied against President João “Nino” Vieira, after he had suspended and then sacked Ansumane Mane as chief-of-staff, virtually the entire population of 300,000 of the capital Bissau was forced to flee towards the western regions of the country where they continued to live in life-threatening conditions at year end. Gross human rights abuses in Sudan’s fifteen year civil war persisted, causing or aggravating a severe famine in three separate regions: the southern Bahr El Ghazal, western upper Nile areas, and the central Nuba Mountains. Both sides to the conflict employed abusive military strategies such as targeting civilians and their cattle. Combatants stripped assets from civilians, repeatedly displaced them, and manipulated and diverted relief goods and other food belonging to civilian populations.

In Uganda, the anti-government Lord’s Resistance Army (LRA) continued its campaign of terror, brutalizing civilians, destroying property, and abducting children in northern Uganda. In June, the LRA attacked a school and abducted thirty-nine girls. The majority of the population in the north continued to live in “protected” camps, with inadequate access to housing, water, food, health care, and education. In western Uganda, the Allied Defense Forces (ADF), another guerrilla group, waged war against the Museveni government. The ADF was reportedly responsible for numerous abuses against civilians, including abductions of children. On June 9, the ADF attacked and reportedly burned a school, killing an estimated fifty to eighty students and abducting an estimated one hundred students and civilians.

Noncombatants also bore the brunt of the renewed fighting in the DRC. Both sides to the conflict resorted to extrajudicial executions and arbitrary detentions in appalling conditions. The conflict also forced thousands to seek refuge in neighboring countries. In Rwanda the government army and rebel forces each slaughtered tens of thousands of civilians as they struggled to control the northwestern part of the country. Rebel forces, including soldiers and militia responsible for the 1994 genocide, affirmed their intention of “completing” the slaughter of Rwandese Tutsi. In addition, government and military authorities took into custody a growing number of persons suspected of rebel ties who were never seen or heard from again.

In Burundi, a new constitutional arrangement between the government and the leading opposition party followed by a peace agreement and projected cease-fire led to hopes that the four-year-old civil war in that country might be brought to an end. Factions of some of the parties that signed the agreement disavowed it, however, and attacks by rebels and reprisals by the military continued, particularly in the western part of Burundi. As elsewhere on the continent, civilians bore the brunt of suffering in this conflict, through attacks by both sides and through deprivation of food, medical attention, and other services disrupted by the combat and economic decline.

THE ODDS WORSENER FOR ANGOLA'S PEACE PROCESS AND THE COUNTRY SEEMED DANGEROUSLY CLOSE TO RENEWED WAR. AS A RESULT, THE CHANCES OF ANY TURNAROUND REGARDING THE PLIGHT OF REFUGEES AND THE INTERNALLY DISPLACED FADED FAST. SOME 300,000 REFUGEES IN NEIGHBORING COUNTRIES REMAINED UNREPATRIATED. THE RENEWED BELLIGERENCE CAUSED FURTHER FLOWS OF REFUGEES INTO THE DRC, NAMIBIA, AND ZAMBIA. BY SEPTEMBER ANGOLA HAD AN APPROXIMATED 1.3 MILLION INTERNALLY DISPLACED PEOPLE. DURING 1999 ALONE, 142,000 NEWLY INTERNALLY DISPLACED PEOPLE WERE REGISTERED.

LESOTHO WAS PLUNGED INTO WHAT APPEARED TO BE ITS WORST CRISIS IN ITS TROUBLED POST-INDEPENDENCE HISTORY WHEN SOUTH AFRICA AND BOTSWANA TROOPS INTERVENED TO RESTORE ORDER AFTER A LONG SIMMERING DISPUTE CONCERNING THE ELECTIONS IN MAY. LESOTHO'S CAPITAL MASERU AND SURROUNDING TOWNS WERE SERIOUSLY DAMAGED BY LOOTING AND ARSON, LARGELY CARRIED OUT BY CIVILIANS. UP TO ONE HUNDRED SOLDIERS AND CIVILIANS DIED, AND THOUSANDS OF REFUGEES WERE SENT SCURRYING ACROSS THE BORDER INTO SOUTH AFRICA.

POLITICAL ISLAM CONTINUED TO HAVE A PRESENCE IN AFRICA, NOT ONLY IN THE SELF-DESCRIBED ISLAMIC REPUBLIC OF SUDAN (INSTALLED AFTER A MILITARY COUP OVERTHREW AN ELECTED GOVERNMENT IN 1999) BUT ALSO IN POLITICAL-RELIGIOUS AND SOMETIMES ARMED MOVEMENTS IN ETHIOPIA, ERITREA, KENYA, UGANDA AND ELSEWHERE. THE GOVERNMENTS OF ETHIOPIA AND ERITREA ACCUSED SUDAN OF SUPPORTING, ARMING AND TRAINING ISLAMIST REBEL GROUPS TO OPPOSE THEM; THE UGANDANS ACCUSED SUDAN OF SUPPORTING UGANDAN REBELS. SUDAN, IN TURN, ACCUSED THESE THREE GOVERNMENTS OF SUPPORTING SEVERAL SUDANESE REBEL GROUPS. IN LATE 1999 SUDAN AND UGANDA WERE ACCUSING EACH OTHER OF BOMBING THE OTHER AND SENDING TROOPS IN TO THE OTHER'S SOIL.

ON AUGUST 7, BOMBS EXPLODED OUTSIDE THE U.S. EMBASSIES IN NAIROBI AND DAR ES SALAAM. IN THE NAIROBI BOMBING ALONE, MORE THAN 200 WERE KILLED AND THOUSANDS INJURED. THE U.S. BLAMED DISSIDENT SAUDI EXTREMIST USAMA BIN LADEN FOR THESE OUTRAGES, BUT LARGELY DISSIPATED SYMPATHY GENERATED BY THE ATTACKS BY BOMBING IN RESPONSE A PHARMACEUTICAL FACTORY IN SUDAN WHICH THE U.S. ALLEGED WAS BEING USED FOR THE MANUFACTURE OF CHEMICAL WEAPONS AND IN WHICH BIN LADEN, A RESIDENT OF SUDAN UNTIL 1996, WAS ALLEGED TO HAVE A FINANCIAL INTEREST. ON THE SAME DAY, AUGUST 20, THE U.S. ALSO BOMBED WHAT IT ALLEGED WERE ISLAMIST TRAINING CAMPS IN AFGHANISTAN SPONSORED BY BIN LADEN. IT LATER EMERGED THAT THE EVIDENCE THAT THE FACTORY HAD BEEN USED TO MAKE CHEMICAL WEAPONS, AND THAT BIN LADEN HAD AN INTEREST IN THE FACTORY, WAS LESS CERTAIN THAN HAD ORIGINALLY BEEN PORTRAYED. ON AUGUST 25, THE "PLANET HOLLYWOOD" RESTAURANT IN CAPE TOWN, SOUTH AFRICA, WAS ALSO BOMBED WITHOUT WARNING, KILLING ONE AND INJURING OVER TWENTY-FIVE. RESPONSIBILITY FOR THE BLAST WAS CLAIMED IN THE NAME OF A "MUSLIMS AGAINST GLOBAL OPPRESSION."

## Defending Human Rights

MANY GOVERNMENTS IN AFRICA CONTINUED TO EQUATE HUMAN RIGHTS ADVOCACY WITH DISLOYALTY AND OPPOSITION. THERE WAS A DISCERNIBLE TREND OF STATE ATTEMPTS TO ENFEEBLE HUMAN RIGHTS NGOs BY DENYING THEM FREE ACCESS TO EXTERNAL TECHNICAL AND FINANCIAL RESOURCES. SOME GOVERNMENTS WERE OPENLY CRITICAL OF DONOR ASSISTANCE TO NGOs AND INSISTED THAT FUNDING FOR AND THE ORGANIZATION OF NGO WORK BE CENTRALIZED, ENABLING THE STATE TO DETERMINE THE CONDITIONS UNDER WHICH NGOs DO THEIR WORK. EVEN IN SOUTH AFRICA, WHERE THE GOVERNMENT HAD SHOWN GREAT OPENNESS TO CONTRIBUTIONS FROM NGOs TOWARDS ITS REFORM EFFORTS, PRESIDENT MANDELA, IN AN ADDRESS TO THE AFRICAN NATIONAL CONGRESS DECEMBER 1997 CONFERENCE ACCUSED NGOs OF BECOMING "INSTRUMENTS OF FOREIGN GOVERNMENTS AND INSTITUTIONS" WHO FUNDED THEM "TO PROMOTE THEIR OWN POLITICAL AGENDA."

IN THE GREAT LAKES REGION, ARMED CONFLICT AND REPRESSIVE GOVERNMENT MEASURES SERIOUSLY COMPROMISED THE POSITION OF HUMAN RIGHTS DEFENDERS, CAUSING SOME TO FLEE FOR THEIR LIVES AND CONTINUE THEIR MONITORING AND ADVOCACY FROM OUTSIDE THE COUNTRY. ON APRIL 3, THE SAME DAY THE UNITED NATIONS HUMAN RIGHTS COMMISSION PASSED THE DECLARATION FOR THE RIGHTS OF HUMAN RIGHTS DEFENDERS, THE CONGOLESE GOVERNMENT BANNED THE AFRICAN ASSOCIATION FOR THE DEFENSE OF HUMAN RIGHTS (ASADHO). ONE WEEK LATER THE GOVERNMENT BANNED ALL HUMAN RIGHTS ORGANIZATIONS EXCEPT A GOVERNMENT-SELECTED LIST OF TWENTY-TWO NGOs WHICH WERE GRANTED PROVISIONAL AUTHORITY TO OPERATE. MANY LEADERS OF HUMAN RIGHTS NGOs IN KINSHASA, SUCH AS ROGER SALA NZO OF NATIONAL HUMAN RIGHTS CENTER (CENADHO) AND PAUL NSAPU AND SABIN BANTZA OF THE LEAGUE OF ELECTORS, WERE DETAINED FOR SEVERAL MONTHS DUE TO THEIR HUMAN RIGHTS ACTIVITIES. HUMAN RIGHTS DEFENDERS IN EASTERN CONGO FACED PARTICULAR DANGER DUE TO THEIR DOCUMENTATION OF MASSACRES OF HUTU REFUGEES IN 1996-97 AND RAMPANT INSECURITY NEAR THE BORDERS WITH BURUNDI AND RWANDA. MANY OF THEM WERE FORCED INTO EVILE.

IN SUDAN, ALL HUMAN RIGHTS ORGANIZATIONS EXCEPT THOSE APPROVED BY THE GOVERNMENT REMAINED BANNED, AND THE ONLY HUMAN RIGHTS DEFENSE WORK WAS DONE BY INDEPENDENT ATTORNEYS WHO REPRESENTED PEOPLE ACCUSED OF ANTI-STATE CONSPIRACIES. IN TWO REBEL AREAS, THE CENTRAL NUBA MOUNTAINS AND THE MENZE AREA OF THE EASTERN FRONT, INDEPENDENT HUMAN RIGHTS MONITORS WERE TRAINED AND OPERATED TO DOCUMENT GOVERNMENT ABUSES COMMITTED IN THE WAR IN THOSE AREAS. THE EXISTING POLITICAL CLIMATE IN RWANDA CONTINUED TO IMPOSE SEVERE LIMITATIONS ON THE INDEPENDENCE OF MANY RWANDAN NGOs AND PROFOUNDLY IMPAIRED THEIR ABILITY TO REPORT ON HUMAN RIGHTS VIOLATION. THREATS AND INSECURITY CAUSED RWANDAN DEFENDERS TO SLIDE FURTHER INTO SILENCE IN THE FACE OF MASSIVE HUMAN RIGHTS VIOLATIONS. IN UGANDA, MANY HUMAN RIGHTS ORGANIZATIONS CONTINUED TO OPERATE, THOUGH CONSTRAINED TO PRACTICE "SELF-CENSORSHIP" TO AVOID HARASSMENT FROM THE GOVERNMENT. DOMESTIC NGOs IN UGANDA REPORTED ON PRISON REFORM AND EDUCATION. IN ETHIOPIA, EIGHT MEMBERS OF THE BOARD OF DIRECTORS OF THE HUMAN RIGHTS LEAGUE, AND THE ORGANIZATION'S SECRETARY, REMAINED IN DETENTION, HAVING BEEN ARRESTED IN OCTOBER AND NOVEMBER 1997 ON CHARGES OF CONSPIRACY WITH THE OROMO LIBERATION FRONT. ETHIOPIA'S HUMAN RIGHTS COUNCIL CONTINUED ITS WORK, ALTHOUGH APPEALS FOR HUMAN RIGHTS REFORM WERE VIRTUALLY IGNORED BY THE GOVERNMENT. TWICE DURING 1999, KENYA'S PRESIDENT MOI THREATENED TO SHUT DOWN NGOs, LEADING TO CONCERNS THAT THE OUTSPOKEN HUMAN RIGHTS COMMUNITY WOULD BE TARGETED.

THE ARREST, DETENTION AND FORCIBLE RETURN TO ANGOLA OF ANGOLAN HUMAN RIGHTS ACTIVIST DR. MANUEL NETO ON MAY 19, 1999 BY THE NAMIBIAN MINISTRY OF HOME AFFAIRS, DESPITE DR. NETO'S REFUGEE STATUS, SENT SHOCKS THROUGHOUT THE HUMAN RIGHTS COMMUNITY IN SOUTHERN AFRICA AND BEYOND. MANUEL NETO WAS THE EXECUTIVE DIRECTOR OF THE ANGOLAN HUMAN RIGHTS LEAGUE (LADH) WHICH WAS ESTABLISHED ON MAY 6 AND LEGALLY RECOGNIZED AS A NOT-FOR-PROFIT NONGOVERNMENTAL ORGANIZATION IN NAMIBIA. THE NAMIBIAN AUTHORITIES CLAIMED THAT NETO'S ACTIVITIES CONSTITUTED A THREAT TO NATIONAL SECURITY, BUT CRITICS OF THE EXPULSION CONTENDED THAT THIS "THREAT" WAS PERCEIVED ONLY AFTER HE FORMED THE LADH AND THAT THIS WAS THE REAL REASON FOR THE EXPULSION.

IN ANGOLA ITSELF, DESPITE A HOSTILE ENVIRONMENT FOR HUMAN RIGHTS ADVOCACY, THE DOMINICAN ORDER SET UP THE MOSAIKO CULTURAL CENTER NEAR LUANDA, BY 1999 A FULLY ESTABLISHED HUMAN RIGHTS CENTER. BOTH THE CENTER AND THE CATHOLIC RADIO STATION, RADIO ECCLESIA, PROMOTED HUMAN RIGHTS USING THE MEDIA TO DISSEMINATE INFORMATION. THE COUNCIL OF CHRISTIAN CHURCHES (CICA), THE ALLIANCE OF EVANGELICALS OF ANGOLA (AEA), AND TROCÁIRE ANGOLA ALSO SUPPORTED TRAINING IN HUMAN RIGHTS. IN THE WAKE OF INTENSE PRESSURE BY GOVERNMENT AUTHORITIES DURING THE PREVIOUS TWO YEARS, ZAMBIA'S AFRONET CONDUCTED WORK ON POLICE BRUTALITY, PUBLISHED ITS FIRST ANNUAL REPORT ON HUMAN RIGHTS, AND CONDUCTED A JOINT FIELD MISSION WITH HUMAN RIGHTS WATCH TO THE ANGOLAN BORDER AND REFUGEE CAMPS IN ZAMBIA.

NIGERIA'S HUMAN RIGHTS MOVEMENT, AMONG THE MOST VIGOROUS AND SOPHISTICATED IN SUB-SAHARAN AFRICA, CONTINUED TO MONITOR ABUSES AND ADVOCATE FOR HUMAN RIGHTS DESPITE PERSISTENT HARASSMENT UNDER THE ABACHA REGIME. WITH THE NEW TRANSITION PROGRAM ANNOUNCED BY GENERAL ABUBAKAR, HUMAN RIGHTS ACTIVISTS IN DETENTION WERE RELEASED, CONDITIONS TO OPERATE IMPROVED SIGNIFICANTLY, AND A COALITION OF HUMAN RIGHTS GROUPS ANNOUNCED THEIR INTENTION OF

closely monitoring the return to civilian rule.

DESPITE EFFORTS TO SILENCE THEM, THE NGO COMMUNITY IN AFRICA CONTINUED TO GROW AND BECOME MORE SOPHISTICATED. AN EXPANDING NUMBER OF NGOS THROUGHOUT AFRICA MADE STRIDES IN ACQUIRING AND MASTERING ELECTRONIC COMMUNICATIONS TECHNOLOGY, THUS SUBSTANTIALLY BOOSTING THEIR ACCESS TO THE LATEST INFORMATION AND IDEAS. THE SPEED WITH WHICH INFORMATION CROSSED BORDERS CONTINUED TO ERODE GOVERNMENTS' CAPACITY TO CONTROL AND CONTAIN CIVIL SOCIETY INITIATIVES.

## National Human Rights Commissions

THE ESTABLISHMENT OF GOVERNMENT-SPONSORED NATIONAL HUMAN RIGHTS COMMISSIONS BECAME A GROWING TREND ON THE AFRICAN CONTINENT. BY YEAR'S END, FIFTEEN SUB-SAHARAN AFRICAN GOVERNMENTS HAD FORMED SUCH COMMISSIONS, INCLUDING BENIN, CAMEROON, CHAD, GHANA, KENYA, LIBERIA, MALAWI, NIGERIA, RWANDA, SENEGAL, SOUTH AFRICA, SUDAN, TOGO, UGANDA, AND ZAMBIA. TWO MORE GOVERNMENTS—ETHIOPIA AND TANZANIA—HAD PLANS UNDERWAY TO CREATE COMMISSIONS. FOR THE MOST PART, THESE COMMISSIONS PROVED A DISAPPOINTMENT. MANY WERE CREATED WITH FLAWED MANDATES THAT LIMITED THEIR ABILITY TO INVESTIGATE EFFECTIVELY, MONITOR, OR MAKE PUBLIC STATEMENTS, OR WERE HEADED BY MEMBERS UNWILLING TO PROTEST ABUSES DUE TO FEAR OF REPRISAL. OTHERS, SUCH AS THE MALAWIAN AND RWANDAN COMMISSIONS, HAD YET TO BEGIN THEIR WORK.

YET THE ACTIVITIES OF THE MORE PROMISING COMMISSIONS WERE PROOF THAT THESE GOVERNMENT BODIES HAD THE POTENTIAL TO CONTRIBUTE POSITIVELY TOWARD STRENGTHENING THE HUMAN RIGHTS CULTURE. THE GHANAIAN, SENEGALESE, SOUTH AFRICAN, AND UGANDAN COMMISSIONS—a testament to the integrity of these commissions' members—appeared to be the most promising in their willingness to actively speak out against government abuses and to exhibit their independence. UGANDA'S HUMAN RIGHTS COMMISSION, FOR EXAMPLE, ISSUED ITS FIRST ANNUAL REPORT IN AUGUST AND DOCUMENTED MANY CASES OF TORTURE BY SECURITY FORCES, INHUMAN PRISON CONDITIONS, AND MANY CASES OF INTERFERENCE WITH POLITICAL OPPOSITION EVENTS. IN SOUTH AFRICA, THE HUMAN RIGHTS COMMISSION JOINED WITH NGOS TO HOLD HEARINGS ON POVERTY, AND CRITICIZED THE GOVERNMENT RECORD ON PRISON CONDITIONS, IMMIGRATION POLICY, AND OTHER MATTERS. GHANA'S COMMISSION, WHICH THE GOVERNMENT HAD ATTEMPTED TO SILENCE, CONTINUED TO SPEAK OUT ON A WIDE ARRAY OF ISSUES, INCLUDING HARMFUL TRADITIONAL PRACTICES AGAINST WOMEN, PRISON CONDITIONS, AND GOVERNMENT CORRUPTION. EVEN IN CONSTRAINED POLITICAL CIRCUMSTANCES, SUCH AS IN NIGERIA, THE COMMISSION ESTABLISHED BY GENERAL ABACHA CARRIED OUT SOME USEFUL WORK ON PRISON CONDITIONS BEFORE HIS DEATH, AND THEN MADE USEFUL RECOMMENDATIONS TO THE NEW GOVERNMENT.

THE PROLIFERATION OF NATIONAL HUMAN RIGHTS COMMISSIONS WAS A SIGN THAT AFRICAN GOVERNMENTS APPEARED TO BE BUYING INTO THE INTERNATIONAL HUMAN RIGHTS DISCOURSE, AND AN ACKNOWLEDGMENT THAT HUMAN RIGHTS PROTECTION SHOULD BE PART OF THE GOVERNMENT PORTFOLIO. INTERNATIONAL DONOR PRESSURE AND FINANCIAL SUPPORT FOR THESE BODIES WAS ANOTHER FACTOR IN SPURRING GOVERNMENTS TO CREATE COMMISSIONS. HOWEVER, MOST GOVERNMENTS FORMED THESE COMMISSIONS WITHOUT SHOWING ANY INTENT TO FOLLOW THROUGH WITH THE NECESSARY ACTION TO ENSURE THAT THEY COULD ACTUALLY IMPROVE THE SITUATION. SOME APPEARED LARGELY DESIGNED TO DEFLECT INTERNATIONAL CRITICISM OF SERIOUS HUMAN RIGHTS VIOLATIONS. THERE WAS USUALLY LITTLE OR NO COORDINATION OR CONSULTATION WITH THE LOCAL NONGOVERNMENTAL COMMUNITY, AND IN SOME CASES, THE COMMISSION SOUGHT TO DOWNPLAY THE WORK OF NGOS—MOST COMMISSIONERS APPOINTED WERE NOT EXPERIENCED OR TRAINED IN HUMAN RIGHTS WORK, AND THE COMMISSIONS WERE LARGELY UNDER-FUNDED AND URBAN-BASED. IN SOME CASES, THE WORK OF THE COMMISSION WAS NOT PUBLIC AND STATEMENTS MADE BY COMMISSIONERS WERE DIFFICULT TO OBTAIN.

AT THE REGIONAL LEVEL, THERE WERE SOME ATTEMPTS BY THE COMMISSIONS TO COORDINATE AND EXCHANGE IDEAS. IN FEBRUARY 1996, THE FIRST REGIONAL MEETING HAD BEEN HELD IN CAMEROON AND IN JULY 1998 A SECOND REGIONAL MEETING WAS HELD IN SOUTH AFRICA. THIS EMERGING REGIONAL INITIATIVE COULD BE USED MORE EFFECTIVELY TO PROVIDE ADVICE, SUPPORT, AND EVEN PROTECTION TO ITS MEMBER GROUPS.

## Accountability

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA MADE SIGNIFICANT PROGRESS IN ITS EFFORT TO ENSURE ACCOUNTABILITY FOR THE RWANDAN GENOCIDE. BY MID-YEAR, IT HAD ARRESTED MORE THAN THIRTY IMPORTANT LEADERS AND BY OCTOBER, IT HAD FOUND TWO GUILTY AND SENTENCED THEM TO LIFE IN PRISON. ONE WAS THE FORMER PRIME MINISTER OF RWANDA, WHO CONFESSED AND PLEADED GUILTY. THE OTHER, JEAN-PAUL AKAYESU, A FORMER MAYOR, WAS TRIED AND BECAME THE FIRST PERSON FOUND GUILTY OF GENOCIDE UNDER INTERNATIONAL LAW. IN MAKING RAPE PART OF AKAYESU'S GENOCIDE CONVICTION, THE DECISION ALSO ADVANCED THE WORLD'S LEGAL TREATMENT OF SEXUAL VIOLENCE.

THIS SUCCESS IN BRINGING TO JUSTICE THE LEADERS OF A DEFEATED GOVERNMENT WAS NOT MATCHED BY SIMILAR SUCCESS IN SECURING ACCOUNTABILITY FROM THOSE STILL IN POWER. THE GOVERNMENTS OF THE DRC, LED BY FORMER REBEL LAURENT KABILA, AND OF RWANDA, ENJOYED RELATIVE IMPUNITY DESPITE THEIR APPARENT RESPONSIBILITY FOR THE ALLEGED MASSACRE OF TENS OF THOUSANDS OF RWANDAN NONCOMBATANTS WHO HAD BEEN LIVING IN REFUGEE CAMPS IN EASTERN CONGO IN LATE 1996 AND EARLY 1997. AFTER HAVING AGREED TO AN INQUIRY BY THE U.N. SECRETARY-GENERAL'S INVESTIGATIVE TEAM (SGIT) WHEN IT CAME TO OFFICE, KABILA'S GOVERNMENT HINDERED THE TEAM'S WORK EVERY STEP OF THE WAY. GOVERNMENT OFFICIALS FIRST OBSTRUCTED ITS TRAVEL AND WHEN IT REACHED THE NORTHWESTERN TOWN OF MBANDAKA ORGANIZED "DEMONSTRATIONS," INTIMIDATION, AND EXTORTION TO FORCE IT TO LEAVE WITHOUT COMPLETING ITS INVESTIGATION. THEY ARRESTED WITNESSES WHO GAVE TESTIMONY TO THE TEAM AND DISRUPTED MEETINGS WITH WITNESSES. AFTER THEY ARRESTED A U.N. INVESTIGATOR AND TOOK REPRISALS AGAINST THE WITNESSES WHOSE TESTIMONIES HE CARRIED, THE U.N. WITHDREW THE MISSION. YET THE CONGOLESE GOVERNMENT APPEARED READY TO TALK ABOUT THE KILLINGS BY ITS FORMER ALLIES ONCE THOSE ALLIES BECAME ENEMIES IN THE NEW REBELLION OF 1998. DRC FOREIGN MINISTER JEAN-CHARLES OKOTO LOLAKOMBE ACCUSED RWANDAN-BACKED REBELS OF GRAVE HUMAN RIGHTS ABUSES DURING THE FIGHTING THAT STARTED IN AUGUST AND SAID THAT "THESE UGLY CRIMES REMIND US OF THE KILLINGS PERPETRATED AGAINST HUTU REFUGEES BY THE ELEMENTS OF THE SAME RWANDAN PATRIOTIC ARMY."

IN RWANDA AND BURUNDI, GOVERNMENTS CONDUCTED TRIALS STEMMING FROM MASSIVE KILLINGS IN PRECEDING YEARS, FROM THE 1994 GENOCIDE IN RWANDA AND FROM MASSACRES CARRIED OUT IN BURUNDI FOLLOWING THE ASSASSINATION OF PRESIDENT MELCHIOR NDAWAYE IN 1993. IN MANY TRIALS IN BOTH COUNTRIES, THE ACCUSED DID NOT HAVE ACCESS TO LEGAL COUNSEL OR IN OTHER WAYS WERE TRIED IN CONDITIONS THAT FAILED TO MEET INTERNATIONAL STANDARDS OF DUE PROCESS. IN BOTH RWANDA AND BURUNDI, MILITARY COURTS BROUGHT SOME SOLDIERS TO TRIAL FOR ABUSING THE RIGHTS OF CIVILIANS. MEANWHILE, THE RWANDAN GOVERNMENT, WHICH SUSPENDED THE OPERATION OF THE UNITED NATIONS HUMAN RIGHTS FIELD OPERATION FOR RWANDA IN MAY, PRECIPITATED THE CLOSURE OF THE FIELD OFFICE IN LATE JULY BY REFUSING FURTHER U.N. MONITORING OF THE HUMAN RIGHTS SITUATION AND INSISTING THAT IT WOULD ACCEPT ONLY EDUCATIONAL AND TECHNICAL ASSISTANCE.

IN BURUNDI, SOME 10,000 PERSONS WERE IN PRISON, MANY CHARGED WITH PARTICIPATION IN MASSACRES THAT TOOK PLACE IN LATE 1993 OR EARLY 1994 FOLLOWING THE ASSASSINATION OF PRESIDENT MELCHIOR NDAWAYE. SOME 250 PEOPLE HAD BEEN FOUND GUILTY AND CONDEMNED TO DEATH, VIRTUALLY ALL OF WHOM WERE HUTU.

IN ETHIOPIA, NO SIGNIFICANT PROGRESS WAS REPORTED REGARDING THE TRIAL OF THOUSANDS OF OFFICIALS OF THE PREVIOUS DERC REGIME FOR CRIMES AGAINST HUMANITY. THE EYEWITNESS VALUE OF THESE TRIALS WAS SERIOUSLY FURNISHED BY THEIR SLOW PACE. OF THE 5,198 DERC OFFICIALS CHARGED IN 1997 OF A VARIETY OF OFFENSES, SOME 2,200 REMAINED IN PRISON ON REMAND SINCE THEIR ARREST IN 1991. THEIR TRIALS IN ADDIS ABABA AND AROUND THE COUNTRY WERE INTERRUPTED BY

repeated adjournments and court recesses. On September 10, the government announced the release of thirty-one of the group. Having considered their cases "at length," the Special Prosecutor's Office in charge of the trial had decided that "there was not enough evidence to justify keeping them in custody."

Despite a long period of military rule in Nigeria during which widespread and wanton abuses of rights took place, the new military administration made no commitment to accountability for past abuses. It was not clear whether civilian politicians due to be elected in 1999 would show a greater determination: but human rights and radical opposition groups called for a National Crimes and Restitution Commission.

In Liberia, the peace accords that led to the end of seven years of civil war expressly granted an amnesty of sorts to those responsible for committing atrocities in the course of the war. Hence no leader of any faction, no matter how guilty of atrocities, was brought to justice. Since his election as president in 1997, Taylor continued to allow government security forces, heavily dominated by his own supporters, to behave with the same impunity. At least partly as a consequence, renewed fighting broke out between government forces and those of one of Taylor's losing rivals, Roosevelt Johnson, on September 18 and 19, just a year after the end of the war. Without justice for past human rights abuses, conditions in Liberia deteriorated to renewed lawlessness.

In Sierra Leone, many of the rebels responsible for gross atrocities—including mutilations, rape, and killings—during the civil war remained at large, and continued to terrorize civilian populations in rural areas. In Freetown, the Sierra Leonean capital, dozens of captured rebel leaders and collaborators, including their commander Foday Sankoh, faced charges including treason under a fledgling legal system. Amidst public calls for revenge killings and appeals for clemency from the U.K. and international human rights NGOs, the trials constituted the first major test of the Sierra Leonean government's effort to guarantee due process while holding perpetrators of gross abuses accountable for their actions.

In Zimbabwe, the government continued to deny the alleged massacres of thousands of noncombatants in Matabeleland during the early 1980s. In Kenya, President Daniel arap Moi announced the creation of a judicial inquiry into longstanding allegations of state-sponsored political violence against ethnic groups that supported opposition parties. There was little expectation that this inquiry would bring any real action: previous inquiries concluding that high level government officials were involved had been ignored. Following the judicial dismissal of the case against Kamuzi Banda in 1997, Malawi's government appeared to have abandoned efforts aimed at accountability for human rights violations from 1964 to 1994. Even the National Compensation Tribunal (NCT), seemed to be on the brink of failure. Established in 1996, the NCT was set up to compensate Malawians who were thrown into detention without trial on political grounds. Most detainees had their property confiscated by the Banda regime. The NCT struggled to fulfill its mandate and respond to the numerous compensation claims from the public. However, since its inception, it had been crippled by funding problems. The Tribunal had received 7,272 claims from victims of political incarceration and torture during the former regime, but had processed only 1,555 claims. Many private citizens believed that only politicians and relatives of people well positioned in society were being compensated. To date the commission had only disbursed U.S. \$800,000 in interim payments to claimants.

The South African Truth and Reconciliation Commission (TRC) continued to draw international attention as it pioneered a new way of dealing with the problems of accountability in transitions. Although many were critical of the commission's ability to grant indemnity from prosecution for gross violations of human rights, these powers were limited and conditioned on full disclosure of offenses and other criteria. At the same time, the amnesty procedure strengthened the commission's efforts to uncover as complete a picture as possible of past abuses. Notable hearings during the year focused on the involvement of the previous government in chemical and biological weapons production, on the killing of Steve Biko, and on political violence in KwaZulu-Natal and elsewhere. The TRC completed its hearings of witness testimony about past human rights abuses, and was due to present its report to the president in October; amnesty hearings were set to continue well into 1999, when a supplementary report would be published.

## Regional Cooperation: Africa Adrift

The events of 1999 once again demonstrated that regional cooperation and rights regimes needed new scripts. The DRC and other crises raised tough questions about the state of regional integration in Africa. The challenge to African leaders was not simply to ride out the storms of 1999. It was also to reconstruct the crumbling architecture of the region's collective security mechanisms. Areas that appeared to be crying out for urgent institutional overhaul included, at minimum, the vague notion of regional leadership, cumbersome decision-making procedures, the need for further surrendering of sovereign power to supranational bodies, and the rules and procedures for collective intervention.

## The Organization of African Unity (OAU)

Crucial to any proposed regional solutions to Africa's problems should have been a determined effort by the OAU to reinvent itself. Yet the fumbling when crises exploded created the impression that the OAU had no clue about what to do of its own volition, as opposed to the initiatives forced upon it by the recurrent crises. No significant moves were made or announced to solve the OAU's chronic organizational problems. The OAU's Mechanism for Conflict Prevention, Management, and Resolution, established in 1993, remained aspirational rather than effective in practice. The events of the year confirmed that there were major shortcomings but that the OAU did not yet know how to fix them.

The OAU's initiatives remained marginal to every major crisis on the continent. It was powerless to mediate regional conflicts in the Great Lakes area, Guinea Bissau, or between Eritrea and Ethiopia. It seemed that it merely went through motions of mediation, sending inconsequential missions to investigate claims and counterclaims. In the DRC crisis, its mediation efforts resulted in the documentation of mechanisms for a ceasefire, but no steps forward on the ground. At the same time, the OAU made no progress towards framing a policy on multilateral interventions by member states in other member states. The interventions in Guinea Bissau, Sierra Leone, Lesotho, and above all the DRC emphasized the critical need for the formalization of regional and subregional peacekeeping standards to ensure that such operations included a strong human rights component, training in humanitarian and human rights law, mechanisms of accountability to hold errant troops responsible, and blueprints for lines of command or coordination for and between the OAU and U.N. In the absence of any such efforts, subregional initiatives were doomed to be a string of interventions on a case-by-case basis without safeguards to prevent political manipulation, human rights violations, and misuse by subregional governments.

The African troops sent to restore peace were in many cases responsible for human rights violations themselves. For example, West African peacekeepers in Liberia had been accused of the torture and ill-treatment of Liberians, trading arms and ammunition with rebel factions, and creating proxy rebel groups that prolonged the war. In Sierra Leone, the same peacekeepers had failed to consistently take precautions to minimize civilian

casualties. Senegalese troops in Guinea Bissau were accused of torturing and raping civilians; even South African troops in Lesotho were accused of rape and of causing unnecessary civilian deaths.

The African Commission for Human and Peoples' Rights did no better than its parent body, the OAU, failing even to adopt hard-hitting resolutions in the face of the major human rights violations facing the continent. The commission continued to postpone taking decisions on cases brought before it from Nigeria, including applications relating to the trial and execution of minority rights leader Ken Saro-Wiwa that were filed before his execution in November 1995. There were rumors that the commission would even decide not to rule on these cases at its October 1998 session, on the basis that the changed situation in Nigeria made them no longer relevant, shirking its responsibility to interpret the African Charter. The commission's special rapporteur on prison conditions, Professor Victor Dankwa of Ghana, visited prisons in several countries, with some positive effects. Otherwise, although individual commissioners did some work in terms of human rights promotion and education, the commission as a whole continued to be too timid to challenge governments on their records.

### **The Economic Community of West African States (ECOWAS)**

The ECOWAS Monitoring Group (ECOMOG), set up to intervene in Liberia's civil war, continued to expand its operations, while ECOWAS also discussed but failed to reach agreement on the institution of a permanent subregional peacekeeping force.

Following the 1997 coup in Sierra Leone, the OAU called on ECOWAS to help restore constitutional order to Sierra Leone. With the failure of diplomatic efforts and the escalation of tension, ECOMOG's mandate was upgraded from sanctions enforcement to actual military intervention, resulting in the ousting of the leaders of the previous year's coup in February 1998. The ECOMOG contingent in Sierra Leone was composed of approximately 5,000 troops, predominantly Nigerian with support from other West African states.

While residents of Freetown and Sierra Leonean refugees expressed gratitude for ECOMOG's role in returning the democratically elected president to power. Some ECOMOG operations, particularly its attack on Freetown, led to a high number of civilian casualties. ECOMOG received significant praise for its role in Sierra Leone, and for significant improvements in its conduct since its intervention in Liberia. ECOMOG also evacuated dozens of war victims via helicopter and road, saving many civilian lives. From February through May, however, ECOMOG commandeering of humanitarian vehicles was blatant and prevalent.

ECOWAS was also involved in attempts to resolve the crisis in Guinea Bissau, though its role was much more low key. Together with the Community of Portuguese-Speaking States, ECOWAS mediated a ceasefire agreement on August 25. However follow-up talks mediated by ECOWAS collapsed on September 16. ECOWAS, in particular Senegal, reportedly pressed for a peacekeeping force. Senegal wanted, at minimum, a buffer zone between Guinea Bissau and its rebellious province of Casamance, and also made a bid for a major role in a peacekeeping force. The community of Portuguese-speaking states rejected both the concepts of an international peacekeeping force across the country and specifically a buffer along the border between Senegal and Guinea Bissau.

### **The Southern African Development Community (SADC)**

It was a difficult year for SADC. The war in the DRC brought a conflict over policy and strategy regarding intervention, which dealt a body blow to the aspirations of SADC to develop a credible subregional conflict management mechanism. Following an August meeting in Zimbabwe of SADC defense officials, Zimbabwe, Angola, and Namibia dispatched troops and equipment to Congo. President Mandela of South Africa, currently chair of SADC, strongly opposed the decision, arguing that a central principle of SADC's Organ for Politics, Defense and Security, established in 1996, had been violated. It stated: "military intervention of whatever nature shall be decided upon only after all possible political remedies have been exhausted."

The disagreement immediately began to spill out in the open and a debate over the future of the organization ensued. Lines were quickly drawn for a battle that pitted Zimbabwe, Angola and Namibia against South Africa, supported by Botswana, with both sides claiming to be the true custodians of the legitimate objectives and interests of SADC. In particular President Mugabe of Zimbabwe, chair of the SADC Organ, who had apparently resented President Mandela's international stature for some time, challenged South Africa for the dominant role. Mugabe shunted aside a call from Mandela for a peaceful solution to the Congo conflict. Plans for regional security seemed to be in disarray. At the next SADC annual meeting in Mauritius the summit communiqué "commended the governments of Angola, Namibia and Zimbabwe for timeously providing troops to assist the government and the people of the DRC defeat the illegal attempt by rebels and their allies to capture the capital city Kinshasa and other strategic areas."

