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A summary of human rights concerns in sub-Saharan Africa

March-September 1998

October 1998

SUMMARY

AI INDEX: AFR 01/05/98

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Africa Update provides a snapshot of Amnesty International's main concerns in sub-Saharan Africa. It is published every six months: this report covers the period March-September 1998. Not every country features in each of the Updates; rather each Update provides an overview of the actions which Amnesty International has taken to document and publicise human rights abuses over the period.

This edition of Africa Update also provides an overview of our work on a number of topics. In this issue, the emphasis is on our work with human rights defenders and with the Organization of African Unity and the African Commission. Work with the World Council of Churches is also featured.

For further information on any of the topics or countries which appear in this Africa Update, please refer to the Amnesty International documents the index reference numbers for which appear in each entry.

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This report summarizes a 49 page document: AFRICA UPDATE: Human Rights concerns in sub-Saharan Africa March-September 1998 (AI Index: AFR 01/05/98) issued by Amnesty International in October 1998. Anyone wishing further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

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AFRICA UPDATE

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AFRICA: DEFENDING THE DEFENDERS PROJECT

"Everyone is capable of being a Human Rights Defender, whatever their gender, profession or class, as long as they have integrity and commitment, are knowledgeable about human rights, look to the causes of human rights violations and go about solving them."

From the statement issued after the Harare workshop

A series of sub-regional workshops, organized under the banner of Amnesty International's Human Rights Defenders Project, (*Defending the Defenders*) form part of the organization's celebration of the 50th anniversary of the Universal Declaration of Human Rights (UDHR).

These workshops will culminate in a final conference -- the All-Africa Human Rights Defenders Conference -- in November 1998 in Johannesburg, South Africa.

So far workshops have been held bringing together defenders from Southern Africa in Harare (Zimbabwe) in March 1998; West and Central Africa in Bingerville (Cote d'Ivoire) in July; and North Africa in Rabat (Morocco) in October. They built on the success of a workshop in Arusha (Tanzania) in November 1997 and an international regional conference on the protection of human rights defenders in Latin America and the Caribbean, in Bogotá, Colombia, in May 1996.

Committed to defenders

Amnesty International has the experience and capacity to bring together a pan-African program which addresses one of

the most urgent challenges we face: to reinforce the work of human rights defenders throughout the region and develop effective mechanisms for their protection.

Amnesty International has pushed for more than a decade for the elaboration of an international instrument that recognizes and strengthens the right to defend human rights. For example, it has made detailed recommendations to the United Nations Working Group drafting a declaration on this issue. This Working Group recently finalized its declaration and it is expected to be approved by the UN General Assembly by the end of 1998 (see *International Service for Human Rights*, The United Nations Draft Declaration on Human Rights Defenders: Analysis and Prospects, Dossier No. 1, 1998).

Bringing together defenders

The workshops drew together over 100 defenders from a range of countries. In many of the countries represented, defenders have assumed a central role in the promotion and protection of human rights and in the course of their work have themselves come under threat.

Participants came from many different professions -- ranging from workers with Non-governmental organizations (NGOs) to journalists or lawyers and from development field workers to trade unionists. They described the harassment they face and shared experiences on how to handle different threats. Harassment varied from phone tapping and other forms of surveillance to infiltration, and from arrest to torture and assassination. Methods of protection included practical means and legal responses.

The workshops were also useful for networking. As some of the participants at the West and Central Africa workshop expressed "It is important be in contact with other African NGOs so that we can help when they are under threat from their government because of their work and... it is useful to act together in these situations".

For Amnesty International too, it was an opportunity to make contacts, deepen relationships with national NGOs and learn.

Follow-up work

Follow-up work after the conference will be led by the NGOs from the region. Amnesty International will channel its activities through its sections and groups on the continent, Amnesty International's Africa Regional Office in Kampala (Uganda) and campaign staff in the International Secretariat offices in London (United Kingdom). Different levels within the organization will take up different aspects: for example, a campaign on Human Rights Defenders is already planned by several African groups and sections for 1999. The workshop and conference declarations, which will determine the key activities to be carried out, will provide a basis for detailed planning.

The Project will feed into the Paris Summit on Human Rights Defenders, scheduled for December 1998, to be co-hosted by Amnesty International, the *Fédération Internationale des droits de l'homme*, the French government and others.

ORGANIZATION OF AFRICAN UNITY AND THE AFRICAN COMMISSION

The 23rd ordinary session of the African Commission on Human and Peoples' Rights (African Commission), held in April 1998 in the Gambia, coincided with the decision by the Rwandese Government to execute 23 persons for allegedly participating in the 1994 genocide. Following an intervention by Amnesty International delegates, the African Commission issued an urgent appeal to the Rwandese Government for the postponement of the executions, which it stated would violate the right to life guaranteed under Article 4 of the African Charter on Human and Peoples' Rights (African Charter). The African Commission called for a proper investigation of the allegations against the accused and a new trial with adequate legal assistance. Regrettably, the Rwandese Government proceeded with the executions, but the African Commission's actions constituted an important initiative.

The African Commission appointed Commissioner Julienne Ondziel (Congo Brazzaville) as Special Rapporteur on women. Her mandate includes ensuring implementation of the African Charter, assisting governments in the formulation of policies relating to women's rights and collaboration with international bodies and mechanisms on women's rights. The working group on the Draft Additional Protocol to the African Charter on the

Rights of Women in Africa presented a progress report on the text. The African Commission also adopted a strong resolution on the International Criminal Court.

In June 1998, at the 68th Council of Ministers and 34th Assembly of Heads of State and Government (AHSO), the Organization of African Unity (OAU) considered conflict situations in Angola, Burundi, Comoros, Sierra Leone and Somalia, and the establishment of a panel to investigate the genocide in Rwanda. The AHSO adopted the Protocol to establish an African Court of Human and Peoples' Rights (African Court). The African Court will be established when 15 member states have ratified the Protocol. The conflict between Ethiopia and Eritrea and unrest in Guinea-Bissau provided a backdrop to these OAU meetings and represented a direct challenge to the ability of the OAU to prevent and end conflicts. Although arguments for an African peace-keeping force are gaining ground, the OAU has had limited success with conflict situations, and concerns about human rights violations continue to remain at the margins of its deliberations and actions.

To fulfil its responsibilities for ensuring peace, security and economic development on the continent, the OAU must develop procedures and mechanisms at the General Secretariat and within its political organs to incorporate a human rights dimension in all its work. The OAU ministerial conference to celebrate the 50th anniversary of the Universal Declaration of Human Rights (UDHR),

which was to be held in Angola in October 1998 but which has been postponed indefinitely, would have provided an important forum for finding solutions to the serious situation of human rights that continues the length and breadth of the continent. Amnesty International with other international and African NGOs are urging the OAU to convene the conference in 1999 in order to make human rights central to its work. Only in this way will it be able to truly recommit itself to the principles of the UDHR.

THE WORLD COUNCIL OF CHURCHES GENERAL ASSEMBLY

The World Council of Churches (WCC) General Assembly takes place every seven years and this year the Eighth Assembly will meet in Harare, Zimbabwe, from 3 to 14 December. This is the main gathering of Protestant Christian church groups from throughout the world and the meeting will help inform and decide policy for these churches for the next seven years. They are taking this opportunity to celebrate their 50th anniversary and the 50th anniversary of the Universal Declaration of Human Rights (UDHR).

Amnesty International and the WCC share a strong commitment to human rights. Contacts between the two organizations are sustained at various levels. For example, Amnesty

International's sections in many countries are in regular contacts with national churches. On various occasions, church officials have visited the International Secretariat of Amnesty International for human rights briefings. There is also a regular exchange of information and publications. Finally, both organizations share common constituencies - countless members and supporters of Amnesty International belong to churches of the WCC. It is within the spirit of this long-standing cooperation that Amnesty International, once again, is taking part at the Eighth Assembly of WCC in Harare, Zimbabwe and has been granted Observer status.

During the General Assembly there will be a *Padare*, a gathering of non-governmental organizations (NGOs) and others and an opportunity to hold workshops, seminars, theatre and other offerings aimed at informing and sharing with the assembly delegates. During this *Padare* Amnesty International will be working with Penal Reform International and will hold workshops on the death penalty. Amnesty International and Penal Reform International have long been involved in the worldwide campaign to end the use of the death penalty. This is an ideal opportunity for both organizations to come together to share experiences between participants and provide skills and techniques on how to campaign against the death penalty in one's own country and in other countries, particularly where the abolitionist movement is weak. We plan to share practical advice, information and materials, to explore new campaigning

techniques and help facilitate networking amongst all those active on this issue.

During this campaign both organizations have worked with churches and non-governmental organizations throughout the world. We recognize particularly the work of the WCC in this struggle, and hope to enhance the capacity of member churches and individuals to continue this work.

Amnesty International will also be working with assembly delegates and coalition partners on issues including child soldiers, women, gays and lesbians and Amnesty International's USA Campaign.

As music is an exciting and accessible way of spreading the message of human rights, Amnesty International is most pleased that we will be joined in Harare by a band from Malawi who will perform songs about human rights and social justice.

COUNTRY REPORTS

ANGOLA

Human rights violations undermine the peace process

Hundreds of politically motivated and other deliberate and arbitrary killings added to the violence as Angola's peace process appeared to be crumbling. Throughout the peace process, which began in May 1991, there has been a failure to investigate political killings and other violations of the peace agreements and bring those responsible to justice.

The peace process is now being monitored by MONUA, the United Nations Observation Mission in Angola, which in September 1998 comprised 725 military personnel and 388 civilian police observers. In the early stages of the peace process the UN operation numbered more than 7,000 personnel.

This article deals with violations of the human rights provisions of the peace agreement in contested areas. Both the government and *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola, have also carried out abuses in areas they control. Government police have been responsible for extrajudicial executions of suspected criminals and other human rights violations. UNITA has also detained

suspected dissidents within its ranks and tortured and killed prisoners.

In the first quarter of 1998 UNITA declared that it had fully demilitarized its armed forces and was legalized as a political party. The Government of National Unity and Reconciliation, in which UNITA held ministerial and other posts, was set up. The main remaining task was that the government should extend its authority to areas controlled by UNITA. This process was fraught with complaints on both sides of harassment, arrests and killings of the officials or supporters of the other. The violence increased. Some appeared to be carried out by armed groups involved in cattle rustling or, in the north and east, in the context of illegal diamond mining activities. There were reports of troop movements in various parts of the country and observers estimated that UNITA still had around 20,000 troops. By September UNITA had reoccupied 90 localities it had previously placed under government administration. As tension increased United Nations (UN) and non-governmental organization personnel came under attack by UNITA and several have been killed.

In August Angola sent troops to assist President Kabila of the neighbouring Democratic Republic of Congo (DRC) to repress a rebellion: it also aimed to prevent UNITA and separatist rebels in

the Angolan enclave of Cabinda, separated from Angola by a strip of DRC territory, from using the DRC as rear bases (see *Africa Update - September 1997 - March 1998*, 25 May 1998, AI Index AFR 01/02/98 for a description of the human rights situation in Cabinda). By September the political situation seemed to have reached a stalemate: the government suspended UNITA members from their government posts and parliamentary seats until such time as UNITA fully cooperated with the peace process. Some suspended UNITA officials formed a break-away UNITA Renewal Committee which received government recognition.

Against this background the number of violations of the human rights provisions of the peace agreement increased, particularly in disputed areas such as the diamond-mining areas of Lunda Norte and Malange provinces. However, it has been virtually impossible to obtain details, corroborate reports or even verify who was responsible for the violations. There have been no efforts to bring those responsible for the following cases into justice.

Alleged human rights violations by government forces

UNITA claimed that between April 1997 and June 1998 government police and other forces had killed more than 250 named UNITA members or supporters. It also named more than 600 others whom it said had been arrested, some of whom had been tortured or had "disappeared".

Cases of torture reported by UNITA include that of a UNITA official, **António Manuel**, who was arrested by police at a control point near Caculama, Malange province, in May 1998 and the word "UNITA" was cut on his back with knives. **Alexandre Augusto Liberdade**, a UNITA municipal secretary, and over 12 other UNITA municipal officials were reportedly publicly executed in April 1998. The shootings were said to have been carried out by police in Kalandula, Malange province. Among those who remained "disappeared" during 1998 were former **Colonel Jose Maria Kapinala** and eight other demobilized UNITA soldiers. Police arrested them in Mumbué, Kuando Kubango province, in late December 1997 or early January 1998 and said that they were taking them to Menongue, the provincial capital. The nine apparently "disappeared" in custody.

Alleged human rights abuses by UNITA

The government has accused UNITA of carrying out human rights abuses. These included deliberate and arbitrary killings of several hundred of civilians and government officials.

Civilians reported to have been killed by UNITA included traditional leaders, women and children. In Kissanga, Malange province, UNITA forces reportedly stabbed and beat six traditional leaders to death in June 1998 because they were government supporters. Police appear to be a particular target. For example, within a few days, in May 1998, the government announced that UNITA had killed **Eduardo Jamba**, a police officer in

Cuima, Huambo province, and five other police in Lunda Norte province.

Human rights abuses by unknown perpetrators

Sometimes it has been impossible to identify the perpetrators of human rights abuses. In July 105 people were killed and buried in mass graves in Bula in the diamond-mining area of Lunda Norte province. In the second week of August government officials said that UNITA had killed over 100 people, including some foreign illegal diamond miners, in the Kunda-Dia-Base and Cunda-Sungingi areas in Malange province in the second week of August. The UN later reported that there had been numerous deaths including the summary execution of at least nine people.