Surprisingly, considering its position on intervention in the DRC, South Africa led a SADC-endorsed intervention in Lesotho to rescue the government from opposition challenges to its legitimacy following disputed May elections. A SADC-sponsored independent report had criticized the way the poll had been run but stopped short of calling it fraudulent, saying that "apparent irregularities and discrepancies are sufficiently serious concerns." That however proved inadequate to mollify the opposition which intensified its civil disobedience tactics to force the government to step down. Stating that they feared a military coup, South Africa and Botswana staged a disastrous military intervention on behalf of SADC, during which Lesotho's capital, Maseru, was comprehensively looted by civilians taking advantage of the temporary power vacuum, and the government and the opposition agreed to a new poll within twelve to fifteen months. South Africa, in justification of its action, cited SADC principles—in the same way as Mugabe and his allies had done in the case of their intervention on Congo. The botched intervention, which took several days to secure the capital, Maseru, and the resulting widespread looting of the city, was bitterly attacked by the opposition in Lesotho, and heavily criticized in South Africa itself. While fresh elections were agreed on, the basic divisions within Basotho politics had been widened, not narrowed.

The problems within SADC and the Lesotho intervention brought into focus the disappointing role of South Africa in continental conflict resolution in general and human rights protection in particular. South Africa had the required diplomatic and military resources, but these were time and again squandered. Although South Africa played an important role in several international initiatives supportive of human rights, including the Ottawa landmine treaty, the International Criminal Court, and the early stages of the campaign to ban the recruitment of child soldiers, its touch was much less sure when faced with African crises. As a result, despite Mandela's acclaimed role on the world stage, South Africa had still to establish a distinguished record for leadership or as a consequential and dogged exporter of human rights ideas and practices.

### **The InterGovernmental Authority on Development (IGAD)**

IGAD (composed of Uganda, Kenya, Sudan, Ethiopia, Eritrea and Djibouti) sponsored peace negotiations in May and August between the government of Sudan and the largest rebel army, the SPLA, but no settlement resulted. The parties remained deadlocked on the role of religion in the state and the

GEOGRAPHICAL SCOPE OF A SELF-DETERMINATION REFERENDUM.

### The Role of the International Community

Africa remained overshadowed by events elsewhere. Tragedies such as those in Burundi, the DRC, Guinea Bissau, Liberia, and Sudan largely escaped the attention of the international community. Atrocities against civilians in these countries and their serious human rights and humanitarian implications were hardly on the radar screens of key strata in the international community. When they did finally raise a limited level of awareness, it merely provoked the dispatch of roving envoys to the region and the convening of high profile conferences with little or no follow-up to address and ameliorate the dire human rights and humanitarian situation. Clear and consistent messages on human rights were the exception. When positive changes occurred, for example a significantly improved political climate in Nigeria, it was hardly an outcome deliberately and consistently pursued for which the international community could claim credit.

Overall levels of aid to the African continent remained low, despite its poverty and need. At the same time, the international community, except in a few instances, stubbornly resisted the consistent application of aid conditionality and trade penalties as a way of encouraging African countries toward democracy and human rights. Such resistance was based on a mistaken assessment that trade liberalization and free enterprise policies were more important and sufficient in themselves to bring about other necessary reforms, even without any robust human rights angle. It was argued that continued aid to repressive governments was a tool that allowed the international community to have a positive influence on recipient regimes. The evidence suggested the contrary—that unconditional aid kept repressive regimes in power and immunized them from pressure for reforms; and also that the stability that was a prerequisite for economic development remained unattainable without fundamental political change and respect for the rule of law. In Kenya, international pressure to crack down on corruption was undermined by the lack of an independent judiciary and an unchecked executive.

Appeals for international humanitarian intervention in the crises of 1999 were answered at best by words of encouragement to African mediation efforts and at worst by callous aloofness. The promotion of "African solutions to African problems" continued to allow the international community to relinquish its responsibility for addressing conflict on the continent; an excuse all the more welcome to those anxious to shed cold war and colonial responsibilities. At the same time, the international community was too inclined to approve flawed electoral exercises—for example in Lesotho—turning a blind eye to abuses that amounted to tacit complicity and contributed to later crises. Similarly, bilateral donors and the U.N. Office of the High Commissioner for Human Rights were eager to provide support and technical advice for national human rights commissions, but often without sustained follow-up to ensure that these bodies carried out their responsibilities effectively.

### The United Nations

United Nations Secretary-General Kofi Annan appeared to be on a major public relations offensive for the U.N.'s African programs, addressing Africa-related issues in major speeches and undertaking visits to a number of African destinations. He appeared to be seeking to reshape his own image and that of the U.N. as an engaged, caring, and effective development and conflict resolution institution; aiming to rescue the U.N.'s severely tarnished reputation following the 1994 Rwandan genocide and its aftermath. However, it was evident that without stronger political will on behalf of U.N. members to turn around the situation in Africa, and if necessary to invest more resources, Annan's efforts would be not better than those of his predecessors.

Two major reports to the Security Council were delivered, one on the general African crisis and the other on the massacre of thousands of Hutu refugees in the DRC during 1997. In his report on the African crisis, Secretary-General Annan laid the blame for the civil wars and economic failures that continued to ravage African lives largely on Africans. He challenged Africa to address the root causes of conflict: "Where there is insufficient accountability of leaders, lack of transparency in regimes, inadequate checks and balances, non-adherence to the rule of law, absence of peaceful means to change or replace leadership, or lack of respect for human rights, political control becomes excessively important and the stakes become dangerously high." While acknowledging that African peacekeeping and mediation efforts had become more significant in recent times, he also decried the inadequate responses from the Security Council to African crises contending that "No one—not the U.N., not the international community—could escape the responsibility for the persistence of African conflicts."

The secretary-general's report presented a strategic assessment which should have led to a much more radical conclusion. The review approached the state of the African continent with commendable frankness; but unfortunately, for political reasons, the secretary-general's recommendations were vague and unhelpful. If Annan's strategic assessment of the desperate state of Africa was correct, there was need for a more radical response from the U.N. than that proposed. The review promised better support from the U.N. to African regional bodies and governments, and emphasized cooperation between the same bodies. More specifically, he urged the introduction of better coordination of peacekeeping and related exercises. Annan appeared to have premised his report on major assumptions. First, the existence of viable African collective mechanisms for conflict resolution, largely ignoring their institutional paralysis and inadequacy of resources. Second, that the international community could afford to respond to African issues at a leisurely pace. Third, that security problems and concerns had few or no repercussions on the rest of the globe—yet another manifestation of retreat from Africa by the international community. In sum, the U.N. did not seem prepared to take any real action to address the human rights crises in Africa.

The other major report presented by the secretary-general to the Security Council during 1998 showed once again the extent to which effective action by the U.N. is dependent on the commitment of its member states, especially the "permanent five" members of the council. During 1999, the U.N. aborted its most ambitious human rights investigative mission in Africa, the Secretary General's Investigative Team (SGIT) into the alleged massacres of Hutu refugees in the DRC during 1997, after the team had been persistently blocked by the Kabila government from examination of massacre sites. Secretary-General Annan pledged in pulling the team out from the Congo that "the search for the truth will continue through other means" and presented the report of the SGIT to the Security Council. The council faced a critical choice: would it authorize a renewed inquiry to discover the truth



BEHIND HORRIFIC MASSACRES, OR WOULD IT ALLOW THE KILLERS TO REMAIN UNIDENTIFIED AND UNPUNISHED? THE SECURITY COUNCIL HAD BEEN EXPECTED TO FOLLOW THE SCIT'S RECOMMENDATION AND STRIKE A BLOW AGAINST THE CYCLE OF IMPUNITY IN THE REGION BY ALLOWING THE PROBE. INSTEAD OF SEIZING THAT OPPORTUNITY TO REINFORCE THE MORAL AND PRINCIPLED TENOR OF THE SECRETARY-GENERAL'S REPORT TO THE SECURITY COUNCIL, IT RECONFIRMED ITS PREVIOUS DISINCLINATIONS TO BECOME INVOLVED IN SOLUTIONS TO AFRICAN CRISES. THE U.N. STATEMENT CONDEMNED MASSACRES AND OTHER CRIMES AGAINST HUMANITY COMMITTED IN 1996-97 IN THE FORMER ZAIRE, CURRENTLY THE DEMOCRATIC REPUBLIC OF THE CONGO (DRC), BUT IT STOPPED SHORT OF AUTHORIZING AN INDEPENDENT INVESTIGATION AND PROSECUTION OF THOSE RESPONSIBLE FOR THESE CRIMES.

RATHER, IT SIMPLY CALLED ON THE CONGOLESE AND RWANDAN GOVERNMENTS TO INVESTIGATE AND PROSECUTE THEIR OWN OFFICIALS, A FUTILE GESTURE. BOTH GOVERNMENTS HAD ALREADY FAILED TO COOPERATE WITH PREVIOUS U.N. PROBES OF THESE CRIMES. THE RESPONSE SENT A FEEBLE SIGNAL ABOUT THE SECURITY COUNCIL'S WILLINGNESS TO STAMP OUT HUMAN RIGHTS ABUSES. DESPITE THE SECRETARY-GENERAL'S RHETORIC ABOUT THE U.N. TURNING A NEW LEAF ON ITS APPROACHES TO AFRICA HUMAN RIGHTS CRISES, THE SECURITY COUNCIL OPTED FOR A WEAK AND INEFFECTIVE OPTION.

THERE WERE SOME OTHER ATTEMPTS TO INCREASE THE PROFILE OF AFRICAN AFFAIRS ON THE INTERNATIONAL STAGE: ON JULY 29, THE U.N. DEPARTMENT OF POLITICAL AFFAIRS ORGANIZED AN ALL-DAY SPECIAL CONFERENCE ON SIERRA LEONE, CHAIRED BY SECRETARY-GENERAL KOFI ANNAN, TO SOLICIT SUPPORT FOR THE DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION PROGRAM; HUMANITARIAN AND REHABILITATION NEEDS; AND ECOMOG. HIGH-LEVEL DELEGATIONS TO THE CONFERENCE DREW ATTENTION TO THE HORRIFIC HUMAN RIGHTS SITUATION IN SIERRA LEONE, BUT FAILED TO OFFER CONCRETE SUPPORT FOR HUMAN RIGHTS INITIATIVES.

AN URGENT NEED NOT ADDRESSED DURING 1998, BUT HIGHLIGHTED BY THE EVENTS IN AFRICA, WAS THE FORMALIZATION OF STANDARDS FOR REGIONAL PEACEKEEPING. UNDER CHAPTER VIII OF THE U.N. CHARTER, REGIONAL ORGANIZATIONS ARE PERMITTED TO TAKE COERCIVE ACTION TO ADDRESS THREATS TO INTERNATIONAL PEACE AND SECURITY, THOUGH WHETHER SUCH REGIONAL ACTION REQUIRES SECURITY COUNCIL APPROVAL IS SUBJECT TO DEBATE. THE INTERVENTIONS BY ECOMOG, SADC AND INDIVIDUAL COUNTRIES REINFORCED THE NEED FOR THE U.N. TO DEFINE MORE CLEARLY THE LINES OF AUTHORITY BETWEEN THE U.N. AND REGIONAL INTERVENTIONS, FOR STATUS OF FORCES AGREEMENTS GOVERNING THE INTERACTION OF THE VARIOUS BODIES TO BE PART OF THE OPERATIONS PRIOR TO ANY INTERVENTION, FOR ADEQUATE FUNDING TO BE PLEDGED TO ALLOW FOR INITIATIVES BY TRAINED PROFESSIONALS TO OCCUR, FOR CODES OF CONDUCT FOR INTERVENTION FORCES AND FOR MECHANISMS TO PUNISH TROOPS RESPONSIBLE FOR VIOLATIONS OF HUMAN RIGHTS AND HUMANITARIAN LAW.

## European Union

ROBUST AND CONSISTENT HUMAN RIGHTS-RELATED MESSAGES FROM THE E.U. WERE THE EXCEPTION RATHER THAN THE RULE, THANKS TO THE LACK OF A COMMON FOREIGN POLICY AND THE HETEROGENEOUS NATIONAL INTERESTS OF MEMBER STATES. WHEN ACTION WAS TAKEN IT OFTEN AMOUNTED TO NO MORE THAN THE LOWEST COMMON DENOMINATOR.

NEVERTHELESS, DURING 1998 THE E.U. DID MAKE SOME TIMELY AND CRITICAL INTERVENTIONS PARTICULARLY IN SITUATIONS OF HUMANITARIAN DISASTERS. THE E.U. ISSUED SEVERAL STRONG STATEMENTS DENOUNCING THE HUMAN RIGHTS VIOLATIONS COMMITTED BY THE AFRC/RUF IN SIERRA LEONE. ON MAY 21, 1998, THE E.U. AND THE U.S. DEPARTMENT OF STATE ISSUED A JOINT STATEMENT WHICH URGED ALL PARTIES TO CALL "AN IMMEDIATE END TO THE SENSELESS SLAUGHTER, MUTILATION, AND TORTURE OF THE CIVILIAN POPULATION AND SHOW FULL RESPECT FOR HUMAN RIGHTS." IN JUNE, THE E.U. AND THE U.S. SENT A JOINT HIGH-LEVEL ASSESSMENT MISSION TO THE REGION LED BY U.S. ASSISTANT SECRETARY OF STATE JULIA TAFT WHICH RESULTED IN FINANCIAL PLEDGES FOR HUMANITARIAN ASSISTANCE IN SIERRA LEONE, GUINEA, AND LIBERIA. THE E.U. IN JULY WAS CONSIDERING A U.S. \$6.6 MILLION GLOBAL AID PACKAGE FOR ASSISTANCE IN GUINEA, LIBERIA, AND SIERRA LEONE, AND PLEDGED FURTHER AID TO SIERRA LEONE.

UNDER THE U.K. PRESIDENCY, THE E.U. ISSUED A NUMBER OF STATEMENTS CONDEMNING ABUSES BY GENERAL ABACHA'S REGIME, INCLUDING THE UNFAIR TRIAL IN APRIL OF SOLDIERS AND CIVILIANS IMPLICATED IN YET ANOTHER ALLEGED COUP PLOT. HOWEVER, UNDER FRENCH PRESSURE, VISA RESTRICTIONS WERE "CLARIFIED" TO ALLOW THE NIGERIAN SOCCER TEAM TO PLAY IN THE 1998 WORLD CUP, AND TO ALLOW MINISTERIAL VISITS ON "HUMANITARIAN" GROUNDS. WITH THE CHANGE IN GOVERNMENT, IT WAS LIKELY THAT ALL E.U. MEASURES AGAINST NIGERIA EXCEPT AN ARMS EMBARGO WOULD BE LIFTED WHEN THEY CAME TO BE CONSIDERED IN NOVEMBER.

IN FRANCE, THE NATIONAL ASSEMBLY UNDERTOOK AN UNPRECEDENTED FOUR-MONTH INQUIRY INTO ALLEGED FRENCH LINKS WITH THE GENOCIDE IN RWANDA. THE INQUIRY SET A NEW PRINCIPLE OF OFFICIAL ACCOUNTABILITY FOR A COUNTRY WHERE FOREIGN AND MILITARY POLICY HAD BEEN CARRIED OUT UNDER THE EXCLUSIVE BEGINS OF THE PRESIDENT. IT PERMITTED MOST IMPORTANT MILITARY AND CIVILIAN OFFICIALS TO TESTIFY BEHIND CLOSED DOORS, HOWEVER, THUS CONTRIBUTING LITTLE TO PUBLIC KNOWLEDGE OF THE AFFAIR. AWAY FROM HOME, FRANCE, THE BIGGEST DONOR TO AFRICA, PRESSED AHEAD WITH ITS PLANS TO REVISE ITS POLICY. THE REVISION HAD TWO DIMENSIONS: THE ABANDONMENT OF THE TRADITIONAL AUTOMATIC POLITICAL, DIPLOMATIC, AND MILITARY PROTECTION TO FORMER COLONIES AND DIVERSIFICATION OF CONTACTS WITH ANGLOPHONE AND LUSOPHONE AFRICA. THE SHIFT WAS HIGHLIGHTED BY A SIX-DAY VISIT BY PRESIDENT CHIRAC TO NAMIBIA, SOUTH AFRICA, MOZAMBIQUE, AND ANGOLA.

IN THE WAKE OF THE GLORIOUS ORCHESTRATION OF THE JUNE 21 TOGOLESE ELECTION "VICTORY" BY PRESIDENT GNASSINGBE EYADEMA, FRANCE WAS TESTED IN ITS NEW COMMITMENT NOT TO SUPPORT ITS "FAMILY" MEMBERS AT ALL COSTS. IN SHARP CONTRAST TO THE FRENCH RESPONSE TO THE 1997 CAMEROONIAN ELECTION, WHEN IT MADE SURE THAT THE E.U. CRITICISM REMAINED SOFT, PARIS REPORTEDLY OVERRULED ATTEMPTS BY LOCAL FRENCH OFFICIALS TO MUTE AN E.U. STATEMENT CRITICAL OF THE TOGOLESE GOVERNMENT. BUT ONE SWALLOW DOES NOT MAKE A SUMMER. ALTHOUGH IN EARLY APRIL THE FRENCH COOPERATION MINISTER CRITICIZED THE CAMEROON GOVERNMENT'S IMPRISONMENT OF JOURNALIST PIVS NJANG, A MONTH LATER, DURING A VISIT BY PRESIDENT BIYA TO FRANCE, FRENCH PRESIDENT CHIRAC COMMENDED WHAT HE CALLED AN INCREASE IN STABILITY AND DEMOCRATIZATION. CHIRAC WENT ON TO TELL THE PRESS THAT THE CASE OF NJANG WAS NOT A CONCERN OF FRANCE, BUT RATHER AN "INTERNAL" CAMEROONIAN MATTER.

ALTHOUGH THE EUROPEAN UNION (E.U.) ENDORSED AN ARMS EMBARGO ON THE SUDAN GOVERNMENT YEARS AGO, THE AFRICAN, CARIBBEAN AND PACIFIC STATES-EUROPEAN UNION (ACP-E.U.) PARLIAMENTARY ASSEMBLY WAS ONLY BEGINNING TO FORMULATE A CODE OF CONDUCT FOR SANCTIONS ENFORCEMENT. IN AN APRIL RESOLUTION, THE ACP-EU PARLIAMENTARY ASSEMBLY CALLED ON THE E.U. TO MAINTAIN SANCTIONS AND NOT TO RESUME DEVELOPMENT COOPERATION AS LONG AS THE GOVERNMENT OF SUDAN IS IN GROSS VIOLATION OF HUMAN RIGHTS. THE E.U. CONTINUED HIGH LEVELS OF SUPPORT FOR THE RELIEF EFFORT.

THE EXTENT TO WHICH EUROPEAN FOREIGN POLICY WAS OFTEN DRIVEN BY COMMERCIAL INTERESTS WAS EMPHASIZED BY THE E.U. SCRAMBLE FOR OIL RELATED CONTRACTS IN SUDAN, INCLUDING COMPANIES FROM THE U.K., AUSTRIA, AND GERMANY. SIMILARLY IN NIGERIA, FRANCE FLOUTED E.U. VISA RESTRICTIONS TO ALLOW GENERAL ABACHA'S OIL MINISTER INTO THE COUNTRY FOR DISCUSSIONS WITH ELF AND TOTAL. CHIRAC'S VISIT TO SOUTHERN AFRICA HAD TWO MAIN ITEMS ON THE AGENDA: ESTABLISHMENT OF A SOUTH AFRICAN PLATFORM FOR FRENCH INTERESTS—SPECIFICALLY HIGH TECHNOLOGY AND MILITARY SALES—AND CEMENTING NEW COMMERCIAL TIES WITH ANGOLA, ESPECIALLY ELF'S NEW ROLE IN THE OIL SECTOR, AT THE SAME TIME AS ELF'S NEAR MONOPOLY CONTROL OF THE OIL SECTOR IN GABON WAS BEING LOOSENED.

## United States Policy

IN MARCH, U.S. PRESIDENT BILL CLINTON UNDERTOOK AN ELEVEN-DAY VISIT TO SEVERAL AFRICAN COUNTRIES—GHANA, UGANDA, RWANDA, SOUTH AFRICA, BOTSWANA, AND

SENEGAL—the most extensive visit to Africa ever undertaken by a U.S. president. In an effort to focus new attention on Africa, the Clinton administration aimed to incorporate African economies into the global market economy and to develop new partnerships based on mutual interests and mutual respect. The administration had identified certain African leaders, including those in the countries that Clinton visited and some of those invited to a heads of state summit in Entebbe, Uganda, as the key to that transformation and to the promotion of stability and good governance on the continent. In the case of Uganda, Ethiopia, and Eritrea, these were the same leaders that the U.S. considered to be its main partners in policies aimed at the containment of the Islamist government of Sudan. Despite less than satisfactory performances in achieving transparent, representative and competitive governance, Ethiopia and Eritrea, together with the government of Uganda, had been vaunted in official U.S. statements as harbingers of a new style of African leadership, offering new hopes from the continent, and bringing homegrown solutions to its problems. The dark sides of these leaders—intolerance, and repression of civil society and political opposition—were glossed over as growing pains that would be put right in due course. Clinton substituted sound bites for substance and strategy on human rights and failed to capitalize on the power of an American president to meet with prominent opposition leaders and speak directly to African audiences against human rights violations and about the advantages and opportunities of democracy. He did, however, meet with human rights activists and other civil society representatives in Dakar, hearing their views about U.S. policy on the continent.

By June 1999, the fundamental tenets of the U.S. strategy started to unravel and by year's end, it had virtually collapsed under the pressure of events. Ethiopia and Eritrea, two of Washington's closest allies and the brightest stars of the "new leaders" came to the brink of all-out war. By early 1999 Washington had become disgusted with the antics of President Kabila of the DRC, and increasingly distanced itself from his government. While the U.S. finally contributed to the World Bank Trust Fund for Congo, the events of 1999 meant that no one could any longer harbor illusions about the shortcomings of Kabila's regime. With the renewed war in the DRC, the strategy of "African solutions for African problems" had lost significant force. Washington strategists desperately sought to contain the spreading fighting, some of it among parties that the U.S. had previously considered as key members of an alliance that would serve as a bulwark against African instability.

In Uganda and Rwanda, the U.S. remained close to President Museveni and vice-president Kagame and muted public criticism of their actions. Although the U.S. continued to claim that they did not have much leverage, especially with Rwanda, it seemed clear to outside observers that the U.S. was the most important foreign power in that country. The U.S. could have used its influence to press for human rights improvements and specifically for restraint on the part of what seemed to be an increasingly erratic and adventurous government. Not surprisingly, its close identification with Rwandan and Ugandan governments led to substantial criticism of Washington among African leaders, especially those who were allied with Kabila, overtly and covertly.

U.S. policy toward Nigeria suffered from continuing confusion before the death of General Abacha, as Assistant Secretary of State for Africa Susan Rice and President Clinton offered contradictory statements about the U.S. attitude to Abacha's blatant attempts to succeed himself as a civilian president. U.S. oil companies lobbied hard for a soft line, and above all for no oil-related sanctions to be imposed. The death of Abacha rescued the U.S.—like the rest of the international community—from the policy impasse towards Nigeria and provided an important opportunity for the U.S. to exert its influence to ensure that the new transition program was credible.

Just as the administration suffered general policy failures, so too specific initiatives seemed destined to misfire. The Africa Growth and Opportunity Bill, that sought to broaden trade and investment with the forty-eight countries of sub-Saharan Africa, was cleared by the House of Representatives at the beginning of March, just before Clinton's Africa trip. Countries would be eligible for preferential treatment if they had moved toward democracy and free market economies. It was touted as a measure that underscored a fundamental shift in American trade relations with Africa by, among other things, favoring trade over aid. But the bill seemed to have come under intensive fire from a variety of powerful lobbies in a bid to kill it in the Senate. At the time of writing, the bill looked dead.

The other component of the Clinton policy on Africa, the African Crisis Response Initiative (ACRI), aimed at training a regional peacekeeping force, also looked to be in danger of falling by the wayside. It had been closely associated with the "African solutions for African problems" mantra in general and specifically with the "new leaders" bloc. In some people's view, the lynchpins were supposed to be Uganda and Ethiopia. As the "new leaders" policy disintegrated, the effects were inevitably felt in the ACRI context. Training for Ethiopia was suspended, due to the conflict with Eritrea, and the second phase training for Uganda was postponed until August 1999, due to the Congo crisis.

U.S. policy toward Sudan continued to be to isolate the government on the stated grounds of its "support of terrorism" and its human rights abuses. The U.S. imposed almost total economic sanctions on Sudan by executive order in November 1997 and did not lift them, despite efforts by some U.S. companies to permit an import of gum arabic. The U.S. was not able to convince any allies to go along with these stringent sanctions, however, and many companies from western countries sought oil contracts to exploit resources near rebel territory in southern Sudan. The August 20 U.S. bombing of a pharmaceutical plant in Khartoum illustrated the gulf between the two countries.

By year's end, it seemed inevitable that the administration would be compelled to reconsider many of the positions it had staked out during the Clinton trip. It was no longer possible to cling to the illusion that states that disregarded human rights and democracy could build successful and prosperous societies or lead the region to peace.

## The Work of Human Rights Watch

The work of Human Rights Watch continued to be guided by a key strategic goal: a balance between responding to tragedy and crisis on the one hand, and recognition and encouragement of positive developments on the other. While our brief continued to cover all of Africa south of the Sahara and strove to expand our monitoring of francophone countries, a nucleus of countries of countries constituted the focus of intensive research and advocacy: Angola, Burundi, Congo, Eritrea, Ethiopia, Liberia, Mozambique, Nigeria, Rwanda, Sierra Leone, South Africa, Sudan, Uganda, Zambia, and Zimbabwe. Additionally, the Africa division undertook cross-country thematic research on arms flows, national human rights commissions, and refugees and the internally displaced.

Human Rights Watch sought to intensify its engagement and prolonged interaction with local NGOs and collaborative activities. Our objective continued to be the transformation of the perceived hierarchical relationships of local and international NGOs into relationships of interdependence characterized by commitment, solidarity, mutuality, and harmonization of strategies. From our perspective, a key strategic goal was the expansion of access by local NGOs to expertise, know-how and discipline in human rights work that was available internationally, thereby increasing the influence of

the human rights movement in Africa. To this end and at the request of the secretariat of the network of NGOs in east and central Africa, Human Rights Watch led sessions on advocacy strategies and building linkages between human rights groups at a regional conference in Harare, attended by major human rights NGOs in the sub-region. In country-specific situations such as in Sierra Leone, we strengthened our collaboration with human rights NGOs, exchanging information, developing joint advocacy strategies, and supplying them with materials for human rights education. In addition to our training and assistance in the field, Human Rights Watch also sought to provide protection for human rights activists from central and west Africa who were forced to flee their home countries, including by facilitating emergency evacuation and rallying international support for those in danger.

We fielded investigative missions to Angola, Congo, Guinea, Kenya, Liberia, Sierra Leone, South Africa, Sudan, Tanzania, Uganda, and Zambia and continued to maintain a field monitoring office in Kigali, Rwanda. A researcher representing Human Rights Watch and the International Federation of Human Rights Leagues in Rwanda monitored genocide trials throughout the year and engaged in joint investigations with colleagues from Rwandan human rights organizations. The division also collaborated with the Arms, Children's Rights, and Women's Rights divisions in their field missions to Burundi, Kenya, Rwanda, Tanzania, and Uganda. The mission to Kenya was jointly undertaken by Amnesty International and Article 19 to send a strong message to the government and the international community that human rights concerns ought to remain central to the reform process promised by the government. A field investigation in Zambia was conducted jointly with the Zambia-based AFRONET with reference to the plight of Angolan refugees.

Human Rights Watch published a variety of reports touching upon a number of policy issues. We seized the rare opportunity of President Clinton's visit to Africa the longest and most extensive trip to Africa by any U.S. president and published a report that highlighted U.S. policy in the run up to his departure. Given the spurts of high-level attention devoted to Africa by the Clinton administration, it was especially important to ensure that U.S. policy not focus exclusively on security and economics, to the exclusion of human rights concerns. Concerned that protection of noncombatants, refugees, and the internally displaced continued to be under severe attack in all parts of Africa, Human Rights Watch published reports on Burundi, Sierra Leone, and South Africa to arouse international awareness on various aspects of the issue. The Burundi report detailed the killings of civilians and their forcible displacement by both the military and rebel forces. The South Africa report, based on two years of research and extensive interviews, documented a wide range of abuses against these groups and included detailed recommendations to end these abuses. Building on that report, Human Rights Watch welcomed the completion of South Africa's draft White Paper on Refugee Policy and the simultaneous release of the Draft Refugee Bill (1998) and made a submission to the Green Paper Task Force. Our Green Paper submission set out in detail South Africa's obligations pertaining to asylum seekers, refugees, and undocumented migrants under international law, and raised some concerns which Human Rights Watch had with the refugee determination regime then in place in South Africa. Finally, we remained active in advocating for aid conditionalities at the World Bank Consultative Group (CG) meetings for Zambia. In May Human Rights Watch launched a report at the CG meeting in Paris to encourage donors to continue to condition balance of payments support to improvements in human rights practices. The report documented serious abuses committed by the Zambian government, such as police brutality and the torture of detainees.

We devoted significant resources toward advocacy efforts during the year, especially targeting the U.S. government. Our primary focuses were the crises in the Great Lakes, particularly Rwanda and Congo, and Nigeria. We played a major role in providing information and analysis about a range of human rights abuses, from restrictions on freedom of expression to crimes against humanity, that continued to be perpetrated in the region. Human Rights Watch's information formed the basis of policy recommendations that set forth reasonable benchmarks to guide donors' aid programs to these countries as well as clear recommendations to the governments in question. Our focus on the need for accountability for human rights abuses in order to stop the cycles of violence in the region included a stress on the need for justice at the national and international level. With information on violations by government and rebel forces, Human Rights Watch sought to work with local human rights activists to compel all parties to these conflicts to adhere to internationally recognized human rights standards.

Throughout 1998, Human Rights Watch assisted efforts to establish responsibilities for the Rwandan genocide and to bring its perpetrators to justice. Following the 1997 publication of an extensive report by the Belgian Senate on the Belgian role in the genocide, in the U.S. Congress the International Relations and Human Rights Subcommittee of the House Committee on International Relations held a hearing in May to examine the conduct of the U.S. administration in this catastrophe. The director of our Rwandan project was among the witnesses appearing before both the Belgian and U.S. hearings. The French National Assembly also opened an inquiry into the part played by France, other foreign governments, and the United Nations in the genocide, to which our Rwanda director also provided expert testimony.

In September, the International Criminal Tribunal for Rwanda handed down the first conviction for genocide resulting from trial in an international court. The director of our Rwanda project served as an expert witness in this trial to establish that genocide had in fact taken place. *Shattered Lives*, a report by Human Rights Watch and the International Federation of Human Rights Leagues on rape during the Rwandan genocide, served as basis for a brief to the court asking that rape be included in the charges against the accused, a former local government official named Jean-Paul Akayesu. The charges were thus amended and among the nine charges of which the accused was found guilty was that of rape used as an instrument of genocide. Our Rwanda project director was also summoned to appear as witness in the trial of a Rwandan official on charges of genocide being conducted in a Swiss military court.

On Nigeria, we worked closely with U.S. congressional offices and other NGOs to press for new legislation to ensure that existing sanctions would remain in place until certain key human rights benchmarks had been met. After the death of General Abacha and the announcement of a new transition program in Nigeria, we were instrumental in ensuring that the human rights benchmarks remained central to the policy debate.

We were called to testify before U.S. congressional committees on four occasions, dealing with the situation in Congo, the ongoing crisis in the Great Lakes, the Rwandan genocide, and Sudan. The organization held numerous briefings for congressional staff about our research and about the implications of U.S. policy for human rights. These analyses were also presented to administration officials on numerous occasions, in official roundtables held before and after the Clinton trip and in a series of meetings held with officials of the State Department, the National Security Council, and the Pentagon throughout the year.

In regular meetings, briefings, and submissions, we were also active in advocating for human rights within the UN, OAU, E.U., and Non-Aligned Movement. We continuously expressed our concerns to the Security Council and the secretary-general regarding the United Nations investigations into massacres in Zaire, now the Democratic Republic of Congo. Dissatisfied by the stonewalling by the Congo government, Human Rights Watch called on the secretary-general to withdraw the SIGIT team from Congo and urged him to instruct the team to continue its investigation from outside the country. We remained active in pressing the E.U. and the Commonwealth to focus on human rights issues especially those with a bearing on Nigeria. In May we raised

human rights issues at the Organization of African Unity (OAU) Heads of Government Summit in Burkina Faso and in August at the Non-Alignment Movement (NAM) summit in Durban.

In a submission to the 24th Ordinary Session of the African Commission on Human and Peoples' Rights in October, the organization challenged the commission to take the lead in the promotion and protection of human rights and to take the fiftieth anniversary of the Universal Declaration as an opportunity to consider ways to increase its own effectiveness. Specifically, we renewed our call that the commission consider the following steps: the adoption of a more restrictive interpretation of Article 59 of the African Charter, which provides for confidentiality of the commission's proceedings; the development of a written record of proceedings at each session; the taking of steps to avoid bias or the appearance of bias among those commissioners who also hold government posts; and the appointment of expert rapporteurs other than the commissioners themselves. Noting that African states had played a strong role at the July 1998 Diplomatic Conference in Rome leading to the adoption of a treaty for the establishment of a permanent international criminal court (ICC), Human Rights Watch urged the commission to aggressively use its good offices to contribute to a worldwide effort aiming at early entry into force of the treaty. In particular, we requested the commission to write to all member states of the OAU that had not already ratified the treaty urging them to do so at the earliest opportunity.

Based on research and findings in our previous reports on South Africa, and on our work in other countries around the world, the organization made a submission to the Truth and Reconciliation Commission with recommendations that focused both on the manner in which the TRC and the government should handle past abuses and on the steps that should be taken to ensure such abuses could not be repeated in future. Human Rights Watch suggested that the TRC designate a government structure responsible for ensuring that its final recommendations were fulfilled.

For a listing of relevant reports and missions, see page 494. Partial listings also follow each country chapter.

# ANGOLA

## Human Rights Developments

Angola was teetering on the brink of war, even while moves were afoot to avert yet another flare-up of this protracted conflict. Human rights abuses were widespread. The government, dominated by the Movement for the Popular Liberation of Angola (MPLA), and the armed opposition Union for the Total Independence (UNITA) restricted freedom of movement, arbitrarily abducted or detained civilians, censored information, and conscripted children. Both sides violated cease-fire agreements and indiscriminate attacks on civilians and looting were a persistent feature of military operations.

The year started on a more upbeat note after UNITA leader Jonas Savimbi and President dos Santos spoke by telephone in December 1997 for the first time in many months, agreeing on January 9 to complete the implementation of the key outstanding elements of the Lusaka Protocol. The development of a government of national unity, the demobilization of UNITA, and the full restoration of state control over local government was due to be completed on February 29. However, UNITA had not fulfilled its obligations by this time and a new deadline was set for March 16, to be marked by the installation of UNITA's leadership in Luanda. When UNITA declared on March 6 that it had demilitarized all its forces, the government responded by legalizing UNITA as a political party and appointing three governors and seven vice-governors nominated by UNITA. Both sides also agreed on the list of six ambassadors nominated by UNITA. On March 31, a law granting special status to Savimbi as the leader of the largest opposition party was promulgated.

On April 1, Radio Vozes, the UNITA radio station, ceased broadcasting. On the same day a UNITA delegation led by vice-president General Sebastião Dembo arrived in Luanda to prepare for the reopening of UNITA's office there on June 1. However, the April 1 deadline for the return of local administrations was missed, with only 90 percent of the 335 localities brought under government control. Eight of the twelve strategic areas set to be handed back to the government were normalized by early June but the key outstanding areas of Andulo, Bailundo, Nharea, and Mungo in the center of the country remained the focus of negotiations. In May, the U.N. submitted a new timetable, calling for the former rebels to hand back the areas by May 31. They did not comply, and UNITA requested more time. On May 31, the U.N. announced that UNITA had proposed that it should hand over the four remaining strongholds by June 25.

UNITA again sought a delay in handing over of the four strategic locations, and was given an extra ten days by the U.N. However, on July 1, when UNITA again requested at least two further weeks to withdraw, the U.N. imposed a new package of sanctions on UNITA to try to force compliance.

In anticipation of these sanctions UNITA pulled out of the U.N.-chaired Joint Commission for two months in protest; upon its return in August UNITA said it would permit the extension of state administration to the four strongholds by October 15. The government counter-proposed on August 31 deadline; on that date it suspended UNITA from the Government of Unity and National Reconciliation (GURN) on the grounds of non-compliance by UNITA with its commitments under the Lusaka Protocol.

In a related action, Jorge Valentim, and other UNITA members who had served in the GURN announced a split with Savimbi, launching a party called the Renovation Committee of UNITA. The government stated that it would only negotiate with this "new" UNITA and urged others to do the same. Although the Southern African Development Community (SADC) branded Jonas Savimbi a war criminal and threw its support behind the "new" UNITA, the group did not attract strong support inside Angola or outside SADC. Many of UNITA's seventy members of parliament disassociated themselves from the group (another thirteen were not in Luanda and two were ill) and many other senior UNITA officials refused to support the breakaway group, despite threats, bribes by the government pressing them to do so. On September 2 police surrounded and took control of UNITA's headquarters in Luanda and only allowed supporters of the Valentim faction to enter the building. Senior police officers publicly said that anyone not with the Valentim group was a "political criminal."

The government's sponsorship of a "new" UNITA was part of its wider strategy of gradually weakening the rebels through military action and cooption. Luanda also embarked on a strategy to build an international cordon sanitaire around UNITA to cut off its supplies. Luanda intervened successfully militarily in Congo-Brazzaville and in the ex-Zaire in 1997 to ensure UNITA could not maintain the significant foothold it had in these countries in the past. Angolan troops remained in Congo-Brazzaville and the Democratic Republic of Congo (DRC) in 1998 and Zambia was also successfully threatened by Luanda with invasion in March unless it stopped UNITA sanction-busting operations on its soil. In August Luanda also reengaged in DRC with troops, tanks, and air support in support of President Kabila. Namibia was always supportive of the government.