Both government forces and UNITA are widely reported to be carrying out forcible conscription, although the government denies that it is doing so. In Luanda police and soldiers have rounded up young men, some of them under the legal military age of 20, sometimes shooting at those who try to escape.

Amnesty International is calling on all involved in the peace process in Angola - the government, political parties, those bearing arms and civil society in general - to place respect for human rights at the forefront of any further actions in the context of the search for peace. Without full commitment to the protection of human rights there will be no reduction in the atmosphere of mutual mistrust and hostility which itself is a breeding ground for human rights abuse.

BURUNDI

Legal concerns

In March 1998, Amnesty International visited Tanzania and carried out research into the situation of Burundian refugees in Tanzania and human rights in Burundi. In April and May, Amnesty International visited Burundi to investigate its concerns related to arrests and detentions. These include arbitrary arrests, torture and ill-treatment, long-term detention without trial as well as unfair trials and the death penalty. These concerns were discussed with government representatives.

In July 1998, Amnesty International published a report *Burundi: Justice on trial* (AI Index: AFR 16/13/98). This report sets out Amnesty International's concerns and recommendations in relation to the judicial system and to on-going trials in Burundi, and calls on the Burundi government and the international community to take urgent steps to improve the fairness of trials, end arbitrary arrests, torture and "disappearances" and to prevent further executions.

Killings of unarmed civilians

Scores of unarmed civilians are reported to have been killed between March and September 1998, in particular in the southern provinces of Makamba and Bururi, and in Rural Bujumbura. The majority of killings are in conflict zones, making verification of information particularly difficult. Soldiers of the Tutsi-dominated Burundian army have

extrajudicially executed hundreds of Hutu civilians, often in reprisal for military activity or attacks by armed opposition groups. Members of various Hutu-dominated armed opposition groups and other militias are also responsible for scores of killings.

For example, on 6 August soldiers reportedly beat then shot dead **Jeremie Rurimunzu**, outside his house in Mubone zone, Itenga colline, Kabezi commune, Rural Bujumbura province. Soldiers had accused him of giving food to members of armed groups. On 16 August, in Mutumba, Kabezi commune, at Nyarende, two men were reportedly shot by soldiers because they refused to serve them beer. On 17 August a woman and her two adult sons were killed by soldiers at Nyamaboko colline, Kanyosha commune, Bujumbura Rural. Soldiers had reportedly accused the family of failing to provide information on the presence of armed groups.

On 8 September, 21 houses were burnt and five people were extrajudicially executed on Kirikure area, Mutimbuzi commune, Bujumbura Rural. Much of the population fled the area. In late August, a local official **Pascal Birari** held a meeting to encourage people to return home. **Pascal Birari** was arrested by soldiers who reportedly accused him of supporting armed groups. Six people, including one old man, were also killed. At the time of writing, **Pascal Birari** was still detained without charge at Gatumba brigade.

Extrajudicial executions

On 19 April 1998, a *Front pour la démocratie au Burundi*, Front for Democracy in Burundi. (FRODEBU) activist, called **Claude**, was arrested by soldiers at Mubuga, Gitega province. His body was found shortly afterwards. No investigation is known to have been carried out into his apparent extrajudicial execution.

Spéciose Butore, **Didace Bukoru**, **Jean Ndabagamyé**, **Karidou Mugabonihera** and **Anaclet Bambara** were extrajudicially executed on 1 July 1998 while in detention in a cell in Rwisabi zone, Mutaho commune, Gitega province. They had been arrested by local administration officials on or around 26 June and accused of collaboration with armed groups. On or around 30 June 1998 another detainee, **Bigirimana**, who was arrested on 21 May, is reported to have been killed in a communal cell in Bukirasazi commune, Gitega province. Amnesty International has raised these cases with the government of Burundi on several occasions but has yet to receive a response.

Arrests and fear of ill-treatment or torture

In April 1998, **Pascal Ntihabose**, a member of FRODEBU, was arrested in Bujumbura after being denounced by a soldier as having links with armed opposition groups. He was beaten at the time of his arrest. He was detained for several weeks at the headquarters of the *Police de Sécurité publique* (PSP) Public Security Police, in Kigobe, Bujumbura before being transferred to Mpimba

central prison. He has been charged with collaboration with armed opposition groups.

During their visit to Burundi, Amnesty International delegates obtained evidence of torture at the PSP headquarters in Bujumbura, including recent cases of beatings while tied in excruciatingly painful positions. One detainee recently transferred to Mpimba central prison was reportedly beaten and humiliated. She was made to undress during an interrogation, during which she was hit with a wooden stick, and threatened with death.

Gilbert Banyishegusa, a school official in Mutambu school, was arrested on 19 August 1998 in Rugembe colline, Mutambu commune, Rural Bujumbura. He, with the rest of the local population, had been moved and grouped together at Mutambu centre because of fighting and insecurity. He was reportedly accused of subversive activities, and is currently held without charge at the Brigade de Kabezi.

At least 15 inhabitants of Maramvya zone, Mutimbuzi commune, also in Rural Bujumbura, are reported to be held at Kiyange military camp following their arrest by soldiers on 25 August 1998 following an identity control. The basis of their continued detention is not known to Amnesty International. Approximately 100 people were initially arrested and taken to Maramvya zone military position. The majority were held for four days before being taken to their home areas by local officials, while approximately 15 were

reportedly transferred to Kiyange military camp, also in Mutimbuzi commune.

In September, Amnesty International received information on the detention of a family of five in Isale commune, Rural Bujumbura province. The family, including two children aged three and five, are reported to have been in detention since April 1998. They are reported to have been regularly beaten and ill-treated by the administrator of the commune. The family appears to have been illegally arrested and detained in order to force them to reveal the location of a sum of money supposedly hidden by an adult son, **Pontien Twagirayezu**, who is also detained. No family member is known to have been accused of a criminal offence.

Prison conditions

Prison conditions in Burundi are harsh and aggravated by severe overcrowding. Conditions, which are sometimes life-threatening, often amount to cruel, inhuman or degrading treatment. Overcrowding occurs in all prisons, most of which house several times their capacity. Conditions in Ngozi prison, northern Burundi, are particularly bad. Over 200 people died in detention in Ngozi prison between January and April 1998. The prison, which has a capacity of 400, holds more than 2,408 inmates. In some cases, humanitarian aid from non-governmental organizations which could have helped alleviate conditions and severe malnutrition was reportedly rejected by the authorities.

"Disappearances"

Amnesty International has continued to raise the "disappearance" of **Etienne Mvuyekere**, former Secretary General of the political opposition party, the *Rassemblement du Peuple Burundais* (RPB), Rally for Burundi People. He "disappeared" soon after his arrest by soldiers in November 1997. No new information has been received on his case or that of **Jean Népomuscène Minani**.

Death penalty

At least 25 prisoners including **Nephtali Habimana**, **Daniel Kabura**, **Eustache Serembe**, **Rénovat Rutozi**, **Pierre Banboneyeho**, **Tharcisse Baryimare**, **Grégoire Nikobitungwa**, **Barnabé Ntarundenga**, **Evariste Ntuyahaga** have now had their death sentences confirmed. All are now awaiting presidential clemency. None received legal representation at their trials or on appeal. Most complained that defence witnesses were not heard, and that they had no opportunity to defend themselves. At least 260 have now been sentenced to death and six people were executed on 31 July 1997. Virtually all trials have fallen far short of international standards for fair trial.

Refugees

The armed conflict and human rights violations continue to provoke large-scale population displacement. Approximately 600,000 people are internally displaced within the country, and in communes such as Mutambu in Rural Bujumbura province almost the entire population has been forced to leave their homes. Many are grouped by the local civilian and military

officials at military positions. In the month of August, approximately 100 refugees a day were arriving in the Kigoma area of Tanzania, fleeing mostly from Nyanza Lac commune, Bururi province. The majority of those arriving were severely malnourished, apparently in some cases because they had been hiding for weeks before they were able to cross the border. Others claimed that their malnutrition was a result of the conditions in the military positions where they had been regrouped.

Refugees have also returned to Burundi, in most cases assisted by the United Nations High Commissioner for Refugees. A small number of returns from Tanzania have taken place throughout the year, mostly to the Kirundo, Cankuzo and Ruyigi areas. Hundreds of refugees have also returned from Rwanda. Although the returns are classed as voluntary, Amnesty International remains concerned that refugees have been pressurized to return by harsh conditions or ill-treatment. Thousands of Burundi refugees in eastern DRC have also returned to Burundi, fleeing the conflict.

CAMEROON

Freedom of expression under attack

Amnesty International continues to campaign for the immediate and unconditional release of prisoner of conscience, **Pius Njawé**, a prominent journalist held in harsh conditions in the Central Prison, New Bell, Douala.

Pius Njawé, director of the independent newspaper *Le Messenger*, was arrested in December 1997 following an article which questioned President Paul Biya's state of health. He was charged with *propagation de fausses nouvelles*, dissemination of false news, and in January 1998 was convicted and sentenced to two years' imprisonment and a fine. On 14 April 1998 the Court of Appeal in Douala reduced the fine and the prison term to one year and on 17 September the Supreme Court confirmed Pius Njawé's one-year prison term.

The conditions in which Pius Njawé is held in New Bell prison are harsh and his health, particularly his eye-sight, has seriously deteriorated. Although he was initially allowed to see an eye specialist in hospital in May 1998, he was prevented by the prison governor from attending a subsequent appointment, despite recommendations from the prison doctor.

Pius Njawé has been imprisoned on many occasions in the past. More than 30 court cases have been brought against *Le Messenger* since 1990, almost all of them by the government. For example, in October 1996 the Court of Appeal convicted Pius Njawé and a colleague of insulting the President and members of the National Assembly: Pius Njawé received a six-month sentence and **Alain Christian Eyoum Ngangué** one year. Pius Njawé was imprisoned in New Bell prison and conditionally released by the Supreme Court after 17 days. (Alain Christian Eyoum Ngangué was, however, imprisoned for more than two months.) In April 1998 the Supreme Court rejected an

appeal against the six-month sentence imposed in October 1996, rendering Pius Njawé liable to serve the remainder of that sentence.

A member of a committee campaigning for Pius Njawé's release, the *Comité pour la libération de Pius Njawé*, was arrested at Douala airport on 22 March 1998. **Brice Nitchéu**, who was part of a delegation of the committee planning to travel to Europe, was held for two days and remained under surveillance in Cameroon. His passport was confiscated and he was prevented from leaving Cameroon.

Michel Michaut Moussala, editor of an independent newspaper, *Aurore Plus*, was convicted of defamation in January 1998, in a separate case but at the same trial as Pius Njawé. He was sentenced to six months' imprisonment and a fine. Although an arrest warrant was issued following the trial, he was not imprisoned until 3 September 1998 when he was also accused of evading arrest (*évasion*). He remained imprisoned and was due to appear in court on the new charges on 14 October 1998.

Another journalist, **Patrick Tchouwa**, director of *Le Jeune Détective*, was arrested on 2 July 1998 by police following an article which implicated a government minister and member of the National Assembly in a case of misappropriation of public funds. He had not been tried by early October 1998.

Social Democratic Front members arrested

Two prominent members of the main opposition political party, the Social Democratic Front (SDF), were detained for up to two weeks in September 1998, in an apparent attempt to discredit the SDF. **Ferdinand Asapngu** was arrested on 31 August 1998 and **John Kumase Ndanga** was arrested a week later. They were apparently accused of planning armed attacks, including sabotage of Elf service stations, although there was no evidence to substantiate these allegations. They were both released without charge on 14 September 1998.

Detention without trial, torture and ill-treatment

Amnesty International remains seriously concerned about the health and safety of 58 prisoners who have spent up to 18 months in life-threatening conditions and who are reported to be tortured and ill-treated. None has yet been charged or tried.

Many of these prisoners are reported to be critically ill as a result of torture, ill-treatment and lack of medical care. One, **Lawrence Fai**, died in early September 1998 and **Ebenezer Akwanga**, a student and leader of the Southern Cameroons Youth League (SCYL), was among others reported to be dangerously ill. He had been admitted to hospital apparently after suffering paralysis of his lower limbs and impaired vision.

This group of prisoners were among some 300 people arrested following attacks by armed groups in several towns in North-

West Province in March 1997, during which 10 people, including three gendarmes, were killed. They were initially held in Bamenda in North-West Province but were subsequently transferred to Yaoundé. Most of the prisoners, who include two women, **Prisca Fonyam** and **Grace Yaya Kwei**, are held in the Central Prison in Yaoundé, known as Nkondengui prison, and the others, including **Ebenezer Akwanga**, at the Principal Prison in Mfou, some 20 kilometres from Yaoundé.

Eight others of those arrested in connection with the events in March 1997 had died in the weeks and months following their arrest either as a result of torture and ill-treatment or lack of medical care.

While no group claimed responsibility for the violence in North-West Province in March 1997, the authorities attributed the attacks to members of a group supporting independence for Cameroon's two English-speaking provinces, North-West and South-West Provinces. Some of those held are associated with the Southern Cameroons National Council, an organization which advocates independence for these provinces, and an affiliated organization, the SCYL.

Abuse of power by traditional rulers

In northern Cameroon, traditional rulers, often prominent members of the ruling Cameroon People's Democratic Movement, *Rassemblement démocratique du peuple camerounais*, and acting with the tacit approval of the authorities, have been responsible for illegal detention and

ill-treatment of political opponents, in particular members of the *Union nationale pour la démocratie et le progrès* (UNDP), National Union for Democracy and Progress, an opposition political party.

Nana Koulagna, a former UNDP member of the National Assembly, has been held since May 1997, when a UNDP delegation was attacked by the private militia of the traditional ruler, known as the *lamido*, of Rey Bouba in North Province; five people died in the confrontation. Nana Koulagna and several others were arrested, apparently accused of murder, and held at the Central Prison in Garoua. No charges were brought against Nana Koulagna and his release was eventually ordered by the judicial authorities in Garoua. He continued, however, to be held under legislation passed in December 1990 which allows for indefinite administrative detention. Amnesty International considers him to be a prisoner of conscience.

Reports of extrajudicial executions

In August 1998 Amnesty International received reports of extrajudicial executions by the security forces in Far-North Province, where the security forces are attempting to combat a serious and long-standing problem of armed robbery (*coupeurs de route*). A special unit of the army and gendarmerie was formed to tackle insecurity in the region.

Scores of captured armed robbers, many of them Chadian nationals, and those suspected of armed robbery were reported to have been summarily executed by the

security forces since March 1998. For example, during June 1998 more than 40 alleged armed robbers were reported to have been extrajudicially executed. Fears were expressed that innocent people, denounced as armed robbers in personal settling of scores, were also victims of extrajudicial execution during this operation by the security forces.

DEMOCRATIC REPUBLIC OF CONGO

In May Amnesty International published a report, *Democratic Republic of Congo: A year of dashed hopes*, (AI Index: AFR 62/18/98) which described widespread human rights abuses since the change of government a year earlier. In September Amnesty International published a report which set the renewed fighting in the country in a broader historical and regional context. *Democratic Republic of Congo: A long-standing crisis spinning out of control* (AI Index: AFR 62/33/98) warned of the potential risk of further massive human rights violations in the region and called on the international community to learn from its mistakes. Amnesty International called on parties to the conflict, governments in the region and beyond and intergovernmental organizations to institute mechanisms to prevent an escalation of atrocities.

War breaks out

Armed conflict in eastern Congo flared into full-scale war on 2 August 1998

when President Laurent-Désiré Kabila's opponents began an armed campaign to overthrow him. Relations between President Laurent-Désiré Kabila and his former allies in the *Alliance des forces démocratiques pour la libération du Congo-Zaïre* (AFDL), Alliance of Democratic Forces for the Liberation of Congo, had deteriorated until, on 27 July 1998, he ordered all Rwandese and other foreign troops out of the DRC.

The new opposition alliance known as the *Rassemblement congolais pour la démocratie* (RCD), Congolese Rally for Democracy, contained disaffected Congolese soldiers (mostly members of the Tutsi ethnic group), some members of armed opposition groups collectively known as *mai-mai*, and was backed by troops from Rwanda, Uganda and Burundi. By September 1998 the RCD had gained control of substantial parts of eastern DRC and was advancing on the capital, Kinshasa. Military support for the AFDL from other governments -- notably Angola, Zimbabwe and Namibia -- prevented the capture of Kinshasa. These countries were later joined by Chad in September.

The government accused the Rwandese and Ugandan governments of attacking the DRC, and senior government figures and the news media waged a campaign against Tutsi and people of Rwandese origin, inciting civilians to attack them.

Killings of unarmed civilians

Thousands of unarmed civilians were killed by both sides in the conflict during this period. In late March and early April

1998, about 54 Rwandese refugees and at least 100 Congolese civilians were extrajudicially executed by AFDL forces in Shabunda, South-Kivu province. The victims reportedly included **Wandjo**, chief of Lwamba locality and his assistants known as **Camile** and **Cléopha**. The soldiers, from Mugogo and Luntukulu in Walungu territory, burned houses and looted property in the villages of Kakulu, Lwamba and Kizila-Bwasi.

Hundreds of civilians in and around the town of Butembo in North-Kivu province were reported to have been killed by AFDL forces, apparently supported by Ugandan and Rwandese government forces. In early April 1998, government forces surrounded the area and began killing males of fighting age. By the end of April, as many as 600 were reported to have been killed. Further north in Beni, around 40 civilians accused of collaborating with the *mai-mai* were reportedly killed by government forces between 2 and 6 April 1998.

After fighting broke out in August, government troops, at times together with civilians, killed hundreds of unarmed civilians and captured combatants in Kisangani, Kinshasa and other parts of the DRC. Many of the victims were Tutsi and others accused of supporting the RCD.

Armed opposition combatants, as well as Rwandese and Burundi government forces, deliberately and arbitrarily killed hundreds of unarmed civilians suspected of supporting the government. Members

of the RCD summarily executed several dozen or more government soldiers at Kavumu, near Bukavu, at the start of August 1998. Members of the RCD and Rwandese government soldiers are reported to have killed more than 800 people, including one Roman Catholic priest and three nuns and seminarian, at Kasika Roman Catholic parish and neighbouring villages near Uvira on 24 August 1998 and during subsequent days. Further massacres of civilians by the RCD were reported in various other parts of the DRC.

Human rights defenders under attack

The Constitution remained suspended and political party activities outside the AFDL continued to be banned. In early April 1998, the government outlawed the country's leading human rights organization, *Association zaïroise pour la défense des droits de l'homme* (AZADHO), Zairian Association for the Defence of Human Rights. A few days later, many other human rights organizations were declared* illegal after the authorities refused to register them.

Human rights activists were detained, tortured or ill-treated and assaulted. In March 1998 **Floribert Chebeya Bahizire**, President of *La Voix des sans voix* (VSV), Voice of the Voiceless, was assaulted at his home by armed men, some dressed in army uniform. In April soldiers tried to apprehend **Freddy Kitoko**, a leading AZADHO member. Immaculée Birhaheka, of *Promotion et appui aux initiatives féminines*, Promotion and Support for Women's Initiatives, was

detained by police in Goma for several days in May.

When war broke out in August, a number of human rights activists were threatened or attacked by RCD combatants. Some of the activists fled the country fearing for their safety. At least one human rights activist was killed.

Church leaders, journalists and trade unionists were targeted. For example, three leaders of the postal workers' union, including its Secretary General, **Makiona Benga**, were arrested in March 1998 after preparing to strike in protest at non-payment of salaries. They were released in April. **Ipakala Abeiye**, director of *La Référence Plus*, was arrested in April and held for two days after his newspaper alleged that officials had private detention centres where detainees were tortured to death and buried in mass graves.

From August 1998, a number of local and foreign journalists were detained and others beaten in connection with their coverage of the war by members of the security forces. Those victimized were accused of supporting the RCD or publishing information the authorities considered to be unfavourable to the government.

Torture and ill-treatment

Torture and ill-treatment were widespread. Many of those arrested were beaten at the time of their arrest and tortured in custody, particularly in private detention centres and those belonging to the security forces. Torture often included

rape of women by members of the security forces.

Detention without charge or trial

Hundreds of people were detained, many of whom were prisoners of conscience. They included political party activists and people of Rwandese or Tutsi origin.

Etienne Tshisekedi, leader of the *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social Progress, was detained without charge in the village of Kabeya-Kamwanga village in Kasai-Oriental province, where soldiers were deployed to prevent him from leaving. Approximately 40 UDPS members were arrested in July 1998. Thirteen, including **Firmin Nkama** and **Shabana** who were badly beaten, were arrested by soldiers on 9 July. Around 30 others, including eight of Etienne Tshisekedi's bodyguards, were arrested by police five days later.

In the east, local community leaders were detained for criticizing human rights violations. For example, three prominent community leaders from Uvira were arrested in July, after leading a delegation to the governor of the province to discuss the political situation. They were reportedly beaten twice a day and held in appalling conditions.

From August hundreds of ethnic Tutsi civilians, people of Rwandese origin, Congolese married to Rwandese, and people suspected of sympathizing with the rebellion were arrested without warrant by members of the security forces and taken to unknown destinations. The

Interior Minister claimed that Tutsi civilians were being held in "preventive" detention in Kinshasa to shield them from lynch mobs.

Unfair trial leading to the death penalty

A military court known as the *Cour d'ordre militaire*, Military Order Court, set up in August 1997 to try cases of undisciplined soldiers, presided over unfair trials. The court was used to try civilians accused of political offences, and sentenced dozens of soldiers and civilians to death. Most had no access to legal counsel and no right of appeal to a higher court. President Kabila had powers to commute sentences imposed by the court, but only the death sentence imposed by the court on a 15-year-old child soldier, **Malume Mudherwa**, convicted of murder in March, was known to have been commuted by the President. More than 50 people were executed between March and July. In September the RCD announced that it had set up a military court to try soldiers and civilians involved in criminal activities.

Forcible repatriation of refugees

At least 200 refugees from Burundi and around 140 from Rwanda were forcibly returned to their countries by the DRC authorities in April 1998, although they would be at serious risk of human rights violations.

Impunity

In April the UN Secretary-General withdrew his team investigating massacres and other human rights abuses during the war to overthrow President

Mobutu, because it had faced repeated obstructions by the DRC authorities. In June the team submitted a report confirming that combatants loyal to President Kabila, including Rwandese troops, had committed atrocities and recommending further investigation by an independent body to identify those responsible. The UN Security Council ignored this recommendation and instead asked the governments of the DRC and Rwanda, which continued to deny that their forces had perpetrated any abuses, to investigate the crimes and bring the perpetrators to justice. After the two governments turned against each other in August, the DRC authorities publicly said that they recognized that Rwandese government forces had carried out massacres in the DRC. The Rwandese authorities in turn accused the DRC government of carrying out genocide.

REPUBLIC OF CONGO

Amnesty International delegates visited the Republic of Congo in July 1998, to carry out research and hold government talks. The delegates met numerous Congolese authorities, including government officials, ministers, members of the judiciary and security officials and raised concerns about the human rights situation in Congo, before, during and after the war of 1997. The delegates recommended that the authorities set up an independent and impartial commission of inquiry to investigate

human rights violations in Congo, particularly since 1993. A number of officials said they would encourage implementation of the recommendation.

Extrajudicial executions

In the period of March-September 1998 summary executions of people accused of armed robbery (*braqueurs*) have also been carried out by members of the security forces, in particular by former members of militia who have been integrated into the security forces. The Congolese authorities claim that such executions only happen when the robbers are caught in the act, and they begin to shoot at the security forces. However, the information received by Amnesty International suggests that in many instances this is not the case. There is evidence of a "shoot-to-kill" policy towards suspected armed robbers, some of whom are extrajudicially executed after arrest. Some apparently innocent people have also been killed in what appears to be settling of accounts or vendettas between individuals or groups.

Since Amnesty International's delegates left Congo in early August, the organization has received further reports of extrajudicial executions by government forces and other killings by militia. It is feared that full-scale war may break out in the regions from which former President Lissouba and Prime Minister Kolélas draw their support.

Arrests and detention without charge

Scores of people were arrested after President Sassou Nguesso took power. Albert Mounondo, an executive

member of the *Convention des démocrates pour l'union et la République*, Convention of Democrats for Unity and the Republic, and **Jacques Mouanda Mpassi**, former Minister of Youth, were arrested in November 1997 and held until April 1998. Arbitrary arrests of suspected political opponents are routine, and several dozen people remain in detention without charge or trial. The authorities have failed to repair the prisons in Brazzaville since the war, and so detainees are kept in police stations, where conditions often amount to cruel, inhuman or degrading treatment.

Torture

Members of the "Cobras" (militia loyal to current President Sassou Nguesso) and Angolan soldiers in Pointe-Noire have also been responsible for raping women. A 27 year-old woman was beaten and raped by three Angolan soldiers on 29 July 1998 in Pointe-Noire.

EQUATORIAL GUINEA

Unfair trial and death penalty

More than 110 people were tried in May 1998 in a five-day summary military trial that did not meet international standards for fair trial. They were accused of involvement in the 21 January 1998 attacks on military barracks on Bioko Island which led to the death of three soldiers and several civilians. Fifteen people, including four tried *in absentia*, were sentenced to death and 70 others

received sentences ranging from six to 26 years. In September 1998, following intense pressure from Amnesty International and other organizations and countries, President Teodoro Obiang Nguema Mbasogo commuted the 15 death sentences.

An Amnesty International delegation observing the trial received confirmation that many of the detainees, predominantly members of the Bubi, the ethnic group native to Bioko Island, were detained solely on account of their ethnic origin.

Torture

The Amnesty International delegates were able to see obvious marks of torture on the defendants, including fractured feet and hands. At least ten of them had had part of their ears cut with razor blades and women detained had been obliged to swim naked in the mud in the police station of the capital. The delegates also received confirmation from eyewitnesses that at least six people died in detention as a result of torture.

Prison conditions

Since being convicted, 11 of the political prisoners sentenced to death have been kept in atrocious conditions. They are not allowed to speak to anyone and can only leave their cells for one hour a day. They are in serious danger of dehydration and starvation as they are not allowed to receive food from their family and the prison gives them very little food. On the day of their sentence, a firing-squad was already waiting to shoot them on the beach, near the prison where they are detained, and their graves were made

ready. At the very last minute, the President suspended the executions. Since the commutation of their sentence, their prison conditions have not improved.

Death in custody

Several detainees among those not sentenced to death are also held in harsh prison conditions. One has already died: **Martin Puye** (aged 58) who is one of the leaders of the *Movimiento para la Auto-determinación de la Isla de Bioko* (MAIB), Movement of the Self-determination of Bioko Island. Amnesty International is seriously concerned that the death of Martin Puye was reportedly the result of ill-treatment and lack of adequate medical care while in custody. The prison authorities are reportedly reluctant to allow prisoners to be treated in hospital and when they do reach hospital they have to pay for their treatment.