Human rights violations in Angola increased throughout the year and were at a higher level than 1997. Security in many areas of the country remained precarious, with continuing tensions mostly the result of armed attacks, often targeting the Angola National Police (ANP) and local government authorities in the countryside. There were also numerous attacks on government posts and vehicles, as well as abductions of personnel. Often the perpetrators were groups of well-armed, unidentified men. The U.N. Observer Mission to Angola (MONUA) was also attacked: on March 27, UNITA attacked a MONUA team at Chungoroi, killing one Angolan and injuring three others. Attacks like this appeared intended by UNITA to show that the U.N. presence was still needed beyond April 30, when its mandate was to expire. There was a temporary decline in attacks on MONUA after the mandate was extended to June 30.

UNITA continued to harass government forces, as if to remind Luanda that it could make the country ungovernable. On March 30 the government warned the U.N. in an open letter that UNITA was preparing for war. The U.N. rejected the letter, calling it inflammatory, but marked the deterioration by referring to the "military situation" rather than the "security situation." Armed attacks increased in 1999, forcing thousands of people from the countryside to migrate to urban areas. Incidents such as the pillage of Nogue on April 23 and the killing of eleven policemen in Bembe on April 26 did not increase confidence. In early May, armed bandits attacked villages in the diamond-producing areas around Chico River, Lunda Sul, leaving behind them a trail of deaths.

Although UNITA continued to deny its involvement in what often seemed to be well-coordinated attacks, it was clear that many of the offensives were conducted by armed elements directly or indirectly under UNITA control. According to Amnesty International, at least forty people were killed in May, including more than twenty police officers, with dozens of others injured or missing.

A number of UNITA officials and sympathizers were targeted in the many acts of violence since April. UNITA claimed that government forces killed seven of its members near Negage on May 6 or 7. Gross human rights abuses, including the killing of local UNITA functionaries in Cuando Cubango, Cuanza Norte, and Lunda Norte provinces, and harassment of UNITA members, were also reported by MONUA. UNITA representatives abandoned their offices in some areas because of real or perceived persecution by the police. UNITA leader Savimbi claimed on August 3 that UNITA had turned over some 272 localities to the government, but said the police and Angolan Armed Forces (FAA) had forcibly expelled all UNITA cadres and supporters from 260 of these. In Luanda Human Rights Watch found credible evidence of UNITA supporters being harassed by government forces. There were also lynchings of alleged UNITA supporters: a Human Rights Watch researcher witnessed one such incident outside Cayito in August and was held at gun-point by police and military personnel and threatened with death.

The death of U.N. Special Representative Blondin Beyé in an air crash in Côte d'Ivoire on June 27 undermined mediation U.N. efforts. Beyé, who was replaced by Issa Diallo of Guinea, had been on trip to the West African states Côte d'Ivoire, Togo, and Burkina Faso to ask their governments to stop supporting UNITA. Following Beyé's death, insecurity increased and UNITA reasserted itself in several areas, including Luau, Lumbala Ngumbo, and Cazumbo in Moxico province.

In early July government forces backed by helicopter gunships clashed with UNITA rebels in the provinces of Kwanza Norte and Lunda Norte, in the diamond-producing areas. Fighting was also reported in Cuando Cubango. According to MONUA in late July, ten of the country's eighteen provinces were unsafe.

The levels of violence by both sides were very high in August, with the national police targeting demobilized soldiers and UNITA officials and burning villages in areas sympathetic to UNITA. There were also abuses during forced recruitment for the Angolan military of children. Between June and August, the government conscripted males aged fifteen to thirty-four for combat. Extra soldiers were sent to remote areas and unemployed teenagers rounded up and sent for military training. UNITA continued to attack villages and police posts, ambush vehicles, and lay new mines.

The increase in military operations resulted in a further rise in reported human rights violations, particularly in Lunda Norte, Malanje, and Cabinda provinces. The mass killing of at least 105 civilians by an unidentified group on July 21 and the wounding of numerous others in the mining settlement of Bula in Lunda Norte constituted the most dramatic abuse. Attacks on Cambo-Sungingi and Cunda-Dia-Bate in Malanje in August by heavily armed individuals resulted in numerous deaths: at least nine summary executions indicated a growing pattern. In September fighting continued in Malanje, Uige, Huambo, and Lunda Norte provinces. A World Food Program (WFP) convoy was attacked in Uige on September 16 by unidentified gunmen: nine U.N. trucks were torched, one U.N. employee was killed, and a number of people were injured. The WFP suspended its land convoys for three weeks after the incident.

The renewed hostilities resulted in fresh flows of refugees into Namibia and Zambia. The office of the U.N. High Commissioner for Refugees reported that 7,000 civilians crossed into the Democratic Republic of Congo in mid-July to escape fighting. Some 300,000 refugees in neighboring countries were not repatriated because of the delays in implementing the peace accords, along with general insecurity.

By September an estimated total of 1.3 million displaced people inside Angola were also unable or unwilling to return to their homes, particularly in rural areas, because of insecurity. From the beginning of 1999, more than 142,000 newly displaced persons were registered by the U.N. and the national displacement of the civilian population spread to areas untouched for several years, such as Kwanza Sul, Namibe, and Cunene provinces. Freedom of movement remained limited and illegal checkpoints and banditry continued to restrict the circulation of people and goods in various parts of the country.

One of the few areas of improvement was in the exercise of freedom of expression in the independent media in Luanda, as government officials encouraged editorial self-censorship and used the incentive of payment for the publication of pro-government stories as an alternative to open censorship and repression of journalists. In the provinces the situation was different: for example, the governor's office in Malanje province banned all freelance activity by voice of America stringer Isaías Soares. Soares had already been suspended from his job as a reporter on the local radio station for criticizing the governor's office for failing to help local communities recover from the war before the unexplained second ban. In March the government also terminated live coverage of national assembly debates, saying it was too expensive, but also halting the publicity given to parliamentary challenges from the opposition.

Angola has one of the highest numbers of landmines of any country in the world, and there were reports of new mines being planted by UNITA in areas it controlled. The U.N. confirmed new landmine incidents in Bie, Malanje, Lunda Norte, and Lunda Sul. The government, although it signed the Ottawa Landmine Ban Treaty in December 1997, maintained its stockpiles and began to lay new "defensive" minefields in Luena, Saubim, Malanje, Quibaxe, Uige, Kuito and in Cabinda.

Both sides continued to purchase arms in 1999. The government received new weapons from Bulgaria, Russia, and possibly Brazil. Although the

NUMBER OF SANCTION-BUSTING FLIGHTS INTO UNITA ZONES DECLINED, THEY STILL CONTINUED. THE ANGOLAN AIR FORCE COMPELLED A SOUTH AFRICAN DC-4 CARGO PLANE TO LAND IN MENONGUE IN JANUARY. THE PLANE HAD BEEN CARRYING MINING EQUIPMENT FROM SOUTH AFRICA AND HAD FILED A FALSE FLIGHT PLAN TO THE DEMOCRATIC REPUBLIC OF CONGO. UP TO MARCH A NUMBER OF FLIGHTS REFUELED IN NDOLA, ZAMBIA, PRIOR TO HEADING FOR UNITA AREAS. THE SOUTH AFRICAN AUTHORITIES ALSO IMPOUNDED FOUR PLANES OWNED BY RUSSIANS AND USED FOR SANCTION-BUSTING IN THIS PERIOD. TOGO, COTE D'IVOIRE, AND BURKINA FASO ALSO ACTED AS STAGING POSTS. A NUMBER OF THESE FLIGHTS ORIGINATED IN BULGARIA.

### **Defending Human Rights**

ANGOLAN CIVIL SOCIETY LACKED EFFECTIVE ORGANIZATIONS TO PUBLICIZE OR LOBBY ON HUMAN RIGHTS ISSUES, ALTHOUGH CHURCH GROUPS SHOWED INTEREST IN HUMAN RIGHTS. THE DOMINICAN ORDER OPENED THE MOSAIKO CULTURAL CENTER, NEAR LUANDA IN 1997, WHICH ADDRESSED HUMAN RIGHTS ISSUES, AND RAN TRAINING SEMINARS IN CIVIC AND MORAL EDUCATION. IT WAS SUCCESSFUL IN GETTING ACCESS TO PRISON WARDERS AND EVEN THE PRESIDENTIAL GUARD. IN JANUARY THE CENTER ISSUED ITS FIRST LETTER ON HUMAN RIGHTS AND IT WAS ALSO RESPONSIBLE FOR TWO-PAGE SPREADS ON THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IN THE CATHOLIC NEWSPAPER APOSTOLICO. THE CATHOLIC RADIO STATION, RADIO ECCLESIA, ALSO MAINTAINED A BROADCAST SLOT FOR RIGHTS ISSUES. THE COUNCIL OF CHRISTIAN CHURCHES (CICA), THE ALLIANCE OF EVANGELICALS OF ANGOLA (AEA), AND TROCÁIRE ANGOLA ALSO SUPPORTED TRAINING IN HUMAN RIGHTS.

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

#### **United Nations**

THE DETERIORATING SECURITY SITUATION LED MONUA TO WITHDRAW FROM MANY OF ITS MORE REMOTE OUTPOSTS IN MID-1999, DISRUPTING PLANS FOR ITS DIVISION OF POLITICAL AFFAIRS TO HAVE OPERATED AT MANDATED STRENGTH WITH OFFICERS STATIONED IN ALL PROVINCES TO VERIFY THE NORMALIZATION OF STATE ADMINISTRATION, PARTICIPATE IN LOCAL CONFLICT-RESOLUTION INITIATIVES AND PROVIDE GOOD OFFICES.

THE MANDATE OF MONUA WAS INITIALLY EXTENDED TO JUNE 30. ALTHOUGH THE SECURITY COUNCIL EXPRESSED ITS INTENTION TO TAKE A FINAL DECISION BY JUNE 30 ON MONUA'S MANDATE, SIZE, AND ORGANIZATIONAL STRUCTURE, THE DETERIORATING SECURITY SITUATION FORCED AN EXTENSION OF THE EXISTING MANDATE TO FIRST SEPTEMBER 15 AND THEN A FURTHER THIRTY DAYS. ON OCTOBER 15 THE MANDATE WAS EXTENDED FOR A FURTHER SIX WEEKS. IN MID-SEPTEMBER MONUA'S MILITARY CONTINGENT STOOD AT 724 PERSONNEL AND ITS CIVILIAN POLICE COMPONENT (CNPOL) STOOD AT 401 OBSERVERS.

HAVING DONE VERY LITTLE SINCE IT WAS ESTABLISHED IN 1995, THE U.N.'S HUMAN RIGHTS UNIT BECAME MORE ACTIVE IN MAY 1999 WHEN A NEW DIRECTOR, NICHOLAS HOWEN, WAS HIRED. THE UNIT ONLY THEN OPENED AN INVESTIGATIONS OFFICE UNIT AND UNDER DIFFICULT CIRCUMSTANCES ATTEMPTED TO DOCUMENT AND INVESTIGATE REPORTS OF HUMAN RIGHTS ABUSES. THE UNIT'S RENAISSANCE DUE NOT ONLY TO A NEW DIRECTOR BUT ALSO A CHANGE OF U.N. POLICY FOLLOWING THE DEATH OF SPECIAL REPRESENTATIVE BLONDIN BEYE, WHO WAS OPPOSED TO ROBUST HUMAN RIGHTS REPORTING BY THE U.N., FEARING THAT IT WOULD HAVE UNDERMINED HIS EFFORTS TO MEDIATE.

#### **European Union, Norway, and Canada**

THE EUROPEAN UNION INVESTED APPROXIMATELY \$100 MILLION IN EMERGENCY AND ECONOMIC AND SOCIAL DEVELOPMENT PROJECTS IN 1999, MAKING IT ANGOLA'S MAJOR DEVELOPMENT AID PARTNER. SEVERAL E.U. MEMBERS TOOK A SPECIAL INTEREST IN RIGHTS ISSUES. THE SWEDISH EMBASSY WORKED CLOSELY WITH A NUMBER OF NGOs AND INDIVIDUALS ON HUMAN RIGHTS ISSUES AND PUSHED FOR THESE ISSUES TO BE RAISED AT THE U.N. SECURITY COUNCIL. THE NETHERLANDS AND NORWEGIAN EMBASSIES AND CANADIAN GOVERNMENT ALSO SUPPORTED WORKSHOPS ON RIGHTS ISSUES. THE BRITISH GOVERNMENT DECIDED TO CUT ITS AID TO ANGOLA IN 1999 BECAUSE THE COUNTRY FAILED TO FIT ITS CRITERIA FOR AID ON GOVERNANCE AND HUMAN RIGHTS GROUNDS. IN FEBRUARY THE E.U. COMMISSIONER FOR ACP COUNTRIES, JOÃO DE DEUS PINHEIRO, VISITED LUANDA FOR THREE DAYS BUT FOCUSED HIS ATTENTION ONLY ON DEVELOPMENT AID.

ON JULY 9 THE E.U. ANNOUNCED IN BRUSSELS THAT IT HAD FORMALLY ADOPTED THE U.N. SANCTIONS FREEZING UNITA BANK ACCOUNTS AND BANNING TRADE IN DIAMONDS FROM UNITA ZONES; E.U. REGULATIONS TO THIS EFFECT WERE ESTABLISHED BY THE E.U. COUNCIL OF MINISTERS ON JULY 29.

#### **United States**

ON MAY 19, THE U.S. CELEBRATED THE FIFTH ANNIVERSARY OF THE ESTABLISHMENT OF DIPLOMATIC RELATIONS WITH ANGOLA. WHEN U.S. SECRETARY OF STATE MADELEINE ALBRICHT VISITED ANGOLA IN DECEMBER 1997, SHE SAID THAT ANGOLA SUPPLIED THE U.S. WITH UP TO 7 PER CENT OF ITS OIL IMPORTS, REPRESENTING THREE TIMES WHAT KUWAIT SUPPLIED JUST BEFORE THE IRAQI INVASION. ANGOLA WAS ALSO THE U.S.'S THIRD LARGEST TRADING PARTNER AND THE SECOND LARGEST AREA OF U.S. INVESTMENT IN AFRICA. SUPPORT FOR THE LUSAKA PROTOCOL AND ITS ROLE AS A MEMBER OF THE TROIKA (WITH RUSSIA AND PORTUGAL) WHICH ACTED IN SUPPORT OF THE U.N.'S PEACE EFFORTS REMAINED THE U.S. POLITICAL FOCUS. ALTHOUGH THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT PROVIDED U.S. \$10 MILLION IN SUPPORT OF GOVERNANCE AND RIGHTS PROGRAMS. IN 1999, U.S. SPECIAL ENVOY TO ANGOLA PAUL HARE UNDERCUT THIS EFFORT WHEN HE ARGUED IN DECEMBER 1997 THAT HUMAN RIGHTS WERE A "SUBTEXT" TO BE BALANCED AGAINST THE POTENTIAL COSTS OF RENEWED LARGE-SCALE VIOLENCE. HARE RETIRED IN JULY TO BECOME THE HEAD OF THE UNITED STATES-ANGOLA CHAMBER OF COMMERCE. AT TIME OF WRITING AMBASSADOR DONALD STEINBERG PLANNED TO LEAVE HIS ANGOLA POSITION TO BECOME THE U.S. LANDMINE ENVOY. HIS SUCCESSOR-DESIGNATE JOSEPH SULLIVAN FAILED TO MAKE ANY REFERENCE TO HUMAN RIGHTS DURING HIS SENATE CONFIRMATION HEARING ON JULY 23.

## **BURUNDI**

### **Human Rights Developments**

IN A CONTINUING CIVIL WAR, BOTH GOVERNMENT TROOPS AND INSURGENTS SLAUGHTERED UNARMED CIVILIANS AND CARRIED OUT OTHER GRIEVOUS HUMAN RIGHTS VIOLATIONS, INCLUDING ARBITRARY EXECUTIONS, RAPE, AND TORTURE, AND THE PILLAGE AND DESTRUCTION OF PROPERTY. THE NUMBER OF LIVES LOST WAS APPARENTLY LESS IN 1999 THAN IN 1997, HOWEVER, AND MOST PARTIES TO THE WAR ENGAGED IN NEGOTIATIONS THAT GAVE SOME HOPE OF PEACE.

IN BURUNDI, AS IN NEIGHBORING RWANDA, REPRESENTATIVES OF THE MAJORITY HUTU AND THE MINORITY TUTSI STRUGGLED FOR POWER. THE TUTSI, AN ELITE WHO HAD DOMINATED POLITICAL LIFE FOR CENTURIES, REBUFFED HUTU EFFORTS TO PARTICIPATE MORE FULLY IN POWER, WHETHER THROUGH POLITICAL MEANS OR REBELLION. IN 1972, IN

THE WORSE SUCH CASE, THE TŪTSI-DOMINATED ARMY MASSACRED AS MANY AS 200,000 HUTU FOLLOWING SEVERAL HUTU ATTACKS ON TŪTSI.

IN 1993, MAJ. PIERRE BUYOYA, IN POWER AFTER A MILITARY COUP, PERMITTED A FAIR ELECTION WHICH CHOSE THE FIRST HUTU PRESIDENT, MELCHIOR NDAYE, BUT TŪTSI SOLDIERS MURDERED NDAYE IN OCTOBER 1993. HUTU IN MANY COMMUNITIES, SOMETIMES LED BY LOCAL OFFICIALS, THEN SLAUGHTERED THOUSANDS OF TŪTSI AND THE ARMY MASSACRED THOUSANDS OF HUTU, SOMETIMES IN COMMUNITIES WHERE THERE HAD BEEN NO VIOLENCE AGAINST TŪTSI.

THE ARMY PERMITTED A NOMINAL RESTORATION OF CIVILIAN RULE AFTER NDAYE'S MURDER, BUT THE GOVERNMENT REMAINED PARALYZED AS RADICAL TŪTSI MILITIA LED "DEAD CITY" DEMONSTRATIONS AND AS PREDOMINANTLY HUTU OPPOSITION GROUPS MOUNTED AN INSURGENCY IN RURAL AREAS. IN 1996 BUYOYA TOOK POWER AGAIN, SUPPOSEDLY TO END VIOLENCE. THE ARMY SET OUT TO DESTROY THE BASE OF THE INSURGENTS AMONG THE POPULATION BY A POLICY OF "REGROUPMENT," FORCIBLY RELOCATING HUNDREDS OF THOUSANDS OF CIVILIANS INTO CAMPS CONTROLLED BY SOLDIERS. DURING 1997, TROOPS MASSACRED THOUSANDS OF UNARMED CIVILIANS AS THEY DISPLACED HUNDREDS OF THOUSANDS OF OTHERS INTO CAMPS WHERE THERE WAS NO OFTEN AN ADEQUATE PROVISION FOR FOOD, WATER OR HEALTH NEEDS. SOLDIERS BURNED HOMES, DESTROYED CROPS, AND PILLAGED OTHER PROPERTY IN THE PROCESS. IN MANY CAMPS THEY RAPED, OTHERWISE INJURED, OR REMOVED RESIDENTS WHO THEN "DISAPPEARED."

AFTER 1993, THE ARMY EXPANDED TO AN ESTIMATED 60,000 TROOPS, DRAWING IN STUDENTS AS WELL AS MANY OF THE YOUNG, URBAN-BASED TŪTSI MILITIA. REBELS WHO LEFT THE INSURGENCY WERE SOMETIMES ORGANIZED INTO PARAMILITARY GROUPS TO ASSIST THE REGULAR TROOPS. THE AUTHORITIES ESTABLISHED LOCAL SELF-DEFENSE FORCES IN MANY COMMUNITIES AND DISTRIBUTED FIREARMS TO CIVILIANS, MOST OF THEM TŪTSI.

AT THE START OF 1999 THE TWO MAJOR BLOCKS OF INSURGENTS WERE THE FORCES FOR THE DEFENSE OF DEMOCRACY (FORCES POUR LA DÉFENSE DE LA DÉMOCRATIE, FDD), WITH ITS POLITICAL WING, THE NATIONAL COUNCIL FOR THE DEFENSE OF DEMOCRACY (CONSEIL NATIONAL POUR LA DÉFENSE DE LA DÉMOCRATIE, CNDD) AND THE PARTY FOR THE LIBERATION OF THE HUTU PEOPLE (PARTI POUR LA LIBÉRATION DU PEUPLE HUTU, PALIPEHUTU) AND THE ALLIED NATIONAL LIBERATION FRONT (FNL). THEY COMPETED WITH EACH OTHER AS WELL AS WITH AUTHORITIES FOR THE SUPPORT OF THE POPULATION. AS THE MILITARY EXTENDED ITS CONTROL IN LATE 1997 AND EARLY 1999, THE INSURGENTS ADOPTED INCREASINGLY HARSH TACTICS AGAINST THE LOCAL POPULATION, EXTORTING MONEY AND GOODS AND IN SOME CASES OBLIGING THEM TO RELOCATE TO AREAS UNDER REBEL CONTROL. THE REBELS KILLED LOCAL AUTHORITIES AND ALSO ORDINARY PEOPLE WHO REFUSED TO SUPPORT THE INSURGENCY. IN SOME COMMUNITIES, LOCAL PEOPLE MOVED VOLUNTARILY TO MILITARY BASES BECAUSE THEY HAD BEEN ATTACKED BY INSURGENTS.

ON JANUARY 1, INSURGENTS ATTACKED THE AIRPORT AND THE SURROUNDING AREA. IN THAT ATTACK AND SUBSEQUENT REPRISALS BY THE ARMY, SOME 300 CIVILIANS WERE KILLED. THE INSURGENTS CLASHED WITH THE MILITARY AROUND THE CAPITAL THROUGHOUT JANUARY AND FEBRUARY AND IN OTHER PROVINCES TO THE SOUTH AND WEST IN THE FOLLOWING MONTHS, BUT ORDINARY LIFE RESUMED IN SOME OTHER PARTS OF THE COUNTRY.

WITH THE REDUCTION IN COMBAT IN MANY AREAS AND IN THE FACE OF CONTINUING INTERNATIONAL OPPOSITION TO THE REGROUPMENT CAMPS, AUTHORITIES PERMITTED CIVILIANS TO RETURN TO THEIR HOMES. FROM A HIGH OF SOME 700,000 IN CAMPS IN 1997—MANY OF THEM FORCIBLY DISPLACED BY GOVERNMENT TROOPS—THE NUMBER FELL TO ABOUT HALF A MILLION IN FEBRUARY 1999, NOT QUITE 10 PERCENT OF THE POPULATION.

THE INSURGENTS WERE WEAKENED BY THE DISRUPTION OF THEIR BASES IN THE NEIGHBORING DEMOCRATIC REPUBLIC OF THE CONGO (DRC) IN LATE 1996, FOLLOWING ATTACKS BY RWANDAN-BACKED REBELS AGAINST THE CONGOLESE (THEN ZAIREAN) GOVERNMENT. BURUNDIAN INSURGENTS WERE FORCED TO FLEE, MOST OF THEM TO TANZANIA. IN 1999, THE BURUNDIAN GOVERNMENT CHARGED THAT REBELS HAD CREATED NEW BASES IN TANZANIA, AN ALLEGATION DENIED BY THE TANZANIAN GOVERNMENT. IN ONE CASE IN MARCH 1999, HOWEVER, TANZANIAN AUTHORITIES ACKNOWLEDGED THAT BURUNDIANS HAD BEEN ENGAGED IN MILITARY ACTIVITIES IN A CAMP NEAR THE BORDER AND REMOVED THEM TO ANOTHER LOCATION. TO HELP END THESE ACTIVITIES, THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) ANNOUNCED A PROGRAM TO TRAIN TANZANIAN POLICE TO MONITOR THE CAMPS.

THE USE OF BASES IN ADJACENT COUNTRIES WAS ONLY ONE FACET OF THE TANGLED CONNECTIONS AMONG VARIOUS INSURGENTS AND GOVERNMENTS THROUGHOUT THE REGION. THE INTERNATIONAL COMMISSION OF INQUIRY (RWANDA), WHICH MONITORED THE FLOW OF ARMS TO THE AREA, PUBLISHED PROOF OF LINKS BETWEEN THE FDD AND PALIPEHUTU AND REMNANTS OF THE FORCES ARMÉES RWANDAISES (FAR), THE ARMY WHICH HAD PARTICIPATED IN THE RWANDAN GENOCIDE IN 1994 AND WHICH WAS ATTACKING THE CURRENT RWANDAN GOVERNMENT. BURUNDIAN AND RWANDAN INSURGENTS COOPERATED IN TRAINING, PROCURING ARMS, AND IN JOINT MILITARY OPERATIONS, SUCH AS THE JANUARY ATTACK ON THE BUJUMBURA AIRPORT. RWANDAN AND BURUNDIAN ARMIES, MIRRORING THE COLLABORATION OF THE REBELS, ENGAGED IN JOINT OPERATIONS IN FRONTIER REGIONS.

IN JUNE, BUYOYA AND THE NATIONAL ASSEMBLY AGREED TO A NEW CONSTITUTIONAL ARRANGEMENT WHICH ENLARGED THE NATIONAL ASSEMBLY BY SOME FORTY SEATS TO BE FILLED BY POLITICAL PARTIES NOT PREVIOUSLY REPRESENTED AND BY MEMBERS OF CIVIL SOCIETY DESIGNATED BY THE GOVERNMENT. INSTALLED AS PRESIDENT UNDER THIS NEW SYSTEM, BUYOYA ERASED SOME OF THE DISCREDIT OF HAVING TAKEN POWER MILITARILY AND GAINED CREDIBILITY IN THE INTERNATIONAL COMMUNITY.

DESPITE BEING ENMESHED IN THE LARGER CONFLICT WITHIN THE REGION, THE PARTIES IN BURUNDI PERSISTED IN PEACE NEGOTIATIONS JUST AS MILITARY CONFLICT ESCALATED IN THE DRC. THE NEW GOVERNMENT AND MOST OF THE MAJOR INSURGENT GROUPS ARRIVED AT A PRELIMINARY AGREEMENT AND A CEASE-FIRE THAT WAS TO BEGIN AT THE END OF JULY. BUT BOTH THE GOVERNMENT AND THE FDD IMMEDIATELY RENEGED ON THE CEASE-FIRE AGREEMENT AND ONE PART OF PALIPEHUTU ALSO DECLARED THAT IT WOULD CONTINUE MILITARY ACTIVITY. SEVERAL OF THE ALREADY NUMEROUS PARTIES INVOLVED IN NEGOTIATIONS DIVIDED FURTHER, COMPLICATING THE PROCESS. FRODEBU HAD BEEN DIVIDED INTO TWO WINGS FOR SOME TIME, ONE INSIDE BURUNDI AND ONE IN EXILE; THE CNDD/FDD SPLIT IN MAY; PALIPEHUTU EXPERIENCED INTERNAL DIFFICULTIES IN JULY; AND UPRONA, A LARGELY TŪTSI PARTY, DIVIDED IN OCTOBER.

BOTH INSURGENTS AND SOLDIERS ENGAGED IN SUBSTANTIAL MILITARY ACTIVITY FROM JULY THROUGH OCTOBER, PARTICULARLY IN THE PROVINCES OF RURAL BUJUMBURA, BUBANZA, KAVANZA, MURAMBYA, AND NYANZA-LAC, WHERE MILITARY ATTACKS IN AUGUST CAUSED THE FLIGHT OF 2,000 PEOPLE TO TANZANIA. A ROUND OF PEACE NEGOTIATIONS IN OCTOBER PRODUCED SOME PROGRESS AND THE PARTIES WERE TO MEET AGAIN IN JANUARY 1999.

ETHNICALLY-MOTIVATED ATTACKS MARKED THE MEMORY OF ALL BURUNDIANS, MANY OF WHOM BELIEVED THAT JUSTICE FOR THESE CRIMES WAS ESSENTIAL TO PEACE. THE CALLS TO END IMPUNITY FOR THESE VIOLATIONS ORIGINALLY FOCUSED ON RECENT EVENTS BUT GREW TO INCLUDE DEMANDS FOR JUSTICE FOR THE MASSACRES OF 1972, OR EVEN BEFORE. AT THE SAME TIME, BOTH HUTU AND TŪTSI INCREASINGLY LABELED THE KILLINGS TO WHICH THEY HAVE BEEN SUBJECTED AS GENOCIDE, A TERM WHOSE EMOTIONAL IMPACT WAS AMPLIFIED BY THE GENOCIDE OF TŪTSI IN RWANDA IN 1994.

AS OF APRIL, NEARLY 10,000 PERSONS WERE IMPRISONED IN BURUNDI, THE OVERWHELMING MAJORITY OF THEM HUTU CHARGED WITH CRIMES AGAINST TŪTSI. ALTHOUGH HUNDREDS OF TŪTSI, CIVILIAN AND MILITARY, HAD KILLED HUTU, VERY FEW WERE ARRESTED FOR THESE CRIMES. MOST JUDGES AND HIGHER OFFICIALS IN THE JUDICIAL SYSTEMS AND POLICE WERE TŪTSI, LEADING MANY HUTU TO BELIEVE THAT ETHNIC CONSIDERATIONS RESULTED IN AN UNFAIR ENFORCEMENT OF THE LAW.

THROUGHOUT THE YEARS OF GOVERNMENTAL PARALYSIS, ARRESTS CONTINUED BUT FEW PROSECUTIONS WERE COMPLETED. BY 1999 THE JUDICIAL SYSTEM WAS OVERWHELMED AND THE PRISONS WERE OVERPOPULATED TO THE POINT OF ENDANGERING THE LIVES OF THOSE INCARCERATED. THE 10,000 INMATES WERE CONFINED IN PRISONS MEANT TO ACCOMMODATE A MAXIMUM OF 3,600. IN APRIL, ONLY 19 PERCENT HAD BEEN TRIED. THOUSANDS OF THE OTHERS WERE DETAINED WITHOUT INVESTIGATIONS HAVING BEEN COMPLETED—OR EVEN BEGUN—AND WITHOUT HAVING SEEN A JUDGE, AS THE LAW REQUIRED. HARD PRESSED FOR FUNDS, THE GOVERNMENT CUT BACK ON FOOD AND MEDICAL

attention to detainees, with the result that mortality among prisoners was close to 10 percent between January and April 1998, according to the local human rights group Iteka. In April, the government released eighty-three detainees against whom there was no credible evidence of guilt, in part because they lacked the food to feed them.

Most trials fell short of international standards of due process. Some took place within the space of one hour or less. Few of the accused had access to counsel. There were fewer than forty lawyers in Burundi and most of them were Tutsi who refused to defend those accused of crimes against other Tutsi. Since 1997, however, both the United Nations Human Rights Center and Iteka had arranged for foreign lawyers to assist the accused, with the result that the quality of some trials improved in 1998. In cases where lawyers were present, for example, the right of the defendant to present witnesses was more likely to be respected. At the end of October 1998 some 250 persons had been condemned to death.

Burundians from various parties called for an international tribunal to try the most serious offenders against international humanitarian law. Because a U.N. commission concluded that the 1993 killings of Tutsi constituted genocide, some Tutsi asserted that such a court should be established on the model of the international tribunal for Rwanda. Hutu expected that an international court might deliver more equitable justice than courts within Burundi.

While justice for civilians functioned imperfectly, army and police violated the rights of citizens virtually unchecked. Dozens of persons "disappeared" at their hands. Some were apparently detained incommunicado in irregular places of detention, but others were feared dead. Several persons detained by police or soldiers in and around the central market of Bujumbura in early 1998 had not been heard from nine months later.

In March, authorities confiscated the copies of a FRODEBU newspaper, *L'Aube de la Démocratie*, and then closed down Netpress, a news agency which had published a report of the confiscation. The number of newspapers had declined sharply in the previous two years, in part because journalists fear harassment by the authorities. Authorities also enforced a ban on political demonstrations.

### Defending Human Rights

Several organizations defended human rights in general, as well as such particular interests as freedom of the press or the rights of prisoners. The best established of these groups, Iteka, criticized authorities for unexplained "disappearances," for closing down newspapers, and for the conditions in the prisons.

The United Nations High Commissioner for Human Rights maintained a small group of observers to assist the judiciary, visit prisons, and to monitor violations of international humanitarian law by the army and the insurgents. Because of security concerns, the monitors rarely did investigations outside the capital. Their reports were circulated to the government of Burundi and within the diplomatic community.

### The International Community

The U.S., the E.U. and the U.N. focused on their own diplomatic initiatives and on efforts by former Tanzanian President Julius Nyerere to end the war rather than on accountability for human rights abuses connected with the conflict. At the end of 1997, the European Parliament called for an international arms embargo on all parties. The U.S. also favored the measure, but would not take the lead in proposing it.

Although the U.S. and European governments expressed strong disapproval of the regroupment policy, they did not insist on prosecution of soldiers responsible for violations in connection with it. The U.S. government repeatedly expressed concern about massacres of civilians and the U.S. ambassador visited the scene of the airport massacre, but the U.S. gave nothing towards the U.N. Human Rights Center. Support from other nations has been limited, making it impossible for the center to mount a serious effort to monitor the situation.

## DEMOCRATIC REPUBLIC OF CONGO

### Human Rights Developments

In early August 1998 another war of "liberation" broke out in the Democratic Republic of Congo (DRC)—less than two years since President Laurent Kabila's Alliance of Democratic Forces for the Liberation of Congo (ADFL) fought to rid the country of the dictatorial and corrupt rule of Mobutu Sese Seko. Civilians bore the brunt of the conflict as both sides resorted to extrajudicial executions and arbitrary detentions, with their perceived ethnic adversaries the main victims. The government maintained a policy of exclusion by strictly enforcing a ban on political activities introduced in 1997.

The Banyamulenge, ethnic Tutsis settled for generations in south Kivu, had spearheaded the ADFL rebellion in 1996 to assert citizenship rights that Mobutu's government moved to deny them. They again rose in August, this time against their former ally President Kabila, claiming that he had usurped power and failed to resolve their nationality concerns. Neighboring Rwanda and Uganda intervened on their side, as they did during the first war, exposing a dramatic falling out between them and the man they helped carry to power.

The continued violence during 1997 and 1998 in the eastern provinces of north and south Kivu accelerated the slide to war. During the ADFL's rebellion, its allies from the Tutsi-dominated Rwandan Patriotic Army massacred thousands of Hutu refugees, including women and children. The systematic obstruction by the Congolese government of United Nations investigations into the killings contributed to the country's diplomatic isolation and prevented the revival of its economy. Extremist Hutus responsible for the 1994 genocide in Rwanda, in which more than half a million minority Tutsis and moderate Hutus were killed, regrouped, and used the Kivus as springboards to launch devastating raids on their country. The Ugandan rebel Alliance of Democratic Forces similarly fought its own government out of north Kivu. The exiled groups had increasingly allied themselves with the Mai-Mai, traditional warrior groups opposed to the Rwandan presence and influence in their region, in joint attacks against government troops and ethnic Tutsis. Joint military operations by forces from the three countries failed to flush out the insurgents. The triggering factor in the second war was President Kabila's decision in late July ordering Rwandan troops home.

The rebel Congolese Rally for Democracy drew troops from disenfranchised brigades of the Congolese Armed Forces. Its political branch brought



together a diverse coalition of anti-Kabila groups, including, in addition to the Banyamulenge, figures from the national opposition and former dignitaries of the Mobutu era. Accusing President Kabila of corruption, nepotism, and failure to bring about democratic reforms, ethnic harmony, and regional stability the rebels vowed to correct these ills and to open the democratization process to other political forces. Their bid to remove the government in a lightning campaign was, however, thwarted when forces sent by the governments of Angola, Zimbabwe, and Namibia came to President Kabila's rescue. Their intervention saved the capital Kinshasa from an imminent fall to rebels attacking it from bases in western Congo.

Labeling the rebellion an invasion of his country by Rwanda and Uganda, President Kabila accused ethnic Tutsis collectively of supporting the aggression on his country. Other officials amplified the accusation by resorting to hate propaganda as they urged the population to help in tracking Tutsis. In the capital and other government-held areas police and the army arrested and arbitrarily detained hundreds of civilians in connection with the conflict, most of them ethnic Tutsis. According to relatives, soldiers raped dozens of detained women. Those picked up at random and later released said afterwards that they were briefly held in overcrowded and filthy lockups. Soldiers denied inmates food and medical care, they said, and tortured and summarily executed some detainees.

In the face of a growing international outcry at the arrests, the government formed an inter-ministerial commission to oversee the detainees and after some delay allowed the International Committee of the Red Cross regular access to those held in the capital. By mid-September, the government said it had reached a decision to expel many of the detainees to countries willing to grant them asylum.

Rebels also targeted civilians. Many humanitarian agencies operating in eastern Congo and the public complained about the confiscation of their vehicles and communications equipment by the rebels. In advance of their attack on the capital, rebels cut its power supply, interrupting the distribution of drinking water to its five million inhabitants, and disrupting health and other essential services, breaching international humanitarian law provisions prohibiting the destruction of objects indispensable to the survival of the civilian population.

All parties to the conflict subjected prisoners detained in connection to the conflict to ill-treatment and extrajudicial executions. When the attack on the capital was pushed back in August, soldiers and angry mobs summarily executed dozens of captured or suspected rebels. Retreating government soldiers in late August reportedly killed dozens of detained civilians in the town of Kisangani, Congo's third largest city. In reprisal for the killing of six of their colleagues in an ambush near Bukavu in August, rebel soldiers rounded up and summarily executed hundreds of villagers including six priests and nuns, in the locality of Kasika and surrounding villages.

Government and rebels systematically recruited child soldiers into their armies. The government mobilized for its counteroffensive thousands of child soldiers already enlisted in the army since the first civil war. It launched a recruitment drive in August that enlisted thousands, many of them as young as twelve. The rebels reenlisted hundreds of former child soldiers they found in transit camps run by humanitarian agencies in Bukavu and Kisangani where they were following skill-upgrading programs prior to their planned reunification with their families. On both sides of the conflict, children typically were attracted to joining armies because of the appeal of the gun and the uniform and the promises of a regular pay and meals.