Amnesty International is calling on the authorities to make immediate and substantial improvements to the conditions under which all the prisoners are being held. They should be given adequate food and water and access to adequate medical care.

Amnesty International is also urging the government to grant the prisoners access to an international humanitarian organization such as the International Committee for the Red Cross.

ERITREA

War with Ethiopia

A border conflict between the Ethiopian and Eritrean armed forces in May 1998 erupted into intense fighting in June. Both sides bombed urban areas, killing civilians. Forty-eight civilians were killed by Eritrean air forces in Mekelle and Adigrat including women and children, and one civilian was killed during the Ethiopian air strike on the airport at Asmara. International mediation efforts for a peace deal are continuing and the air raids have stopped. To date, there have been no reports of military hostilities since June 15, although both sides are continuing to mobilize for war. While taking no position on the armed conflict itself or the issues underlying it, Amnesty International expressed grave concern at civilian deaths resulting from hostilities and appealed to both sides to respect the Geneva Conventions, and to not attack or detain citizens and to respect the rights of prisoners of war.

Detentions

Reports that hundreds of Ethiopian nationals in Eritrea have been detained or deported have been hard to corroborate and Amnesty International is continuing its investigations. Amnesty International is calling for the immediate and unconditional release of anyone detained in Eritrea solely due to their Ethiopian origin, without any evidence that they have committed criminal offences against Eritrea's national security. Amnesty International has also expressed concern

at allegations by Ethiopians that they were ill-treated in custody in Eritrea, and has urged that all detainees be humanely treated while in detention. Amnesty International called for those detained as a result of their Ethiopian citizenship to be granted immediate access to visits by the International Committee of the Red Cross (ICRC). Since that appeal, the Eritrean authorities have granted permission to the ICRC to open an office in the country. The Eritrean authorities have also invited the Office of the United Nations High Commissioner for Human Rights to send a delegation to work in Eritrea. Amnesty International continues to investigate report of detentions of Ethiopians in Eritrea, while welcoming the Eritrean government's statement that it has no policy of detaining or deporting Ethiopians.

ETHIOPIA

War with Eritrea

A border conflict between the Ethiopian and Eritrean armed forces in May 1998 erupted into severe fighting in June (see *Eritrea* entry). Both sides bombed urban areas from the air raids. International mediation efforts for a peace deal are continuing and the air raids have stopped. To date, there have been no reports of military hostilities since June 15 although both sides are continuing to mobilize for war. While taking no position on the armed conflict itself or the issues underlying it, Amnesty International expressed grave concern at civilian deaths resulting from hostilities and appealed to

both sides to respect the Geneva Conventions, and to not attack or detain citizens and to respect the rights of prisoners of war.

Detentions in the context of the war

On 12 June the Ethiopian government announced that people of Eritrean origin suspected of being a security threat were to be arrested and either deported to Eritrea or brought to justice. Thousands of men and women of Eritrean origin, including many who had retained Ethiopian citizenship when Eritrea became an independent state in 1991, have been detained incommunicado in Addis Ababa and other towns. They include members of the large Eritrean business community. Some have reportedly been beaten and ill-treated. Many Eritrean traders have had their trading licenses revoked.

At Blattein (or Bilate) military training camp, 160 kilometres from Addis Ababa hundreds of Eritreans have been detained including 85 students from the University of Addis Ababa who were on an exchange study programme. Previously held at Fiche detention camp and since moved, they are allegedly being held because they underwent compulsory military service in Eritrea, although some deny having any military background.

It is not known how many people of Eritrean origin remain in detention in Ethiopia. The International Committee of the Red Cross has been visiting them.

Deportations in the context of the war

An estimated 19,000 people of Eritrean

origin have been deported from Ethiopia to date. Deportations have been carried out without any clear or fair procedure and no opportunity has been given to the deportees to challenge their detention or deportation. None has been brought to court or charged with any offence.

Over 1,000 Eritrean detainees were deported in mid-June 1998 to the border town of Omer Hajer. There were reports of people being refused permission to take even a suitcase of clothes, and in several cases, of parents being forced to leave without being allowed to arrange for the care of their children. Many more people have been deported since, including wives and children of earlier deportees. Many fear confiscation of their property.

On 1 July 1998, the United Nations Office of the Commissioner for Human Rights publicly expressed concern at the expulsions of Eritreans from Ethiopia.

Attacks on freedom of expression

Seventeen journalists remain in detention without charge or trial; they are prisoners of conscience. Three journalists were detained on 13 July for reporting on the war, then released on bail. They are **Shimelis Kamal, Berhane Negash and Teferi Mekonnen** of the *Nishan* newspaper. They had criticized the mass detentions and deportations of Eritreans and had warned of the dangers of going to war. Three other journalists, held for several months merely for publishing an internal United Nations document on staff security, were released without charge:

Goshu Moges, Anteneh Merid and Taye Belachew of *Tobia* magazine.

Journalist, former prisoner of conscience and critic of the government **Tesfaye Tadesse**, of the Ethiopian Human Rights League, *Mestavet* magazine and *Lubar* newspaper, was killed on June 7, 1998. There were allegations of security forces' involvement which are unconfirmed by Amnesty International although the organization continues to investigate.

Political imprisonment

Dr Taye Woldesemayat, former president of the Ethiopian Teachers Association (ETA), has been detained since May 1996 when he was charged with armed conspiracy. Amnesty International is investigating his case. His trial appears unfair. Several of his co-defendants have retracted their statements to the court, claiming that they were extracted under torture. The judge overseeing the trial has failed to order an investigation into these allegations. Dr Taye has been subjected to cruel, inhuman and degrading treatment and has suffered death threats by the prison guards. After complaining to the court that he was being threatened by prison guards, on 28 July 1998 the judge ordered that Dr Taye be held in hand-chains for 24 hours a day until further notice. The hand-chains were finally removed in mid-September. In addition, Dr Taye has no confidential access to his lawyer and is reportedly in a highly agitated mental state due to the stress of his prison conditions and the threats from the guards.

On 17 September 1998 three other members of ETA, **Shimelis Zewde**, **Abate Angore** and **Aworke Mulugetta**, were arrested and detained without charge. Amnesty International considers them to be prisoners of conscience detained solely for their legitimate and peaceful trade union activities.

Professor Asrat Woldeyes passed his 70th birthday in custody in hospital in June. One of Ethiopia's most prominent doctors, and leader of an officially registered party, the All-Amhara People's Party (AAPPO), he has been in prison since 1994 when he was convicted of armed conspiracy against the government, after an unfair trial. He is currently near the end of his fourth trial which began in 1995. He and his co-defendants all deny the charges of armed conspiracy and rebellion. The judges have failed to investigate allegations of torture and retraction of confessions by several defendants. He was moved from prison to hospital in January 1998 when his eyesight failed and is gradually recovering.

Seven founding members of the Human Rights League (HRL), a new Oromo human rights organization which had applied for registration, are among 65 people arrested in late 1997 and early 1998 and charged with armed conspiracy. They include **Beyene Abdi**, **Beyene Belissa**, **Hussein Abdi**, **Haji Sahu**, **Kebte** and **Gabissa Lemessa**. Other defendants include **Addisu Beyene**, head of the closed-down Oromo Relief Association, two journalists from *Urji* newspaper, **Solomon Namara** and

Tesfaye Deressa, health professionals, community leaders, city workers and some accused of being fighters or cadres of the opposition Oromo Liberation Front (OLF). Amnesty International considers the HRL officials, journalists and possibly others to be prisoners of conscience and is monitoring the trial before the High Court in Addis Ababa.

Death penalty

On 2 June, **Jamil Yasin Mohamed**, a prominent businessman of Eritrean origin, was executed: the first execution for seven years. He had been convicted of killing Major General Hayelom Araya in April 1996. His execution could herald further executions of scores of people condemned to death in the past few years, and could also influence the current trial of the officials of the former Dergue government and future trials of more than 2,000 former officials charged with genocide and facing the death penalty.

Human Rights Commission

The government invited over 100 human rights professionals to a conference in Addis Ababa from 18 to 22 May 1998 on the establishment of a Human Rights Commission and Ombudsman in Ethiopia. Amnesty International appealed to the Ethiopian authorities to ensure that the proposed Human Rights Commission is consistent with international standards as set out by the United Nations Commission on Human Rights (known as the "Paris Principles") and that it is designed to suit the specific needs of Ethiopia. In an Open Letter to the conference participants. (AI Index: AFR 25/12/98). Amnesty International called

upon participants to press for an end to human rights violations, including torture, "disappearances" and arbitrary detentions of suspected government opponents.

Dergue trial

On 12 September 1998, 31 generals, other senior armed forces officers and Workers Party of Ethiopia (WPE) officials, including two women, were unexpectedly released. They were among over 2000 ex-officials held since 1991 and charged with genocide. The Special Prosecutor's Office said it had found no evidence of their guilt. The trial of the Dergue has been proceeding since 1994 and the first steps to try over 2,000 former WPE officials are proceeding.

African charter

In June 1998 Ethiopia ratified the African Charter for Human and Peoples' Rights. Amnesty International has been calling on the authorities to do so for many years and welcomed this development.

GUINEA-BISSAU

Human rights violations during the conflict

On 7 June armed conflict broke out between the government and military rebels, led by former armed forces chief of staff **Brigadier Ansumane Mané**. A truce was signed on 26 July and on 26 August the two sides reaffirmed their cease-fire agreement. Heavy fighting resumed in October and rebels took control of almost the whole country.

During the conflict about a third of the one-million population were displaced and hundreds were killed. Members of Guinean civil society joined with international non-governmental organizations to provide humanitarian aid and to press for a peace settlement which includes respect for human rights.

Fighting started after Brigadier Mané was dismissed from his post, but the underlying causes included discontent within the armed forces, corruption within the government and failure to address important human rights issues. Most of Guinea-Bissau's armed forces joined the rebels and the government appealed to its neighbours for military assistance. Senegal provided at least 2,000 soldiers and Guinea Conakry supplied several hundred.

Amnesty International received reports of widespread abuse of human rights by government forces and Senegalese troops during the conflict. It also received information about the beating of civilians held by the rebels. In most cases it was impossible to obtain details of the killings or to verify them independently.

Possible prisoners of conscience

Government soldiers and security forces arrested dozens of civilians, some of whom they later released. The status of other prisoners remains unclear at the time of writing. Many detainees were reportedly beaten or tortured. A soldier arrested **Ansumane Fati**, a member of an opposition political party. *União para a Mudança* (UM), Union for Change, on 4 July 1998. He was accused of criticizing

President Vieira, beaten severely and released. Bissau municipal police arrested **Edmundo Antero Luis Alfama "Yala"**, a civil construction engineer, on 6 July. He was reportedly arrested and beaten because his father, a retired military officer, was suspected of supporting the rebels. He was held in the central police headquarters: Amnesty International does not know whether or not he has been released. In August, **Joaquim Silva**, a member of the Bafata Movement, a political party, was arrested and accused of possessing arms. According to the Bafata Movement, he had been issued with weapons as a member of the paramilitary corps known as the Forest Guard. They believe the real reason for his arrest is political. **Braima Djassi**, a UM official, was arrested in August and beaten. The reason for his arrest was not clear. He is apparently still detained.

Reports of torture

In mid July, 22 prisoners escaped from the Navy Headquarters in Bissau. They included **Samba Djaló**, a soldier who was arrested and reportedly tortured at Jugdul, 40 kilometres east of Bissau, in late June. Samba Djaló later told journalists how a Guinea-Bissau soldier inserted sewing needles into the skin of his penis.

Amnesty International heard of several instances of Senegalese soldiers beating civilians who refused to hand over money or other possessions and there were some reports of torture. In late June, Senegalese soldiers in a part of Bissau known as Little Moscow reportedly arrested a young man, beat him and then covered him in a substance, possibly molten

plastic, which burned his skin. He fled and bystanders took him to a hospital. On 20 July Senegalese troops reportedly intercepted a group of people who were trying to make their way out of Bissau, selected 25 women, took them back to their barracks at the military headquarters and raped them. The soldiers released the women two days later.

Extrajudicial executions

There were several reports of government and Senegalese troops killing unarmed civilians, including those found looting or breaking the curfew. A refugee told Amnesty International that in mid-June, in the Reino area of Bissau, he had seen a group of five or six Guinea-Bissau security officials, one in police uniform, approach two youths, speak to them and then fire his machine gun, hitting one youth in the leg and the other in the stomach. According to this report, bystanders carried the two injured youths to the Simão Mendes Hospital, where they subsequently died.

Another report concerned the deliberate killing of an unarmed security guard. Amnesty International was told that two security guards had been sitting at the gate of the United States Embassy when a group of Senegalese soldiers walked by. Without warning, one of the soldiers turned and opened machine gun fire on the two guards, killing one and wounding the other.

Abuses by rebel forces

Soon after the conflict began there were reports that the rebels were holding more than 200 foreign civilians, mostly

Senegalese but also a few from Liberia, Nigeria and Sierra Leone. It was reported that many of these prisoners had been tied up and beaten with gun barrels. By August, all were reported to have been released.

Amnesty International's appeals

In a document entitled *Guinea-Bissau: Human rights under fire*, (AI Index AFR 30/04/98), Amnesty International appealed to all involved in the fighting to respect human rights. After the truce was agreed on 26 July, Amnesty International urged those involved in the peace negotiations to ensure that the peace agreement contained provisions for the protection of human rights.

KENYA

Political violence

At least 127 people were killed and thousands injured in politically motivated ethnic violence which began again in parts of the Rift Valley within a few weeks of the second multiparty Presidential and Parliamentary elections in Kenya on 29 December 1997. The violence flared up in January and continued intermittently until June 1998. Tensions in the areas affected remain high.

Local ethnic divisions and disputes appeared to be deliberately inflamed for political purposes. Since 1992 the authorities have failed to provide sufficient security to the areas affected or

to adequately address these human rights violations, to an extent which implies complicity. Amnesty International produced a report on 10 June 1998, *Kenya: Political violence spirals*, AI Index: AFR 32/19/98) which was based on the findings of a joint mission to Kenya by Amnesty International, ARTICLE 19 and Human Rights Watch.

On 27 May President Moi sacked assistant minister for agriculture, Kipruto arap Kirwa, from the government. The Kenya African National Unity (KANU) Member of Parliament had been one of the organizers of a meeting in Western Kenya in May to condemn politically motivated ethnic violence in the area. One member of a gang of raiders which attacked the meeting was killed by the crowd after throwing a grenade and causing a stampede. Kenyan newspapers said that uniformed policemen stationed about 50 metres away did not respond to the commotion, but took away the body of the raider after the crowd left the area. On 24 May President Moi said that it was wrong for leaders to organize meetings in tense areas as they incite violence. The opposition said that the violence had been planned in advance. Kipruto arap Kirwa responded to the sacking by saying that he was "delighted" to be sacked and would stay in KANU to "fight for justice and security of all Kenyans".

On 30 June, President Moi announced the formation of a judicial commission of inquiry into the political violence of 1992 and 1998. Amnesty International calls on those identified as perpetrators to be charged and brought to justice. The

Commission, headed by Justice Akiwumi, is due to report to the President in December 1998.

Freedom of the press

On 10 July 1998, the Registrar General rescinded the licences of *Finance magazine*, the *Post on Sunday* and the *Star*. He said that a second magazine, *Kenya Confidential*, was operating illegally since it had not applied for a licence. He gave no reason for the decision. The *Post on Sunday* and the *Star* had complained of police harassment. The *Star's* editor, **Magayu Magayu**, was remanded in custody on 8 July because of an article about the political violence in the Rift Valley. The same day the *Post on Sunday's* editor, **Tony Gachoka**, said he avoided arrest after police surrounded his office. The *Star* announced that it would continue publishing. A protest statement on 14 July signed by High Commissioners and Ambassadors from 25 countries said the decision was taken "without apparent justification" and "noted with concern other incidents, affecting these and other publications, which have been viewed as acts of intimidation." On 29 July, the High Court overturned the Registrar General's order and allowed the papers to continue publishing. The Court judgement said that the Registrar General's order was irrelevant as he had no authority to ban the papers and the papers had met all the technical requirements under the relevant legislation.

Bomb blasts in Nairobi

On 7 August 1998, a bomb exploded outside the Embassy of the United States

of America in Nairobi. It killed 253 people (all but 12 were Kenyan) and injured thousands more. At the end of August, Kenyan police and Federal Bureau of Investigation agents were questioning nine suspects. Others may be charged, and will face trial in Kenya. Amnesty International condemned the bombing of civilians and also the subsequent air strikes by the United States of America against targets in Sudan and Afghanistan.

In the wake of the bombing, on 20 August, the Home Affairs Minister, Shariff Nassir, ordered all refugees and asylum-seekers in possession of documentation from agencies, but without Kenyan government authority, to report to the Ministry of Immigration. Many who did so found their protection letters from the United Nations High Commissioner for Refugees (UNHCR) confiscated and replaced by residence permits which expired within 14 days for Rwandese and Burundians and one month for Sudanese. Others were ordered to report to designated refugee camps where conditions are appalling. Amnesty International was concerned about the possible deportation of refugees and asylum seekers to countries where they will be at risk of human rights violations and called the authorities not to deport refugees and asylum-seekers to those countries. After national and international concern was expressed, the government appeared to back away from the threat of mass deportations. According to UNHCR no refugees were returned, although it is likely that some individuals have been expelled.

After the bombing of the United States embassy, six non-governmental organizations (NGOs) were deregistered on 8 September as they were considered a security risk. They had 14 days to appeal against the closure. Eleven more are threatened with closure, because they have "deviated from their constitutional objectives" according to the government. Local Muslims and the Law Society of Kenya have accused the government of being partisan and discriminatory against Moslem organisations. Five of the NGOs have had their deregistration orders temporarily suspended by the courts, who have given the NGOs leave to challenge the deregistration on the grounds that they were not informed of the specific parts of the NGO Act they are alleged to have violated. The court has given the NGOs 21 days to file an application for such a suit. In the meantime they are entitled to operate normally. They should come to court by mid-October.

Death penalty, torture and death in custody =

On 8 July Peter Hiuhi, and Simon Njoroge Wairimu were sentenced to death in Nyeri for murder and robbery. The two had alleged they had been tortured for confessions.

Christopher Naza, a Catholic aid worker died after allegedly being beaten while in police custody. He was arrested on 29 July and died eight hours later at the Ruaraka Police Post in Nairobi. The police say they are investigating the death.

Capital trial

On 3 June Rwandese **David Akiki Kiwanuka** and Ugandans **Charles Muhanji Wamuthoni** and **Christopher Lubanga Mlonda** were charged with the murder of Seth Sendashonga, the former Rwandese government minister who was shot dead on 16 May 1998. Seth Sendashonga had been in exile in Kenya since 1995 and headed the leading moderate Rwandese opposition party in exile. The men face the death penalty if convicted.

Human rights defenders

Amnesty International is concerned that if convicted of incitement to violence and unlawful assembly, human rights lawyer **Juma Kiplenge** and his 13 co-defendants will become prisoners of conscience. One trial in Nakuru was stopped after the Attorney General dropped the charges, as they were believed to be politically motivated. Amnesty International is appealing for the outstanding charges due to be heard in Kabarnet to be dropped on similar grounds. The lay magistrate in the case has reportedly said that he would convict the defendants regardless of what evidence is produced in court "because they are troublemakers". Amnesty International questions the fairness of these trials.

Constitutional change

24 August, the terms of reference for the Constitutional Review Body were finally agreed. The Body has two key functions - i) to examine federal and unitary systems of government and recommend the best one and ii) to make recommendations to improve the electoral

system. Within that, it is charged with examining the systems of government to look at the composition and functions of the organs of state and to look at adequate checks and balances, and accountability. There will be a Constitutional Review Commission, National and District Fora for consultation. The Bill will be tabled when parliament resumes on 6 October. Amnesty International will be campaigning on specific reforms to the constitution once the review body gets to work.

LESOTHO

On 22 September, South Africa and Botswana sent troops into Lesotho with the stated intention of preventing the overthrow of the government of Prime Minister Pakalitha Mosisili by opposition party supporters with the backing of sections of the Lesotho Defence Force (LDF). On 30 September Amnesty International released a statement expressing concern at the deteriorating human rights situation in Lesotho. Certain highlights from that statement follow below, with updates on the situation.

Many communities in Lesotho were left in a state of tension and fear, as well as material deprivation, after an explosion of violence was triggered by the intervention of South African and Botswanan troops on 22 September in support of the Lesotho Congress for Democracy (LCD) government. Amnesty International urged the foreign and Lesotho military as well as police authorities to adhere to

international human rights standards while restoring order.

Amnesty International also called on the governments of South Africa and Botswana, other Southern African Development Community (SADC) governments, King Letsie III, and leaders of Lesotho's governing and opposition political parties to renew their commitment to those aspects of an earlier joint agreement, reached following the 1994 constitutional crisis, which had sought to address the issue of the accountability of the security forces and to create an environment in which human rights could be respected.

In its statement Amnesty International noted a number of incidents in which foreign troops used excessive force against civilians looting Maseru shops and referred to allegations that South African soldiers had raped women near the Makoanyane Barracks. The media reported in early October that one South African soldier had been arrested on charges of rape.

Amnesty International also expressed concern that members of the Lesotho Mounted Police Service (LMPS) were reported to have shot dead an unarmed civilian carrying looted goods. The police also allegedly shot and wounded five opposition supporters near Teyateyaneng on 24 September. According to reports, Nthakoana Ramaqele was fatally wounded and her son was taken into custody.

Abuses were also committed by armed youths, including killings, intimidation and house burnings in which the targets were supporters of the governing LCD in Maseru and nearby villages. Bodies of opposition party supporters were reportedly found in an open field north of Maseru. Several thousand civilians fled the country.

Amnesty International expressed concern that the atmosphere of recrimination would encourage violence by political supporters of both sides. There were fears of arbitrary arrests, partly sparked by statements from LCD government officials construing all political opposition as "criminal".

Following the intervention of the International Committee of the Red Cross (ICRC) and the Lesotho Red Cross, some 150 soldiers who had been held by foreign forces at the LDF Barracks in Maseru were released over the weekend of 26 and 27 September, apparently unconditionally. The Lesotho Red Cross also assisted with treating scores of injured civilians during the crisis.

At the time of the release of the soldiers, 16 civilians were handed over to the police. Amnesty International does not have information on where they may be now held and whether or not they have been charged with any offences.

Some opposition political parties and non-governmental organizations in South Africa and Botswana, including the South African Catholic Bishops Conference and the South African Council of Churches,

spoke out in criticism of the military nature of the SADC intervention and the destruction and loss of life caused, and called for a peaceful resolution to the political impasse in Lesotho.

The LDF announced on 1 October that 18 of its soldiers were killed, 16 at the Katse Dam barracks, and that after LDF soldiers reported back to their bases the whereabouts of up to 10 remained unknown. The SANDF said that nine of their officers were killed and 47 civilians also reportedly died. Other press reports put the death toll higher. Figures of the total death toll in the crisis however, remained unclear. Amnesty International was not able to comment on the accuracy of these reports.

On 2 October leaders of the LCD and opposition parties convened in a meeting chaired by South African government representatives and including representatives from Botswana and Zimbabwe, to seek a way forward. The parties reached agreement that new general elections would take place in 15 to 18 months time, but deadlocked on the issue of who would rule Lesotho in the interim. SADC representatives proposed the formation of a transitional structure formed of members of all political parties. At the time of writing the talks, due to reconvene on 12 October, had adjourned to allow the political parties an opportunity to consult their members on whether the role of such a transitional structure should be that of an interim government or solely to oversee new elections.

The situation in Maseru and other parts of the country remained tense. Lesotho's Foreign Minister, Tom Thabane, said that civil servants who actively supported opposition groups during the civil unrest should resign or would face dismissal. Anonymous pamphlets appeared on the streets threatening the safety of expatriates in Lesotho. Both government and opposition political parties planned marches to rally their supporters. There were also reports that armed youths were still involved in violence in the northern part of the country. Amnesty International received information about threats against specific individuals.

Over 30 civil society organizations came together at the end of September to coordinate their efforts to seek peaceful and democratic solutions to the country's problems. They formed the Lesotho Network for Conflict Management, to identify the potential role of civil society in addressing conflict and to develop the capacity of civil society to manage conflict and work for solutions through negotiation and mediation.

MALI

Prisoners of conscience

Seven prisoners of conscience were sentenced to prison terms of 15 to 18 months by the Bamako Assize Court in March. **Mady Kamakoye Diallo**, a minister in the government of former president Moussa Traoré, and six soldiers had been arrested in October and

December. Mady Diallo was one of the leaders of the *Mouvement patriotique pour le renouveau* (MPR) Patriotic Movement for Renewal, and most of the six co-accused soldiers were members of the association of non-commissioned officers, a movement seeking to improve soldiers' living conditions. The convicted prisoners subsequently lodged an appeal with the *Cour de cassation* (Court of Cassation).

Their trial was grossly unfair. No evidence other than confessions apparently extracted under torture was produced against the accused. The defendants informed the court that, during the long period they had spent in police custody, they had been regularly humiliated, beaten and tortured to force them to sign statements. Mady Diallo was not personally subjected to acts of physical torture, but he was deprived of sleep and threats were made against members of his family. Marks of torture were still visible on some of the defendants. Nevertheless, the court admitted the statements as evidence and made no effort to investigate the torture allegations.

The accused were held incommunicado beyond the legal limit for *garde à vue* (incommunicado detention). They also experienced problems with regard to meeting their families and obtaining the assistance of lawyers and doctors. In addition, both the composition of the Bamako Assize Court -- four of its members being appointed by a government minister -- and its attitude to

the defence during the trial raised doubts about its independence and impartiality.

Amnesty International delegates visited Mali in March to attend the trial of Mady Diallo and the six soldiers. The delegation was able to confirm the existence of the practice of torture in meetings they had with torture victims in the capital city Bamako as well as in other towns.

MAURITANIA

Human rights defenders convicted

On 25 March 1998, the *Cour d'Appel* (Court of Appeal) confirmed the sentences against the four human rights defenders in custody since January or February 1998. **Maître Fatimata M'Baye, Boubacar Ould Messaoud, Maître Brahim Ould Ebetty and Professeur Cheikh Saad Bouh Kamara**, all prominent human rights defenders, were convicted for their activities within non-authorized organizations. That same day, the President of the Republic intervened and granted clemency to the four, and to a fifth person, **Abdel Nasser Ould Ethmane**, who had been sentenced *in absentia*. While welcoming their release, the four have lodged an appeal against the verdict of the Court of Appeal as the presidential clemency does not alter the original conviction. **Abdel Nasser Ould Ethmane** remains outside of Mauritania and has not lodged an appeal.