The year was marked by the escalation of the government's repression of the civil and political rights of the Congolese. The enforcement of a ban on political activities by parties other than the ruling ADFL was tightened following a warning in January by the minister of interior to politicians to either abide by the ban or risk trial before a special military court. Authorities dispersed a meeting on January 17 of the youth branch of the main opposition party, the Union for Democracy and Social Progress - UDPS, shortly before a scheduled address by Etienne Tshisekedi, the party's leader. The police arrested dozens of participants, and subjected them to ill-treatment and torture in its headquarters. Citing Tshisekedi's persistent defiance, the government in mid-February exiled him to his home village where he was held in conditions of virtual detention. Forty-eight party militants and twelve senior advisors arrested in two raids on his home after his release in mid-July, were ill-treated during their brief detention. During one of many attacks on political parties, police on January 20 stormed the headquarters of the opposition Innovative Forces for Union and Solidarity (FONUS) and arrested its outspoken leader Joseph Olenghankoy.

By late October, about sixty soldiers and civilians convicted mainly of armed robbery were publicly executed following sentences passed by the Court of Military Order and the rejection of their appeals for presidential clemency. Trials before this court lacked the minimum guarantees of fairness since its decisions could not be appealed to a higher court. Initially established in 1997 to discipline Congo's unruly military and try civilians charged with armed robbery, the court increasingly became part of the government's arsenal for the intimidation of its political opponents. In January it condemned Kabila Kalele and Jean-Francois Kabanda, both prominent members of the UDPS, to two years imprisonment for a press article critical of the government. In May the court sentenced Joseph Olenghankoy to fifteen years in prison for "threatening state security," following hearings in which prosecutors argued for the death penalty.

The government continued to routinely detain journalists and writers for articles on topics it deemed sensitive, such as official corruption and security matters. The editor of the leading Kinshasa daily *La Référence Plus* was briefly detained in late April for covering a claim by a local rights group that the private residences of some military commanders doubled as secret detention places where detainees were tortured and "disappeared." He was released only after being obliged to lead other journalists under military escort to one of the houses mentioned to demonstrate that no prisoners were held there. An editorial on the internal exile of the UDPS leader and the publication of a "message to the people" from him led to brief detentions of the editors of *Le Potentiel* and *Le Palmier* in February and April respectively. The government prevented private radios from broadcasting press reviews and political commentaries. For challenging that restriction, and its alleged "complicity with the BBC," the government in April shut down *Radio Amani* (peace), which is run by the Catholic archdiocese of Kisangani.

## Defending Human Rights

Although the Congo's dynamic nongovernmental sector preserved its autonomy, the government routinely lashed back at critical rights groups. In April the government dissolved the country's leading monitoring group, the African Association for the Defense of Human Rights (ASAHD) shortly after it published a report about civilian killings by government troops in eastern Congo. In May, ASAHD's annual report on the human rights record of the government triggered the confiscation of the document, a raid on and the sealing of its national office, and the arrest of its acting executive director. Concurrently with this broad attack, the government de-registered all but twenty-two of the estimated 150 human rights groups in the country. Two leaders of the League of Voters, one of the authorized groups, were detained for two months following a work visit in mid-May to the Belgian embassy. President Kabila publicly accused them of "espionage" shortly after their arrest.

Although the government authorized an official Human Rights Watch mission in April-May, agents detained the organization's researcher for a day as

HE PREPARED TO LEAVE THE COUNTRY, AND SOUGHT TO IDENTIFY HIS CONTACTS AND ACTIVITIES DURING THE MISSION.

## The Role of the International Community

### United Nations

THE U.N. IN APRIL PULLED OUT FROM THE CONGO THE SECRETARY-GENERAL'S INVESTIGATIVE TEAM (SGIT) WHICH WAS PROBING MASSACRES OF RWANDAN HUTU REFUGEES THERE DURING PRESIDENT KABILA'S RISE TO POWER. THE DECISION FOLLOWED MONTHS OF GOVERNMENT OBSTRUCTION OF THE SGIT'S WORK, INCLUDING HARASSMENT OF WITNESSES AND THE DETENTION OF AN INVESTIGATOR. THE INVESTIGATIVE TEAM'S JUNE 30 REPORT, ADMITTEDLY INCOMPLETE, CITED INDIVIDUAL MASSACRES OF REFUGEES AND CALLED FOR MORE INVESTIGATIONS AND A TRIBUNAL TO TRY THE PERPETRATORS. IN A WEAK RESPONSE, THE SECURITY COUNCIL ISSUED A PRESIDENTIAL STATEMENT ON JULY 13 CONDEMNING THE MASSACRES, BUT STOPPED SHORT OF AUTHORIZING AN INDEPENDENT INVESTIGATION AND PROSECUTION OF PERPETRATORS. IT REFERRED THESE TASKS TO THE CONGOLESE AND RWANDAN GOVERNMENTS AND REQUIRED THEM TO REPORT BACK TO THE COUNCIL BY MID-OCTOBER. WHEN HIS COUNTRY'S RELATIONS DETERIORATED WITH RWANDA IN AUGUST, THE CONGOLESE FOREIGN MINISTER JEAN-CHARLES OKOTO LOLAKOMBE IN AN ADDRESS BEFORE THE U.N. GENERAL ASSEMBLY ADMITTED FOR THE FIRST TIME THAT MASSACRES DID OCCUR DURING THE 1996-97 WAR, AND ENTIRELY ATTRIBUTED THESE TO THE RWANDAN PATRIOTIC ARMY.

FOR THE SECOND CONSECUTIVE YEAR, THE U.N. SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN CONGO, ROBERTO GARRETÓN, APPOINTED UNDER A 1994 RESOLUTION OF THE COMMISSION ON HUMAN RIGHTS, REMAINED PERSONA NON GRATA IN KINSHASA. HIS JANUARY 1999 REPORT TO THE COMMISSION CONCLUDED THAT PRESIDENT KABILA'S GOVERNMENT "HAS ELIMINATED THE CIVIL RIGHTS TO LIFE, LIBERTY, PHYSICAL INTEGRITY, ETC.": AND THAT "THE RIGHTS OF POLITICAL PARTICIPATION HAVE BEEN SUSPENDED." THE COMMISSION VOTED IN APRIL TO CONTINUE THE SPECIAL RAPPORTEUR'S MANDATE FOR ANOTHER YEAR.

THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS MAINTAINED A FIELD OFFICE IN CONGO, WITH A FOCUS ON MONITORING, COOPERATING WITH THE AUTHORITIES IN IMPLEMENTING THE RELEVANT INTERNATIONAL INSTRUMENTS, STRENGTHENING NGOs, AND REPORTING TO THE SPECIAL RAPPORTEUR. IN MARCH, SEVERAL MINISTERS AND HIGH OFFICIALS PARTICIPATED IN A THREE DAY SEMINAR ORGANIZED BY THE FIELD OFFICE AND HAMMERED OUT AN OFFICIAL "NATIONAL PLAN FOR THE DEFENSE OF HUMAN RIGHTS." THE SEVERITY OF THE GOVERNMENT'S ATTACK ON ASAHDU AND OTHER NATIONAL RIGHTS GROUPS WHICH COINCIDED WITH THE ANNOUNCEMENT MADE A MOCKERY OF THAT PROMISE.

THE U.N. BACKED REGIONAL INITIATIVES SEEKING A PEACEFUL RESOLUTION TO THE RENEWED CONGOLESE CONFLICT. ON AUGUST 31, THE SECURITY COUNCIL ISSUED A PRESIDENTIAL STATEMENT THAT EXPRESSED ALARM AT THE PLIGHT OF THE CIVILIAN POPULATION THROUGHOUT THE COUNTRY AND URGED ALL PARTIES TO RESPECT AND PROTECT HUMAN RIGHTS AND RESPECT HUMANITARIAN LAW. THE STATEMENT ALSO CALLED FOR A CEASE-FIRE, THE WITHDRAWAL OF FOREIGN FORCES, AND THE ENGAGEMENT OF A POLITICAL DIALOGUE TO END THE WAR IN THE CONGO.

DONORS PLEDGED U.S.\$ 32 MILLION BY MID-YEAR TO A TRUST FUND SET UP BY THE WORLD BANK TO SUPPORT THE HEALTH, EDUCATION, AND TRANSPORTATION SECTORS.

### Regional Organizations

THE WAR IN CONGO SHATTERED THE REGIONAL ALLIANCE THAT BACKED PRESIDENT KABILA'S OWN REBELLION LESS THAN TWO YEARS BEFORE. SEVERAL ROUNDS OF REGIONAL TALKS BETWEEN LEADERS OF THE SIX COUNTRIES WITH TROOPS IN THE CONGO BROKE DOWN, AMONG OTHER FACTORS, OVER THE REPRESENTATION OF THE REBELS. HUMAN RIGHTS ISSUES DID NOT FIGURE PROMINENTLY IN THESE INITIATIVES, AND A CEASE-FIRE REMAINED ELUSIVE BY THE END OF OCTOBER. PRESIDENT MANDELA OF SOUTH AFRICA SPURRED SADC ALL ALONG TO PUSH FOR THE OPENING UP OF THE POLITICAL PROCESS IN THE CONGO IF LASTING SOLUTIONS TO THAT COUNTRY'S PROBLEMS WERE TO BE FOUND. LIKE THE U.N., THE ORGANIZATION OF AFRICAN UNITY (O.A.U.) FOLLOWED THE LEAD OF SUB-REGIONAL STATES IN THE SEARCH FOR PEACE.

### European Union

THE EUROPEAN UNION (E.U.) REPEATEDLY VOICED SOME RHETORICAL COMMITMENT TO HUMAN RIGHTS IN THE CONGO, WITH LITTLE RESULTS. A HIGH-LEVEL E.U. DELEGATION VISITED CONGO IN JUNE AND STRESSED IN DISCUSSIONS WITH THE GOVERNMENT THE NEED FOR A TRANSITION TO DEMOCRACY, AN IMPARTIAL JUDICIARY, AND HUMAN RIGHTS IMPROVEMENTS. A 1992 FREEZE FROM THE E.U. ON DIRECT DEVELOPMENT AID, IN PROTEST AGAINST THE SLOW PACE OF DEMOCRATIC REFORMS AND RAMPANT HUMAN RIGHTS ABUSES UNDER MOBUTU, REMAINED IN FORCE. DESPITE THE FREEZE, THE E.U. PROVIDED \$100 MILLION FOR ROAD CONSTRUCTION AND HEALTH INFRASTRUCTURE IN THE CONGO IN 1999. THIS MIRRORED THE \$400 THE E.U. PROVIDED FROM 1992 TO 1997 FOR A WIDE RANGE OF PROGRAMS IMPLEMENTED BY NONGOVERNMENTAL ORGANIZATION IN CONGO. THE E.U. PLEDGED \$33 MILLION TO HELP ORGANIZE ELECTIONS ON CONDITION THAT ALL POLITICAL PARTIES BE ALLOWED TO PARTICIPATE, AND ALLOCATED ABOUT \$150 MILLION TO HUMANITARIAN ASSISTANCE TO THE GREAT LAKES REGION AS OF SEPTEMBER.

IN PRESIDENTIAL STATEMENTS ON AUGUST 11 AND 27, THE E.U. EXPRESSED ITS CONCERN ABOUT THE GROWING CRISIS IN THE CONGO, CALLED FOR POLITICAL DIALOGUE AMONG ALL THE PARTIES INVOLVED, AND STRONGLY CONDEMNED HUMAN RIGHTS VIOLATIONS BY ALL OF THE FORCES INVOLVED. THE E.U.'S SPECIAL ENVOY TO THE GREAT LAKES, ALDO AJELLO, TOURS THE TROUBLED REGION IN AN "EVALUATION MISSION" IN SEPTEMBER. ALTHOUGH HE DID NOT DWELL ON THE HUMAN RIGHTS ASPECTS OF THE CRISIS, HE CALLED IN PUBLIC STATEMENTS FOR A SOLUTION THAT WOULD GUARANTEE THE LONG TERM SECURITY OF THE CONGO AND ITS NEIGHBORS. AT THE POLITICAL LEVEL, HE CALLED FOR DIALOGUE BETWEEN ALL THE CONGOLESE POLITICAL FACTIONS, AND THEIR PARTICIPATION IN THE TRANSITIONAL PROCESS.

### United States

THE DECEMBER 1997 VISIT BY SECRETARY OF STATE MADELEINE ALBRICHT TO KINSHASA SOLIDIFIED AN UNCITICAL POLICY OF ENGAGEMENT WITH THE KABILA GOVERNMENT. THE LACK OF ATTENTION DURING THE SECRETARY'S VISIT TO HUMAN RIGHTS AND DEMOCRATIZATION IN CONGO DREW WIDE CRITICISM WHICH THE SECRETARY SOUGHT TO DEFLECT BY ARGUING, IN A *LOS ANGELES TIMES* ARTICLE OF DECEMBER 24, THAT WORKING WITH LEADERS WHO ARE "AT BEST, IMPERFECT DEMOCRATS" REQUIRES THE U.S. NOT TO SIT ON THE SIDELINES. IN THE ABSENCE OF PUBLIC U.S. CONDEMNATIONS OF RAMPANT RIGHTS ABUSES, THE CONGOLESE AUTHORITIES COULD EASILY DISCOUNT PROTESTS FORWARDED TO THEM THROUGH THE CHANNELS OF QUIET DIPLOMACY. RELATIONS BETWEEN THE U.S. AND CONGO BEGAN TO VISIBLY DETERIORATE IN FEBRUARY, WHEN REV. JESSE JACKSON, U.S. SPECIAL PRESIDENTIAL ENVOY FOR PROMOTING DEMOCRACY IN AFRICA, MET WITH LEADERS OF CIVIL SOCIETY AND THE OPPOSITION AND, AS A CONSEQUENCE, KABILA AND HIS FOREIGN MINISTER REFUSED TO MEET HIM. OPPOSITION LEADER ETIENNE TSHISEKEDI WAS ARRESTED AND INTERNALLY EXILED SHORTLY THEREAFTER.

SECRETARY ALBRICHT ANNOUNCED DURING HER VISIT THAT THE ADMINISTRATION WOULD PLEDGE \$10 MILLION FOR THE WORLD BANK'S TRUST FUND FOR CONGO, AND WOULD SEEK AN ADDITIONAL \$35-40 MILLION IN AID TO THE GOVERNMENT. IN FACT, THE ADMINISTRATION FACED LEGISLATIVE CONSTRAINTS ON PROVIDING SIGNIFICANT AID TO THE CONGO, INCLUDING THE FAIRCLOTH AMENDMENT TO THE FOREIGN ASSISTANCE APPROPRIATION ACT TYING ANY ASSISTANCE TO THE CONGOLESE GOVERNMENT TO ITS

full cooperation with the U.N. probe in accounting for civilian massacres in Congo. A waiver obtained under the authority of the secretary of state, for aid going to the central government, allowed the U.S. to provide the \$10 million it had pledged to the World Bank Trust Fund in addition to \$10 million for the regional small-scale development programs overseen by the U.S. Agency for International Development, and another \$10 million for health, environment, and private sector activities. The U.S. also earmarked \$500,000 for eventual constitution drafting, elections, or judicial reform initiatives.

During President Clinton's Africa trip in March, he held a short, private meeting with President Kabila at the summit in Entebbe, Uganda, attended by other African leaders. Clinton reportedly told Kabila that he had followed Kabila's march across Zaire with great interest, and that he had come too far to fail. Apparently, no specifics were discussed. However, no sooner did Kabila return to Kinshasa than he began spinning his participation in the Entebbe summit and his short meeting with Clinton as an endorsement of his policies. This further soured his relations with the U.S. Relations continued to slide following the withdrawal of the U.N. investigative team in April. On April 23, the White House press secretary issued a statement expressing concern about the withdrawal of the team. It went on to note that the lack of progress on political reform, including the banning of political parties and of a leading human rights organization, the eviling of a prominent opposition leader, and the trial of civilians before military courts, "calls into question the commitment of the government to democratic principles." Despite the stronger rhetoric, the U.S. failed in July to push for a stronger Security Council resolution on the investigative team's report.

The rules of quiet diplomacy still governed U.S. relations with Rwanda and Uganda, its staunchest allies in the region. At the outbreak of the current Congo crisis, the administration initially adopted a remarkable silence on the two countries' military involvement, even faced with evidence that their troops were part of the rebellion which was feared to be responsible for serious abuses against civilians. It was not until August 19 that a State Department spokesman acknowledged Rwandan and Ugandan military intervention, and even then it was couched in terms apparently intended to justify their actions. "Countering genocide is in the national security interests of Rwanda and other countries in the region. The failure of the Congolese government to deal with border security and citizenship for the Banyamulenge population has undermined regional security. Nevertheless, we can in no way condone or accept military intervention into Congo by Rwanda, Uganda or any other government in the region." The statement called on the Congolese government, the rebel leadership, and foreign forces to prevent human rights abuses in areas under their control, and to ensure the safety of humanitarian workers.

At the same time, U.S. policy toward the Congolese government was increasingly forceful, focusing not only on the protection of Americans but also on the protection of other civilians caught in the conflict. The U.S. quickly condemned abuses perpetrated by government forces against Tutsis in Kinshasa, and pushed for access to the detainees by the ICRC.

The policy of the United States came under increasing attack in many parts of Africa, with many voices—including heads of state like Robert Mugabe of Zimbabwe—accusing the U.S. of supporting the Rwandan and Ugandan actions in Congo. Assistant Secretary of State for African Affairs Susan Rice responded to such allegations in testimony before the House Subcommittee on Africa on September 15, calling them "specious and ridiculous." She reiterated that the U.S. "fully understands their legitimate security interests in countering insurgent attacks from Congolese soil," and shared "regional and international frustration with the Kinshasa government's failures with respect to both democratization and human rights." Nevertheless, she contended that foreign intervention to overthrow the government was "not acceptable." Rice said nothing about reports that Rwandan or Ugandan troops might have themselves been implicated in rebel abuses against civilians. She went on to state that the U.S. considered Angolan, Namibian, and Zimbabwean intervention as "destabilizing and very dangerous as well."

## ETHIOPIA

### Human Rights Developments

The Ethiopian government, led by the Ethiopian People's Revolutionary Democratic Front (EPRDF), continued to implement an ambitious program of political and economic reforms with significant donor support. Ethnically-based federal regions assumed executive, legislative, and judicial powers provided for under the 1994 constitution. The EPRDF maintained strict control over this process through parties affiliated to it which dominated regional governments. A handful of opposition parties, notably the All Amhara People Organization (AAPO) and the Council of Alternative Forces for Peace and Democracy in Ethiopia (CAFPD), preserved a precarious presence in the capital Addis Ababa, following years of relentless government curtailment of their activities, particularly in the countryside. Tensions persisted between the government and ethnic fronts which withdrew from earlier alliances with the EPRDF over their insistence that constitutionally guaranteed self-determination rights be immediately exercised in their regions. Sporadic clashes occurred in Oromia and Somali regional states between government troops and fighters from the Oromo Liberation Front (OLF) and the Ogaden National Liberation Front (ONLF) respectively. Tension remained high along the borders with Somalia where the government responded to incursions by the fundamentalist Al-Ittihad Al-Islami (Islamic Unity) by striking at its strongholds across the border and by backing armed factions in Somalia opposed to Al-Ittihad.

Wide-scale human rights violations occurred in the context of the government's suppression of armed insurgency and political dissent. The military and rural militia associated with parties affiliated to the EPRDF arrested thousands for months without charge or trial on account of their suspected support of armed insurgencies. Opposition activists, editors of the private press, and leaders of labor organizations who continued to challenge the EPRDF's monopolization of political space were systematically targeted through harassment and repeated detentions. Overcrowding, poor hygiene, and inadequate food compounded the plight of detainees. However, the government granted the International Committee of the Red Cross (ICRC) increasing access to places of detention in 1997 and 1998, and cooperated with its efforts to assist inmates. The humanitarian agency reported visiting by the end of 1997 some 10,990 people held in connection with the 1991 ouster of the former regime or for security reasons, and registering 5,660 new detainees.

The close political and strategic alliance between Ethiopia and Eritrea collapsed in early May when a minor border dispute flared up into brief violent confrontations. Hundreds were killed on both sides, mainly civilians. The fighting displaced thousands of villagers on both sides of the border. Fighting ceased in mid-June following intense mediation efforts, but a massive military buildup by both states continued as a bitter propaganda war and the pursuit of escalation by extremists on both sides reduced the chances of a negotiated settlement.

Both sides traded accusations of ill-treatment of their citizens whom the conflict had found on the wrong side of the border. Eritrea denied

deliberately expelling Ethiopians and said its policy would remain one of welcoming and protecting Ethiopians willing to stay, but a September 26 statement by the Eritrean foreign ministry put the number of Ethiopians who had "voluntarily returned" to their country at 6,600.

Compelling evidence pointed to a deliberate campaign by the Ethiopian authorities to expel Eritreans and Ethiopians of Eritrean origin to Eritrea. By late October, an estimated thirty thousand, most of them Ethiopian citizens who had not taken up Eritrean nationality in the aftermath of Eritrea's 1991 secession from Ethiopia, were deported after experiencing systematic denial of their human rights. The campaign swiftly degenerated from selective targeting to indiscriminate deportations. A government "policy" statement on June 11 said the "550,000 Eritreans residing in Ethiopia" could continue to live and work peacefully there. However, as a "precautionary measure," the statement ordered members of Eritrean political and community organizations to leave the country on account of their suspected support of the Eritrean war effort, and gave a mandatory leave of absence of one month to Eritreans occupying "sensitive" jobs. While authorities initially suggested an option of voluntary departure for the targeted categories, they later began rounding up people on the sole basis of their being Eritrean or of Eritrean extraction, and apparently without making an effort to distinguish between the two categories. Not all who fell in the dragnet were deported. Those of military age were sent to detention camps where an unknown number remained held by late October without charge or trial. Others were trucked, after brief detentions, to remote border posts and ordered to cross into Eritrea on foot. Those detained and expelled included many elderly retired citizens of Ethiopia, mainly businessmen who had lived most of their lives and raised their children in other provinces of Ethiopia while Eritrea fought for its independence. The government ordered the freezing of their assets and revoked their business licenses, stripping them and their families of their livelihood. Many families were separated during the deportations from underage children who were not allowed to leave with them, or, in a few cases, from children who were deported unaccompanied.

Prime Minister Meles Zenawi in an interview with Radio Ethiopia on July 9 said the deportees were "foreigners," adding that "... any foreign national, whether Eritrean or Japanese etc. ... lives in Ethiopia because of the goodwill of the Ethiopian government. If we say 'Go, because we don't like the color of your eyes,' they have to leave." The issue was, however, more complex than the prime minister's assertion suggested. For the forty years preceding Eritrean independence in 1991 both countries were part of the same internationally recognized state. Strong cultural, religious, and linguistic affinities existed between the two people, and intermarriages were common. The Ethiopian constitution, in its Article 6, grants citizenship by birth to any person with one or both Ethiopian parents. Many Eritreans had retained their Ethiopian nationality when Eritrea became independent, and Ethiopia did not take any legal measure to rescind their citizenship then. As a consequence, the Ethiopian government had no legal basis to consider many of the deportees as aliens. The roundup, detention, and the ill-treatment of which the deportees, whether nationals or aliens, were the victims violated rights of nondiscrimination and freedom of movement that the Ethiopian constitution guaranteed. The deportations and accompanying violations of a range of rights of the deportees also violated Ethiopia's obligations under the International Covenant on Civil and Political Rights and other human rights treaties it has ratified and indeed incorporated into the law of the land.

The harassment and imprisonment on political grounds of opposition leaders continued. Professor Asrat Woldeyes, the president of the opposition All Amhara People's Organization (AAPO) who was imprisoned in 1994, was hospitalized in January for treatment for diabetes and other health complications; he was nearly seventy, and also suffered heart problems. The government adamantly refused to bend to domestic and international appeals, including from Human Rights Watch, for his release. By late October his condition had improved, but he remained under guard in his hospital room. He was serving consecutive prison sentences of two and three years in Addis Ababa central prison after convictions for "inciting armed rebellion." He credibly complained that he did not receive fair trials, but his appeals were rejected. He and another twenty-two AAPO leaders faced another trial which began in 1995 on new charges of "armed rebellion." The court refused to examine claims by several codefendants that their confessions implicating the group were obtained under torture. Abera Yemane Ab, an activist jailed since December 1993 when he returned to Addis Ababa from his U.S. exile to participate in a conference on peace and reconciliation, was allowed in late September only a few minutes' encounter with a son he hadn't seen since he was incarcerated. The government denied the son further visits on the grounds that he, a holder of a U.S. passport, was a foreigner.

Security forces on September 17 surrounded the headquarters of the elected Ethiopian Teachers' Association in Addis Ababa, and ordered ETA's officials to hand the premises over to a government-sponsored "teachers' association." ETA's executive committee members present at the time, Shimeles Zewdi, Abate Angore, and Aneke Mulceta, were detained without a court order and were only released on October 15. The latter two were briefly detained following a similar raid on ETA's compound on August 13. The premises had survived as a symbol of ETA's autonomy, and were a nagging reminder of the association's persistent rejection of ethnic federalism policies, particularly when applied in the field of education. Previous attacks on the association since its conflict with the government started in 1992 included the closure of its regional and local offices, the freezing of its accounts, and the repeated detention of its officials. In May 1996, the association's president Dr. Taye Woldeseyenat was arrested and charged, together with five others, with "armed conspiracy." Exactly a year later, Assefa Maru, his replacement as head of ETA and a human rights advocate, was gunned down by the police who accused him after the fact of participating in an armed insurgency.

Dr. Taye Woldeseyenat was subjected to cruel, inhuman, and degrading treatment in Addis Ababa central prison where he was transferred after his arrest and remained. The presiding judge denied bail, and when the teachers' leader repeatedly complained that he was being harassed by his guards, the judge failed to act decisively to restrain them. The guards in February placed Woldeseyenat in a death-row cell known as the "darkness cell." When he again complained about the conditions of his detention in a July 28 hearing, the presiding judge, holding him in contempt, ordered him put in chains for twenty-four hours a day until a hearing scheduled for September 29. The constant stress from these conditions and daily verbal abuse by his guards reportedly evoked a heavy psychological and physical toll on Woldeseyenat.

Authorities in March arrested thirty-four individuals and charged them with armed conspiracy with the Oromo Liberation Front. They joined in prison an earlier group of thirty-one prominent members of the Oromo community who were arrested in October and November 1997 and faced similar charges, punishable by from five years' imprisonment to death. The government claimed that some of the sixty-five Oromos were OLF fighters and accused the others of membership in OLF "support groups." The "groups" in question included the newly founded Human Rights League; the Oromo Relief Association dissolved by the government in 1995; the newspaper *Urji*, which ceased publishing after the arrest of key journalists; an Oromo cultural revival association; and a medical clinic catering for the Oromo community in Addis Ababa. Typically, the trial started with a round of adjournments which the government attributed to lack of judges.

Personnel shortages and meager resources indeed led to severe delays in the courts and slowed down the restructuring of the judiciary in line with the federal system. With a backlog of thousands of cases by late 1998 in Addis Ababa alone, and few judges to clear it, one year adjournments became routine in the court system, with suspects and defendants having to spend long months in pretrial detention. The legal rights of prisoners to

SPEEDY AND FAIR TRIALS thus remained seriously compromised. PRISONERS facing trial on political and security charges credibly claimed that the government was using the near paralysis of the justice system to neutralize them and their parties, associations, and newspapers for years at a time without appearing to be using an iron fist. Long term detention before even coming to trial faced some prisoners held solely for the nonviolent exercise of their freedom of expression and association. Detention for indefinite periods also applied to those accused of serious crimes and violence with political dimensions. A case in point of the latter was the internationally supported trial of officials of the previous Derg regime for crimes against humanity, an initiative once lauded as a major strike against impunity but which was seriously tarnished by its unconscionably slow pace. On September 10, the Office of the Special Prosecutor announced the release of thirty-one defendants who had been in pretrial detention for seven years for lack of evidence.

Repression against the independent press escalated to unprecedented levels in the last quarter of 1997 and in 1998. There were seventeen detained journalists in Ethiopia in late October. The brief but often repeated detentions of journalists observed in most of 1997 gave way to the crippling practice of wholesale arrests of key members of the editorial and managerial staff of vocal publications, a tactic which amounted to the virtual banning of the targeted publications. Five journalists from the pro-Oromo weekly *Urji* remained in detention since their arrest in the last quarter of 1997, including the editor-in-chief and his deputy and the reporter Garoma Bekele, who at the time was also secretary of the newly founded Human Rights League. Together with other Oromo leaders rounded up during that period, they faced charges of armed conspiracy with the OLF; prosecutors accused *Urji* of being an organ of the OLF. The crackdown came shortly after an early October article in which the newspaper challenged the official version of the killing of three Oromo activists in Addis Ababa which the government claimed had occurred during a shootout. The newspaper cited eyewitnesses who claimed the three were killed without warning. *Urji* ceased publishing following the onslaught. The private weekly *Tobia* suffered a similar fate when four editors were arrested on January 16, 1998 following the paper's publication of a leaked internal U.N. memorandum recommending security precautions to its staff. Hours after their arrest, the newspaper's offices were burned to the ground, its equipment, archive, and database totally destroyed. The newspaper ceased publishing but reappeared after the release of its journalists in July and August. Despite repeated appeals by media watchdogs for an investigation of the fire, its origin remained undetermined by late October. On July 13, Shimelis Kamal, Berhane Negash, and Teferi Mokennen of *Nisyan*, an independent Amharic weekly newspaper which at the time had published just eight issues, were arrested for an article criticizing the government's deportation of Eritreans. Freed a day later, they were immediately rearrested for issuing a press release criticizing their arrest and detained without a court order for a month. In the interim, police ignored two orders issued by a judge to either charge or release them immediately. The crackdown succeeded in eroding the commitment of the sole financial backer of *Nisyan*; the paper ceased publishing when he withdrew his support. For denouncing in a press release in February the government's muzzling of the independent press, Kifle Mulate, editor of *Ethio-Time* and national coordinator of the Ethiopian Free Press Journalists' Association, was himself detained for six months. Repeated arrests had forced the leaders of that association and some twenty other journalists into exile.

### Defending Human Rights

EIGHT MEMBERS OF THE BOARD OF DIRECTORS OF THE HUMAN RIGHTS LEAGUE remained in detention a year after their arrest in October 1997, charged with armed conspiracy with the OLF. On April 9, 1998, security agents raided the offices of the league, took away its office equipment and archives, and sealed the premises. The government refused to register the league following its establishment in December 1996 by members of the Oromo community in Addis Ababa, despite constitutional guarantees of freedom of association. The veteran Human Rights Council continued to function without any form of official recognition or responses to its repeated appeals for human rights improvements. Other monitoring groups, such as the Ogaden Human Rights Committee, the Oromo Ex-Prisoners for Human Rights, and Solidarity Committee for Ethiopian Political Prisoners, were forced underground or into exile, and could only publish critical reports abroad, increasingly through the Internet. The government authorized the activities of several civic and human rights education groups.

AN INTERNATIONAL HUMAN RIGHTS CONFERENCE ON THE ESTABLISHMENT OF A HUMAN RIGHTS COMMISSION AND OFFICE OF OMBUDSMAN, SPONSORED BY INTERNATIONAL DONORS AND ORGANIZED BY THE COUNCIL OF PEOPLE'S REPRESENTATIVES, CONVENED IN ADDIS ABABA IN MAY. NOTABLE ABSENTEES WERE THE ETHIOPIAN HUMAN RIGHTS COUNCIL, THE HUMAN RIGHTS LEAGUE, AND ALSO THE PRIVATE PRESS, WHO WERE NOT INVITED.

### The Role of the International Community

#### United Nations

IN AN UNANIMOUSLY ADOPTED RESOLUTION ON JUNE 26 THE U.N. SECURITY COUNCIL DEMANDED AN IMMEDIATE END TO THE BORDER CONFLICT BETWEEN ETHIOPIA AND ERITREA, AND URGED BOTH SIDES TO COOPERATE WITH MEDIATION EFFORTS LED BY THE ORGANIZATION OF AFRICAN UNITY. THE RESOLUTION ALSO ESTABLISHED A TRUST FUND TO SUPPORT ANY EVENTUAL U.N. TECHNICAL MISSION FOR BORDER DEMARCATION. BY LATE OCTOBER, THE U.N. STILL MAINTAINED A LOW PROFILE IN SEEKING A SOLUTION FOR THE DISPUTE AT A TIME WHEN IT WAS POISED TO FLARE UP AGAIN IN OPEN WAR.

HIGH COMMISSIONER FOR HUMAN RIGHTS MARY ROBINSON ON JULY 1 ISSUED A STATEMENT EXPRESSING CONCERN ABOUT THE VIOLATION OF HUMAN RIGHTS OF ERITREANS BEING EXPELLED FROM ETHIOPIA, AND APPEALING TO THE TWO COUNTRIES TO RESOLVE THEIR DISPUTE PEACEFULLY. ETHIOPIA REACTED ANGRILY, AND DEMANDED AN IMMEDIATE AMENDMENT TO WHAT IT SAID WAS A BASELESS STATEMENT WHICH, THE FOREIGN MINISTRY CHARGED, WAS "OF THE TYPE THAT WOULD UNDERMINE THE CREDIBILITY OF THE OFFICE OF THE UNITED NATIONS."

CONTRARY TO THE MINISTRY'S STATEMENT, THE U.N.'S CREDIBILITY COULD ONLY BE HARMED BY THE LACK OF HUMAN RIGHTS CONSIDERATIONS DESPITE THE VARIETY AND LEVELS OF ITS INVOLVEMENTS IN THE COUNTRY. SENIOR U.N. OFFICIALS FREQUENTLY VISITED ADDIS ABABA, WHICH IS ALSO THE HEADQUARTERS OF THE ORGANIZATION OF AFRICAN UNITY (O.A.U.), AND THE U.N.'S ECONOMIC COMMISSION FOR AFRICA. ETHIOPIA RANKED AS THE THIRD LARGEST RECIPIENT OF THE AGENCY'S CHILDREN'S EMERGENCY FUND SUPPORT WORLDWIDE, AND WAS ONE OF THE TOP FOUR BENEFICIARIES OF ITS FOOD AND AGRICULTURE ORGANIZATION GLOBALLY. IN LATE APRIL, U.N. SECRETARY-GENERAL KOFI ANNAN HELD TALKS WITH ETHIOPIAN GOVERNMENT OFFICIALS AND THOSE OF THE O.A.U. ON PROSPECTS FOR PEACE IN EAST AND CENTRAL AFRICA. HE VOICED GUARDED OPTIMISM ABOUT THE END OF A DECADE OF CONFLICTS IN AFRICA AND THE EMERGENCE OF A "NEW AFRICA" WHICH HE DEPICTED AS MAKING EFFORTS TO "REJECT VIOLENCE, EMBRACE DEMOCRACY, ENDORSE HUMAN RIGHTS AND PROMOTE ECONOMIC REFORM." TWO WEEKS AFTER THE END OF HIS TOUR, RENEWED DEADLY CONFLICTS EXPLODED IN EAST AND CENTRAL AFRICA.

## Regional Organizations

THE ORGANIZATION OF AFRICAN UNITY BACKED EFFORTS LED BY ETHIOPIA AND THE INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT (I.G.A.D.) TO MEDIATE THE CONFLICTS IN SOMALIA AND SUDAN. DURABLE PEACE IN THE TWO STRIFE-TORN NATIONS REMAINED TO BE ACHIEVED, AFTER THE FAILURE OF SEVERAL MEDIATION ROUNDS DURING THE YEAR. I.G.A.D. WAS SIGNIFICANTLY WEAKENED BY THE DISPUTE BETWEEN ETHIOPIA AND ERITREA, WHICH WERE THE MOST STABLE OF ITS MEMBERS AND HITHERTO SHARED THE SAME POSITIONS ON REGIONAL ISSUES.

BY LATE OCTOBER, THE O.A.U.'S OWN PEACE INITIATIVE TO HALT THAT DISPUTE APPEARED STALLED. THE O.A.U.'S MEDIATION COMMITTEE, COMPOSED OF THE PRESIDENTS OF BURKINA FASO, DJIBOUTI, AND ZIMBABWE, DURING A VISIT TO ADDIS ABABA AND ASMARA IN MID JUNE OFFERED A PEACE PLAN BASED ON AN EARLIER INITIATIVE BY THE UNITED STATES AND RWANDA THAT CALLED FOR THE WITHDRAWAL OF ERITREAN FORCES TO POSITIONS HELD BEFORE THE START OF THE CONFLICT. ETHIOPIA AGREED TO THE PLAN, BUT ERITREA REJECTED IT, SAYING IT WOULD HAND THE DISPUTED AREAS ONLY TO A NEUTRAL MONITORING FORCE.

## European Union

THE E.U. IN A PRESIDENTIAL STATEMENT ON MAY 15 EXPRESSED CONCERN AT REPORTS OF BORDER CLASHES BETWEEN ETHIOPIA AND ERITREA, AND URGED BOTH GOVERNMENTS TO RESOLVE THEIR DISPUTE PEACEFULLY. THE AFRICAN, CARIBBEAN AND PACIFIC AND E.U. JOINT ASSEMBLY ISSUED A RESOLUTION ON SEPTEMBER 24 CONDEMNING THE OUTBREAK OF HOSTILITIES AND CALLING FOR AN IMMEDIATE END TO THE HUMAN RIGHTS VIOLATIONS PERPETRATED DURING THE CONFLICT, INCLUDING ARBITRARY EXPULSIONS, DEPORTATION, AND DETENTION.

TAKING INTO ACCOUNT ALL E.U. ASSISTANCE MECHANISMS, ETHIOPIA WAS BY FAR THE LARGEST RECIPIENT OF EUROPEAN ASSISTANCE, AHEAD OF ANY OTHER A.C.P. STATE. REPRESENTATIVES OF THE E.U. MEMBER STATES IN ADDIS ABABA READILY ALLOWED, HOWEVER, THAT THE GOVERNMENT'S OUGHT REJECTION OF ANY OVERT CRITICISM OF ITS HUMAN RIGHTS PRACTICES HAD FORCED THEM TO RAISE SUCH CONCERNS WITH THE GOVERNMENT ONLY PRIVATELY.

## World Bank

ETHIOPIA WAS NOT ONLY THE WORLD BANK'S LARGEST CLIENT IN AFRICA IN 1999, BUT AMONG THE LARGEST WORLDWIDE. BY THE FISCAL YEAR ENDING IN JUNE, THE WORLD BANK HAD FUNDED PROJECTS WORTH U.S. \$669 MILLION. THE DEPARTING RESIDENT REPRESENTATIVE IN MID-SEPTEMBER LAUDED THE GOVERNMENT'S MACROECONOMIC ACHIEVEMENTS BUT MADE NO REFERENCE TO ITS SHORTCOMINGS IN GUARANTEEING THE RIGHTS OF ITS CITIZENS.