Despite these positive developments, the status of the non-governmental organizations whose members had been arrested and convicted remained unclear. The authorities have still failed to respond to their applications to register legally.

Amnesty International appealed that they should all be unconditionally released.

NIGERIA

Release of political prisoners

Following the sudden death on 8 June 1998 of head of state General Sani Abacha, at least 100 political prisoners have been released under the new military government headed by General Abdulsalami Abubakar. Charges against some political prisoners and exiles have been withdrawn, and death sentences imposed for political offences have been commuted.

On 15 June the government announced the first nine releases: they included oil workers' leaders **Frank Ovie Kokori** and **Milton Dabibi**, former head of state **General Olusegun Obasanjo**, human rights and pro-democracy activist **Dr Beko Ransome-Kuti**, newspaper editor **Christiana Anyanwu**, and lawyers and pro-democracy leader **Chief Olabiye Durojaiye** and **Chief Bola Ige**. At least five political detainees were released unannounced in the days following, including human rights lawyer **Ebun-Olu Adegboruwa**, pro-democracy leaders from eastern Nigeria, **Dr Arthur**

Nwankwo and Dr Udentia O. Udentia, and environmental activist Isaac Osuoka.

On 25 June a further 17 releases were announced. Ten had been charged with treason in March 1997, including pro-democracy and human rights leaders Dr Frederick Fasehun and former government minister Chief Olu Falae. Six had been detained without charge or trial, including political leaders from northern Nigeria, Alhaji Abubakar Rimi and Alhaji Sule Lamido, and human rights and pro-democracy activists Olisa Agbakoba, Chief Ayo Opadokun, and Olusegun Maiyegun.

Also on 25 June the High Court, Ibadan, discharged 32 of a group of 40 people arrested and charged in connection with pro-democracy protests on 1 May in Ibadan. They included former senator Alhaji Lam Adesina, trade union leader Alhaji Lateef Akinsola and newspaper editor Femi Adeoti.

On 15 July, two employees of The News media group were released: Adetokunbo Fakeye, defence correspondent, and Rafiu Salau, administrative manager. They had been detained without charge or trial since November 1997. On 23 July 1998 Babafemi Ojudu, managing editor of The News group, was released uncharged from eight months' incommunicado detention.

On 20 July the government announced that it had pardoned 10 more civilians convicted of involvement in an alleged coup plot in 1995. They included Shehu Sani, Vice-Chairman of the Campaign for

Democracy; newspaper editors Kunle Ajibade, George Mbah and Ben Charles Obi; and detained relatives of military defendants in the trials, Rebecca Onyabi Ikpe and Alhaji Sanusi Mato. All had been convicted after unfair trials in secret by Special Military Tribunal.

In September, 20 Ogoni prisoners who had been detained without trial, most of them since 1994, were released. They were ostensibly awaiting trial on the same murder charges that were brought against the "Ogoni nine" executed in November 1995. Previous attempts to have the Ogoni 20 released on bail or brought to trial were obstructed by their lack of access to lawyers and by government appeals against court rulings for their release. Despite court orders, the authorities refused to release the prisoners until they had received express orders from the military government in the capital, Abuja. On 7 September 1998, the High Court ruled that their continued detention -- and that of another Ogoni detainee detained without charge or trial since September 1997, Daughter Dilosi -- was unconstitutional and illegal and that they should be released unconditionally. They were released the same day.

Amnesty International has welcomed these positive developments and has called on the Nigerian authorities to release all prisoners of conscience. The fact is, prisoners of conscience remain in prison and the government has not clarified what will happen in their cases or whether it intends to revoke the military decrees which have overturned the rule of law in Nigeria since 1983.

Amnesty International has also urged that an independent judicial review be carried out of all convictions and sentences by special tribunals which have tried political prisoners or which have imposed the death penalty, with a view to releasing or retrying prisoners if their trials did not conform to international fair trial standards and reforming such special tribunals to bring them into line with those standards -- or abolishing them if this is impossible.

Call for investigations

Amnesty International has also called for an independent and impartial investigation in accordance with international standards into all reported human rights violations, with a view to bringing to justice those responsible. Such violations should include the recent deaths in detention of prisoners of conscience, including that in July 1998 of **Moshood Abiola**, the reported winner of the 1993 presidential elections annulled by the military. An independent judicial inquiry should also look into the deaths in custody of two other prisoners of conscience in December 1997, retired **Major-General Shehu Musa Yar'Adua**, 54-year-old former deputy head of state, and **Staff Sergeant Patrick Usikekpo**. It should also include investigation into reported extrajudicial executions by the security forces and allegations of excessive use of force in the control of demonstrations.

Amnesty International urges the new government to demonstrate swiftly its intention to provide greater protection for human rights by revoking the military

decrees which have effectively overturned the rule of law in Nigeria. They have resulted in the removal of all legal safeguards against arbitrary imprisonment, against torture or ill-treatment, and against unfair trials by special courts resulting in the imprisonment and execution of prisoners of conscience.

Unfair trials

Fundamental human rights provisions of the Constitution are still suspended. Special courts established by military decree and which have been used to imprison prisoners of conscience after unfair and politically-motivated trials have not been abolished or brought into line with international standards for fair trial. These include Civil Disturbances Special Tribunals, one of which sentenced to death **Ken Saro-Wiwa** and eight other **Ogoni** executed in November 1995, and Special Military Tribunals which have sentenced to death 89 people since 1990, 69 of whom were executed. At least 1200 people have been executed since 1983 following convictions by Robbery and Firearms Tribunals, special courts which also do not conform with international standards for fair trial.

At least 46 political prisoners, including prisoners of conscience, remain imprisoned, convicted following grossly unfair and secret military trials by Special Military Tribunal which denied them practically all rights of defence. **Ibrahim Al-Zakzaky** and three other leading members of the Muslim Brotherhood are currently awaiting judgement following trial on charges of

inciting public disaffection and sedition before the Federal High Court, Kaduna. Dozens of their supporters are reported to have been detained without charge or trial or imprisoned after unfair trials in various parts of northern Nigeria since 1996.

Following a coup attempt in April 1990 and a series of secret trials, which resulted in the execution of 69 armed forces officers, at least one civilian, **Turner Ochuko Ogboru**, and 10 soldiers remain imprisoned despite pardons and court orders for their release. One officer, **David Mukoro**, was reported in July 1998 to have recently died in detention from tuberculosis after being denied medical attention. They have been held incommunicado throughout their imprisonment.

Eighteen serving and retired armed forces officers are still held although, since June 1998, the civilians convicted in the same series of treason trials in 1995 have been released. More than 40 defendants were convicted in a series of treason trials in 1995 apparently aimed at imprisoning key critics of the government, including human rights activists and journalists. Of the prisoners still held, **Navy Commander L.M.O. Fabiyi** was sentenced to 15 years' imprisonment reportedly for passing a defendant's defence submission to others. Another military lawyer, **Colonel Roland N. Emokpae**, sentenced to 25 years' imprisonment, was reported in June 1998 to be seriously ill with liver problems in Birnin-Kebbi prison and to have been denied the medical treatment he requires. There has been no inquiry into reports of

torture of some of the defendants, including **Lieutenant-Colonel M.A. Igwe**, sentenced to 25 years' imprisonment after he refused, under duress, to implicate others.

Six civilians and 10 armed forces officers remain imprisoned after being convicted of treason on 28 April 1998 following a secret and unfair trial by Special Military Tribunal. On 9 July 1998 the new government announced the commutation of death sentences on former deputy head of state **General Oladipo Diya**, four other armed forces officers and a civilian convicted of involvement in a coup plot. It reduced the prison sentences of five armed forces officers and five civilians, and commuted the prison sentence of one officer to dismissal from the armed forces. The trial raised questions about whether the coup plot had been instigated by officers who are still part of the present military government in order to entrap General Diya and other senior officers from the Yoruba ethnic group.

Amnesty International believes all prisoners of conscience, both military and civilian, among the remaining political prisoners should be released and that the convictions of all others should be reviewed by an independent and impartial tribunal, providing for fair trial according to international standards and full rights of defence, with a view to releasing those wrongfully imprisoned.

RWANDA

The human rights situation in Rwanda continued to be of grave concern, especially in the context of the armed conflict in the northwest between soldiers of the Rwandese Patriotic Army (RPA) and armed opposition groups believed to include members of the former Rwandese government forces and militia responsible for massacres during the 1994 genocide. Thousands of unarmed men, women and children have been deliberately killed by both sides, and many others displaced from their homes.

In June 1998, Amnesty International published a report, *Rwanda -- The hidden violence: "disappearances" and killings continue*, (AI Index: AFR 47/23/98) based in part on testimonies gathered during a visit to Rwanda in February 1998. The organization also published a four-page leaflet, *Rwanda: Dealing with the truth*, (AI Index: AFR 47/19/98) which explains Amnesty International's concerns and summarizes the main human rights issues.

"Disappearances"

The number of "disappearances" across Rwanda continued to increase - not only in the northwest but also in other regions. Among those who "disappeared" in the capital Kigali was **Emmanuel Munyemanzi**, a journalist who worked as head of production for Rwanda's national television station. On 5 May 1998 he went to work as usual but did not return. Amnesty International issued an Urgent

Action on his behalf (AI Index: AFR 47/18/98).

An Urgent Action (AI Index: AFR 47/27/98) was also issued on the "disappearance" of **Onesphore Byampiliye**, a businessman who was reportedly led away from his home in Rubavu, Gisenyi, on 29 June 1998 by RPA soldiers. He has not been seen since. His wife **Immaculée Twagiramariya** was reportedly killed by RPA soldiers the following day.

Killing of unarmed civilians

Thousands of unarmed civilians have been killed in the armed conflict which continues to devastate the northwest of Rwanda. The regions of Gisenyi and Ruhengeri have seen the worst violence.

In May 1998, scores of unarmed civilians were reportedly killed when RPA soldiers surrounded several areas in *Gakenke secteur*, Gatonde commune, Ruhengeri. The victims included at least 40 people, such as **Hiram Mpayimana**, his son **François Cyubahiro**, **Jaffet Mvukiyehe**, aged 80 and his wife **Régine**, aged 75. On 12 May, around 150 people were reportedly killed during a military operation in *Birembo secteur*, Giciye commune, Gisenyi. The victims included the very elderly and the very young, such as **Rubyeyi**, aged 84, **Bayazana Tamari**, aged 76, and **Uwamahoro**, aged 9. The soldiers reportedly also looted in the area and burned more than 30 houses.

Armed opposition groups also deliberately attacked unarmed civilians. On the night of 29-30 March 1998, nine

people were killed in Nyabikenke commune, Gitarama. The victims included **Charles Komeza** and his wife **Laurence Nyirampundu**, both in their seventies, **Fidèle Nkejabagabo** and his two sons. It is thought that Charles Komeza had been targeted because he was believed to be collaborating with the authorities. There has been a pattern of killings of suspected "collaborators" by armed opposition groups.

Weapons and military equipment fuel the conflict

In its June 1998 report, Amnesty International highlighted the fact that despite overwhelming evidence of killings of unarmed civilians by both parties to the conflict, the RPA and armed opposition groups have continued to obtain new supplies of weapons and equipment which they have used to commit violations of human rights and humanitarian law. Some arms dealers have supplied military equipment to both the former and present security forces in Rwanda, with no apparent regard for human rights. Companies in Israel - using Eastern European links -, China and South Africa supplied weapons or military equipment to the former Rwandese armed forces before and during the genocide of 1994. Companies from these same countries have continued to supply arms and equipment to the RPA, sometimes arranged through companies in third countries.

For example, the Rwandese Government has reportedly obtained Russian-made MI-24 helicopters through a company based in South Africa. The RPA has

continued to use military helicopters during its operations in areas inhabited by unarmed civilians. In 1997 and 1998, several sources in Rwanda reported that helicopters were being used not only for surveillance but also to attack areas where insurgents were believed to be hiding, killing unarmed civilians.

The United States of America (USA) remains a close political and military ally of the Rwandese government. Amnesty International has asked the US authorities to clarify the relationship between the training they have supplied to members of the RPA since 1996 and the RPA's counter-insurgency operations during which grave human rights violations have been committed. The US authorities should also clarify the exact role of US military personnel reportedly present in Rwanda.

Despite the continuing UN arms embargo against members of the former Rwandese armed forces, these forces appear to have been able to obtain weapons with relative ease, due to the proliferation of small arms in the region, the existence of networks of trafficking, and the close alliances with armed groups operating in neighbouring countries.

In April 1998, the UN Security Council decided to revive the UN Commission of Inquiry which had been set up in September 1995 to investigate supplies of arms and other equipment to the former Rwandese armed forces. Amnesty International welcomed the resumption of its work but urged the UN Security Council to broaden the Commission's

mandate. In particular, it should be recognized that it is not only the former Rwandese government forces and associated armed groups but also RPA soldiers who are carrying out grave violations of human rights and humanitarian law.

Death penalty: first executions for those found guilty of genocide

On 24 April 1998, the Rwandese government carried out the first executions of people found guilty by the Rwandese courts of participation in the genocide in 1994. Twenty-two people - 21 men and one woman - were executed by firing squad in front of large crowds. Many of those executed had had an unfair trial. For example, **Silas Munyagishali**, former assistant prosecutor of Kigali, was among those executed. During his trial, several defence witnesses were threatened and intimidated, and prevented from testifying; there are indications that his arrest on charges of complicity in the genocide may have been politically motivated. Also among those executed were **Déogratias Bizimana** and **Egide Gatanazi**, the two first people to be tried for participation in the genocide in Rwanda and who did not even have access to a defence lawyer.

Amnesty International believes that executions constitute a major step backwards for human rights and will seriously harm the prospects of reconciliation and respect for human life in Rwanda. Amnesty International's membership worldwide - as well as many other organizations and prominent individuals - had appealed to the

authorities in Rwanda not to proceed with the executions. Several Urgent Actions and news releases were issued before and after the executions of 24 April.

International Criminal Tribunal for Rwanda

The International Criminal Tribunal for Rwanda (ICTR) was set up by the UN Security Council in November 1994 in response to the genocide to prosecute serious violations of human rights and humanitarian law in Rwanda in 1994. On 4 September 1998, the ICTR issued its first rulings. **Jean Kambanda**, former Prime Minister of the interim government of Rwanda at the time of the genocide, was sentenced to life imprisonment. On 1 May, he had entered a guilty plea - the only guilty plea thus far at the ICTR. On 2 September, **Jean-Paul Akayezu**, a former mayor, was found guilty by the ICTR of nine of the 15 counts for which he was indicted, among them genocide, incitement to commit genocide, and crimes against humanity, including murder, torture, rape and other inhumane acts. Amnesty International welcomed these first rulings of the ICTR. However, it regretted that it has taken the ICTR so long to issue its first judgements and stressed that there remains a huge task ahead to bring to justice those responsible for the genocide and other massacres in Rwanda.

In April 1998, Amnesty International published a report, *ICTR: Trials and Tribulations*. (AI Index: IOR 40/03/98) outlining the work of the ICTR to date and expressing concern about some aspects of its work - including its weak

witness protection scheme, long periods of detention without trial, and the failure of the ICTR to initiate any cases against members of the then Rwandese Patriotic Front (RPF) alleged to have committed abuses during 1994.

UN Human Rights Field Operation leaves Rwanda

In July 1998, the UN Human Rights Field Operation for Rwanda (UNHRFOR) was compelled to leave Rwanda after several months' negotiations between the Office of the UN High Commissioner for Human Rights and the Rwandese government. UNHRFOR had experienced increasing difficulties in operating in the country, due in part to widespread insecurity, and relations with the government had gradually deteriorated. In May 1998, the government decided to suspend the operation's activities until a review of its mandate was completed. The government had proposed removing the monitoring and reporting components of the UNHRFOR's work. Amnesty International appealed to the Rwandese government to allow UNHRFOR to remain in Rwanda and to continue carrying out all its functions, including monitoring, as it was one of the very few international organizations left monitoring and publicly reporting on the human rights situation in Rwanda. By July 1998, the government and the UN High Commissioner for Human Rights had failed to reach an agreement and the personnel of UNHRFOR left the country.

SIERRA LEONE

Continuing atrocities against civilians

The Armed Forces Revolutionary Council (AFRC), with the allied armed opposition Revolutionary United Front (RUF), was removed from power in February 1998 by the West African force deployed in Sierra Leone, known as ECOMOG.

From April, AFRC and RUF forces embarked on a systematic campaign of killing, rape and mutilation in the east and north of the country which they called "*Operation no living thing*".

Although the exact number of those killed remains unknown, many thousands of civilians including women and children are estimated to have died. More than 200 civilians were killed during an attack on a single village - Yifin, in Koinadugu District in Northern Province - in late April 1998. In addition, by October 1998 up to 4,000 men, women and children of all ages had suffered mutilation and crude amputations of their arms, legs, lips or ears, lacerations and gunshot wounds. Many had died from their wounds before reaching help.

In early May, Amnesty International publicized the dramatically increasing scale of atrocities in Sierra Leone in its report -- *Amnesty International receives shocking information about mounting atrocities in Sierra Leone* (AI Index: AFR 51/13/98). Victims who survived attacks by AFRC and RUF forces reported women and children being rounded up, locked in houses which were then set

alight. Women were raped or suffered other forms of sexual assault. Men who refused to rape members of their own families were reported to have had their arms cut off. Children were ripped from their mothers' backs and killed with machetes.

Amnesty International, together with the international community, condemned these atrocities in the strongest possible terms and called on AFRC and RUF forces to respect the basic principles of international humanitarian law and abide by minimum standards of humane behavior. Amnesty International urged that all possible steps be taken to minimize the risk to civilians and to evacuate to safety victims of torture and called for the urgent establishment of an independent human rights monitoring presence in Sierra Leone.

An Amnesty International delegation which visited Sierra Leone in May 1998 met victims of these atrocities at Connaught Hospital in Freetown. One, a farmer aged 40 from the village of Badala, in Koinadugu District, Northern Province, had both hands cut off when the village was attacked on 3 May 1998. Another, a 15-year-old schoolboy from Koidu, in Kono District, Eastern Province, had severe lacerations to his right ankle after an attempted amputation. Almost 50 people with him had been killed when they were attacked on 1 May 1998.

The United Nations (UN) Under-Secretary-General for Humanitarian Affairs and Emergency Relief

Coordinator, Sergio Vieira de Mello, following a visit to Sierra Leone in June 1998, said that the brutal treatment of civilians by the AFRC and RUF was unlike anything he had seen in 29 years of humanitarian work.

Attacks against civilians continued throughout June 1998 and although there was a significant reduction in attacks during July, they resumed from August 1998 with reports of large numbers of civilians again being killed, mutilated -- including amputations -- and abducted in attacks by rebel forces on towns and villages across the north and east of the country.

The Civil Defence Forces (CDF), composed of traditional hunters such as the *kamajors* in the south and east of the country, who support President Ahmad Tejan Kabbah and who, together with ECOMOG, are fighting AFRC and RUF forces, have also been responsible for torture, ill-treatment and extrajudicial executions. While on a much lesser scale than those committed by rebel forces, the CDF, who included many young boys under the age of 18, have also committed serious violations of international humanitarian law. (Amnesty International opposes the participation of children in hostilities).

Children and women have not escaped the brutality of the conflict in Sierra Leone. They have been deliberately and arbitrarily killed, and mutilated by rebel forces. Thousands of children have been abducted and forcibly recruited by rebel forces to fight. Girls and women have

been systematically raped and forced into sexual slavery. Many displaced children have been separated from their families as a result of the violence. They have been particularly vulnerable to the severe hardship faced by the hundreds of thousands of Sierra Leonean refugees in neighbouring countries or internally displaced. Many have died as a result of disease and malnutrition.

The Special Representative of the UN Secretary-General for Children and Armed Conflict, Olara Otunnu, who visited Sierra Leone in May 1998, called for a more vigorous and concerted response by the international community to the needs of children affected by the conflict in Sierra Leone. Amnesty International endorsed his call for Sierra Leone to be a pilot project in post-conflict peace-building.

Response by the international community

On 13 July the UN Security Council established the UN Observer Mission in Sierra Leone (UNOMSIL), a peace-keeping operation to monitor the military and security situation in Sierra Leone. It included a limited number of human rights advisers.

On 30 July 1998 the UN Secretary-General, Kofi Annan, convened a special conference on Sierra Leone in New York which brought together representatives of the Government of Sierra Leone, intergovernmental organizations, including the UN, the Organization of African Unity, the Economic Community of West African States, the European

Union and the Commonwealth, as well as humanitarian organizations. In a report addressed to the conference -- *The United Nations special conference on Sierra Leone: the protection of human rights must be a priority for the international community* (AI Index: AFR 51/14/98) -- Amnesty International recommended that:

- UNOMSIL must be given the necessary resources to monitor and report violations of international humanitarian and human rights law;
- particular attention should be given to the needs of children affected by the conflict;
- assistance must be provided to create effective institutions for the protection and respect of human rights in Sierra Leone;
- accountability for the atrocities which have been committed in Sierra Leone must be established in order to combat impunity and contribute to lasting peace.

Impunity

Peace and security in Sierra Leone will not be achieved until there is an end to impunity for human rights abuses. Amnesty International strongly endorsed the joint statement in June 1998, shortly after the conference on the creation of a permanent international criminal court opened in Rome, by the heads of five UN agencies that the atrocities in Sierra Leone were a brutal reminder of the urgent need for such a court to bring to

trial those responsible for war crimes and crimes against humanity. The delegation of Sierra Leone to the conference in Rome repeatedly cited the experience of its country as evidence of the need for a permanent international criminal court.

Detentions, treason trials and executions

After ECOMOG forced the AFRC from power in February 1998, more than a thousand people associated with the AFRC and RUF were detained. Many were suspected of criminal offences which included gross human rights abuses. Some gave themselves up to police and ECOMOG forces as a means of protection from civilians who attacked, and in some cases killed, those closely associated with the AFRC and RUF.

On 10 March 1998, shortly after his government was reinstated, President Kabbah proclaimed a state of emergency, subsequently ratified by parliament, which included provisions for indefinite detention²⁶ without charge or trial. Hundreds of people alleged to have collaborated with the AFRC and RUF have been held without charge under this legislation.

In April 1998, 59 civilians were charged with treason, which carries a discretionary death sentence; some were also charged with murder and arson. Three separate trials began before the High Court in Freetown in May 1998. The government stated its commitment to ensuring that those charged would receive a fair trial. Public demand was, however, for swift and firm justice. The trials were open to

international observers from UNOMSIL, assisted by the International Bar Association

On 25 August, 16 defendants in one of the High Court trials were convicted and sentenced to death; two others were acquitted. Sixteen others were convicted in a second trial before the High Court which concluded on 19 October 1998; 11 were sentenced to death and five received 10 year prison terms. The third trial was continuing. All those sentenced to death appealed to the Court of Appeal. If unsuccessful, they had the right to appeal to the Supreme Court. Acknowledging that the judicial process had not yet concluded, Amnesty International made clear its unconditional opposition to the death penalty and called on President Kabbah to exercise clemency should any death sentences be upheld on appeal.

The leader of the RUF, Foday Sankoh, who had been detained in Nigeria since March 1997, was returned to Sierra Leone in July 1998 and in early September 1998 charged with treason and related offences. His trial before the High Court began on 24 September 1998 and was continuing at the time of writing.

A court martial of 37 soldiers, including prominent AFRC members, charged with treason and related offences began in late July 1998. The court martial was also open to international observers, including an Amnesty International representative who monitored early stages of the trial.

On 12 October, 34 soldiers were convicted and sentenced to death; the three others were acquitted. The court

martial refused to accept arguments that the death penalty was discretionary rather than mandatory for these offences. Trials before court martial in Sierra Leone allow no right of appeal against conviction and sentence to a higher jurisdiction, in violation of international standards for a fair trial. Those convicted had the right to appeal to a special committee for the prerogative of mercy, chaired by the President. Amnesty International repeatedly urged the government to allow a judicial appeal procedure from the court martial and, when the 34 death sentences were passed, urged President Kabbah to exercise clemency, commute the death sentences and ensure that no executions took place. Amnesty International argued that the difficult process of reconciliation facing Sierra Leone would be jeopardized if executions were carried out.

Despite appeals for clemency from the international community, 24 soldiers were publicly executed by firing squad on 19 October 1998; the sentences of the 10 others were commuted to life imprisonment. Amnesty International condemned the executions, which violated Sierra Leone's commitments under international human rights law.

In late May the government established an independent committee of investigation to review the cases of the several hundred detainees held without charge on suspicion of collaboration with the AFRC and to advise the government on whether to charge or release them. The committee began its work in July 1998 and by September 1998 some 120 cases were reported to have been considered

and at least 50 detainees had been released. Amnesty International urged that the cases of those who remained detained without charge be reviewed with a minimum of delay.

SUDAN

Children in armed conflict

As many as 3,000 Ugandan children, abducted from northern Uganda by the Lord's Resistance Army (LRA), a Ugandan armed opposition group, are reportedly still held in LRA camps in southern Sudan, where they are being forced to become soldiers. The abducted children, the majority of whom are between 13 and 16, are subjected to systematic brutalization and physical and psychological torture. Girls are raped and held in sexual slavery. The children are also abused by being forced to commit human rights abuses against others and are often so traumatized by what they have done that they become bound to the LRA.

The LRA is better able to hold these children because of the active support of the government of Sudan, which provides the LRA with food, weapons and relatively secure operations bases in southern Sudan. Sudan is a state party to the UN Convention on the Rights of the Child (CRC), which safeguards children's right to life, their right to freedom and their right not to be subjected to torture or to other cruel or degrading treatment or punishment. Sudan's support for the LRA, which involves the tacit

endorsement of the LRA's human rights abuses against children, renders it in breach of its obligations under international humanitarian law.

In June **Olara Otunnu**, the UN Special Envoy for Children in Armed Conflict, reported that he had received assurances from the Sudanese government that it would assist in the repatriation of the abducted Ugandan children. Amnesty International welcomed these assurances as a promising development and called on the government of Sudan to honour its international obligations under the CRC by intervening to release all abducted Ugandan children held in southern Sudan and to assist in their repatriation to Uganda. To date, however, there appears to have been no concerted effort to translate these assurances into action and the vast majority of these children continue to be held in LRA camps in southern Sudan.