## United States

THE OUTBREAK OF HOSTILITIES BETWEEN ETHIOPIA AND ERITREA, ITS CLOSEST ALLIES IN THE EAST AFRICA SUBREGION, DEALT A SERIOUS SETBACK TO U.S. FOREIGN POLICY TOWARD AFRICA. TOGETHER WITH UGANDA, THEY WERE THE LINCHPINS OF A POLICY OF DIPLOMATIC AND MILITARY CONTAINMENT OF SUDAN, WHOSE FUNDAMENTALIST GOVERNMENT WAS VIEWED BY THE U.S. AND ITS THREE ALLIES AS A THREAT TO REGIONAL STABILITY. IN RESPONSE TO THE CRISIS WITH ERITREA, THE U.S. SUSPENDED ALL MILITARY TO MILITARY PROGRAMS IN ETHIOPIA, INCLUDING THE AFRICAN CRISIS RESPONSE INITIATIVE (ACRI), AND VARIOUS MILITARY TRAINING EXERCISES. FUNDING FOR THE FRONT LINE STATES INITIATIVE, WHICH SUPPLIED NON-LETHAL EQUIPMENT FOR ETHIOPIA, ERITREA, AND UGANDA IN THEIR STRUGGLE AGAINST SUDAN, WAS ALLOCATED BUT WAS NOT EXPECTED TO BE EXPENDED PENDING THE RESOLUTION OF THE CRISIS WITH ERITREA.

WITH ABOUT \$30 MILLION IN DEVELOPMENT AID AND \$66 MILLION IN FOOD AID, BRINGING THE TOTAL TO ABOUT \$97 MILLION, ETHIOPIA REMAINED THE SECOND LARGEST RECIPIENT OF U.S. AID IN SUB-SAHARAN AFRICA, AFTER SOUTH AFRICA. THE U.S. FAILED TO USE ITS PRIVILEGED RELATIONS WITH ETHIOPIA AS A LEVERAGE FOR HUMAN RIGHTS IMPROVEMENTS, PREFERRING INSTEAD TO RAISE HUMAN RIGHTS ISSUES WITH THE ETHIOPIAN GOVERNMENT ONLY IN PRIVATE DEMARCHES, BUT NOT PUBLICLY. THE ONLY PUBLIC STATEMENT INVOLVING HUMAN RIGHTS CAME ON AUGUST 6, WHEN THE U.S. GOVERNMENT EXPRESSED DEEP CONCERN AT THE DETENTION AND EXPULSION OF ERITREANS IN AND FROM ETHIOPIA. THE STATEMENT RECALLED THE FUNDAMENTAL HUMANITARIAN AND HUMAN RIGHTS CONCERNS RAISED BY THE FORCIBLE EXPULSIONS AND CALLED ON THE ETHIOPIAN GOVERNMENT TO FOLLOW APPROPRIATE DUE PROCESS IN ADDRESSING ITS SECURITY CONCERNS.

THE U.S. TOOK THE LEAD IN MEDIATION EFFORTS SHORTLY AFTER THE CONFLICT FLARED UP IN EARLY MAY. U.S. ASSISTANT SECRETARY OF STATE FOR AFRICA SUSAN RICE VISITED BOTH COUNTRIES IN SEARCH OF COMMON GROUNDS FOR A SETTLEMENT, AND PRESIDENT CLINTON SECURED A MORATORIUM ON AIR RAIDS IN MID-JUNE BY PERSUADING BOTH LEADERS BY TELEPHONE TO HALT THE ESCALATING AIR WAR. ERITREA REJECTED THE JOINT U.S.-RWANDA PEACE PLAN WHICH CAME TO FORM THE BASIS OF THE SUBSEQUENT O.A.U. INITIATIVE AND WAS LATER EXPRESSLY ENDORSED BY THE U.N. SECURITY COUNCIL. THE U.S. SENT FORMER NATIONAL SECURITY ADVISOR ANTHONY LAKE TO THE REGION IN LATE OCTOBER WITH "NEW IDEAS FOR HELPING THE TWO PARTIES RESOLVE THEIR PROBLEMS." HIS MISSION APPEARED DOOMED, HOWEVER, WHEN AROUND THE SAME TIME ERITREA PUBLICLY CRITICIZED U.S. INTERVENTION IN THE DISPUTE AS COUNTERPRODUCTIVE AND ETHIOPIA SAID IT CONSIDERED THE O.A.U.'S INITIATIVE AS THE ONLY POSSIBLE BASIS FOR A NEGOTIATED SOLUTION.

# KENYA

## Human Rights Developments

THE LEAD-UP TO KENYA'S SECOND MULTIPARTY ELECTION, ON DECEMBER 29, 1997, WAS FRAUGHT WITH VIOLENCE AND INTIMIDATION, AND MARRED BY GOVERNMENT RENEGING ON PROMISED LEGAL REFORMS TO ALLOW GENUINE POLITICAL LIBERALIZATION. SEVERAL PEACEFUL PRO-DEMOCRACY RALLIES WERE BRUTALLY DISPERSED, AN ESTIMATED ONE MILLION ELIGIBLE YOUTH WERE DENIED REGISTRATION, AND OVER 100,000 PEOPLE WERE DISPLACED IN THE COAST PROVINCE FOLLOWING ETHNICALLY-DRIVEN ATTACKS ON GROUPS LARGELY AFFILIATED WITH THE OPPOSITION. UNDER PRESSURE, THE GOVERNMENT MADE CONCESSIONS A MONTH BEFORE THE ELECTION TO ALLOW SOME CONSTITUTIONAL REFORM AND TO PERMIT THE REGISTRATION OF OPPOSITION PARTY SAFINA. WHILE THESE GESTURES CALMED SOMEWHAT THE VOLATILE CLIMATE AND ALLOWED FOR THE ELECTION TO PROCEED, THEY WERE NOT SUFFICIENT TO LEVEL THE PLAYING FIELD TO ALLOW FOR A GENUINELY FREE AND FAIR ELECTION. THE REELECTION OF PRESIDENT MOI FOR FIVE MORE YEARS AND THE VICTORY OF HIS RULING PARTY WAS DUE BOTH TO LONGSTANDING GOVERNMENT OBSTRUCTION OF THE OPPOSITION AS WELL AS

to deep divisions within the opposing parties, largely on ethnic lines.

There were hopes that the election would bring an end to the violence that had marred the run-up and that President Moi would finally permit reform after securing a further, and under constitutional term-limits, final term of office. However, 1999 was marked both by deepening ethnic hatred and continuing violence, and a growing political crisis due to the government's unwillingness to allow any reform that would end the absolute executive power wielded by President Moi. The president responded to calls for reform with a characteristic combination of recalcitrance and brutality, all the while making promises to bring about change.

In January, the results of the presidential election were challenged in a court petition by opposition Democratic Party (DP) leader Mwai Kibaki, who subsequently, with his lawyer, received anonymous death threats. "Ethnic" violence also followed in two DP constituencies in Rift Valley Province. Armed groups of Kalenjin (the president's ethnic group) attacked ethnic Kikuyu residents in night raids, raping, hacking with machetes, or killing with firearms, before looting and burning their homes. Over one hundred people were reportedly killed and thousands displaced. The initial attacks were well organized and from outside the community.

The attacks mirrored similar violence that had taken place in the run-up to the previous elections in 1992 and afterwards, when members of the ruling party attacked members of ethnic groups considered to support the opposition. In those attacks, it was later found that ruling party members had paid some attackers a fee for each house burned and person killed and that government vehicles had transported some of the attackers. Since 1992, over 300,000 people had been displaced by this violence. The authorities consistently failed to provide adequate security to those under threat or to hold those responsible for the violence accountable. As in the past, the response of the security forces to the violence was slow and although some arrests were made and security temporarily increased, residents remained distrustful of the authorities.

In retaliation, members of the Kikuyu community attacked and virtually wiped out a Kalenjin community at Naishie (Lore), slaughtering men, women, and children. Shortly after the attack on the Kalenjin community, President Moi publicly called for peace and the violence subsided, although sporadic attacks continued through the year.

The renewal of political violence occurred against the backdrop of the calls for legal reform to curb presidential powers. Some significant legislative reforms were passed in November 1997 following talks between the government and opposition politicians in the Inter-Parties Parliamentary Group (IPPG). Prior to the election, a coalition of opposition parties, human rights, religious and nongovernmental groups came together in the National Convention Executive Council (NCEC) to call for constitutional reform. Peaceful rallies and strikes called by the NCEC in 1997 were met with brutal force, however, in what was a major factor in pushing for the enactment of the reforms prior to the election. The government successfully divided the constitutional reform lobby by selecting the IPPG as a body to deal with and excluding the NCEC from participation in the reform process, reducing its momentum and dividing the reform constituency. By year's end, the reform crisis had not been resolved and the post-election environment continued to be characterized by distrust, infighting, and a lack of consensus—playing perfectly into Moi's hand.

In August, Kenya became the focal point of the international news following the bombing of the U.S. embassies there and in neighboring Tanzania. The attack on the embassy resulted in the death of some 400 Kenyans as well as twelve embassy staff members; thousands of Kenyans were wounded, many grievously. In addition to the human suffering caused by the bombing itself, the incident had further repercussions for the human rights situation. First, the event drew international attention from the domestic human rights problems in Kenya. Second, the government's response to the bombing was to crack down indiscriminately against foreigners and Muslim-run nongovernmental organizations (NGOs). Refugees without distinction were told to report to the immigration authorities and informed that documents issued by the U.N. High Commissioner for Refugees to them were no longer valid. When accredited refugees with UNHCR letters presented themselves at immigration, these letters were taken away and they were given papers that deemed them illegal immigrants.

In September, without making public the basis for the measures, the government canceled the registration of five Islamic relief agencies for allegedly supporting terrorism—the Al-Haramain Foundation, Help African People, the Islamic Relief Organization, the Ibrahim Bin Abdul Aziz Al Ibrahim Foundation, and Mercy Relief International. The authorities claimed that materials for the bomb were smuggled in as relief aid with the help of some Islamic relief agencies. The offices of Mercy Relief International had been raided by the Kenyan police and agents of the U.S. Federal Bureau of Investigation (FBI) shortly after the bombing.

Police brutality, bad prison conditions, lack of an independent judiciary, and repressive legislation remained major impediments to respect for human rights in Kenya. No progress was made during 1999 by the legal task forces formed by the attorney general in 1993 to amend or repeal repressive legislation that impinged upon the rights of freedom of speech, association, and assembly.

The independent media also came under attack. In April, the editor of *Dispatch* was arrested for an article containing "alarming information." In July, three publications were refused registration—*Finance*, *Post*, and *Star*—and a fourth, *Kenya Confidential*, was told that it was functioning illegally since it had not registered. The same month, newspaper stalls were attacked by unknown assailants who destroyed hundreds of copies of the *Daily Nation* newspaper, the most outspoken daily.

## Defending Human Rights

A wide array of local human rights organizations were engaged in monitoring human rights in Kenya, but some came under threat during the year, particularly those associated with the NCEC. On January 19, a leading member of the NCEC was abducted by four armed plainclothesmen who drove him around in his car and threatened him for approximately two hours before abandoning him and taking his NCEC documents. In March, President Moi threatened to deregister a number of human rights NGOs following their support of the NCEC, including the Kenya Human Rights Commission. On January 27, a peaceful demonstration held in Nairobi to protest the outbreak of political violence in the Rift Valley was violently dispersed by police and two members of the Release Political Prisoners (RPP) group were arrested and charged with unlawful assembly. The charges were dropped on March 15.

On May 22, a member of the Kenya Human Rights Commission and a journalist were charged with theft and released on bail after being held incommunicado for four days. The arrests took place after a new pro-government group called NGO Watch accused them of stealing an advance copy of a confidential report and some personal property. Following the arrests, the offices of the Kenya Human Rights Commission were searched.

Following the de-registration of five Islamic relief agencies in September (temporarily stayed by a court order), the head of the NGO Coordinating Committee stated that other NGOs would be investigated and their registrations would be revoked. President Moi also announced that the government

would reduce the number of NGOs in Kenya, raising concerns that some NGOs may be targeted for speaking out against government abuse. Shortly after, eleven more NGOs were de-registered for allegedly "deviating from functions they were registered for," and for "engaging in political matters."

The government-sponsored Human Rights Standing Committee, formed in May 1996, handed its sixth confidential report to President Moi, but otherwise remained silent on abuses occurring in the country.

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

In the lead-up to the election, Kenya's main donors played a positive role in pushing the government to concede to domestic demands for genuine pluralism. Donors took a more unified public stand around human rights than in the past, although they stopped short of placing human rights conditions on donor aid. In a series of joint statements in 1997, several donor countries criticized police brutality, government harassment of the opposition, and the need to respect the rights to life, speech, assembly, and association.

Donors continued to unite to protest human rights problems during the year, although less frequently than in 1997. On election day, international observers from twenty-two embassies, known as the Donor's Democratic Development Group, monitored the process. This group issued a January 9, 1999 statement noting that "a significant number of young Kenyans were denied the right to register [to vote] as they had not received their identity cards in time." The statement also noted that the government's minimal constitutional reforms did improve the political climate and reduce violence, however "the timing of these reforms just prior to the elections reduced their ability to level sufficiently the playing field." The same group also issued another statement in January 1999 expressing concern over the outbreak of "ethnic" violence and the "slow and ineffective response by security forces."

Following the election, international attention to the human rights situation declined significantly. Small concessions or promises by the Kenyan government, often not carried through, were hailed as major steps forward, missing the ongoing pattern of government unwillingness to promote and protect rights. During 1999, international attention focused mainly on Kenya's worsening economic situation and its dismal record on corruption. The international financial institutions remained dissatisfied with the lack of economic reform occurring in Kenya, and World Bank and IMF funding remained suspended since 1997 pending progress on corruption. There were some preliminary attempts by twenty-four of Kenya's donors to produce a document setting out ways for donors to better coordinate their funding efforts with regard to promoting human rights and good governance in Kenya. It is hoped that this document will be put into effect by Kenya's donors.

### **European Union**

The E.U. did not have a central focus on human rights in Kenya, although it did raise concerns where rights violations impeded good governance. The E.U. signed several joint statements with other donors during the year. On January 6, 1999, the E.U. released a strong statement on the Kenyan elections noting that "in several respects, the process fell short of normal democratic standards...The 1997 elections, despite the shortcomings, may be seen as a further step in Kenya's development towards greater democracy. It is clear that despite positive developments in recent years, that process still has far to go. A democratic culture has yet to take root across the country." The statement concluded by urging that the constitutional review process was of "central significance" and needed to be embarked on immediately.

The European Commission has a budget of about two million ECUs to spend to promote good governance in Kenya over a five year period. However, this amount remains untouched, largely due to the lack of progress by the Kenyan government on governance issues.

### **United States**

Although human rights concerns remained on the U.S. agenda, trade and economic concerns as well as the embassy bombing tended to take precedence over the human rights situation. Kenya was visited by a number of high-ranking U.S. officials. In February, Special Envoy for the Promotion of Democracy in Africa Rev. Jesse Jackson, visited Kenya and toured areas of the Rift Valley affected by the political violence. Rev. Jackson spoke out strongly against the violence both publicly and in a meeting with President Moi. As a result of his urging, President Moi visited the affected areas shortly after. This was the second trip by Rev. Jackson and a welcome change from the silence on human rights issues during his previous visit.

In March, President Clinton's trip through several sub-Saharan countries by-passed Kenya due in part to its lack of progress on economic and human rights reform. President Moi was one of several African presidents who met President Clinton in Uganda and signed the U.S.-inspired Entebbe communique that pledged its signatories to uphold human rights. The Clinton visit also made time to allow the voice of the Kenyan human rights community to be heard. During Clinton's visit to Senegal, Kenyan Archbishop Ndingi Mwanja Nzeki participated in a face-to-face session held with civil society and human rights activists and spoke of human rights violations in Kenya.

In July and September, economic and trade concerns were raised in visits by Treasury Secretary Robert Rubin and Commerce Secretary William Daley respectively. During his visit, Secretary Rubin noted that U.S. assistance would be predicated on continued economic and political reforms, but did not raise human rights concerns in any further detail. Secretary Daley made no public reference to human rights concerns. In August, Secretary of State Madeleine Albright visited Kenya following the bombing of the U.S. Embassy to express her sympathies.

In 1999, U.S. development aid to Kenya totaled U.S.\$23.5 million. Approximately two-thirds of this aid was allocated to program assistance directed almost entirely to nongovernmental organizations.

## **LIBERIA**

### **Human Rights Developments**

Although President Charles Taylor declared his intention to head a government that respected human rights and the rule of law, the actions of his government during his first full year in office dispelled hopes that this government would live up to its promises. President Taylor took office following an election in July 1997 that ended a brutal seven-year civil war. A former faction leader during the war, he inherited a country deeply divided by the numerous demobilized faction fighters, a shattered economy and political system, and the displacement of over half its population.



DURING THE WAR, ALL THE FACTIONS WERE RESPONSIBLE FOR TERRORIZING THE LOCAL POPULATIONS IN ORDER TO LOOT AND TO DISCOURAGE SUPPORT FOR RIVAL FACTIONS. THE WIDESPREAD ATROCITIES AGAINST CIVILIANS INCLUDED EXTRAJUDICIAL EXECUTIONS, TORTURE, FORCED LABOR, AND EXTORTION. THE FACTIONS CONSISTED PREDOMINANTLY OF BANDS OF ARMED FIGHTERS, MANY AS YOUNG AS TEN YEARS OF AGE, WITH NO FORMAL MILITARY TRAINING. THE UN ESTIMATED THAT SOME 15,000 TO 20,000 CHILDREN HAD DIRECTLY PARTICIPATED IN VIOLENT ACTS, WERE EXPOSED TO FIGHTING, AND WERE THEMSELVES BRUTALLY VICTIMIZED.

THE TIMETABLE FOR DISARMAMENT, DEMOBILIZATION, AND THE ELECTION THAT BROUGHT THE CONFLICT TO AN END, UNDER THE AUSPICES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) AND THE UNITED NATIONS (UN), WAS EXTREMELY TIGHT. A NUMBER OF IMPORTANT MEASURES REQUIRED IN THE TERMS OF THE PEACE ACCORD WERE NOT COMPLETED PRIOR TO THE ELECTION, PARTICULARLY THE DISARMAMENT AND DEMOBILIZATION OF COMBATANTS AND THE RETURN OF REFUGEES FROM NEIGHBORING COUNTRIES. THE LARGER CONTEXT IN WHICH THE ELECTION WAS HELD PLACED LIMITATIONS ON HOW FREE AND FAIR IT COULD BE, AND PRESIDENT TAYLOR'S VICTORY WAS DUE IN LARGE PART TO THE IMPLICIT THREAT THAT HE WOULD RESUME THE FIGHTING IF HE LOST.

MOREOVER, IN A BID TO NEGOTIATE PEACE IN LIBERIA, INTERNATIONAL ACTIONS DISPENSED WITH DEMANDS FOR ACCOUNTABILITY IN AN EFFORT TO BROKER A POLITICAL RESOLUTION OF THE LONG WAR, HOWEVER TENUOUS. THE PEACE ACCORDS GRANTED A GENERAL AMNESTY TO FACTION FIGHTERS FOR ABUSES COMMITTED "IN THE COURSE OF ACTUAL MILITARY ENGAGEMENTS," POSING A SERIOUS OBSTACLE TO RECONCILIATION AND REBUILDING EFFORTS. THOSE RESPONSIBLE FOR COMMITTING SOME OF THE MOST UNIMAGINABLE ATROCITIES DURING THE WAR WERE NEITHER PUNISHED FOR THEIR ACTIONS NOR EFFECTIVELY DEMOBILIZED. FORMER FACTION FIGHTERS—PARTICULARLY THOSE OF TAYLOR'S FACTION, THE NATIONAL PATRIOTIC FRONT OF LIBERIA (NPFL)—CONTINUED TO ACT WITH IMPUNITY AND REMAINED A SERIOUS IMPEDIMENT TO CONTINUED PEACE.

THE WHOLESALE ENROLLMENT OF FIGHTERS FROM TAYLOR'S FORMER FACTION INTO THE COUNTRY'S SECURITY FORCES POSED A MAJOR THREAT. FOLLOWING HIS INAUGURATION, THE NEW PRESIDENT REJECTED THE PEACE ACCORD PROVISION THAT PROVIDED FOR AN OPEN AND TRANSPARENT RESTRUCTURING OF THE SECURITY FORCES BY THE WEST AFRICAN PEACEKEEPING FORCE. INSTEAD, FORMER NPFL FIGHTERS WERE PLACED IN THE SECURITY AND POLICE FORCES WITHOUT SERIOUS EFFORTS TO PROVIDE TRAINING OR TO MEET PLEDGES TO INCORPORATE MEMBERS FROM THE OTHER ARMED FACTIONS. THE LIBERIAN DEFENSE MINISTER STATED THAT THE ARMED FORCES OF LIBERIA CONSISTED OF SOME 14,000 TROOPS, DESPITE THE GOVERNMENT'S ESTIMATE THAT IT NEEDED AN ARMY OF NO MORE THAN 5,000. AFTER TAKING OFFICE, TAYLOR ALSO CREATED A NEW SPECIAL SECURITY UNIT, KNOWN INFORMALLY AS THE "TIE-DYE" BOYS DUE TO THEIR BLUE CAMOUFLAGE UNIFORMS, WHICH QUICKLY BECAME NOTORIOUS FOR HARASSING CIVILIANS AND LOOTING. FORMER ARMED NPFL FIGHTERS WERE ALSO PERMITTED BY THE GOVERNMENT TO CREATE SECURITY FIRMS FOR HIRE BY PRIVATE SECTOR COMPANIES. THERE WERE COMPLAINTS OF INTIMIDATION, EXTORTION, AND GENERAL LAWLESSNESS BY BOTH THE GOVERNMENT FORCES AND THE PRIVATE SECURITY COMPANIES.

THE NEWLY CONSTITUTED ARMED FORCES WERE RESPONSIBLE FOR KILLINGS, "DISAPPEARANCES," AND THE HARASSMENT OF GOVERNMENT CRITICS AND OPPONENTS. THROUGHOUT THE YEAR, TENSIONS ESCALATED. A PROMINENT INCIDENT WAS THE IN-CUSTODY KILLING OF PROMINENT TAYLOR CRITIC SAMUEL DOKIE, ALONG WITH HIS WIFE AND TWO OTHERS, AFTER THEIR ARREST BY TAYLOR'S SPECIAL SECURITY SERVICES BODYGUARDS ON NOVEMBER 28, 1997. ALTHOUGH THE GOVERNMENT ANNOUNCED THAT STEPS WOULD BE TAKEN TO HOLD THOSE RESPONSIBLE ACCOUNTABLE, THE SECURITY OFFICERS BROUGHT TO TRIAL FOR THE MURDERS WERE ACQUITTED. NOWAH FLOMO, A MARKET WOMAN, WAS SEIZED FROM HER HOME IN JUNE 1998 FOLLOWING A CONFRONTATION WITH A SECURITY OFFICER; HER ARREST WAS NEVER ACKNOWLEDGED AND HER "DISAPPEARANCE" REMAINED UNSOLVED AS OF OCTOBER 1998. FIVE SECURITY OFFICERS WERE ARRESTED IN CONNECTION WITH HER CASE, BUT RELEASED IN AUGUST. AFTER A PUBLIC UPROAR, THEY WERE REPORTEDLY REARRESTED BUT NO FURTHER STEPS WERE TAKEN BY THE GOVERNMENT TO INVESTIGATE THE CASE OR TO PROSECUTE THE RESPONSIBLE OFFICIALS.

THE RELATIONSHIP BETWEEN THE STATE SECURITY FORCES AND SUPPORTERS OF OFFICIALLY DISBANDED WARRING FACTION LEADER ROOSEVELT JOHNSON STEADILY WORSENERD DURING THE YEAR, CULMINATING IN FIGHTING IN THE CAPITAL MONROVIA AND MR. JOHNSON'S FLIGHT FROM THE COUNTRY. PRESIDENT TAYLOR REPEATEDLY ACCUSED MR. JOHNSON OF PLOTTING TO OVERTHROW HIM BY FORCE WHILE MR. JOHNSON CLAIMED THAT TAYLOR'S FORCES WERE ATTEMPTING TO KILL HIM. ON JUNE 6, SIX FORMER FIGHTERS OF JOHNSON'S ETHNIC KRAHN GROUP, THE UNITED LIBERATION MOVEMENT FOR DEMOCRACY IN LIBERIA (ULIMO-J), "DISAPPEARED" AT THE INTERNATIONAL AIRPORT WHERE THEY WERE SCHEDULED TO DEPART ON A FLIGHT TO THE GAMBIA. THEIR PAPERS WERE REPORTEDLY SEIZED BY IMMIGRATION OFFICIALS AND NONE OF THEM BOARDED THE PLANE, ALTHOUGH THE MINISTRY OF JUSTICE LATER DENIED THAT THEY HAD BEEN STOPPED AND CLAIMED THAT THEY HAD REACHED THEIR DESTINATION IN THE GAMBIA WHERE THEY HAD PLANNED "MILITARY TRAINING TO DESTABILIZE THE GOVERNMENT." THROUGHOUT THE YEAR, THERE WERE COMPLAINTS BY MEMBERS OF THE KRAHN AND MANDINGO GROUPS OF HARASSMENT AND THREATS BY SECURITY FORCES WHO ACCUSED THEM OF SUPPORTING MR. JOHNSON, PARTICULARLY IN LOFA AND NIMBA COUNTIES.

THERE WERE TWO OUTBREAKS OF VIOLENCE IN MONROVIA—a SIGN OF HOW FRAGILE AND VOLATILE THE SITUATION WAS. IN AUGUST, ECOWAG SOLDIERS OPENED FIRE TO DISBAN AN ARMED GROUP OF JOHNSON SUPPORTERS ON CAMP JOHNSON ROAD, THE HOME OF ROOSEVELT JOHNSON, KILLING ONE AND DISPERSING THE GROUP. CLASHES ALSO BROKE OUT ON SEPTEMBER 18 AND 19 BETWEEN GOVERNMENT SECURITY FORCES AND JOHNSON SUPPORTERS IN CENTRAL MONROVIA. THE CRISIS BEGAN WHEN LIBERIAN TROOPS TRIED TO ARREST THE FORMER REBEL LEADER, FANNING OUT THROUGH HIS NEIGHBORHOOD STRONGHOLD, LARGELY POPULATED BY HIS ETHNIC KRAHN SUPPORTERS. SMALL ARMS, ROCKET, AND MORTAR BATTLES ERUPTED IN THE CAPITAL AND SECURITY FORCES SHOT INTO THE U.S. EMBASSY AS MR. JOHNSON SOUGHT REFUGE THERE. SOME FIFTY PEOPLE WERE REPORTED KILLED. THE U.S. EMBASSY REFUSED TO TURN MR. JOHNSON OVER TO THE TAYLOR GOVERNMENT ON THE GROUNDS THAT HE WOULD NOT RECEIVE A FAIR TRIAL; HE REMAINED IN THE EMBASSY FOR ONE WEEK BEFORE BEING FLOWN TO SAFETY IN SIERRA LEONE. TRIALS COMMENCED IN A MILITARY COURT OF TWENTY-TWO PEOPLE ON VARIOUS COUNTS RANGING FROM MURDER TO TREASON.

THE INCIDENT WAS REMINISCENT OF A PREVIOUS ATTEMPT BY TAYLOR TO ARREST JOHNSON DURING THE CIVIL WAR IN 1996, SPARKING FIGHTING WHICH CLAIMED HUNDREDS OF LIVES. AT THAT TIME, JOHNSON ALSO FLED TO THE U.S. EMBASSY WHICH HELPED HIM REACH GHANA. WHEN TAYLOR WON THE PRESIDENTIAL ELECTION IN 1997 HE REACHED A TENUOUS PEACE WITH JOHNSON WHO RETURNED TO BECOME LIBERIA'S RURAL DEVELOPMENT MINISTER.

THE INDEPENDENT PRESS PERIODICALLY CAME UNDER ATTACK BY THE GOVERNMENT. STAFF MEMBERS OF THE *INQUIRER* NEWSPAPER WERE SUBJECTED TO ARBITRARY ARRESTS AND DETENTION, WHILE THE *NEW DEMOCRAT* WAS DENIED REGISTRATION. THE INDEPENDENT *STAR* RADIO STATION WAS CLOSED BY THE GOVERNMENT FOR ONE MONTH IN JANUARY 1998, AND THE GOVERNMENT THREATENED TO SHUT DOWN *RADIO VERITAS* OF THE CATHOLIC CHURCH. IN ONE PARTICULARLY THREATENING CASE, THE PRODUCER AND BROADCASTER FOR THE DUCOR BROADCASTING ASSOCIATION, ALEY REDD, WAS ABDUCTED AND HELD CAPTIVE FOR TWO DAYS BY SECURITY FORCES ON DECEMBER 21, 1997. WHEN HE CONTACTED THE POLICE TO FILE A COMPLAINT AFTER HIS RELEASE, HE WAS DETAINED AND LATER CHARGED WITH "TREASON" FOR INQUIRING INTO THE DOKIE MURDER. SHORTLY AFTERWARDS THE CHARGES WERE AMENDED TO FILING A "FALSE REPORT TO LAW ENFORCEMENT OFFICERS" ON THE GROUNDS THAT HE HAD LIED ABOUT HIS ABDUCTION. FOLLOWING HIS RELEASE, HE WAS HARASSED AND RECEIVED DEATH THREATS. HE EVENTUALLY FLED THE COUNTRY AND SOUGHT POLITICAL ASYLUM.

VOLUNTARY REPATRIATION OF THE ESTIMATED ONE MILLION REFUGEE AND INTERNALLY DISPLACED LIBERIANS CONTINUED. IN SEPTEMBER, THE UN HIGH COMMISSIONER FOR REFUGEES (UNHCR) ESTIMATED THAT SINCE OPERATIONS BEGAN IN DECEMBER 1997 SOME 80,000 PEOPLE WERE REPATRIATED WITH UNHCR HELP, AND 195,000 RETURNED HOME OF THEIR OWN ACCORD. ACCORDING TO UNHCR, SOME 490,000 LIBERIAN REFUGEES WERE IN NEIGHBORING COUNTRIES AT THE OUTSET OF THE REPATRIATION PROGRAM.

OF THOSE, 235,000 WERE IN GUINEA, 160,000 IN IVORY COAST, 17,000 IN GHANA, 14,000 IN SIERRA LEONE AND 6,000 IN NIGERIA. STATISTICS ON THE RETURN OF INTERNALLY DISPLACED POPULATIONS WERE UNAVAILABLE, ALTHOUGH MANY RETURNED ON THEIR OWN. THE LIBERIAN REFUGEE, REPATRIATION AND RESETTLEMENT COMMISSION

complained that security personnel at checkpoints were harassing returnees. In September, UNHCR held a meeting to discuss reintegration of returnees and the rehabilitation of damaged infrastructure in host countries. The increased security risks and the growing volatility within the country, led to serious questions by year's end as to whether the repatriation program should continue as scheduled and for the need for neighboring governments to remain prepared to host Liberian refugees in the following year.

### **Defending Human Rights**

Threats and intimidation against human rights organizations for reporting on abuses occurred periodically during the year. In July, Senator Thomas Nimley claimed human rights groups were an "enemy of the state" and were to blame for the delay in international assistance because they depicted a "negative picture" of the country. Members of the Catholic Justice and Peace Commission complained that members of its staff were under government surveillance. In October, its director Kofi Woods was forced to flee the country after the Justice and Peace Commission issued a statement condemning extrajudicial executions by government forces arising from the violence on September 18 and 19.

Despite these attacks, the emergent human rights community that had functioned only in Monrovia during the war continued to expand its activities. The organizations included the Catholic Church's Justice and Peace Commission, the Center for Law and Human Rights Education, the Liberian Human Rights Chapter, the Association of Human Rights Promoters, Liberia Watch for Human Rights, the National Human Rights Monitor, the Movement for the Defense of Human Rights, the Liberia Civil and Human Rights Association, Liberia Democracy Watch, the Civil Rights Association of Liberian Lawyers, Fore-Runners of Children's Universal Development, the Center for Democratic Empowerment, and the Association of Female Lawyers in Liberia.

The government Human Rights Commission got off to a slow start. The legislation creating the commission was flawed and, following international and domestic pressure, the act was amended by the legislature in July. The amended act empowered the commission to reach decisions by a majority vote, allowed review of a decision only by the Supreme Court, and gave the right to subpoena witnesses. Unfortunately, two of the most promising members of the commission, Kromah Bryemah and Luvenia Ash-Thomson, were rejected by the Senate, leading human rights groups to issue a statement questioning the government's commitment to the commission. Mr. Bryemah subsequently left the country, stating that he feared for his life after his detention and beating by police, actions he blamed on police director Joe Tate. President Taylor ordered a probe of the charge, but refused to make the findings public. Once the commission was constituted and able to begin its work it examined prison conditions and announced that it would observe the upcoming treason trials.

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

New international aid to Liberia remained suspended due to Liberia's unpaid international debt of U.S. \$3 million. A donors conference in April pledged U.S.\$230 million to Liberia pending a debt repayment plan to stabilize Liberia's debts. In August, a team of representatives from the donor community and the World Bank and International Monetary Fund visited Liberia to assess a framework for aid. The donors insisted that aid to Liberia would be dependent on improvements in microeconomic reporting, fiscal discipline, and respect for human rights. President Taylor in turn blamed the international community for Liberia's lack of progress during his first year in office.

### **United Nations**

The United Nations (U.N.) Department of Political Affairs retained a small U.N. political office following the withdrawal of the U.N. Observer Mission in July 1997, to serve as a focal point for post-conflict U.N. peace-building activities in Liberia and to coordinate U.N. activities in the country. This unit was also to provide advisory services to the government in defining post-conflict priorities, to raise international funds for Liberia, and to coordinate and liaise between the government and the international community. This unit remained in Monrovia during 1998 under special representative Felix Downs-Thomson, but maintained a very low profile and was not a prominent player in raising human rights issues.

### **The Economic Community of West African States Cease-fire Monitoring Group (ECOMOG)**

The relationship between President Taylor and ECOMOG remained tense, aggravated by the president's refusal to allow ECOMOG to train and restructure the Liberia armed forces in accordance with the peace accord. The Liberian Senate refused to ratify a status of forces agreement between ECOMOG and the Liberian government. Additionally, ECOMOG alleged that Taylor was undermining their peacekeeping efforts in Sierra Leone by supporting the Sierra Leonean rebel alliance that ECOMOG was seeking to defeat.

ECOMOG retained a markedly scaled down presence in Liberia due both to the end of the war in Liberia as well as to its increased mobilization in Sierra Leone. However, it continued to man checkpoints in Liberia and to undertake search and cordon operations for arms. In a number of cases, arms and ammunition were discovered and confiscated. ECOMOG also played an indispensable role in defusing tension and stepping in on several occasions to prevent altercations between Taylor and Johnson supporters.

In April, the ECOMOG commander, Brig. Gen. Timothy Shelpidi, accused the government of violating the U.N. arms embargo by rearming Liberian soldiers, special security service agents, and police units. Brig. Shelpidi publicly questioned where the origins of the arms, which included AK-47 rifles and rocket propelled grenades.

### **European Union**

The European Union (E.U.) was the principal donor to Liberia, with \$105 million in existing commitments for 1997-99. This assistance was managed directly by the European Commission and did not go through the Liberian government. According to the E.U., a normalization of this aid relationship depended on Liberia's progress on good governance, including macroeconomic management, democratization, and respect for human rights. Most of the assistance focused on health, water, education, food security, infrastructure, capacity building (which included funding to some civil society organizations and women's groups), and refugee resettlement. A new program was expected in 1999 to support the judiciary and strengthen the rule of law, and an independent media support program was under discussion. In addition, some member states had bilateral programs, including the Dutch, the British, and the Danish.

E.U. officials claimed that they used quiet diplomacy, rather than public statements, to pressure the Liberian government on human rights, and that

they remained very active and concerned behind the scenes. As a result, many ordinary Liberians and international observers outside the country were unaware of the E.U.'s actions on human rights matters or the scale of its programs.

## United States

After Liberian forces fired into the U.S. Embassy, while in pursuit of Roosevelt Johnson on September 19, relations between the two countries became decidedly frosty. The U.S. Embassy remained closed as of October 3 pending an apology from the Taylor government. In October, embassy officials said that the U.S. government was reassessing its long-standing relation with Liberia and a decision would be made whether to continue, scale down, or close the embassy operations.

The U.S. committed about U.S.\$50 million in aid for Liberia in 1999, including funding to strengthen democratic institutions, human rights activities, the newly renovated law school, and the health care delivery system. However, the delivery of aid, apart from humanitarian assistance, was suspended in October. In July, a national conference on rebuilding Liberia prominently featured the U.S. special envoy for democracy and human rights in Africa, Rev. Jesse Jackson, and U.S. special envoy to Liberia Howard Jeter as guests in Monrovia. Kofi Woods of the Liberian Catholic Justice and Peace Commission participated in a face-to-face session held by President Bill Clinton during his visit to Senegal with a number of African human rights and civil society activists.

In September, the U.S. attorney general extended temporary "protected status" to Liberians for one year from September 29, 1999, allowing an estimated 20 thousand Liberians who were in the U.S. at the time of the announcement to remain regardless of their visa status.

# MOZAMBIQUE

## Human Rights Developments

Mozambique continued to consolidate peace and reconciliation, five years after the peace accord, with the 1999 presidential and parliamentary elections to be a litmus test of how sustainable the peace was to be. Despite improvements, human rights concerns including heavy-handed policing and the manipulation of the electoral process remained.

On June 30, the first ever municipal elections occurred after a number of delays. Polls were limited to just thirty-three towns and cities, with nearly 1.5 million eligible voters, about 10 percent of the population. The elections were notable for the boycott by the main opposition parties, voter absenteeism, and poor administration; many polling stations opened late and the National Election Commission (CNE) took two days longer than the fifteen allowed by law to compile and announce the results. Fewer than 15 percent of voters turned out.

The Mozambique National Resistance (RENAMO) and many of the smaller parties which stood in the 1994 multiparty elections called for a boycott and used the two-week campaign period to promote their boycott. This resulted in ruling Front for the Liberation of Mozambique (FRELIMO) candidates being unopposed for mayor (president) in nineteen of the thirty-three cities. FRELIMO won the mayoral elections in all thirty-three cities and towns although independent candidates gained significant numbers of seats in Maputo, Beira, and Matola.