Torture and ill-treatment

Two catholic priests working in the Archdiocese of Khartoum, **Father Hillary Boma** and **Father Lino Sebit**, are at risk of continuing torture and ill-treatment whilst in detention (see Urgent Action AI Index: AFR 54/06/98). This follows reports that both have confessed, under duress, to being involved in the bombings which occurred in the capital Khartoum on 30 June 1998, the day on which a new constitution was signed by President Omar Hassan al-Bashir. The President has announced that those convicted of involvement in the bombings will be sentenced to death by hanging and then crucified.

Father Lino Sebit, who was arrested on 29 July 1998 and taken to Khartoum North Police Investigation Bureau, was initially believed to have been accused of involvement in a murder. The charge was subsequently changed, however, to involvement in the bombings. It is reported that he was tortured and ill-treated in order to force him to confess. He has not been seen since his arrest.

Father Hillary Boma, who was arrested at gunpoint at St Matthew's Catholic Cathedral in Khartoum on 1 August, is reported to have confessed to involvement in the bombings in order to prevent **Father Lino Sebit** from being further tortured and ill-treated. He is an outspoken critic of the Sudanese government. Amnesty International believes that the two priests may be prisoners of conscience, detained solely for the expression of views critical of the government.

Several leading political figures belonging to banned opposition parties, who had earlier announced their intention to reestablish their parties in accordance with the new constitution, have also been arrested and accused of involvement in the bombings of 30 June. They include **Al-Haj Abdelrahman Abdullah Ngullah**, a former Minister of Religious Affairs and prominent Umma Party opponent of the government, **Abdelmahmud Abbo**, a leading imam of the *Ansar* order of Islam, and at least 14 others (see Urgent Action AI Index: AFR 54/05/98).

Torture and ill-treatment of those in security force custody are systematic in Sudan, particularly during interrogation, and there are grave fears for the safety of all the detainees.

The bombing of the al-Shifa pharmaceutical factory by the United States of America

On 20 August the United States bombed the al-Shifa pharmaceutical factory in Khartoum North, justifying the bombing on the grounds that the factory was used to manufacture chemical precursors for chemical weapons. The air-strike was a response to the bomb attacks on the US Embassies in Nairobi and Dar es Salaam on 7 August in which over 250 people were killed.

On 21 August Amnesty International issued a public statement (AMR 51/52/98) expressing its alarm at the United States' air-strikes on Sudan and Afghanistan and stressing that the human rights of civilians must remain paramount in any military operation. Whilst recognizing the right of governments to protect the safety of their citizens, and whilst condemning the callous slaughter of civilians in the bomb attacks on the United States Embassies, the organization expressed its concern at the possibly indiscriminate nature of the United States air-strikes, which would be in violation of international humanitarian law, including the Geneva Conventions. Amnesty International has since written to the United Nations Secretary-General Kofi Annan, reiterating the organization's concerns and appealing for an independent and impartial enquiry to

investigate what steps the US took to protect civilians during the air-strikes and whether international humanitarian law was breached.

The Sudan Government denies that the al-Shifa factory was used for the manufacture of chemical precursors and has called for a United Nations Security Council fact-finding mission to visit the factory and to investigate the US air-strikes.

SWAZILAND

On 16 October, national elections were scheduled to be held in Swaziland, amidst calls from opposition groups and trade unions for a boycott of an election system underpinned by a royal decree prohibiting political parties.

In the early hours of 13 October, upwards of 50 armed police and soldiers raided the homes of officials of the opposition Swaziland Democratic Alliance (SDA). They searched for pamphlets or other evidence of plans by the SDA to boycott or disrupt the elections scheduled for 16 October. Those subjected to this harassment included Ms **Zodwa Mkhonta**, a senior official in the Swaziland Federation of Trade Unions (SFTU), **Simon Noge**, the General Secretary of the Human Rights Association of Swaziland (HUMARAS), **Mario Masuku**, the president of PUDEMO (People's United Democratic Movement), and **Bongani Masuku**, of SWAYOCO (Swaziland Youth

Congress). All of these activists have been victims of detention without trial or politically-motivated trials in the past [need to check Bongani]. However Amnesty International did not receive reports of any detentions arising from these October raids.

The raids and house searches followed an attempt by SDA representatives to deliver a memorandum to the Swaziland head of state, King Mswati III, on 12 October. In the memorandum the petitioners called for, among other things, the repeal of the "draconian, cruel, unpopular and undemocratic" King's Proclamation of 12 April 1973 under which freedom of association and assembly and free political activity are severely restricted. They reiterated a demand made earlier in the year for the dismantling of the Constitutional Review Commission, which had been initiated by the King in 1996, and for the suspension of the national elections of 16 October. They called for the establishment of a "national forum" leading to the creation of a "constituent assembly to chart an inclusive national way forward".

On 5 October 1998, **Sandile Phakathi** and **Bhekani Simelane**, members of SWAYOCO, were convicted in the Manzini Magistrate's Court of contravening section 6 of the Public Order Act in connection with protests in August against the impending elections. Amnesty International had received reports that when the detainees were brought to court for the first time they had bruises on their faces, allegedly as a result of beatings by the police. They were also

denied bail, under the terms of the Non-Bailable Offences (Amendment) Act which obliges courts to deny bail to accused charged with any one of a number of scheduled offences. The law does not oblige the police to lead any evidence in court to demonstrate that there exists a *prima facie* case against the arrested person. Human rights lawyers and monitors have criticized this law for infringing the rights of accused and constraining the courts. The law has also been used since 1991 by the police to detain for lengthy periods opponents of the government. Amnesty International appealed to the authorities to ensure that the two defendants were not subjected to any further assaults or ill-treatment while they remained in custody and that they should be given access to medical care, as well as legal representation and family visits.

The two SWAYOCO members were sentenced to two years imprisonment, half of which was suspended for three years. The sentence also carried an option of a fine, effectively of E1,000 (=£100). If they are unable to pay this fine by the end of October, they will have to serve the sentence. Amnesty International is investigating allegations that police actions may have undermined the impartiality of the court.

TANZANIA

Prisoners of conscience in Zanzibar

Eighteen members and supporters of the Civic United Front (CUF), the Zanzibar opposition party, are detained awaiting trial on fabricated charges of treason. If convicted, they face a mandatory death sentence. Amnesty International considers them to be prisoners of conscience, detained solely for their non-violent political opposition to the Zanzibar government of Dr. Salmin Amour.

In late November 1997, on the eve of an important by-election which was subsequently won by CUF, 14 CUF members were arrested and charged with sedition. The charge was later changed to treason and four more people have since been charged with treason, the most recent being **Juma Duni Haji**, the winner of the November by-election who was arrested on 11 May 1998. Three other members of the Zanzibar House of Representatives (parliament) are among the accused: **Hamad Masoud Hamad**, **Soud Yusuf Mgeni**, and **Hamad Rashid Mohamed**. The Deputy Secretary-General of CUF, **Nassor Seif Amour**, and two women, **Zulekha Ahmed Mohamed** and **Zeina Juma Mohamed**, are also detained.

The detainees are being denied adequate medical treatment. Several are unwell and their ill-health is exacerbated by the poor conditions in Zanzibar Central Prison. **Machano Khamis Ali** was unable to stand up at the court hearing on 9 July.

Their case is still, after almost a year, at the pre-trial stage. Pre-trial hearings have been taking place every two weeks but with little sign of an imminent start to the trial.

Following a visit to Zanzibar by Amnesty International delegates in June, the organization called for the immediate and unconditional release of all 18 prisoners (see statements AI Index: AFR 56/04/98 and AFR 56/02/98). The contrived charges are part of a persistent pattern of human rights violations committed by the Zanzibar government against its political opponents in recent years, following rigged elections in 1995. Donors have cut aid to Zanzibar and have refused to recognize the Zanzibar government.

ZAMBIA

Torture

In March 1998 Amnesty International released a report "Zambia: Misrule of Law" (AI Index: AFR 63/04/98) alleging that at least six people from more than 100 detained in connection with the October 1997 coup attempt had been tortured by police. As more information came to light, it appeared that some 12 detainees were allegedly tortured. Amnesty International recommended suspending the alleged torturers pending a thorough, impartial investigation aimed at criminal prosecution; the condemnation of torture by President Frederick Chiluba and other top officials; and legal reforms. The government's Permanent Human Rights Commission concluded on 30

March that at least nine detainees had been tortured, and named more than 10 police officers as torturers, but merely recommended retirement, rather than prosecution. No one was brought to justice. By mid-March, President Chiluba had lifted the state of emergency imposed after the failed coup.

In April, Amnesty International began a campaign for coup plot detainees to receive proper medical care. More than 10 detainees suffered from illnesses and infectious diseases. All complained of inadequate medical care, overcrowding, poor diet and unhygienic conditions. By August, two detainees had died in custody, and more than six had been admitted to hospital including **Princess Nakatindi Wina**, who remained hospitalized for most of her detention. **Dean Mung'omba**, leader of the opposition Zambia Democratic Congress, contracted a tuberculosis infection in prison.

In May the government announced that it would establish a further inquiry into the allegations of torture; institute human rights training for law enforcement officers; amend laws governing police conduct; and establish a Police Complaints Authority. Amnesty International welcomed these proposals but continued to call on the authorities to condemn, and prosecute, acts of torture. The government appointed the trial judge hearing the coup attempt cases to head the torture inquiry, in what appeared to be a move to further delay independent investigations. Also in May, a coalition of international NGOs and local human

rights organizations, including Amnesty International, lobbied donor countries meeting in Paris to demand concrete, effective human rights reforms. The aid pledged was conditional on economic reforms and "swift and decisive action on alleged human rights violations".

In June, the trial finally began of 75 soldiers and two politicians -- **Dean Mung'omba** and **Princess Nakatindi Wina** -- charged with treason. The previous day Zambia's attorney-general dropped charges against former President **Kenneth Kaunda** and his personal bodyguard, **Moyce Kaulung'ombe**.

Freedom of expression

In April, the trial ended of journalist **Masautso Phiri**, who was charged with "conduct likely to cause a breach of the peace", after he had photographed police violently breaking up a political rally in August 1997. By September, the court had not issued a ruling.

By August, the Supreme Court had not ruled on the government's appeal against the release from indefinite imprisonment two years earlier of two journalists from the *Post* newspaper, editor-in-chief **Fred M'membe** and former managing editor **Bright Mwape**.

In September, following the formation of a gay rights organization, the Vice-President told parliament that gay rights activists would be arrested on criminal charges, and banned all public statements about gay activities, including openly declaring oneself as gay or lesbian. Amnesty International expressed concern

that such arrests would contravene international human rights standards.

ZIMBABWE

Gays and lesbians

In April, President Robert Mugabe attacked the World Council of Churches (WCC) for allowing homosexuals to attend their assembly in Zimbabwe in December. In June human rights activist Keith Goddard of Gays and Lesbians of Zimbabwe was arrested and charged with committing "forcible sodomy", a charge that Amnesty International believes is a pretext for curbing his legitimate gay rights activities. He faces a possible prison sentence of seven years if convicted of sodomy. He is currently out of custody.

Students

There were numerous student demonstrations from April onwards, several of which were blocked by riot police using tear gas and batons. A student was shot in the neck by police at the University of Zimbabwe campus when student demonstrations were quelled during April. A high court ruling at that time said police had no right to interfere with the demonstrations.

On 1 June, hundreds of students demonstrated against corruption and to demand an increase in grant payouts. Heavily armed riot police prevented the students from gathering in front of the parliament building, where they had previously been allowed to assemble.

After riot police entered the campus and fired teargas to disperse demonstrating students, who had thrown up barricades, the University of Zimbabwe and Harare Polytechnic were closed indefinitely.

By mid-June, student protests had spread to other colleges and universities throughout the country to demand the re-opening of the university in Harare. In Bulawayo, the second largest city, riot police tear-gassed demonstrating students.

Zimbabwe troops in Democratic Republic of Congo

In early August, Zimbabwe sent some 600 troops to support the government of Laurent Kabila in the Democratic Republic of Congo against advancing rebel troops. By 1 September, unofficial reports put the number of combat troops at 2,800. According to reports, Zimbabwean warplanes bombed civilian targets in the rebel-held city of Kisangani and the town of Kasangulu, south of Kinshasa. Amnesty International criticized Zimbabwean troops for reportedly killing civilians during indiscriminate shelling of Kinshasa suburbs. Amnesty International called upon President Robert Mugabe, as chair of the Southern African Development Community's Organ on Politics, Defence and Security, to make sure the soldiers of SADC member states abide by international humanitarian standards and called upon SADC to ensure that any transfers of military, security or police equipment to the conflicting parties in the DRC which might contribute to further human rights violations be immediately halted.

Trade union dispute

In March, a two-day stay-away organized by the Zimbabwe Congress of Trade Unions (ZCTU) shut down businesses nationwide. The authorities declared the mass stay-away illegal, and threatened unspecified reprisals against businesses closing doors. A few days later, the Zimbabwean Minister of Information ordered the state-run daily newspapers and broadcast media not to report any statements or activities by the ZCTU.

Matabeleland massacres

In March, a government minister broke almost a decade of silence about government atrocities committed in the 1980s in Matabeleland province. Minister without portfolio Eddison Zvobgo apologized in his personal capacity after

reading a report, compiled by Zimbabwean NGOs, of government troops torturing, killing and "disappearing" villagers of the minority Ndebele ethnic group.

Refugees

In August, police assaulted some 50 refugees who staged a protest at the Harare offices of the United Nations High Commissioner for Refugees. Thirty of the refugees, including children as young as four, sustained serious injuries. Two of the refugees, whose grievances included surveillance and harassment by security agents, were arrested by the police and faced possible deportation back to the Democratic Republic of Congo. Two others were missing.