Witnesses described some fraud and intimidation. RENAMO cadres forcibly collected and destroyed voters cards in the northern town of Angoche, Nampula province. Police detained ten RENAMO members there on charges of seizing voting cards, who were sentenced to between three and six months in prison. In Chimioio, Manica province, RENAMO members reportedly visited the bars and warned people that if they had ink on their hands - voter's hands are stamped to prevent repeat voting - the party would note for future reference that they had voted.

FRELIMO supporters in Maputo threw stones at vehicles full of supporters of Philippe Gagnau, one of the independent candidates for mayor of the capital, injuring a woman. RENAMO also alleged that six of its members were arrested by the police in Tete city in June, targeted because they were campaigning for a boycott of the elections. RENAMO also published in April a list of eighty-four names of RENAMO members or sympathizers who it alleged lost their jobs or were otherwise victimized because of their political loyalties. By August the Supreme Court had identified six anomalies in the administration of the electoral process at polling stations throughout the country and ordered the CNE to correct the errors.

Arms smuggling was a particularly prominent issue and generated joint South African-Mozambican police operations against it. The head of Chokwe prison was arrested in May, charged with accepting a bribe after releasing four alleged arms dealers. The Mozambican Christian Council's "Guns into Hoes" project continued to grow with some 27,000 items of weaponry exchanged since 1995 for useful goods such as bicycles, sewing machines, or agricultural tools. Landmines remained a problem, but the government demonstrated its support of the 1997 Ottawa Mine Ban Treaty by ratifying it on August 25.

Police behavior remained a serious concern and continued to be the source of the majority of complaints Human Rights Watch received in 1997. In January police killed one man and wounded four others as they attempted to disperse some 250 security guards who demonstrated for better pay against a private security firm in Maputo run by the United States corporation Wackenhut. Human Rights Watch also received a number of reports of excessive force against suspects by police in Nampula, including shootings. In May, in the Angoche area, a policeman who shot a man suspected of stealing a chicken but he remained in post. In late November 1997 reporter João Chamusse tried to interview people about a robbery in which police were alleged to have been too intimidated to intervene. The police detained him on the pretext that he did not have his identity card.

Conscription had ended with the signing of the October 1992 peace agreement, but the Mozambican parliament on November 26, 1997 passed a bill reintroducing military conscription, against strong opposition from RENAMO. According to the law all Mozambicans who reached eighteen must register for military service. The reintroduction of conscription followed failure to attract volunteers to the Mozambican Defense Force (FADM). In 1999, there were reports that renewed conscription had been abused. The commander of the Samora Machel Military College repeatedly denied that youths in Nampula were being violently recruited into the military. The Child-Soldier Campaign, a network of Mozambican NGOs dedicated to children's welfare, also lobbied parliament to legislate against conscription of former child-soldiers who fought in the war ending in 1992. According to the campaign's coordinator there were some 10,000 ex-combatant youngsters who were at risk of conscription.

## Defending Human Rights

The Mozambican Human Rights League (LDH) complained that a lack of resources made it difficult to document and publish reports on abuses, although it announced that Mozambique had "the best human rights record" in southern Africa. The Association of Human Rights Development (DHD) held a number of workshops in Maputo on human rights but did not embark upon documentation of abuses. After a long delay, Amnesty International obtained an invitation from the Interior Ministry and visited the country in June to look at policing.

## The Role of the International Community

In April President Chissano thanked the World Bank, International Monetary Fund, and the Paris Club for measures to reduce Mozambique's foreign debt and pledged to work on a general financial strategy called the 2020 Agenda. Mozambique also qualified for a new World Bank/IMF initiative as a Highly Indebted Poor Country (HIPC). In 1999, the Paris Club agreed to cut the debt by 90 per cent and granted U.S. \$170 million in bilateral aid. The E.U. tried to mediate over the municipal election boycott and urged the opposition parties to reconsider their withdrawal. In 1999, the Paris Club agreed to cut the debt by 90 percent and granted U.S. \$170 million in bilateral aid.

## United States

The new U.S. ambassador to Maputo, Dean Curran, arrived in Mozambique in December 1997. However, bilateral U.S.-Mozambican relations deteriorated over the conduct of the municipal elections. The U.S. issued a demarche in May to the government and withdrew support for the election process alleging that transparency and fairness were lacking. USAID committed U.S. \$44 million to Mozambique for development aid in 1999 and an additional U.S. \$19 million through the Office of Foreign Disaster Assistance and the P.L. 490 Title II Emergency Program. The U.S. Peace Corps opened a program in Mozambique in October working on health care issues and English teaching. Treasury Secretary Robert Rubin visited Mozambique in July to support the retooling of the economy from socialism to free enterprise.

# NIGERIA

## Human Rights Developments

The death of head of state Gen. Sani Abacha on June 9, 1999, brought to an abrupt end the discredited transition program that had apparently been designed for his self-succession as a civilian president, and brought the first hopes for several years of a genuinely elected government in Nigeria. New head of state Gen. Abdulsalam Abubakar swiftly repealed the 1996 decrees bringing the Abacha program into existence and announced steps to hold fresh elections to install a civilian government at the end of May 1999. General Abubakar progressively released most civilian political prisoners, and announced that treason charges against some of those in exile (including Nobel laureate Wole Soyinka) would be withdrawn. However, decrees allowing detention without trial, suspending constitutional guarantees of human rights, and barring the courts from reviewing executive acts, remained in force. One month after the death of General Abacha, MKO Abiola, the presumed winner of the 1993 presidential elections, died in detention. Independent international pathologists who carried out a postmortem found no evidence of a cause of death other than heart disease, but his death was doubtless hastened by four years of incarceration without proper medical treatment.

Elections to state assemblies were held in December 1997, and to the national assembly in April 1999, under the Abacha transition program. Candidates were screened by the National Electoral Commission of Nigeria (NECON), by the State Security Service, and by the National Drug Law Enforcement Agency. Any candidate with connections to pro-democracy, human rights, or opposition groups was excluded. Turnout for the votes was very low. All five officially-sanctioned parties subsequently adopted General Abacha as their preferred presidential candidate for elections due in August, although by the time of his death Abacha had yet to declare his intentions formally.

Opposition figures who had refused to participate in Abacha's transition responded more positively to the new program announced by General Abubakar, but concerns remained, including Abubakar's endorsement of the draft constitution of 1995, prepared by a constitutional assembly that was not elected under free and fair conditions, and unpublished by General Abacha. Abubakar did then publish for discussion the constitution which was to come into effect when a civilian government took office. Human rights and pro-democracy activists also argued that any transition program under the control of the military could not lead to genuine elections, and that the new Independent National Electoral Commission (INEC), despite its name, would necessarily remain subject to the military's wishes. Accordingly, they called for a government of national unity to be established, including representatives from a range of groups opposed to military rule, to govern during the period leading to elections and to convene a "sovereign national conference" to draft a new constitution. Twenty-four political parties representing more mainstream politicians applied to the INEC to be registered.

A number of high-profile political prisoners were excluded from the releases ordered by General Abubakar during the weeks after he became head of state and remained in detention as of mid-October. They included military personnel convicted after unfair trials before military tribunals of involvement in alleged coup plots in 1990, 1995, and 1997, as well as civilians Niran Malaolu, a journalist convicted of involvement in the 1997 coup plot, and Turner Ogburn, convicted in connection with the 1990 coup plot and still in detention despite court orders for his release. Sheikh Ibrahim El Zak-Zaky, a radical Muslim leader, entered his third year in detention, charged with "publication of materials capable of undermining the security of the nation." At least 163 bank executives remained in detention without charge under "failed bank" decrees passed by the Abacha government, although the government promised to review their cases. A number of close advisers of General Abacha were detained following his death, in connection with allegations of massive theft of government funds.

Decrees restricting freedom of expression remained in force, including the 1993 Offensive Publications (Proscription) and Newspapers Decrees, although the new minister of information promised their review. The draft 1995 constitution included provision for a "mass media commission" to regulate

the media, raising concerns over future restrictions on critical reporting. Prior to the death of General Abacha, journalists faced continual harassment from security forces, though the situation improved dramatically following his death. In August, a court ordered the federal government to pay 2.4 million (U.S.\$29,235) compensation to *Tell* magazine in respect of 70,000 copies of the magazine seized in May 1993. However, a journalist was shot dead in a printer's office in Enugu, eastern Nigeria, during the same month, by police who had come to arrest the printer. In August, the presidential task force on terrorism alleged that Bagauda Kal'ho, a journalist missing since January 1996, had died in a bomb blast in Kaduna for which he was responsible. The publishers of *News* magazine, where Kal'ho had worked, rejected this allegation, claiming that Kal'ho might have died after being tortured in police custody.

Opposition rallies held before the death of General Abacha were routinely disrupted. Rallies held after Abacha's death and in protest at the death of Chief Abiola were also broken up by police, with dozens of people arrested. Police warned prospective demonstrators that the Public Order Act requiring a police permit for assemblies was still in effect. In July, police also warned Muslim groups protesting the continued detention of El Zak-Zaky not to hold demonstrations: police shot dead five people taking part in demonstrations in support of El Zak-Zaky in Kaduna in September. In August, General Abubakar announced the repeal of decrees dissolving the national executives of unions in the oil sector and in universities and of the Nigerian Labour Congress, the union umbrella organization. Other decrees restricting the right to organize remained in force.

Nigerian citizens not actively involved in politics faced a consistent pattern of human rights violations both before and after the death of General Abacha. The security forces carried out summary executions and torture, and prison conditions remained life threatening. In July 1999 General Abubakar ordered the immediate release of prisoners held for extended periods on criminal charges without trial or held despite having completed the sentences handed down by the courts. Different state governments operated special task forces with names like "Operation Sweep" or "Operation Storm" that were among the most abusive units of the Nigerian security forces. Many of those arrested by these units were convicted of "armed robbery" before special tribunals which did not respect international standards: those found guilty were executed by firing squad without the right to appeal.

The rights of women in Nigeria were routinely violated. The Penal Code explicitly stated that assaults committed by a man on his wife were not an offence, if permitted by customary law and if "grievous hurt" was not inflicted. Marital rape was not a crime. Child marriages remained common, especially in northern Nigeria, with consequent serious health effects for children subjected to early pregnancy or to intercourse prior to sexual maturity. Women were denied equal rights in the inheritance of property; however, a landmark ruling from eastern Nigeria in September 1997 upheld a woman's right to inherit her husband's estate. It was estimated that about 60 percent of Nigerian women were subjected to female genital cutting. Child labor, especially in domestic work, often completely unpaid, remained common.

In Ogoniland, home of the Movement for the Survival of the Ogoni People (MOSOP), of which Ken Saro-Wiwa was leader before his execution in November 1995, severe repression continued during 1999 until the death of General Abacha. The Rivers State Internal Security Task Force, created in response to the "Ogoni crisis," summarily executed several people suspected of sympathy for MOSOP during raids carried out following MOSOP demonstrations, killing at least one after General Abubakar became head of state, and others were detained without trial. From September General Abubakar took progressive steps to relax security measures. Twenty Ogonis, held since 1994 on charges of murder before a special tribunal in connection with the same events as those for which Saro-Wiwa and eight others were hanged, were released in early September, and other detainees some days later. At the end of the month it was announced that the Task Force had been withdrawn from the region.

Elsewhere in the oil producing areas of the Niger Delta, police and soldiers responded to any threat of protest against oil company activity with arbitrary arrests, beatings, and sometimes killings. In May, about two hundred youths occupied an offshore platform belonging to Chevron, and closed down production. Soldiers killed two and injured another in the course of reoccupying the platform; Chevron later admitted transporting these troops. In July 1999 eleven youths protesting the failure of Mobil to pay compensation for damage caused by a major spill which took place in January were reportedly shot dead by police. Numerous other less serious incidents took place, and seemed to escalate, during the year.

## Defending Human Rights

Nigeria's numerous and sophisticated human rights groups continued their activities of monitoring, advocacy, and education throughout the year, despite routine harassment by the authorities, especially before the death of General Abacha. Officers of the State Security Service (SSS) visited the offices of human rights and independent news organizations to intimidate staff, destroy property and confiscate publications; human rights activists and journalists writing critically about the government were detained on a number of occasions; others were prevented from traveling abroad to attend international gatherings at which Nigeria was to be discussed. Following Abacha's death, most human rights advocates and journalists in detention were released, and respect for the right to monitor significantly improved, though some activists still encountered problems in attempting to travel outside the country.

The government-appointed National Human Rights Commission, created in 1996, held or attended a number of meetings to discuss human rights issues, some of them arranged by nongovernmental human rights groups such as the Constitutional Rights Project. The commission also recommended reforms to the new head of state, General Abubakar, including the repeal of repressive decrees such as those allowing detention without charge.

## The Role of the International Community

The international community's weak and indecisive response to Abacha's plans for "transition" remained unchanged until his death. General Abubakar's taking power, the release of political prisoners, and the fresh transition program were greeted with relief. Representatives of multilateral bodies and individual states lined up to meet with the new head of state, and all indications were that sanctions in place against the Abacha regime would be lifted sooner rather than later. Indeed, many of the measures announced by General Abubakar—such as cooperation on drug enforcement issues or steps to address air safety—seemed designed for an international rather than a domestic audience, aimed at Nigeria's reintegration into international diplomatic circles.

## The Commonwealth

The Commonwealth Heads of Government Meeting (CHOGM) met at the end of October 1997 and voted to continue Nigeria's suspension from the Commonwealth, imposed in 1995, and the mandate of the Commonwealth Ministerial Action Group (CMAG). CMAG met in March 1999 and issued a statement expressing its

CONCERN AT HUMAN RIGHTS VIOLATIONS AND CALLING FOR RESPECT FOR THE 1991 HARARE COMMONWEALTH DECLARATION, COMMITTING COMMONWEALTH MEMBERS TO DEMOCRATIC GOVERNANCE. THE COMMONWEALTH SECRETARY-GENERAL, EMEKA ANYAOKU, A NIGERIAN HIMSELF, VISITED NIGERIA FROM JUNE 28 TO JULY 2, 1999, AND MET WITH NEW HEAD OF STATE GENERAL ABUBAKAR. HE WAS CRITICIZED BY HUMAN RIGHTS GROUPS FOR ALLEGEDLY PUTTING PRESSURE ON CHIEF ABIOLA TO ACCEPT A CONDITIONAL RELEASE FROM DETENTION, BUT DENIED THESE CHARGES. MEETING FOR THE FIRST TIME SINCE ABACHA'S DEATH, ON OCTOBER 8 AND 9, CMAG HEARD REPRESENTATIONS FROM NIGERIA'S NEW FOREIGN MINISTER, IGNATIUS OLISEMEKAI; RECOMMENDED THAT MEMBER STATES BEGIN TO LIFT SANCTIONS AGAINST NIGERIA; AND DECIDED TO ASSESS PROGRESS IN NIGERIA FOLLOWING PRESIDENTIAL ELECTIONS AT THE END OF FEBRUARY 1999, WITH A VIEW TO MAKING RECOMMENDATIONS REGARDING NIGERIA'S FULL RETURN TO THE COMMONWEALTH.

CANADA, CONSISTENTLY THE MOST OUTSPOKEN MEMBER OF CMAG, TOOK THE FIRST STEPS TO RESTORING DIPLOMATIC LINKS BROKEN IN 1996, WHEN SECRETARY OF STATE FOR AFRICA DAVID KILGOUR VISITED NIGERIA IN SEPTEMBER AND OFFERED FINANCIAL AND TECHNICAL ASSISTANCE FOR THE ELECTIONS, AS DID OTHER COMMONWEALTH MEMBERS AND THE COMMONWEALTH SECRETARIAT.

## United Nations

U.N. SECRETARY-GENERAL KOFI ANNAN WAS ONE OF THE FIRST LEADERS TO MEET WITH GENERAL ABUBAKAR. LIKE ANYAOKU, HE WAS CRITICIZED FOR APPEARING TO SUGGEST THAT A CONDITIONAL RELEASE FOR CHIEF ABIOLA WOULD BE ACCEPTABLE. HIGH COMMISSIONER FOR HUMAN RIGHTS MARY ROBINSON ISSUED STATEMENTS WELCOMING GENERAL ABUBAKAR'S ANNOUNCEMENT OF THE RELEASE OF POLITICAL PRISONERS, AND HOPING THAT PLEDGES OF RESPECT FOR HUMAN RIGHTS WOULD SOON TURN TO REALITY. THE U.N. ALSO OFFERED TECHNICAL ASSISTANCE FOR THE ELECTIONS.

THE ABACHA GOVERNMENT DID NOT ALLOW THE U.N. SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN NIGERIA, SOLI SORABJEE, ENTRY TO NIGERIA. HIS 1999 REPORTS WERE THEREFORE BASED ON INFORMATION GATHERED OUTSIDE THE COUNTRY. THE REPORT TO THE COMMISSION ON HUMAN RIGHTS CONCLUDED THAT "WIDESPREAD VIOLATION OF HUMAN RIGHTS OCCURS IN NIGERIA," THAT "THE NIGERIAN LEGAL SYSTEM DOES NOT CURRENTLY PROVIDE EFFECTIVE PROTECTION OF HUMAN RIGHTS," AND THAT "THE RULE OF LAW DOES NOT PREVAIL IN NIGERIA," AS WELL AS DETAILING A RANGE OF SPECIFIC ABUSES. THE COMMISSION VOTED TO CONTINUE HIS MANDATE FOR A FURTHER YEAR. IN SEPTEMBER, IT WAS ANNOUNCED THAT THE SPECIAL RAPPORTEUR WOULD BE ALLOWED ACCESS TO THE COUNTRY.

IN APRIL, THE U.N. COMMITTEE ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS CONSIDERED NIGERIA'S FIRST REPORT ON ITS IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND, REGRETTING ITS POOR QUALITY, NOTED NUMEROUS GRAVE VIOLATIONS. THE COMMITTEE STATED THAT THE RESTORATION OF DEMOCRACY AND THE RULE OF LAW WERE PREREQUISITES FOR THE IMPLEMENTATION OF THE COVENANT, AND CALLED FOR THE NIGERIAN GOVERNMENT TO ADDRESS A RANGE OF ABUSES, INCLUDING VIOLATIONS OF LABOR RIGHTS, VIOLENCE AND DISCRIMINATION AGAINST WOMEN AND CHILDREN, ARBITRARY EVICTIONS, AND DISCRIMINATION AGAINST MINORITIES. THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN CONSIDERED NIGERIA'S SECOND AND THIRD REPORTS TO IT IN JULY, COVERING THE PERIOD 1997 TO 1994. THE COMMITTEE NOTED ABUSES RELATING TO CULTURAL STEREOTYPES, VIOLENCE AGAINST WOMEN, LOW LEVELS OF EDUCATION AMONG WOMEN, AND THE LACK OF A LEGAL AND CONSTITUTIONAL FRAMEWORK TO STRENGTHEN IMPLEMENTATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN.

IN MARCH 1999, THE GOVERNING BODY OF THE INTERNATIONAL LABOR ORGANIZATION (ILO) VOTED TO ESTABLISH A COMMISSION OF INQUIRY INTO VIOLATIONS OF ILO CONVENTION 87 ON FREEDOM OF ASSOCIATION AND OTHER ABUSES OF LABOR RIGHTS IN NIGERIA, ITS STRONGEST EXPRESSION OF DISAPPROVAL. THE WORK OF THE COMMISSION OF INQUIRY WAS SUSPENDED WHEN THE NEW GOVERNMENT RELEASED DETAINED UNION LEADERS AND REPEALED SEVERAL DECREES RESTRICTING UNION ACTIVITY. IN ITS PLACE, A "DIRECT CONTACTS MISSION" VISITED NIGERIA FROM AUGUST 17 TO 21, 1999.

## European Union and its Member States

SANCTIONS IMPOSED BY THE EUROPEAN UNION (E.U.) FOLLOWING THE NOVEMBER 1995 EXECUTIONS OF KEN SARO-WIWA AND EIGHT OTHER HUMAN RIGHTS ACTIVISTS, RENEWABLE ON A SIX-MONTHLY BASIS, REMAINED IN FORCE DURING 1999. HOWEVER, IN NOVEMBER 1997, THE GENERAL AFFAIRS COUNCIL, PUSHED IN PARTICULAR BY FRANCE AND GERMANY, VOTED TO RELAX EXISTING VISA RESTRICTIONS TO ALLOW THE NIGERIAN SOCCER TEAM TO PLAY IN THE 1999 WORLD CUP IN FRANCE AND TO ALLOW EXEMPTIONS TO VISA RESTRICTIONS ON MEMBERS OF THE REGIME ON HUMANITARIAN GROUNDS. FRANCE AND GERMANY BOTH USED THESE EXEMPTIONS TO ALLOW NIGERIAN MINISTERS TO ENTER THEIR COUNTRIES.

PRIOR TO GENERAL ABACHA'S DEATH, THE E.U. PRESIDENCY ISSUED A STATEMENT DESCRIBING THE TRANSITION PROGRAM AS A "FAILURE." AFTER GENERAL ABUBAKAR BECAME HEAD OF STATE, MINISTER OF STATE TONY LLOYD VISITED NIGERIA ON BEHALF OF THE BRITISH PRESIDENCY OF THE E.U. AND MET WITH ABUBAKAR AND OTHERS. THE E.U. WELCOMED THE RELEASE OF POLITICAL PRISONERS AND THE NEW TRANSITION PROGRAM, AND ANNOUNCED THAT IT WOULD ALLOW HIGH-LEVEL VISITS BY NIGERIAN OFFICIALS ON A CASE-BY-CASE BASIS, TO PROMOTE POLITICAL DIALOGUE, THOUGH VISA RESTRICTIONS WOULD REMAIN IN PLACE FOR THE TIME BEING. FRANCE CALLED FOR EXISTING SANCTIONS TO BE LIFTED AT AN EARLY DATE. OTHER EUROPEAN COUNTRIES, INCLUDING THE U.K., ALSO TOOK A SOFTER LINE, WELCOMING THE CHANGES BROUGHT BY GENERAL ABUBAKAR, AND UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS THOMAS PICKERING LED A DELEGATION TO ABUJA (IN WHOSE PRESENCE MKO ABIOLA COLLAPSED FROM A HEART ATTACK). IN SEPTEMBER, ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS FRANKLIN KRAMER TRAVELED TO NIGERIA FOR TALKS ON MILITARY COOPERATION.

## United States

THE CLINTON ADMINISTRATION'S POSITION ON NIGERIA, PRIOR TO GENERAL ABACHA'S DEATH, CONTINUED TO SEEM CONFUSED AND DIRECTIONLESS. IN MARCH 1999, IN ADVANCE OF PRESIDENT CLINTON'S TRIP TO AFRICA, ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS SUSAN RICE STATED THAT "ELECTORAL VICTORY BY ANY MILITARY CANDIDATE IN THE FORTHCOMING PRESIDENTIAL ELECTION IN NIGERIA WOULD BE UNACCEPTABLE." IN SOUTH AFRICA, HOWEVER, CLINTON HIMSELF STATED ONLY THAT "IF ABACHA STANDS, WE HOPE HE WILL STAND AS A CIVILIAN." THE U.S. LATER JOINED OTHER STATES AND MULTILATERAL BODIES IN WELCOMING THE CHANGES BROUGHT BY GENERAL ABUBAKAR, AND UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS THOMAS PICKERING LED A DELEGATION TO ABUJA (IN WHOSE PRESENCE MKO ABIOLA COLLAPSED FROM A HEART ATTACK). IN SEPTEMBER, ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS FRANKLIN KRAMER TRAVELED TO NIGERIA FOR TALKS ON MILITARY COOPERATION.

THE SECTION ON NIGERIA IN THE DEPARTMENT OF STATE'S *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1997* WAS THOROUGH AND ACCURATE, EXISTING MEASURES TO PRESS NIGERIA TO RESPECT HUMAN RIGHTS REMAINED IN PLACE, AND THE U.S. ISSUED A NUMBER OF STATEMENTS CONDEMNING MILITARY RULE AND HUMAN RIGHTS VIOLATIONS. FOR THE FIFTH TIME, NIGERIA WAS DENIED COUNTER-NARCOTICS CERTIFICATION UNDER SECTION 491 OF THE FOREIGN ASSISTANCE ACT (FAA), THUS REQUIRING THE U.S. TO VOTE AGAINST NIGERIA IN SIX MULTILATERAL DEVELOPMENT BANKS AND TO REFUSE ALL FAA AND ARMS CONTROL EXPORT ACT ASSISTANCE TO NIGERIA. DIRECT FLIGHTS TO NIGERIA REMAINED BANNED DUE TO SAFETY CONCERNS. IN MAY 1999, COMPANION BILLS WERE INTRODUCED IN THE HOUSE OF REPRESENTATIVES

and Senate to set benchmarks before existing sanctions could be lifted.

An initiative to introduce legislation in the Maryland state legislature in March 1999, echoing resolutions adopted by several U.S. cities and counties forbidding municipal authorities from purchasing products from Nigeria or from companies that do business in Nigeria, was defeated: Deputy Assistant Secretary David Marchick gave testimony on behalf of the Clinton administration opposing the bill. U.S.-based oil companies, including Mobil, Chevron, Texaco, and others, invested in lobbying campaigns against unilateral sanctions by U.S. government institutions, through the Corporate Council on Africa, a coalition of U.S. corporations known as USA Engage, and bilaterally.

## Organization of African Unity (OAU) and its Member States

African countries remained in general reluctant to condemn Nigeria's human rights record and Abacha's transition program. Following his death, African leaders rushed, like world leaders in general, to meet with General Abubakar. Salim Ahmed Salim, secretary-general of the OAU, led a six-person delegation to Abuja in July, and expressed confidence in Abubakar's transition program. South African deputy president Thabo Mbeki traveled to Nigeria in July, and Abubakar returned the visit in August, addressing the South African parliament during his visit, as well as attending the Non-Aligned Movement summit in Durban in September. The African Commission on Human and Peoples' Rights, an organ of the OAU, once again failed, at its March session in Banjul, to adopt decisions on a number of cases relating to Nigeria, including applications from human rights organizations filed in relation to the trial and execution of Ken Saro-Wiwa and his co-defendants.

# RWANDA

## Human Rights Developments

The Rwandan government and insurgents fought an increasingly brutal and costly war, killing thousands—probably tens of thousands—of unarmed civilians during 1999. Based largely in the northwest, the insurgents also led major strikes against other regions. They attacked jails to free prisoners and they slaughtered members of the Tutsi minority, government officials, and others who refused to support the rebellion. Soldiers of the Rwandan Patriotic Army (RPA), equipped with helicopters, armored vehicles, and heavy weapons killed unarmed civilians, sometimes in pursuit of insurgents, sometimes in places or at times where no rebels were present but where they suspected the population of supporting them. In an incident in late October that became known only near the end of 1997, RPA soldiers allegedly caused the deaths of hundreds and perhaps thousands of persons who had sought refuge in caves at Kanama.

Estimating the number killed in the course of the year was difficult. Investigators could not travel freely in the area and witnesses often refused to speak for fear of reprisals. Diplomats concluded that between 100,000 and 250,000 persons were unaccounted for out of a population of some 1,500,000 in the two prefectures of Gisenyi and Ruhengeri. Some 200,000 persons did not collect their required identity papers in Gisenyi, suggesting that they were either dead or living on the other side of the frontier, in the forest, or in areas controlled by rebels. Assessing responsibility for the slaughter of civilians was sometimes complicated by misinformation from witnesses or government sources. First reports said that thirty-four persons were slain by insurgents at Tare in July, for example, but eyewitnesses later said RPA soldiers were responsible for the crime.

Early in 1999, the army began gathering residents of the northwest in supervised camps which by the end of October held some 490,000 persons. In some regions, soldiers ordered people to destroy banana plantations and other crops that might provide cover to rebels, thus causing food production to fall. In addition, farmers were too afraid of attack—from one side or the other—to work their fields in some regions. Faced with food shortages and threats by insurgents, some persons willingly moved to the camps where they hoped to receive food and protection. Others were forced by soldiers to go there. In areas where the insurgency was strong, some residents moved close to rebel bases voluntarily and others were intimidated by the rebels into doing so.

Thus continues the war that seemed to have ended in 1994 when the Rwandan Patriotic Front (RPF), composed largely of Tutsi refugees who had spent decades in exile, defeated the Rwandan government, made up primarily of Hutu, who form the great majority of the Rwandan population. The Tutsi had been driven from Rwanda during the 1959 Hutu revolution which ended longstanding Tutsi rule. In 1994 the government and army carried out a genocide of more than half a million Tutsi until they were stopped by the RPF.

The former government led some two million Rwandans into exile, more than half of them to Zaire (now the Democratic Republic of the Congo, DRC). In refugee camps there, remnants of the defeated army rearmed, recruited new forces, and began incursions into Rwanda. In 1996, Rwandan troops helped Zairean Tutsi overthrow the Zairean government, in the process dispersing the camps, massacring tens of thousands of unarmed civilians, and killing thousands of soldiers and militia. Some 600,000 camp residents returned to Rwanda, some of them armed and ready to fight the current government. Insurgent attacks, launched originally from Zaire, were organized on an ever larger scale inside Rwanda during the early months of 1997, resulting in a serious threat to the current government by mid-1997.

Some of the insurgents, including several senior officers who led the 1994 genocide, seemed ready to continue annihilating the Tutsi. In December 1997, for example, they slaughtered hundreds of Tutsi at the Mudende refugee camp. Others say they seek to overthrow the RPF, not to continue the genocide. The rebels, backed by many Hutu in the northwest, have used brutal killings to intimidate others in that region and elsewhere into supporting them. The insurgents' previously clandestine organization, People in Arms to Liberate Rwanda (Peuple en Armes pour Libérer le Rwanda, PALIR), made several declarations and even circulated a newspaper in 1999. Its armed wing was called the Army for the Liberation of Rwanda (Armée pour la Libération du Rwanda, ALIR).

The Rwandan government reportedly tried a more political response to the insurgency in early 1999 when military measures proved ineffective. Despite some success by the government, the rebellion continued to be strong enough to mount operations with hundreds of troops in September and October.

In August, Rwanda lent its troops to a new rebellion against the DRC government, citing its own security needs and the need to protect Congolese Tutsi from genocide. The Rwandan government had demobilized some of its soldiers but after mid-year, it recruited more, some forcibly, to meet the need for troops both in the DRC and in northwestern Rwanda. Human Rights Watch received accounts in August and September of young men taken by force,

trained briefly, and then sent to the Congo.

The government, citing the need for self-defense against the insurgency, organized civilians to monitor purportedly anti-government activity in their neighborhoods and to participate in night patrols, sometimes in the company of soldiers. These activities—implemented also by the previous government, supposedly for the same reason—caused serious concern to some Rwandans and foreign observers. In one case in Umuhanga prefecture in late December 1997, Tutsi attacks on Hutu, tolerated by and perhaps incited by a local official, killed or drove into exile dozens of people. In other cases in the northwest, RPA soldiers reportedly directed Hutu to pillage crops and other property of Hutu who were thought to back the rebels. In September, residents of the capital chose neighborhood representatives to receive firearms training. Officials had already distributed firearms in various parts of the country, particularly to survivors of the genocide and to former RPA soldiers.

The mid-May assassination of Seth Sendashonga in Nairobi eliminated one leader who bridged the gap between Hutu and Tutsi. An early member of the RPF, Sendashonga resigned as minister of interior in 1995 to protest military abuses of civilians. After a previous attempt to assassinate him, a member of the Rwandan embassy in Nairobi was arrested, gun in hand, in the immediate vicinity, but he was released when he claimed diplomatic immunity. Three persons were charged in the second and fatal attack, but the case against them seemed weak.

Military, police, and some civilian officials took thousands of persons into custody during large-scale security sweeps, residential inspections, and verification of identity papers on the roads. Some of these persons were subsequently released after interrogation that was sometimes accompanied by physical abuse. Some persons who "disappeared" were found murdered but most have never been located. Many of the 11,000 Rwandan refugees who were registered in Tanzania between January and June said they fled because of unexplained "disappearances" caused by soldiers.

An increasingly active military justice system tried soldiers for indiscipline and common crimes, sentencing several to prison and even to death after conviction for charges such as theft and murder. Early in the year army officials summarily and publicly executed soldiers in two separate alleged incidents of common crime. Investigations were begun and soldiers arrested in several cases of massacres of civilians, but few of the accused were brought to trial or seriously punished for human rights abuses in the course of military operations. In one noteworthy trial, a major was sentenced to life in prison and a subordinate to a term of forty-five months for having massacred more than thirty civilians in July 1994. Following a report by the Secretary-General's Investigative Team that implicated RPA soldiers in massacring civilians in the DRC in 1996 and 1997, the Rwandan government was charged with investigating these allegations. A mid-October deadline passed without any significant report on the investigation.

In the crucial domain of civilian justice, the government continued to make arrests but made little progress in trials. Near the end of the year, more than 126,000 prisoners were held in jails and an unknown number in irregular facilities, the vast majority charged with genocide. Thousands were jailed without regard to due process or credible evidence against them. In May 1999 the prosecutor of Ruhengeri prefecture estimated that 15 percent of detainees were falsely accused. In the last months of 1997, judicial officials pressed investigations in order to meet a December deadline for regularizing the files of all detainees. When a law was passed extending the deadline to 1999, the work slowed considerably. Several hundred detainees were released during the year, some of them because they were elderly or ill. The minister of justice announced in October that 10,000 detainees would be provisionally released, but as with similar earlier statements by authorities, no date was set. In some cases, persons released or acquitted were intimidated or attacked in their home communities. Twelve persons were slaughtered in the household of one person who had been recently acquitted of genocide.

During 1997, 322 persons were judged on charges of genocide, a rate which if unchanged would result in fewer than 5 percent of the detainees being tried within their lifetimes. Authorities set a goal of 5,000 persons to be tried in 1999 and began prosecuting larger groups of defendants together, including one group of fifty-one persons. This practice speeded disposition of cases, but also produced confusion and logistical problems that seemed likely to prejudice the rights of some defendants. By the end of October 1999, it appeared that the courts would fall short of the goal of 5,000. Even after numerous training programs had increased the number of personnel, the judicial system still lacked the staff needed to try all those detained. Authorities proposed alternatives, such as community-based mediation to settle cases involving only damage to or theft of property.

More than one hundred persons were condemned to death for genocide. Twenty-two were executed, the first to suffer the death penalty, at the end of April. Many international leaders and organizations opposed the executions, both on general principle and because some of the trials had failed to meet international standards of due process. In several, the accused had no access to counsel and presented no witnesses in their defense. In the case of former prosecutor Silas Munyakishari, political considerations may have influenced the verdict. The executions were carried out in several towns before large and often festive crowds.

Some trials conducted in 1999 showed improvement over those of the previous year in that the accused were represented by counsel, had adequate time to prepare, and called witnesses in their own defense. Prosecutors also more often presented witnesses to substantiate their cases. Lawyers—most of them foreigners provided by a small nongovernmental organization—would not travel to regions threatened by the insurgency and defendants in such areas stood trial without legal assistance. Witnesses, both for the defense and the prosecution, were threatened and many were increasingly reluctant to testify.

Some 7,000 persons expressed the intention to confess to various crimes as part of the genocide, the first sizable numbers to take advantage of a plea-bargaining arrangement offered since 1996. Judicial officials expended considerable effort in achieving this result. At several prisons, they established separate quarters so that those who confessed would not be harassed by others.

By March 1999, various donors had provided more than U.S. \$17 million for the administration of justice and were in the process of disbursing grants amounting to another \$13 million. Despite this considerable investment, the judicial system functioned poorly and personnel often lacked the equipment and means of transport to carry out their tasks efficiently.

More than U.S. \$3 million was provided for expanding prisons, but conditions in most remained inhumane due to continued overcrowding and lack of sanitary facilities. Local jails were even more crowded and filthy. Detainees in central prisons received one meal a day from the government, aided by the International Committee of the Red Cross (ICRC), but detainees in local jails supposedly were fed by their families, many of whom lacked the people to prepare and deliver food to the jails. In the early months of 1999, U.N. monitors found that about two thirds of the detainees in local jails were receiving no food from their families. Nongovernmental organizations provided food in several jails and the ICRC delivered high-protein biscuits, but not cooked meals, in three of the eleven prefectures.

In March, the government suspended the president of the court of cassation, who was also a vice-president of the supreme court. He later resigned under pressure. Soon after, five other leading magistrates or counselors attached to the highest courts were also suspended or otherwise removed. They



included the highest ranking magistrates in place before 1994 and their removal or suspension left the judiciary largely in the hands of Tutsi, many of whom were recent returnees. In other cases that suggest the risks of attempting to deliver justice, the prosecutor in Gisenyi "disappeared" in January and remained unaccounted for; a Rwandan lawyer was murdered just after agreeing to defend persons accused of genocide; and the president of the tribunal of first instance in Kigali, a Tutsi survivor of genocide, chose exile in Canada.

The International Criminal Tribunal for Rwanda, much criticized in its first years, worked more effectively and finished 1998 with over thirty leaders of the genocide in custody. One, Jean Kambanda, interim prime minister in 1994, pleaded guilty to genocide and was sentenced by the tribunal to life in prison. Jean-Paul Akayesu, a local official, was pronounced guilty of genocide on September 2, the first person so judged by an international court, and also sentenced to life in prison. Among the nine charges of which he was convicted was that of rape, the first time that this crime had been recognized as an act of genocide.

## Defending Human Rights

Rwandan authorities suspended the activities of the United Nations Human Rights Field Operation in Rwanda in May and in July refused to allow it to continue monitoring human rights. The Rwandan government wanted the field operation to limit itself to delivering technical assistance. The UN High Commissioner for Human Rights, Mary Robinson, who had firmly condemned abuses during a visit at the end of 1997, insisted that the monitoring was essential to the operation. Rather than continue with the mere semblance of a UN human rights presence, she ended it altogether.

In 1997, five members of the UN field operation were murdered in southwestern Rwanda. Several persons, described as insurgents, were found guilty of the crime and sentenced to death in April 1998.

UN regulations prevented staff of the field operation from working in the areas of greatest insecurity. Until their activities were suspended, however, they managed to gather significant data on abuses by insurgents and the RPA. Their presence had also reassured Rwandan activists who were threatened by a general hostility towards critics of the government.

On March 9, 1998, the Rwandan human rights movement lost one of its earliest and most effective leaders. Abbé André Sibomana, formerly editor of the largest newspaper in Rwanda, a crusader against official repression since before the genocide, and one of the founders of the Rwandan Association for the Defense of Human Rights and Public Liberties (Association rwandaise pour la défense des droits de la personne et des libertés publiques ADL), died of a massive allergic reaction to an unknown substance. Because his earlier efforts to obtain a passport had failed, he was unable to leave Rwanda immediately for medical treatment that might have saved his life.

Father Vjeko Curic, a Croatian priest who had served in Rwanda for years and worked with Sibomana to document cases of human rights abuse, was shot to death in central Kigali on January 31. Although the alleged assassin, who was himself wounded by Father Vjeko, was reportedly treated soon after the attack in a Kigali hospital, he was never arrested.

Four Rwandan human rights activists went into exile in 1998, judging their lives to be at risk. Several were intimidated into leaving staff positions, but others persevered in their commitment to human rights and new recruits promised to add strength to the movement. Divisions within and among the local organizations over the appropriateness of open criticism of the government reduced their effectiveness.

A national human rights commission established by the government had not acted publicly at the time of writing.

## The International Community

Guilt over inaction during the 1994 genocide continued to influence the behavior of the international community towards Rwanda. During visits in late 1997 and early 1998, U.S. Secretary of State Madeleine Albright, U.S. President Bill Clinton and UN Secretary-General Kofi Annan all acknowledged that the rest of the world had failed Rwanda. The Belgian Senate published a massive report at the end of 1997 detailing Belgian failings during the genocide. The French National Assembly began inquiring into French responsibilities in early 1998. The U.S. House of Representatives Subcommittee on International Operations and Human Rights attempted to examine the role of the U.S. government during the genocide, but representatives of the State and Defense Departments declined to testify at the May hearing.

Aware of the grave allegations by a UN commission and human rights organizations that Rwandan soldiers were implicated in massacres of unarmed civilians in the DRC, international actors failed to follow through on initial demands for a complete investigation of the crimes and punishment of the guilty. Most of them privately acknowledged the enormous loss of life in northwestern Rwanda, but they made no public mention of it. Unprepared themselves to act against insurgents, some of whom continue a genocide of the Tutsi, international actors hesitate to criticize openly the RPA which is combating them. They say they have pressed Rwandan authorities discreetly for an end to abuses and punishment for those responsible. They made no effective protest when the UN field operation was obliged to leave Rwanda.

During 1998, international donors treated Rwanda as a special case that needed "exceptional financing" and agreed to provide \$250 million over three years for economic reform. The Paris Club of creditor nations agreed to write off 67 percent of Rwandan debt and to permit the conversion of 20 percent more into investment and aid.

The most important donors, the nations of the European Union, failed to find a common ground among themselves for demanding improvements in the human rights situation. During 1998 both Germany and the Netherlands moved toward sharper criticism of Rwandan abuses. The United Kingdom remained a stalwart supporter through mid-year, but reportedly began to question Rwandan policies after the second DRC invasion.

The U.S., the most influential actor in Rwanda, provided relatively little financial aid, \$7.6 million in development assistance and \$500,000 for military training in 1998. But it gave steady political support that was highly valued by Rwandan authorities. U.S. soldiers were training Rwandan troops just before the RPA crossed into the DRC in 1996 and again in 1998. When the RPA moved into the DRC in August 1998, a high-ranking U.S. military assessment team was in northwestern Rwanda examining greater U.S. aid, including lethal aid, against the insurgency. Apparently only coincidental, these instances symbolized U.S. support of Rwanda for many critics. The U.S. withdrew the trainers and assessment team because of the DRC invasion, but muddled the message by carrying forward an October training mission in Rwanda on military administration even after other African governments canceled their participation. It criticized the Rwandan violation of the DRC territorial integrity, but failed to link military aid to accountability for

abuses. The administration paid little heed to criticism of its Rwandan policy in Congress and in the press. Embassy staff were unsupportive of—and at times hostile to—the work of international human rights organizations in Rwanda. The failure of the U.S. to take a firm, public stand on abuses wasted the opportunity to strengthen moderates and to move Rwandan authorities towards improving human rights.

## SIERRA LEONE

### Human Rights Developments

In early February, troops of the Economic Community of West African States Cease-Fire Monitoring Group (ECOMOG) ousted the government of the Armed Forces Revolutionary Council (AFRC) and the Revolutionary United Front (RUF) from Freetown. This ended their nine-month rule, characterized by widespread human rights abuses and a complete breakdown of the rule of law. For the past seven years a vicious civil war has engulfed Sierra Leone, characterized by atrocities against civilians, often committed by the RUF, a rebel group formed in 1991 with support from the National Patriotic Front of Liberia (NPFL).

Upon taking power on May 25, 1997, the AFRC suspended the constitution, banned political parties and public meetings, and announced rule by military decree. The AFRC, created by a group of senior military officers, soon joined forces with the RUF. During their joint rule, many judges, lawyers, and police fled the country, causing a total collapse of the judicial system. The AFRC/RUF government arbitrarily arrested and detained its suspected opponents and critics, including students, journalists and human rights advocates, causing thousands to seek asylum.

On March 10, the Nigerian-led ECOMOG reinstated President Tejan Kabbah, first elected in March of 1996, who subsequently declared a state of emergency. After losing political power, the AFRC/RUF alliance engaged in a war of terror against civilians, committing widespread and egregious atrocities in an attempt to regain power. Between February and June 1998 alone, its members raped, deliberately mutilated, or killed outright thousands of Sierra Leonean civilians. The AFRC/RUF abducted men, women and children, probably numbering in the thousands, for use as combatants, forced laborers, or sexual slaves. Women were actively targeted through sexual violence, including rape and sexual slavery. In addition to various forms of physical abuse, innumerable civilians suffered psychological trauma from the rebels' choice of tactics and extreme cruelty—like the severing of limbs—to compound the horror of their attacks.

Civilian Defense Forces (CDFs), civilian militias who supported the Kabbah government, also committed numerous abuses, including indiscriminate killings and torture, but on a significantly smaller scale than those carried out by the AFRC/RUF. The CDFs were created in order to provide local security and targeted for abuse those they claimed were AFRC/RUF combatants or their supporters. The largest and most powerful of the CDFs, the Kamajors, were responsible for the majority of abuses committed by those fighting on behalf of the Kabbah government. In addition to killings and torture, Kamajors also obstructed humanitarian assistance and extorted money or other payment at roadblocks.

Children were victims of gross violations of human rights committed by both sides to the conflict. The AFRC/RUF abducted an unknown number of children—probably in the thousands—for use as laborers, fighters, and in the case of girls, sexual prisoners. Many girls were forced to work for the AFRC/RUF combatants until they reached sexual maturity, when they would be assigned to a fighter as a “wife.” There were also many child soldiers among the Kamajors, and despite promises by the government to demobilize all combatants under the age of eighteen, the CDFs continued to recruit children at least until July.

The United Nations estimated that over 416,000 Sierra Leoneans fled the fighting as refugees to neighboring Guinea and Liberia or to internally displaced camps. Conditions for both internally displaced persons (IDPs) and refugees were often severe due to a lack of access to camps and poor security conditions. In particular, the close proximity of the camps in Guinea and Liberia to the Sierra Leonean border and the presence of former combatants among the refugee population in Liberia jeopardized humanitarian assistance and protection. Many refugees and IDPs suffered from a host of problems including high levels of malnutrition and disease, as well as occasional attacks from the RUF/AFRC.

The government made repeated gestures in support of human rights, such as its pledge to provide amnesty for child soldiers and intermittent appeals to combatants to lay down their arms in exchange for amnesty. In a climate of public hatred for individuals associated with the AFRC/RUF, the Kabbah government initiated legal proceedings against fifty-eight civilians in regular courts and thirty-eight former soldiers before a military court on a range of charges including treason and murder. In hearings in August and October, the High Court of Sierra Leone sentenced to death twenty-seven civilians convicted of treason, including five journalists and a seventy-five-year-old woman. International observers questioned the appropriateness of the treason charges for the journalists, and criticized the lack of a right to appeal sentencing by the military court. On October 19, the government of Sierra Leone executed by firing squad twenty-four of the soldiers who had been sentenced to death one week earlier. The trials constituted the first major test under the Kabbah government of a justice system which lacked basic infrastructure and support. Many of the over 2,000 prisoners in Sierra Leone were held under the 1998 Public Emergency Regulations, introduced by President Kabbah on March 16 and ratified by parliament, which provided for indefinite detention without trial. Prisons were often overcrowded, unsanitary, and lacking in health care and the regular provision of food.

Section 13 of the Public Emergency Regulations declared that “disturbing reports” by the media were punishable offences. On June 24, Minister of Information and Cultural Affairs Dr. Julius Spencer stated that any information regarding the security situation must be approved by ECOMOG before publication. Journalists complained further that taxes had been unjustly imposed upon newspapers in an attempt to limit their ability to publish.

### Defending Human Rights

Most of the human rights organizations in Sierra Leone were relatively new and admittedly lacked institutional support and experience. A number of nongovernmental organizations (NGOs), including Amnesty International/Sierra Leone, Forum of Conscience, Local Aid-Sierra Leone, the National League for Human Rights and Democracy, Prison Watch, Save Heritage and Rehabilitate the Environment, and Feed the Homeless operated unfettered from Freetown, the capital. Several of these groups were members of a coalition, the National Forum for Human Rights.

Faced with the gross atrocities committed by AFRC/RUF troops, many of the human rights organizations, like the local press, were generally supportive of ECOMOG and the Kabbah government's human rights record. Lawyers defending individuals from the group of fifty-eight accused of treason and other crimes received threats from a range of sources, including gangs of youths seeking revenge for AFRC/RUF crimes. As of mid-October, no lawyers had offered their services to RUF leader Foday Sankoh, on trial for treason. Threats continued to be made against anyone defending accused AFRC/RUF members or collaborators.

### The Role of the International Community

Overshadowed by conflict in Liberia and events elsewhere on the continent, Sierra Leone largely escaped the attention of the international community. Reporting of the atrocities against civilians in Sierra Leone in 1999 increased the awareness of the international community regarding the human rights implications of the crisis. One notable result was an all-day U.N. Special Conference on Sierra Leone chaired by Secretary-General Kofi Annan. The execution of twenty-four soldiers accused of treason and other charges drew condemnation from the international community, notably from U.N. Secretary-General Kofi Annan and United Kingdom's Foreign Office Minister of State for Africa, Tony Lloyd.

### ECOWAS and ECOMOG

Following the 1997 coup, the Organization of African Unity (OAU) called on the Economic Community of West African States (ECOWAS) to restore constitutional order to Sierra Leone. With the failure of diplomatic efforts and the escalation of tension, ECOMOG's mandate was upgraded from sanction enforcement to actual military intervention, resulting in the ousting of the AFRC/RUF in February. The Nigerian-dominated ECOMOG contingent in Sierra Leone was composed of approximately 9,000 troops, including support battalions from Guinea and Ghana. ECOMOG's intervention in Sierra Leone came at a time of sharp international criticism of Nigeria's domestic human rights situation.

While residents of Freetown and Sierra Leonean refugees consistently stated that ECOMOG's role in ousting the AFRC/RUF and enabling a return to civilian rule was welcome, international humanitarian groups complained that ECOMOG's shelling of Freetown led to a high number of civilian casualties. Despite these serious allegations, much of the Sierra Leonean press and international community praised ECOMOG, largely due to its military success in Sierra Leone and significant improvements in its conduct after its intervention in Liberia. ECOMOG also evacuated dozens of war victims via helicopter and road, saving many civilian lives. From February through May, however, ECOMOG and Kamajor commandeering of humanitarian vehicles was blatant and frequent.

Misinformation regarding the security situation in Sierra Leone created serious risks for Sierra Leonean refugees, IDPs, and aid workers. ECOMOG, along with Sierra Leonean government and some U.N. officials, downplayed the capacity of the AFRC/RUF and at times portrayed the security conditions in Sierra Leone as safe and returning to normal in many districts. Refugees in Guinea claimed that dozens of refugees had been killed while attempting to return to the Koidu area in April. Their decision to repatriate was made following declarations on international radio claiming the area was under the control of ECOMOG.

ECOMOG's mandate included the key responsibilities of disarming and demobilizing combatants as well as forming and training the new Sierra Leonean army. ECOMOG commander Maxwell Kibbe and President Kabbah stated that the new army would be ethnically and regionally balanced. ECOMOG's past human rights record in Liberia and subsequent problems, however, underscored the need for UNOMSIL to provide assistance and closely monitor the disarmament, demobilization, and training processes to ensure that the new army would be founded upon principles of respect for international humanitarian law.

### United Nations

On July 13, the U.N. Security Council unanimously approved a measure to establish the United Nations Observer Mission to Sierra Leone (UNOMSIL), subsuming and expanding the office of the U.N. Special Envoy to Sierra Leone. UNOMSIL's terms of reference included monitoring and helping ECOMOG with the Disarmament, Demobilization and Reintegration Program (DDRP) for combatants; reporting on the security situation; and "monitoring respect for international humanitarian law at disarmament and demobilization sites." The World Bank, the United Nations Development Program (UNDP), and other donors agreed to fund the DDRP. The U.N. Security Council resolution further mandated UNOMSIL to report on violations of international humanitarian law and human rights in Sierra Leone, and to assist the government with rebuilding institutions of justice. A human rights advisor to the U.N. special representative monitored the human rights situation throughout the country and began to develop technical assistance and education programs to respond to Sierra Leone's long-term institution-building needs.

United Nations officials repeatedly denounced the human rights situation in Sierra Leone and several agencies sent high-level delegations to the region. On June 18, five senior U.N. officials issued an unprecedented joint statement calling for an end to the atrocities and impunity, and underscoring the need for an International Criminal Court to hold perpetrators accountable for atrocities.

Among other U.N. initiatives for human rights and civic education, UNDP approved a \$2.5 million support program in June to the government's National Commission on Democracy and Human Rights to promote reconciliation, forgiveness, and civic education. In conjunction with the U.N. special representative to Sierra Leone, the U.N. special representative for children in armed conflict, and the Sierra Leonean government, UNICEF created a joint task force for the demobilization of child combatants and other measures to protect the rights of children.

On July 29, the U.N. Department of Political Affairs organized a Special Conference on Sierra Leone, chaired by Secretary-General Kofi Annan, to solicit support for the disarmament, demobilization, and reintegration program; humanitarian and rehabilitation needs; and ECOMOG. High-level delegations to the conference drew attention to the horrific human rights situation in Sierra Leone, but failed to offer concrete support for human rights initiatives. Several delegations, including the U.K., pledged limited support for ECOMOG and UNOMSIL, and suggested that the U.K. initiate a contact group of donor states and regional players to coordinate assistance to Sierra Leone. This contact group was scheduled to meet in early November.

## The European Union, United States, and United Kingdom

ON MAY 21, 1998, DENOUNCING AFRC/RUF ATROCITIES, THE U.S. DEPARTMENT OF STATE AND THE EUROPEAN UNION (E.U.) ISSUED A JOINT STATEMENT WHICH CALLED FOR "AN IMMEDIATE END TO THE SENSELESS SLAUGHTER, MUTILATION, AND TORTURE OF THE CIVILIAN POPULATION AND SHOW FULL RESPECT FOR HUMAN RIGHTS." IN JUNE, THE U.S. AND E.U. SENT A JOINT HIGH-LEVEL ASSESSMENT MISSION TO THE REGION LED BY U.S. ASSISTANT SECRETARY OF STATE JULIA TAIT WHICH RESULTED IN FINANCIAL PLEDGES FOR HUMANITARIAN ASSISTANCE IN SIERRA LEONE, GUINEA, AND LIBERIA.

THROUGH THE EUROPEAN COMMUNITY HUMANITARIAN OFFICE (ECHO), THE E.U. HAD SINCE 1993 CONTRIBUTED OVER 20 MILLION ECU (U.S. \$22 MILLION) AND IN JULY WAS CONSIDERING AN ADDITIONAL 6 MILLION ECU (U.S. \$6.6 MILLION) GLOBAL AID PACKAGE FOR ASSISTANCE TO GUINEA, LIBERIA, AND SIERRA LEONE. THE EUROPEAN COMMISSION, A LONG-TERM SUPPORTER OF DEVELOPMENT ACTIVITIES AND INFRASTRUCTURE PROJECTS IN SIERRA LEONE, REITERATED ITS PAST PLEDGES OF SEVERAL HUNDRED MILLION ECUS OVER THE NEXT TEN YEARS.

BOTH THE U.S. AND U.K. PLAYED SIGNIFICANT ROLES IN POLITICAL AND MILITARY DEVELOPMENTS. THE U.S. WAS THE SINGLE LARGEST DONOR IN RESPONSE TO THE SIERRA LEONEAN CRISIS, HAVING CONTRIBUTED OR PLEDGED \$72.5 MILLION IN HUMANITARIAN AND OTHER AID DURING FISCAL YEAR 1998, INCLUDING SUPPORT FOR ECOMOG. THROUGH ITS OFFICE OF TRANSITION INITIATIVES, THE U.S. IS PROVIDING \$900,000 IN PROGRAMS FOR WAR-AFFECTED CHILDREN, THE REINTEGRATION OF FORMER COMBATANTS, AND TO PROMOTE RECONCILIATION. THE BRITISH LED FUND-RAISING EFFORTS AT THE EUROPEAN UNION FOR THE 1996 ELECTIONS, ECOMOG, AND OTHER ASSISTANCE. IN MAY, THE U.S. STATE DEPARTMENT ANNOUNCED \$3.9 MILLION FOR LOGISTICAL SUPPORT TO ECOMOG. THE U.K. CONTRIBUTED £2 MILLION (U.S. \$ 3.3 MILLION) TO A U.N. TRUST FUND FOR PEACEKEEPING ACTIVITIES IN SIERRA LEONE, £1.5 MILLION OF WHICH WAS COMMITTED TO SUPPORT FOR ECOMOG. IN JULY, THE U.K. ALSO PLEDGED £6.5 MILLION FOR THE DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION PROGRAM.

A SCANDAL BROKE OUT IN EARLY MAY WHEN THE U.K. MEDIA EXPOSED AN ARMS SHIPMENT TO ECOMOG FROM SANDLINE, A PRIVATE SECURITY FIRM BASED IN THE U.K. THE SECRET SHIPMENT OF APPROXIMATELY THIRTY-TWO TONS OF ARMS, ALLEGEDLY DELIVERED IN FEBRUARY WITH THE CONSENT OF THE BRITISH GOVERNMENT, APPEARED TO VIOLATE U.N. AND U.K. ARMS EMBARGOS AGAINST SIERRA LEONE. U.N. LEGAL ANALYSTS SUBSEQUENTLY DETERMINED THAT THE EMBARGO HAD NOT BEEN VIOLATED, AND ON JUNE 5, THE U.N. SECURITY COUNCIL LIFTED THE ARMS EMBARGO EXCEPT AS IT APPLIED TO THE AFRC/RUF.

## Relevant Human Rights Watch report:

*SIERRA LEONE—SOWING TERROR: ATROCITIES AGAINST CIVILIANS IN SIERRA LEONE, 7/98*

# SOUTH AFRICA

## Human Rights Developments

THE AFRICAN NATIONAL CONGRESS (ANC)-LED GOVERNMENT OF NATIONAL UNITY, IN WHICH THE INKATHA FREEDOM PARTY (IFP) ALSO PARTICIPATED, ENTERED ITS LAST YEAR BEFORE ELECTIONS SCHEDULED FOR 1999. AS DEPUTY PRESIDENT THABO MBEKI PREPARED TO SUCCEED HEAD OF STATE PRESIDENT NELSON MANDELA, TENSIONS WITHIN THE ANC BECAME MORE APPARENT. THE SOUTH AFRICAN ECONOMY SUFFERED FROM THE ASIAN FINANCIAL CRISIS AND FROM CONCERNS OF POLITICAL STABILITY IN THE REGION, AND THE CURRENCY COLLAPSED TO HALF ITS 1994 VALUE AGAINST THE DOLLAR, PUTTING GREATER STRAINS ON THE ANC'S FISCALLY CONSERVATIVE GROWTH, EMPLOYMENT, AND REDISTRIBUTION (GEAR) STRATEGY, AND ON ITS TRADITIONAL ALLIANCE WITH THE LABOR MOVEMENT.

THE TRUTH AND RECONCILIATION COMMISSION COMPLETED ITS HEARINGS OF WITNESS TESTIMONY ABOUT PAST HUMAN RIGHTS ABUSES, AND WAS DUE TO PRESENT ITS REPORT TO THE PRESIDENT IN OCTOBER. AMONG NOTABLE PUBLIC HEARINGS DURING THE YEAR WERE THOSE REVEALING THE EXTENT OF THE PREVIOUS GOVERNMENT'S DEVELOPMENT OF CHEMICAL AND BIOLOGICAL WEAPONS. SEVERAL THOUSAND APPLICATIONS FOR AMNESTY REMAINED OUTSTANDING, AND HEARINGS OF AMNESTY APPLICATIONS WERE SET TO CONTINUE WELL INTO 1999, WHEN A SUPPLEMENT TO THE REPORT WOULD BE PUBLISHED. FORMER PRESIDENT P.W. BOHRA REFUSED TO COOPERATE WITH THE COMMISSION TO TALK ABOUT HIS KNOWLEDGE OF VIOLATIONS DURING HIS PRESIDENCY, LEADING TO A COURT BATTLE WHICH CULMINATED IN HIS CONVICTION FOR CONTEMPT OF COURT IN AUGUST.

THE INDEPENDENT COMPLAINTS DIRECTORATE (ICD), SET UP IN 1997 TO INVESTIGATE OR OVERSEE THE INVESTIGATION OF COMPLAINTS AGAINST THE POLICE, REPORTED 490 DEATHS IN CUSTODY OR AS A RESULT OF POLICE ACTION DURING THE FIRST SIX MONTHS OF 1999. THE ICD INVESTIGATED A NUMBER OF HIGH PROFILE DEATHS DURING THE YEAR, AS WELL AS ALLEGATIONS OF POLICE INVOLVEMENT IN POLITICAL VIOLENCE, AND POLICE FAILURE TO ACT FORCEFULLY IN CASES SUCH AS THE SHOOTING OF A BABY BY A WHITE FARMER IN APRIL. IN JANUARY A NEW POLICE CODE OF CONDUCT WAS LAUNCHED; IN JUNE 1,200 NEW RECRUITS BEGAN THEIR TRAINING, WHICH INCLUDED A HUMAN RIGHTS CURRICULUM.

THE DEPARTMENT OF JUSTICE ESTABLISHED A NEW MAGISTRATES COMMISSION IN OCTOBER, MORE REPRESENTATIVE IN TERMS OF RACE AND GENDER THAN THE OLD, AND WITH A MANDATE, WITH THE JUDICIAL SERVICES COMMISSION, TO SPEARHEAD THE TRANSFORMATION OF THE COURTS. A NEW POSITION, THE NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS, WAS CREATED AS PART OF A REFORM OF PROSECUTION SERVICES; ANC MP BULELANI NGCUKA WAS APPOINTED TO FILL THE POST. NEW CENTERS FOR "PRE-TRIAL SERVICES" WERE ESTABLISHED AT COURTS IN MAJOR URBAN CENTERS, AIMING TO ASSIST VICTIMS THROUGH THE COURT SYSTEM. LEGISLATION DEALING WITH ORGANIZED CRIME GAVE THE COURTS NEW POWERS TO DEAL WITH GANG RELATED OFFENSES. IN JULY, THE LONG-AWAITED OPEN DEMOCRACY BILL WAS INTRODUCED TO PARLIAMENT, WHICH WOULD, AMONG OTHER THINGS, INCREASE PUBLIC ACCESS TO GOVERNMENT INFORMATION.

FAMILY COURTS WERE ESTABLISHED IN SEVERAL PROVINCES, BRINGING TOGETHER CASES RELATING TO DIVORCE, MAINTENANCE, AND FAMILY VIOLENCE. A CONTROVERSIAL EMPLOYMENT EQUITY ACT WAS PASSED, REQUIRING LARGE EMPLOYERS TO ACT AGAINST RACIAL AND GENDER DISCRIMINATION AND IMPROVE THE REPRESENTIVITY OF WORKPLACES. IN JULY, THE HIGH COURT IN PRETORIA DISMISSED AN APPLICATION TO HAVE THE 1997 CHOICE ON TERMINATION OF PREGNANCY ACT DECLARED UNCONSTITUTIONAL. IN AUGUST, THE CONSTITUTIONAL COURT RULED THAT THE CRIMINALIZATION OF GAY SEX UNDER APARTHEID-ERA LAWS WAS UNCONSTITUTIONAL.

IN NOVEMBER 1997 THE GOVERNMENT INITIATED A NATIONAL PROGRAM AIMING TO KEEP CHILDREN OUT OF PRISONS. IN MAY 1999, HOWEVER, MINISTER FOR WELFARE GERALDINE FRASER-MOLEKETI STATED THAT AN ESTIMATED 1,200 CHILDREN WERE STILL AWAITING TRIAL IN SOUTH AFRICAN PRISONS. FROM THAT DATE, THE DEPARTMENT OF WELFARE IN EACH PROVINCE WAS SUPPOSED TO TAKE MORE RESPONSIBILITY FOR CHILDREN IN THE JUSTICE SYSTEM, AND HASTEN THE PROCESS OF TRANSFERRING

children awaiting trial to more appropriate facilities, though children between fifteen and eighteen charged with the most serious offenses would remain in adult prisons.

A number of super-maximum security prisons were planned or built, in the face of criticism by human rights groups. Prisons remained seriously overcrowded and plagued by prisoner violence. Several prisoners were reported to have died during 1999 following assaults by prison staff. A pilot project for training of prisoners and prison staff in human rights norms was launched in June by the Department of Correctional Services, together with two nongovernmental organizations. In September, the government introduced to parliament important legislation designed to restructure the prison service.

The KwaZulu-Natal region suffered yet another upsurge in political violence during 1999, especially in the long-troubled midlands region. In April, following a three-month trial, former ANC leader Sifiso Nkabinde was acquitted on charges of sixteen murders. Immediately, violence increased in his home territory of Richmond, where he had become a leader in the United Democratic Movement. Serious allegations of police involvement in or failure to stop the violence continued. Soldiers were deployed in July in an attempt to keep the situation under control.

Attacks on foreigners in South Africa continued. In September, three African immigrants were killed on a train near Pretoria by a mob that accused them of taking South African jobs. The ANC condemned this attack, but other statements during the year by IFP leader and Minister for Home Affairs Mangosuthu Buthelezi and other government officials contributed towards xenophobia. The government failed to take sufficient steps to address abuse of foreigners during the deportation process, and the Department of Home Affairs repeatedly failed to engage in organized discussions aimed at addressing such problems. More positively, the department appointed a committee including human rights lawyers to draft legislation introducing new procedures for refugee determination, and introduced a draft bill to parliament which addressed many concerns about defects in the existing system. A committee appointed to draft a white paper and legislation on migration policy in general, however, included no representative with human rights expertise.

South Africa's foreign policy lacked direction and a human rights focus. The government apparently regretted its earlier support for President Laurent Kabila in the newly renamed Democratic Republic of Congo (DRC), and, when new rebels threatened Kabila in July and August 1999, urged Kabila to reach an accommodation. However, South Africa was ultimately forced to back the military support given to Kabila by fellow members of the Southern Africa Development Community (SADC), Zimbabwe and Angola. In August, South Africa welcomed the new Nigerian head of state Gen. Abdulsalam Abubakar, without publicly raising continuing human rights concerns. South Africa led a botched military intervention on behalf of SADC in Lesotho in September, which exacerbated rather than resolved a crisis resulting from disputed general elections. Deputy President Thabo Mbeki was criticized for visiting China in April and failing to raise human rights issues. More positively, South Africa hosted a conference in March among SADC members where a declaration on violence against women was adopted. South African ambassador Jacob Selebi chaired the fifty-fourth session of the U.N. Commission on Human Rights, and was later awarded the annual human rights prize of the Geneva-based International Service for Human Rights, in particular for his role in negotiating the Ottawa convention banning landmines.

South Africa was the largest producer of weapons in Africa, exporting weapons and military equipment worth more than R1.324 billion (U.S.\$192 billion) during 1997, a 143 percent rise over the previous year, according to Zoli Kunene of the Aerospace Maritime and Defense Association. In March 1999, the National Conventional Arms Control Committee approved arms sales worth R173 million (U.S.\$25 million) to Algeria, stating that they had obtained guarantees that they would not be used for internal repression. The British *Sunday Telegraph* reported in June that South Africa had concluded a secret arms-for-oil deal with Libya; both South Africa and Libya denied the report. Elsewhere, it was reported that Saudi Arabia was seeking a similar deal. South Africa stated that arms transfers to Uganda and Rwanda were halted as soon as the war in the DRC began, though it did not deny that arms previously sold to the region might have been used in the fighting. In June, South Africa ratified the Ottawa landmines convention, which it had played a leading role in bringing into existence. The Regulation of Foreign Military Assistance Act came into force, aimed at restricting the activities of mercenaries operating from South African soil. However, South African private security firms continued to operate throughout Africa and South Africans based in the country were still involved in illegal arms trafficking, including to Angola, in violation of a U.N. arms embargo.

## Defending Human Rights

James Schneider, a Canadian, and Jeff Handmaker, a Briton, both working on refugee issues for the nongovernmental organization Lawyers for Human Rights, were denied extensions of their work permits by the Department of Home Affairs. Despite a court order allowing them to work pending a review of this decision, the department refused to participate in discussions on immigration issues at which they were present (though there was also no attempt to arrest and deport them as "prohibited persons" under the Aliens Control Act).

In his speech to the ANC's conference in Mafikeng in December 1997, President Mandela delivered an extraordinary attack on nongovernmental organizations as well as on opposition parties. Mandela accused some NGOs of becoming "instruments of foreign governments and institutions" who funded them "to promote their own political agenda." In September 1999, however, ANC Chief Whip Max Sisulu issued a press release criticizing opposition parties for not supporting an ANC resolution recognizing the valuable work done by the NGO sector.

The state-funded Human Rights Commission and the Commission on Gender Equality carried out valuable work during the year, and in July South Africa hosted the second conference of African national human rights institutions. During the year, a number of senior ANC officials called for the ANC to aim to achieve a two-thirds majority in the 1999 elections, to enable it to amend the constitution. In the context of other remarks by the officials, such calls apparently threatened the independence of these state bodies. Mbeki, however, stated that the ANC was committed to the constitution in its existing form.

## The Role of the International Community

### United Nations

A U.N. regional human rights program office was launched in Pretoria in August, joining representatives of the Office of the High Commissioner for Human Rights and of the High Commissioner for Refugees already present in South Africa. The Human Rights Institution Strengthening Project for South Africa, which began in 1997, provided technical expertise to key institutions and other assistance. The U.N. special rapporteur on contemporary forms of

racism, racial discrimination, xenophobia and related intolerance visited South Africa in February 1998, in response to concerns voiced by Human Rights Watch and others about discrimination towards foreigners in South Africa. In June, South Africa presented its first report under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); it also backed the creation of an International Criminal Court at the Rome diplomatic conference.

### European Union

The E.U. Human Rights Foundation continued to fund a number of human rights and development projects through the European Programme for Reconstruction and Development in South Africa. A second framework agreement with the European Investment Bank was finalized, providing for an ECU 375 million loan package to fund development projects. Individual E.U. members also made bilateral contributions, including to the Truth and Reconciliation Commission.

### United States

U.S. President Bill Clinton visited South Africa as one stop on his African tour in March, and called for a "new partnership" with South Africa, though both Mandela and Mbeki were critical of U.S. policy toward Africa. The U.S. Agency for International Development's Program for South Africa focused on six strategic areas, including democracy and governance; the total funds made available for development assistance during 1998 were approximately R.349 million (U.S.\$50 million).

### Relevant Human Rights Watch report:

*South Africa—Prohibited Persons: Abuse of Undocumented Migrants, Asylum Seekers, and Refugees in South Africa, 3/99*

# SUDAN

## Human Rights Developments

Government and rebel human rights abuses caused major famines in southern and central Sudan in 1998, where a fifteen-year civil war continued. Militia and army looting of food supplies (cattle and grain), killing or kidnapping of civilians, burning of homes, disrupting relief efforts, and displacing of hundreds of thousands were among the major causes of the famines. The Islamist government fought the southern and Nuba Mountains-based Sudan People's Liberation Movement/Army (SPLM/A) in the south and central Sudan, while facing new challenges nationwide from a broad coalition of armed opposition movements, united since 1995 in the Eritrea-based National Democratic Alliance (NDA). This brought together the SPLA, marginalized peoples of the east, banned northern-based political parties, and secular nationalist forces. What was once portrayed as a war between the Muslim north and the non-Muslim south became more complex, as northern Arab-speaking Muslims — and southerners of various religions — fought on both sides in new areas of conflict.

Government and some opposition forces violated the laws of war through attacks on civilians, summary executions, arbitrary and often unacknowledged detentions, and the looting and destruction of civilian property. Government forces continued to violate international norms by forcibly recruiting underage soldiers and militia. Reports of underage SPLA recruitment dropped off sharply as the SPLA embarked on an agency-assisted program to demobilize underage soldiers and prevent further such recruitment.

The government indiscriminately bombed rebel areas, often causing civilian casualties; it also deliberately bombed civilian structures in rebel territory, such as hospitals and relief sites, and its militias abducted women and children to use as slave labor, as a form of war booty. Outside of the war zones, the government continued a long policy of repression of the rights to peaceable assembly, to free association, and to free expression, while targeting the Catholic Church for its criticism of government policies infringing religious freedom and discriminating against Christians. It arbitrarily detained political opponents and tried them in courts lacking fundamental guarantees of fairness, often using confessions obtained through torture.

The induced famine hit hardest in rebel-controlled areas of Bahr El Ghazal in southwestern Sudan, the Nuba Mountains, and in the southern region of Western Upper Nile, where the rebels were absent but two government militias contended for control. The causes of the Bahr El Ghazal famine included the government's counterinsurgency strategy of targeting civilians believed to support the SPLA, particularly the Dinka, the most numerous of the nineteen major ethnic groups of Sudan. Since 1996 the Dinka of Bahr El Ghazal have been raided, their cattle and other food supplies stolen, and women and children abducted as slave labor by the government-armed Murahaleen, an Arab nomad militia. Kerubino Kuanjin Bol, a Dinka former SPLA commander, also pillaged Bahr El Ghazal after he defected to the government in 1994. This laid the ground for the Bahr El Ghazal famine of 1998.

In January 1998, Kerubino rejoined the SPLA, in an unsuccessful attack on Wau, the largest Bahr El Ghazal town. When this failed, most of the town's fearful Dinka population fled with them; government forces reportedly summarily executed several hundred Dinka who remained behind. Their sudden flight into the area where the famine was developing heightened the crisis.

The government crippled the U.N.'s cross-border relief program, Operation Lifeline Sudan (OLS), preventing it from meeting the already assessed needs of an estimated 250,000 people in rural Bahr El Ghazal, plus the estimated 100,000 Dinka fleeing expected government massacres. It imposed a ban on OLS flights to Bahr El Ghazal, from February 4 to March 31, with minor exceptions that only exacerbated the food crisis. After the flight ban was lifted, the Murahaleen and army continued to strike at the vulnerable rural and displaced population, further depleting their cattle and grain stores, and kidnapping hundreds more Dinka children, this time with the excuse that the SPLA and Kerubino were raiding the Murahaleen territory and stealing their cattle. The government and SPLA agreed to a three month ceasefire for the Bahr El Ghazal famine area at the urgent behest of the international community, starting July 15; it was later agreed to extend it to January 15, 1999. The government sought to expand the ceasefire geographically. The famine was expected to last until late 1999; poor rains and insecurity prevented sufficient cultivation in 1998.

By August 1998, the World Food Program was making much larger food airlifts to southern Sudan than ever before, and larger than its previous airlifts anywhere in the world. The very high mortality rate appeared to peak in July and August but still remained high. A ground-breaking joint U.N./SPLA team investigated whether relief was reaching the intended beneficiaries, and found that those shortchanged were the displaced who were

without kinship ties or local chiefly representation, and widows. The local chiefs played a larger role in diversion, and SPLA soldiers, previously thought wholly responsible for diversion, a smaller role than thought. The diversion in government areas, historically carried out by army-merchant-militia cartels, remained to be investigated. Because of poor rains and little planting due to insecurity, the need for high levels of food relief is projected to extend until late 1999.

Famine also threatened another area of the south, western Upper Nile, where two government militias struggled for control of the location of Sudan's principal oil fields. The southern pro-government groups belonged to Riek Machar and Paulino Matiep, both ethnic Nuer, a Nilotic people related to the Dinka. Riek Machar, leader of a breakaway SPLA faction, signed a political agreement with Khartoum in 1996. Paulino Matiep, the head of a militia based in the oil field area and never in the SPLA, was armed directly by the government to counterbalance Riek after Kerubino's defection, an example of the government's policy of playing one southern group off against the other. The government arranged four ceasefires; none held. The militias destroyed and looted property, including feeding centers. Hundreds were killed. Operation Lifeline Sudan was unable to reach the estimated 150,000 people at risk of starvation there for months due to this insecurity.

Food shortages threatened eastern Equatoria in the south even as fighting between the government and SPLA for control of garrison towns there heated up. The United Nations estimated that 2.4 million persons in the south were at risk of famine, almost one tenth of Sudan's estimated population of 27 million people.

Not even included in the southern famine total were the approximately 400,000 people of the SPLA-held areas of the Nuba Mountains, located in the center of Sudan. There the government continued its efforts to starve civilians out of rebel-held areas into government "peace villages." Army troops and Nuba collaborators captured and relocated or killed civilians. They looted and burned villages, animals, and grain. A permanent government blockade, in place since the beginning of the war, barred all UN relief operations and even traders from the rebel areas of the Nuba Mountains. A private assessment in March estimated 20,000 civilians there were at risk of starvation.

In May the government promised the UN secretary-general to permit the first ever UN needs assessment in the rebel-held Nuba areas, but reneged on this in June following an ambush and the killing of three government-based aid workers by unknown persons. The UN continued to supply relief to the government's "peace villages" but not to the communities on the rebel side.

On the eastern front, the Beja Congress, Sudan Alliance Forces (SAF), and Umma Party fighters, and the SPLA posed a threat to the main road between Khartoum and the Red Sea, and to the Rosaires Dam which provides electricity to Khartoum. Fighting, including shelling, drove tens of thousands of civilians from their homes; government forces detained and tortured others, according to testimonies.

These rebel advances in the east and south led the government to call for more volunteers to fight "foreign aggression," as the government claimed Eritrean and Ugandan troops fought with the rebels in the east and south. Eritrea and Uganda in turn accused Sudan of harboring, training, and supplying Eritrean and Ugandan rebels. (Similar charges against Ethiopia apparently were dropped in an attempt to improve relations; Sudan still sponsored Islamist Ethiopian rebels.)

The most notorious abuser among the Sudan-sponsored rebel groups was the Lord's Resistance Army (LRA), a Ugandan group based in southern Sudan whose main recruits were Ugandan children it kidnapped and tortured, forcing them to be soldiers or "wives" (as young as twelve years old) for the LRA officers. Testimony of escaped children made it clear that the LRA was based in several locations in government-controlled southern Sudan and fights inside Sudan against the SPLA as well as in northern Uganda, with arms provided by the Sudan government. In October the Ugandan government claimed that Sudan's planes bombed its territory several times, once near Sudanese refugee camps inside Uganda. Sudan claimed that Ugandan troops were fighting inside Sudan (eastern Equatoria) together with the SPLA. In late 1999, reports circulated that Sudanese troops were fighting on the side of the Congo government inside Congo; Khartoum denied these reports.

The Sudan government's attempts to expand its armed forces and militia to a staggering 665,000 were set back by arbitrary conscription methods and brutality, and by rumors that draftees were poorly trained and disproportionately dying on the southern front. The Sudan government's military conscription campaign ran into resistance by young student draftees; in April some tried to break out of a training camp at Al-Eilafoum south of Khartoum and government soldiers shot into the crowd. Frightened youth were shot or drowned in the Nile as they tried to escape. More than one hundred died; the government said fifty-five drowned in a "boating accident." In October the government called for 50,000 more "volunteers" to defend the country.

The Sudanese war and famine were overtaken on August 20 by the bombing without warning by the United States of a privately-owned pharmaceutical plant in Khartoum on August 20. The attack was in response to the August 7 terrorist bombing of two U.S. embassies in Africa that killed hundreds and injured thousands. The U.S. alleged that Osama bin Laden masterminded these attacks and had an interest in the factory; bin Laden, a financier of "Afghan Arabs" and other Islamist militants, lived in Khartoum until 1996. He has been stripped of his Saudi citizenship earlier. The U.S. claimed the factory contained a precursor to deadly nerve gas and was linked to Iraq, but would not accept a U.N. chemical weapons inspection of the bombing site after the attack.

The Sudan government bombed its own civilian population in the south, east, and in the Nuba Mountains. Among numerous such bombings was the March 1999 bombing of a hospital in Yei, southern Sudan, killing seven and wounding others; the hospital was bombed again in September, killing one. In the first few months of 1999, fourteen relief sites in southern Sudan were bombed by the government.

The SPLA had not instituted a judicial system or any mechanism for civilians to complain about arbitrary actions by local commanders, which ranged from food diversion or looting to forced conscription, rape, and summary execution. Although some commanders showed greater respect for the civilian populations, this appeared to be the result of personality rather than SPLA policy. SPLM reformers complained that SPLM leader John Garang promulgated a constitution by executive order instead of submitting it for SPLM debate and promulgation. An SPLA military intelligence officer, Maj. Marial Nuor, was accused of many summary executions and the detention in 1996 of a priest and nuns. He was court-martialed by the SPLA and sentenced to five years—for mutiny—but was not sanctioned for the killings or abductions. People reported detained by the SPLA years ago but never acknowledged remained unaccounted for. The SPLA released most of several thousand Sudan government forces it had captured in battle; released prisoners complained of inadequate food and very poor conditions of detention. The government, with few exceptions, did not report any captures of combatants.

Fighting between rebel groups in the south, often pitting predominately Dinka against Nuer groups, had persisted since 1991, when Riek Machar broke away from the SPLA and formed a separate rebel faction. The government took advantage of preexisting rivalries among southerners, accomplishing

a divide and conquer goal in 1996 by signing a Political Charter with two southern faction leaders who had been fighting the SPLA for years: Riek Machar and Kerubino Kuanyin Bol. A Peace Agreement with them and others in 1997 formalized an understanding that their forces would fight with the government against the SPLA: by late 1999, however, many of the signatories were dead and a major player in the Peace Agreement, Kerubino, had defected back to the SPLA.

Trying to end intertribal violence, the new Sudan Council of Churches (comprising church leaders from rebel territory) held a consultation in June with Nuer and Dinka leaders. This grassroots initiative sought to heal splits along ethnic lines.

Arms flows to all sides continued to fuel the war. Both sides used antipersonnel landmines, despite the government's signature of the Mine Ban Treaty on December 4, 1997.

In northern Sudan, the National Islamic Front (NIF) continued to hold the power it seized in a 1999 military coup that overthrew a (multiparty) elected government. The government continued to exert control by criminal trials of its political opponents, often on charges carrying the death penalty. Confessions coerced through torture and ill-treatment were admissible in trials, and the government intimidated and arrested defense attorneys. The opposition slate for the December 1997 bar association elections, composed of non-NIF lawyers, alleged that government agents and NIF advocates rigged the elections.

Thirteen men, mostly detained in Port Sudan in 1997, were accused in a specially constituted criminal court for violations of the state of emergency law, inciting war against the government, conspiracy to prepare bombings and assassinations of public figures, conspiracy to recruit active and retired officers for the opposition armed forces, and espionage for a foreign country. Two persons were tried in absentia with them. Nine were convicted in August 1999 after a trial based on coerced confessions and other violations of due process. Their sentences ranged between five and ten years imprisonment. In Wad Medani four young civilian men (ages sixteen to twenty), denied counsel of their choice, were being tried in a military tribunal.

Following some nine detonations of bombs in Khartoum in June, which the government claimed caused little damage and no casualties, the government detained more than thirty people for "sabotage," including former political party activists, former trade unionists, former high-ranking government officials, military officers, businessmen, and Muslim leaders. Also detained was the secretary general of the Ansar movement, a large Sunni Muslim sect linked to the banned Umma Party, who had been sentenced to five months in jail in January for a homily critical of the Islamist ruling party. After months in detention, he and an Umma Party official were released.

Others detained during that crackdown were not so fortunate. On October 5 the government began a trial of twenty of these detainees (and six in absentia). They were accused of planning and executing a bombing campaign in June, waging war against the state, endangering Sudan's independence, opposing the authorities by use of force, and holding illegal meetings. The ringleader of the plot was alleged to be a Catholic priest, Father Hillary Boma, chancellor of the archdiocese of Khartoum; also accused was his colleague, Father Lino Sebit. Father Boma was reportedly coerced to "confess" in order to stop the torture of Father Sebit. The defendants were not permitted to speak to counsel before the opening of the trial. Of the twenty accused and present in court, eighteen were said to be Christians; although tried by a military tribunal, all but one were civilians.

The government also repressed all political meetings and demonstrations not sponsored by it or the National Congress, the new name for the NIF. In December 1997, less than one hundred women peacefully protesting forced conscription were set upon by security agents and beaten, in full view of UN employees. Some thirty-eight of them were detained, tried by a Public Order Court the same night, flogged, and released.

Attempting to impose its interpretation of Islam on women, the government enacted laws providing for sex segregation in public transport, tailoring shops, and hairdressers, although women did regain the right to drive government vehicles. In a departure from Sudanese custom, the government forbade women from dancing with men or in their presence during folklore celebrations or wedding parties. Four women reportedly faced the death penalty on adultery and other charges in December 1997 until an international outcry was raised; only women were known to have received death sentences for adultery in recent years.

Hopes for a restoration of civil and political rights were dashed in the final stages of drafting a new constitution. In mid-1999 NIF leader Hassan al Turabi removed from the draft constitution an article explicitly permitting political parties and substituted a vague and rarely used archaic Arabic term, *al-hawala*, whose meaning is concatenation, rather than the standard Arabic word for political party, *hizb*, used in the draft. To test the limits of the wording, would-be political party activists announced they would reopen their party offices, banned since 1999; many party activists were detained on sabotage charges shortly thereafter. Two were released in October when government and National Congress officials announced a draft bill permitting "political organisations" to register; the bill should take effect in January 1999 and would bar political participation by individuals who had been convicted of treason, among other things.

The government continued to deny permits for the construction of any Christian churches, while readily issuing permits to build mosques. In late December 1997, it confiscated the building erected by and housing the Catholic Club of Khartoum, and refused to compensate the church. The archbishop of Khartoum, detained briefly in connection with a long-dormant civil suit by a merchant, was thereby prevented from attending SPLA-government peace talks in May in Nairobi. In July 1999, government bulldozers razed an accredited Catholic school built on archdiocese land at an official displaced persons camp. Other Christian schools and churches were razed on the pretext of slum clearance.

A Nuba teacher living in the north was reportedly charged with "apostasy" (converting from Islam to another religion) in July 1999; apostasy carries the death penalty. In contrast, in June 1999, about 1,600 men and women from southern Sudan and the Nuba mountains converted to Islam at a mass ceremony in Khartoum, where a government official exhorted them to be the "vanguard for Islam in the south," a reflection of the government's Islamization policy. An estimated 60 percent of Sudan is Muslim and the rest adherents of Christian or traditional African religions.

## Defending Human Rights

Independent human rights monitoring organizations remained banned in Sudan. Human Rights Watch's application for a visa languished for months: the head of the government Advisory Council on Human Rights told Human Rights Watch he was too busy attending international conferences to sponsor a visit by Human Rights Watch to Sudan. In October, however, the foreign minister extended an invitation to Human Rights Watch to visit Sudan.

The closest thing to human rights defenders in government-controlled areas of Sudan were the independent attorneys (called advocates) who represent those charged with crimes against the state. Advocate Ghazi Suleiman, who frequently represented such defendants and who was head of the opposition bar association slate in December 1997, was detained after alleging the elections were rigged and sentenced to five months in jail for



security crimes. This sentence, issued by a low-level Public Order Court, was overturned on appeal on jurisdictional grounds. Mustafa Abdel Gadir, who represented women demonstrators flogged in December 1997, was frequently detained but continued to speak out for his clients: when he protested to the court the beatings and subsequent lack of medical attention the women demonstrators received he was jailed overnight.

In two rebel areas, the Nuba Mountains and eastern Sudan, nongovernment (and nonrebel) human rights monitors monitored abuses. In the Nuba Mountains, Simon Noah, a Nuba human rights monitor from the Inter-Africa Group's Sudan Project, was killed in a government ambush in April. In the east, the newly-formed Human Rights Unit of Sudan Future Care Amal Trust was formed and began to collect testimonies of displaced and tortured victims from eastern Sudan.

## The Role of the International Community

### United States

The U.S. pursued its policy of isolating the Sudan government, punctuated by the bombing of a Khartoum factory after two U.S. embassies were bombed. The U.S. seemed unprepared for the storm of international criticism generated by the bombing and the U.S.'s refusal to divulge fully the reasons for targeting the factory: it prevented the Security Council from authorizing a U.N. inspection of the bombing site, but even the Organization of African Unity supported such an inspection.

U.S. embassy personnel, withdrawn from Khartoum in 1996, continued to make periodic short visits from Nairobi. A 1997 executive order banning U.S. imports and exports, financial transactions, and investments in Sudan continued.

The State Department noted that both government and opposition forces were guilty of human rights abuses, but U.S. Secretary of State Madeline Albright took the significant step of meeting with the rebel coalition in December 1997 in Kampala, and did not publicly raise human rights with them. While denying it provided any military aid to the Sudanese rebels, the U.S. allocated U.S. \$20 million in "nonlethal" military assistance to SPLA supporters Uganda, Eritrea, and Ethiopia in FY1998 for defense against opposition groups in their countries which were backed by Sudan. When these three "frontline" states became involved in other wars, and the pharmaceutical plant in Khartoum was bombed, U.S. policy for Sudan suddenly appeared adrift.

The U.S. also allocated \$7 million to support "democracy and civil society" in rebel areas, and \$110 million for relief. It appointed a special envoy to address the complex problems of humanitarian assistance.

### United Nations

The U.N. General Assembly again, as it has yearly since 1993, in November 1997 expressed its condemnation of human rights violations by all sides in the Sudan war. The U.N. Commission on Human Rights' special rapporteur on Sudan issued a press statement on December 9, 1997, condemning the arrest and flogging of a group of women demonstrating in Khartoum against conscription. He issued a January 1998 report condemning the state of human rights in Sudan, and resigned in April 1998. Although the mandate was renewed, his replacement was not selected until August and the staff position to back up his rapporteur at the U.N. Centre for Human Rights was left vacant. Implementation of a commission resolution to investigate placing U.N. human rights monitors in or around Sudan, first directed by the commission in 1994, continued to founder.

The U.N. secretary-general's special envoy for humanitarian affairs for Sudan left his position and a new envoy was promptly appointed. The government of Sudan sought a Security Council resolution authorizing an inspection of the pharmaceutical plant bombed by the U.S., but the Security Council did not take up the matter and later Khartoum appeared to have dropped the issue, in pursuit of better relations with the U.S. Minor Security Council sanctions on Sudan, imposed on account of Sudan's refusal to extradite three men sought in the assassination attempt on Egyptian President Hosni Mubarak in 1995, remained in place.

The U.N. continued to deploy enormous resources through various agencies, chief among them UNICEF and the WFP, to ameliorate the famine conditions in southern Sudan.

### European Union

The European Union (E.U.) endorsed an arms embargo on the Sudan government in 1994, but lacked enforcement mechanisms. In an April resolution, the ACP-EU Parliamentary Assembly called on the E.U. to maintain sanctions and not to resume development cooperation as long as the government of Sudan is in gross violation of human rights. It continued high levels of support for the relief effort.

### Relevant Human Rights Watch reports:

*Sudan: Global Trade, Local Impact: Arms Transfers to all Sides in the Civil War in Sudan, 9/98*

# UGANDA

## Human Rights Developments

The National Resistance Movement (NRM) of President Yoweri Museveni came to power in 1986, bringing to an end fifteen years of massive violations of human rights by the governments of Idi Amin and Milton Obote. The NRM government in 1998 governed through what it called the "movement system" of politics. The NRM claimed the system was an effective means to increase political participation by the Ugandan people and prevented renewed descent into warfare along ethnic lines, but restrictions on political activity prevented those opposed to the government's policies from organizing and canvassing for support to bring change through electoral action, while rebel movements of several years' standing fought in the north and west of the country. These rebels continued to carry out brutal assaults on civilians, abducting children, and mutilating and killing adults and children alike. The Ugandan army was also responsible for serious abuses against civilians in these regions for which individuals were rarely held to account.

The Ugandan constitution, adopted in 1995, restricted freedom of association and assembly by allowing political parties to exist in name but

prohibiting them from opening and operating branch offices, holding delegates' conferences or public rallies, or sponsoring candidates. The ruling NRM, while effectively operating as a party, was exempted from these restrictions. The Political Parties Bill, introduced in October 1997 remained under consideration and spelled out in more detail many of the restrictions established by the constitution. A referendum on the future of political parties was planned for 2000, but observers noted that continuing restrictions on the right to campaign against the movement system would mean that voters would not be able to make a well-informed choice. Elections for movement structures held in July 1998 resulted in the unopposed reelection of the chair, Museveni, and vice-chair, Moses Kigongo. However, opposition candidates supporting multipartyism won several important positions in local government elections in April, including the mayorship of Kampala.

Following the July movement elections, Speaker of Parliament James Nwakhobulo was appointed National Political Commissar (NPC) of the NRM, and announced that *Chokamchaka*, the national political education program suspended since the 1996 presidential and parliamentary elections after protests by western diplomats, would resume. *Chokamchaka* teaches the NRM's view that political parties are destructive and sectarian organizations responsible for Uganda's past woes.

The NRM government prevented those opposed to its policies from organizing publicly throughout the year, although interference with political activity seemed to increase following President Clinton's March 24 and 25 visit to Uganda. An attempt by the National Freedom Party (NFP) to organize a hunger strike on March 20 was prevented by police, and NFP leader Herman Ssemujju was briefly detained. A March 25 attempt by the Convention for Multi-Party Democracy (CMD) to organize a peaceful assembly advocating a return to pluralism was called off after the organizer, CMD coordinator and member of parliament John Lukyamuzi received a letter followed up by a visit by police officers ordering him to desist. In May, police halted at least one peaceful discussion of controversial land reform legislation, and detained and charged two members of parliament, John Lukyamuzi and Yusuf Nsubuga, with incitement and promoting sectarianism after a rally opposing the land reform bill.

A series of four seminars on the topic of "Human Rights and Democracy," sponsored by the Foundation for African Development (FAD) and the Uganda Young Democrats (UYD), were broken up by police. On June 19, armed police in riot gear violently dispersed a peaceful FAD/UYD seminar in Tororo, injuring six participants. On July 6, a FAD/UYD seminar in Kamuli district was declared illegal by police, and the venue was surrounded by plainclothes security officials. On July 10, a Mbarara FAD/UYD seminar was dispersed on the grounds of being illegal, even though the organizers claim they had obtained prior approval for the seminar from the District Police Commissioner, and the Resident District Commissioner had been invited as a guest of honor. The UYD attempted to organize a peaceful rally in Mbarara on July 21 to protest the incidents, but was prevented from doing so by a heavy deployment of police. A July 23 FAD/UYD seminar near Masaka was also dispersed, and police reportedly whipped participants with branches stripped from nearby trees while running them off the campus of Uganda Martyrs University.

Police also disrupted and halted a July 25 public lecture on the proposed land act at Islamic University in Mbale, sponsored by Uganda People's Congress (UPC)-aligned Young Congress of Uganda (YCU). A July 27 Masindi seminar for paralegals sponsored by the Foundation for Human Rights Initiative (FHRI), one of Uganda's most respected human rights organizations, was interrupted because the police mistakenly believed the seminar was sponsored by FAD, in keeping with the government's zeal to prevent all opposition political events. An August 9 seminar on poverty alleviation in Iganga, at which former presidential opposition candidate and Justice Forum (JF) leader Kibiringe Mayanja was scheduled to speak, was prevented from taking place by armed policemen.

Conflict with rebel forces continued in many areas of Uganda. Active rebel groups in 1998 included the West Nile Bank Front (WNBF), Uganda National Rescue Front II (UNRF-II), and the Lord's Resistance Army (LRA), all operating from Sudan rear bases, and the Allied Democratic Forces (ADF), operating in the Rwenzori mountains in western Uganda and eastern Congo.

The LRA continued its campaign of terror in northern Uganda, brutalizing, killing, and looting the people of northern Uganda, abducting their children, and burning their homes. In June 1998, the LRA attacked St. Charles Lwanga School in Kitgum district, abducting thirty-nine girls. Military and humanitarian sources estimated that as many as 1,200 children had been abducted from Kitgum district between August 1997 and April 1998. Sudan continued its active support for the LRA, allowing the LRA to operate from Sudanese government-controlled territory, supplying the LRA with food and weapons, and often placing Sudanese soldiers in the vicinity of LRA camps.

The Ugandan army, known as the Ugandan Peoples' Defence Forces (UPDF), continued its policy of moving civilians into "protected camps" in the north. During this process, begun in 1996, civilians were often ordered to move and beaten if they refused to comply. The majority of the population in the north continued to live in these camps, where civilians were more secure, but LRA attacks continued and protection was often inadequate, as was access to housing, water, food, health care, and education. The camp populations remained almost completely dependent on international humanitarian organizations for nutrition. In April 1998, the LRA stated that it would consider nongovernmental aid workers legitimate military targets because of their support for what the LRA termed Museveni's "concentration camps." The LRA attacked food convoys of the World Food Programme (WFP) and Oxfam, and heavy fighting in Kitgum district coupled with renewed threats by the LRA led to a temporary withdrawal by most nongovernmental organizations from Kitgum district during May to June 1998. A WFP staff member driving a clearly marked WFP vehicle was killed by unidentified rebels near Pakelle in July.

The ADF, engaged in a guerrilla war against the Ugandan government in the Rwenzori mountains in western Uganda since November 1996, was responsible for many abuses against civilians, including killings, looting, abductions, and physical abuse including mutilations. The ADF attacked civilian settlements throughout 1998. During a typical attack on Kichwamba on April 9, the ADF killed sixteen people and abducted about forty-five. Like the LRA, the ADF has engaged in mass abductions of children. On February 19, thirty girls and three boys were abducted from a school in Mitandi. On June 9, the ADF attacked Kichwamba Technical School. When students locked themselves into their dormitories to prevent being abducted, the ADF burned three dormitories to the ground, burning to death an estimated fifty to eighty students. The ADF then retreated into the mountains with an estimated one hundred abducted students and other civilians. The bodies of ten more victims were reportedly recovered in the vicinity over the next days.

Urban terror attacks, which first occurred in Kampala in August 1997, continued in 1998. The National Army for the Liberation of Uganda (NALU) claimed responsibility for several of these attacks, and the government blamed the attacks on the ADF, a coalition rebel group incorporating NALU. Two bombs exploded in Kampala in April 4, killing four people, and a third bomb on April 11 injured five. In July, another two bombs exploded, including one in a crowded bar during a World Cup soccer game, killing two people. On August 25, at least twenty-eight people were killed when explosives detonated on three separate buses traveling from Kampala to Rwanda and other destinations.

The army, the police, and other security organizations were also responsible for serious human rights violations, and were rarely called to account for abusive behavior. In February, J. Okot was arrested by army troops as a suspected rebel sympathizer, kept in an underground pit, and tortured at Awer detach in Gulu district. Several cases of rape by UPDF soldiers were reported in the north. The UPDF continued to detain civilians illegally at army facilities, often for periods of months, without oversight by civilian authorities. Over a thousand persons remained on pre-trial remand in Ugandan prisons on charges of treason, some having been detained for several years. On several occasions, the 360-day maximum limit on pre-trial detention for treason offenses was circumvented when police rearrested suspects promptly after they were released on court orders. In May, eighteen WPDF treason suspects were released and rearrested, and two weeks later twenty-seven ADF treason suspects were similarly released and rearrested.

Treason suspects in western Uganda were tortured by UPDF soldiers, beaten with heavy canes, and in at least one case burned on exposed skin with the drippings of a burning plastic jerrycan. Some treason suspects remained incarcerated on the basis of confessions coerced under torture. A number of children were detained on treason charges and claimed to have been physically abused while in police or UPDF custody.

## Defending Human Rights

Although a large number of human rights organizations operated in Uganda, many continued to practice self-censorship out of fear of government retaliation. The government limited the work of human rights NGOs by threatening to suspend their registration, and required that NGOs be nonpolitical and nonpartisan. Museveni repeatedly responded to reports of government violations by stating that NGOs should focus on rebel abuses instead. Most domestic NGOs focused on noncontroversial human rights issues such as human rights education or prison reform, but some groups continue to develop their monitoring capacity in more controversial areas such as abuses by the army. The government was cooperative with the work of international human rights groups.

## The Role of the International Community

### United Nations

The United Nations Commission on Human Rights adopted a resolution on the abduction of children from northern Uganda at its 1999 session, calling upon the LRA to cease abductions and to release all abductees remaining in captivity. UNICEF continued to actively work for an end to abductions in northern Uganda, and facilitated the repatriation in March of fourteen children and three adults, all former LRA abductees, from Sudan to Uganda. The UN special representative to the secretary-general on the impact of armed conflict and children, Clara Ogunnu, visited Sudan in June 1999 and raised his concerns about LRA abductions with the Sudanese government. Sudan handed over an additional three Ugandan abducted children to Ogunnu, and pledged to assist with ongoing efforts to release LRA abductees. Sudan's efforts so far have been negligible.

### European Union

Although the European Union has a significant aid program in Uganda and a delegation based in the country, it has avoided making public statements about the human rights situation. It focuses on infrastructure, transportation, health, and education, as well as some capacity building for NGOs. In addition, the EU provides non-project aid, notably direct balance of payments support to the Ugandan government. However, in September, the president of the European Commission, Jacques Santer, called for the member states to discuss whether all E.U. aid should be suspended to all the countries involved in the Congo crisis.

### United States

Several high-profile U.S. visits to Uganda took place, but U.S. criticism of Uganda's human rights practices became increasingly muted as the U.S. focused increasingly on isolating Sudan and improving its relationships with what it dubbed the "new leaders," including President Museveni. During a December 1997 visit, Secretary of State Madeline Albright described Uganda as a "beacon of hope" and focused her attention on condemning the LRA and meeting in Kampala with John Garang, leader of the Sudan People's Liberation Army (SPLA). U.S. President Bill Clinton visited Uganda during his March African tour and met with the leaders of a number of African countries to sign the "Entebbe Declaration." With little discussion of human rights issues, the Clinton visit was seen as an uncritical endorsement for the Museveni government in the eyes of many observers, including many Ugandans.

In testimony in July on the crisis in Sudan and northern Uganda, Assistant Secretary of State for African Affairs Susan Rice noted that the UPDF "has not been as efficient as it could be in combating the LRA and protecting civilian populations." She went on to state that the UPDF and government-sponsored local defense forces "must guard against human rights abuses," but concluded that "[a]busive tactics are an aberration for the UPDF. For the LRA, they are standard operating procedure." On the issue of democratization in Uganda, Rice made a speech in March in which she merely stated that "we have urged genuine political pluralism and systems that incorporate a wider spectrum of political beliefs."

In addition to some \$77 million in development assistance, Uganda also participated in a number of U.S. military programs. As part of the U.S. effort to contain Sudan, the U.S. provided Uganda, Ethiopia, and Eritrea with non-lethal military equipment. In fiscal year 1999, Uganda received some \$3.95 million in such equipment. Uganda also received approximately \$400,000 in military training under the International Military Education and Training (IMET) program, designed to help professionalize the army. Uganda was also one of the first countries to receive training and equipment under the African Crisis Response Initiative (ACRI), a program aimed at enhancing the capacity of African armies to respond to humanitarian crises and peacekeeping purposes. The second phase of Uganda's ACRI training was scheduled for late 1999, but was postponed until August 1999, related to U.S. concern about Uganda's involvement in the Congo crisis.

## ZAMBIA

## Human Rights Developments

Zambia, once promoted as a model for democracy in Africa, was distinguished by human rights abuses in the wake of a military coup attempt on October 29, 1997 when soldiers seized the national radio station in the government's Mass Media Complex. A few hours later Zambian army commandos stormed the complex, regained control, and captured the rebel soldiers. The following day, a state of emergency was declared by President Chiluba and a crackdown ensued on suspected accomplices in the coup attempt and leaders of the legal opposition. A number of opposition politicians were targeted, including Zambia Democratic Congress (ZDC) leader Dean Mung'omba and, on December 25, ex-president and United National Independence Party (UNIP) leader Kenneth Kaunda.

Constitutional guarantees of many basic human rights were suspended in the months that followed the coup attempt. In early January 1998 the number of detainees peaked at 104 people; by September this had declined to seventy-six as detainees were gradually released.

Human Rights Watch received information that at least fourteen of the detainees, including Mung'omba, were tortured or beaten by police while in detention in early November 1997, although the government does not acknowledge this. One of the detainees, Corporal Robert Chilulo, died on November 7 at Lusaka's Maina Soko Military Hospital. The hospital said that he had died of malaria, but other medical sources at the hospital told us that he died of injuries resulting from torture and that a post mortem had not been done. Some of the detainees were reportedly tortured with the "kampelwa" (the "swing"), described as being suspended from a metal rod thrust between two tables, with hands handcuffed to the rod and rope binding their legs to it. Police officers reportedly beat them while they hung.

In late November Human Rights Watch sought to independently verify the allegations of torture but was denied access to the detainees. In March we gained access to two detainees, Kaunda and the ruling-Movement for Multiparty Democracy (MMD) women's chair, Princess Nakatindi Wina, but failed again to gain access to most, although we monitored their presence in court. Amnesty International was also denied access to most of the detainees in April, although it too gained access to Kaunda.

Charges were dropped against UNIP leader Kenneth Kaunda and his head of security, Moyce Kaulung'ombe on June 1. Kaunda's release followed a deal struck between the government and his family in which Kaunda was to agree to retire from politics. On July 3, Kaunda told a UNIP Central Committee meeting that he would leave domestic politics.

On June 9, the treason trial of seventy-seven soldiers and two politicians (Mung'omba and Nakatindi Wina) began. Detentions continued in the run-up to the trial: Ndola businessman and former Finance Bank Chairman Rajan Mahantani was detained on June 6 and charged in connection with the attempted coup and then released on July 15 with all charges dropped.

In July Human Rights Watch monitored the treason trial's progress and was able to meet in court with Dean Mung'omba, who said he had been tortured and that he was being treated for TB which he contracted in prison. A number of other detainees in this case have collapsed in court due to illness brought about or exacerbated by poor remand prison conditions.

The government-appointed Permanent Human Rights Commission submitted a report to the government on March 30, naming several individuals who detainees say were torturers. They included, Police Chief Teddy Nondo, who on June 25 was confirmed as Drug Enforcement Deputy Commissioner. The report's key recommendation was: "immediate retirement in the public interest of officers involved in torture of detained or remanded persons" and, reflecting the HRC's semi-official status, that the authorities "work out a retirement package" for such officers.

In a positive move, the government announced on August 11 that it had set up an independent commission of inquiry to probe into allegations of torture of the suspects in the failed 1997 coup and appointed High Court Judge Japhet Banda to head it, although he will only take up the post when the trial of the coup suspects has ended. In another welcome move, the cabinet in August approved the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The state of emergency was also marked by restrictions of the rights to freedom of expression, assembly, and association and by prolonged arbitrary detentions. Lawyers defending detainees linked to the coup attempt were harassed by police. Robert Simeta, Dean Mung'omba's lawyer, was harassed in early November 1997: he received anonymous phone calls, his supermarket business was raided, and he was aggressively followed until he complained to the Inspector General of Police. Mwangala Zalumis and Sakwiba Sikota, lawyers defending Kenneth Kaunda also alleged police harassment in January.

During this period the police acted in an arbitrary manner, allowing progovernment rallies to be held but banning opposition or independent demonstrations. NGOs also had their requests for parade permits turned down. A request by civic leaders for authorization of a march to mark Human Rights Day, December 10, 1997, was also turned down by the police. Police Service Commissioner Wynter Kabwiku said the planned march could not take place "due to the current security situation in the country."

Freedom of expression was also curtailed by the state of emergency and there was harassment of journalists. On January 2 police physically assaulted and attempted to seize a camera from a CNN camera crew. A few days later, on January 6, four reporters - from Reuters, Agence France Press, Pan African News Agency, and the *Zambia Daily Mail* - were prevented by police from covering part of the Kaunda case because the court room, including the press gallery, was reportedly "full," although other journalists inside the court disputed this. State journalists that were working at the time of the coup were also brought under scrutiny and a number lost their jobs.

In May, *Zambia Daily Mail* reporter Joy Sata faced disciplinary action by the paper after stating on a television discussion show that this government-owned newspaper practiced a policy of censoring stories critical of the government. *Zambia Daily Mail* acting news editor Justine Mwinga was a few days previously indefinitely suspended for leading an editorial protest against the management's decision to limit coverage of the October 29, attempted coup.

The state of emergency was extended on January 29, 1998 but lifted on March 17, following strong E.U. and U.S. donor protest and a clear message from the World Bank that a consultative group meeting could only occur once the state of emergency ended. President Chiluba announced that the measure was intended to assure the outside world that Zambia was a democratic country.

Human rights abuses declined after the lifting of the state of emergency, but there remained areas of concern including extraordinary tax demands made against opposition leaders. Soon after Pastor Nevvers Mumba declared in late 1997 that he was considering contesting the 2001 presidential elections as the candidate of the National Citizen's Coalition, the Zambian Revenue Authority issued him a tax demand for around U.S. \$1.5 million, a figure backdated to 1995 based on the income of the church he heads, Victory Ministries International, which like other churches had been tax exempt.

Reports of police brutality continued in the urban areas. Cases of illegal detention, torture in cells, killings, and custodial rape occurred during the year. On May 27, police officers picked up Steward Mwanjende with four other suspects in connection with house breaking and burglaries in Mindolo Police Camp. For two days Mwanjende was subjected to severe beatings by interrogating officers, he was also burned between his legs before dying of multiple injuries. In this case the Human Rights Commission acted and seven police officers reportedly involved were arrested in July in connection with the killing.

Conditions in Zambia's prisons for the average daily population of 12,500 inmates remained a serious concern. Most of these prisons, especially in urban areas, were overcrowded, with a growing prison population.

Kabwe Prison, built for 300, had 528 inmates. It had a serious water problem and only fifteen toilets. Conditions appeared little better in Mukobeko maximum security prison, which had over 900 inmates, including those condemned to death. Those held on death row increased in 1998 to over 150, all of them held in small two meter square cells. Some convicts had been on death row for over twenty years, and none know whether they were scheduled for execution. The last execution was in January 1997, when eight condemned prisoners were hanged.

Mukobeko also lacked provisions to isolate sick prisoners with communicable diseases thereby increasing the risk of illness spreading quickly. On September 17, Judge Japhet Banda, who presided over the treason trial, threatened to release the accused on bail if the state did not improve the appalling prison conditions at the prisons they were kept. A chronic respiratory infection at Lusaka Central and Kamwala Remand prisons had spread to many detainees. Judge Banda also disclosed that the Commandant at Maina Soko Hospital had stated in a report on the medical profiles of all detainees that a "rogue bacteria" had become uncontrollable because of congestion in the cells.

## The Human Rights Commission

The Zambian Human Rights Commission showed some initiative in this period and publicly condemned the use of torture in December. However it made this statement the government withdrew its offer of a government property, Ndeke House, as the commission's premises, a warning to the semi-autonomous body to be more compliant. The commission's composition and its limited resources and power still raised questions concerning its independence. Although the commission obtained permanent premises in June, it complained in July that the government had cut most of its funding to it.

In June the commission also announced that its probe into alleged police gunfire during an opposition rally, injuring Kenneth Kaunda and self-exiled Liberal Progressive Party chairman Rodger Chongwe in Kabwe in August 1997, was shelved because the commission had not raised the K65m (U.S. \$50,000) needed for the enquiry. Human Rights Watch published its own findings from ballistic and forensic analysis in May and concluded that a bullet from an assault rifle struck and seriously injured Rodger Chongwe. Fragments from the bullet reportedly slightly wounded Kaunda and an aide. According to eyewitnesses interviewed by Human Rights Watch no warning had been given prior to live ammunition being used by police. A small number of police that day carried AK-47 assault rifles, senior officers had revolvers, and a few G-3 assault rifles were held by a police mobile unit.

## Defending Human Rights

A number of NGOs continued to monitor human rights abuses. The Inter-Africa Network for Human Rights and Development (AFRINET) monitored police brutality and prison conditions and in June published its first annual report on human rights in Zambia. AFRINET and the Zambia Independent Monitoring Team (ZIMT) came under attack from government twice: for their statements about the curtailment of rights under the state of emergency and for their call for an independent investigation into allegations of torture of coup detainees, and in May 1998 for being "unpatriotic" because of their lobbying for human rights conditionality during the World Bank meeting in Paris. One of Zambia's outstanding human rights activists, Lucy Sichone, died in August after a long illness, but her NGO, the Zambia Civic and Education Association continued to provide rights advice for the poor.

In July ZIMT began campaigning for gay and lesbian rights and assisted the setting up of an association despite hostile press coverage and a threat from government in September to arrest practicing gays and lesbians. In July AFRINET and Human Rights Watch conducted a joint field mission to the Angolan border and camps receiving Angolans in Zambia.

## The Role of the International Community

The international community's efforts to press for improved human rights protection and governance remained exemplary. The Southern African Development Community (SADC) and especially the governments of Botswana, Mozambique, South Africa, Tanzania, and Zimbabwe played an important role in pushing for rights improvements in Zambia. The bilateral donors' resolve to offer balance of payments support in return for positive actions by the Zambia government had results in the runup to the May Consultative Group meeting in Paris. The World Bank postponed this meeting in December 1997 and told the government that it would only be held when the state of emergency was lifted. At the May meeting, donors pledged U.S. \$235 million in balance of payments support and U.S. \$295 million in project aid. These pledges were conditional to specific benchmarks including measures reflecting improved respect for human rights (especially an independent investigation into allegations of torture). Unheard of for a consultative group meeting, the World Bank's final press statement specifically mentioned human rights concerns, a response to robust lobbying in Paris by NGOs.

## European Union, Canada, Norway, Japan

The European Union condemned the October coup attempt and issued a strong statement calling for the protection of human rights. When former President Kaunda was arrested, the E.U. issued a statement calling on the government to "fully respect the human rights of all political detainees in accordance with internationally agreed standards and in particular strongly condemn the use of torture against persons under arrest." A high level visit from the United Kingdom, scheduled for January was canceled when unhindered access to Kaunda was not guaranteed. When a new British High Commissioner, Tom Young, presented credentials on January 6, he reaffirmed that democracy and human rights remained priorities for his government.

Denmark in this period froze funds for a U.S. \$43 million road building aid project until allegations of torture were adequately dealt with. The E.U. also set three preconditions for balance of payments resumption for its members, also supported in practice by Canada, Norway and Japan. These three conditionalities were that the coup attempt detainees should be charged or released; that the state of emergency should be lifted; and that the allegations of torture should be officially addressed. When the government extended the state of emergency on January 29 the E.U. promptly issued a statement condemning the "continued suspension of basic human rights." The E.U. also strongly urged the government to urgently "investigate allegations

of torture made by some detainees." When the state of emergency was lifted on March 19, this was welcomed but the E.U. reiterated its position on "the need for a full investigation into allegations of torture."

### **United States**

The United States is not a major player in Zambia but made efforts through the year to push for improved respect for human rights. In December 1997, Reverend Jesse Jackson, President Clinton's special envoy for the promotion of democracy in Africa, visited Zambia. On December 3 and 4 he met with government officials, opposition members, NGOs, civic groups and the Human Rights Commission. Jackson on his arrival urged the government "to do something" about the reported torture of detainees allegedly involved in the failed coup.

When Kaunda was arrested on December 25, the U.S. released a statement condemning the arrest and on December 29, special envoy Jesse Jackson phoned President Chiluba to seek assurances that Kaunda was well and would be released. Following the extension of the state of emergency in January, the U.S. issued a strong statement deploring the decision as an action that "undermines [the] government's efforts to build Zambia's democracy and to assure internationally recognized human rights for all Zambians." The U.S. also called for an investigation into allegations of torture.

### **Relevant Human Rights Watch report:**

*No Model for Democracy: Continuing Human Rights Violations, 5/98*