

# STOP ENFORCED DISAPPEARANCES IN AFRICA

**'I find it hard to enjoy anything because my son is constantly on my mind.'**

The mother of Chief Ebrima Manneh, a Gambian journalist, who disappeared after being arrested in 2006

**International Day of the Disappeared, 30 August 2009, is the time to demand justice for victims of enforced disappearances.**

The victims of enforced disappearances have been taken away by agents of the state or by people acting with its support or acquiescence. But the authorities deny any knowledge of their detention or whereabouts. Their friends and families do not know where they are, or even if they are still alive.

The crime of enforced disappearance is used by governments all over the world to silence dissent and eliminate political opponents, to persecute ethnic, religious and political groups, and as a tool of repression. Africa is no exception.



A protest by the families of the disappeared in Algiers, on 1 November 2008, Algeria's national day.



Jestina Mukoko, Director of the Zimbabwe Peace Project, was the victim of an enforced disappearance carried out by state agents, who handed her to the police after torturing her. She was held illegally in detention between December and February 2009. While she was in detention Amnesty International members sent hundreds of cards and letters in solidarity.



Enforced disappearances spread fear throughout a community. They have a stifling effect on the exercise of human rights. The context and scale of enforced disappearances vary in African countries, but all enforced disappearances share common elements which make them a distinct crime and one of the gravest human rights violations.

People who have disappeared are beyond the protection of the law and at the mercy of their captors. Many of their rights are denied: their rights to security and dignity of the person, not to be arbitrarily deprived of liberty, to humane conditions of detention, to a legal personality and to a fair trial. In some cases other rights are also infringed: the right to family life, the rights of the child, freedom of thought, expression, religion and association and the right not to be discriminated against.

Anything could happen to the disappeared and often does: many are tortured and many are killed.

The families and friends of those who disappear are left in an anguish of uncertainty, unable to grieve and go

on with their lives. They often find themselves isolated from their communities, as people are afraid of associating with them, and many also face financial hardship. Searching for the truth can turn into an almost impossible task: the authorities deny knowing anything, lawyers, witnesses and family members are often harassed and intimidated, and every passing day makes it harder to obtain information.

## DISAPPEARANCES

Political opponents of the government are at risk of enforced disappearance in several countries in Africa.

Over the past 10 years several exiled political opponents of the government of Equatorial Guinea have allegedly been abducted by Equatorial Guinean security personnel. The Equatorial Guinean authorities refuse to acknowledge these abductions or detentions, despite the fact that some victims are known to be held incommunicado in secret cells in either Black Beach prison or Bata prison. Former army officers Florencio Ela Bibang, Antimo Edu and Felipe Esono Ntumu

“Pancho” were arrested in April 2005 in Nigeria by Nigerian security personnel, who held them until June in prisons in Lagos and Abuja, before reportedly handing them over to Equatorial Guinean security officers. The three men were then taken to Black Beach prison, in Malabo, where they have reportedly been held incommunicado in a secret cell since. Florencio Ela Bibang and Antimo Edu were tried in their absence in September 2005 together with some 70 others, and convicted of plotting to overthrow the government. The authorities claimed that they were out of the country at the time of the trial when in fact they were believed to be held in Black Beach prison in Malabo.

Chief Ebrima Manneh, a Gambian journalist, was arrested in 2006 because he was trying to print a BBC article critical of the Gambian government. His whereabouts remain unknown despite a landmark ruling by a West African regional court ordering the Gambian government to release him and pay damages. The Gambian government has yet to comply, while the anguish of Ebrima Manneh’s family continues.

Between October and December 2008, more than 20 human rights and political activists were victims of enforced disappearance in Zimbabwe, carried out by state agents. The victims re-emerged on or around 23 December when they were handed to police by their abductors. Many alleged that they had been tortured by their captors. Instead of arresting the abductors and investigating the enforced disappearances, the police arrested the victims and illegally detained

them. Those who said they had been tortured were denied medical treatment. The victims remained in police custody for periods of three to four months before being released on bail. No investigations have been carried out into the enforced disappearances.

Hundreds of people disappeared in Morocco and Western Sahara in the decades between 1956 and 1999. They included opponents of the Moroccan government, trade union activists, and Sahrawis suspected of opposing Morocco's annexation of Western Sahara. Official efforts to clarify the fate of the disappeared through the establishment of the Equity and Reconciliation Commission have failed to respond adequately to families' grievances. Many are still waiting for detailed information about what happened to their loved ones and what the authorities have done to investigate and clarify their fate. Fatimatou Ahmed-Salem Baad, a Sahrawi living in Agadir, was arrested by two men in plain clothes at her home in April 1984, and has not been seen since by her family. Houcine El-Manouzi, a member of Morocco's socialist opposition party, was reportedly kidnapped in Tunisia in November 1972 by Moroccan security forces; he too has not been seen since by his family. Like many others, their families cannot accept the limited information that the authorities have provided so far.

Enforced disappearances are sometimes used as a means of retaliation by government forces against a particular ethnic or opposition group. On 10 May 2008, hundreds of people were arrested after an armed attack on Omdurman,



Ibni Oumar Mahamat Saleh, a political party leader, was arrested in February 2008 at his home in N'Djamena, Chad, by members of the Chadian security forces. Despite requests from his family members, human rights organizations, the UN and the European Union, his whereabouts remain unknown. The fate and whereabouts of more than 14 army officers and civilians arrested in April 2006 on suspicion of involvement in an attack on N'Djamena earlier that year also remain unknown.

Sudan, by the Darfur-based armed opposition group, the Justice and Equality Movement. The wave of arrests that followed mostly targeted civilians from Darfur and specifically members of the Zaghawa ethnic group. The Sudanese security forces executed civilians in the streets of Khartoum and unlawfully detained and tortured people over the months that followed. Most detainees were held incommunicado in unofficial places of detention. Although many of those arrested were later released, hundreds remain unaccounted for, their fate and whereabouts unknown.

More than 8,000 people disappeared during the internal conflict in Algeria in the 1990s, according to associations of families of the disappeared. Many were arrested by the security forces and by state-armed militias. Fawzi Gaicimi, a secondary school teacher, was arrested by security forces in May 1997 in Algiers. He was a member of the Islamic Salvation Front party, which the authorities banned in 1992 when it appeared likely to win national elections. Allaoua Ziou, a

farmer, was arrested in Guelma by local police in January 1995 and was reportedly last seen in detention at Ain Hassainia, 10 weeks later. Both remain disappeared. Since 1999 the authorities have adopted a policy of impunity that benefit members of security forces, state armed militia and armed groups, with the stated aim of "turning the page" on the "national tragedy". Families of the disappeared are denied their rights to know the truth, obtain justice and reparation, and those who accuse the security forces of abuses face possible prosecution under the government's amnesty provisions.

In some countries enforced disappearance, often followed by extrajudicial execution, is used in the course of policing activities.

In Nigeria there are consistent reports of detainees and people accused of crimes being forcibly disappeared. Chika Ibeku was arrested in April 2009 by police and subsequently detained by the Swift Operation Squad (SOS) in Port Harcourt, Rivers State. His

whereabouts are now unknown and it is feared that he has been tortured and killed. Chika Ibeku is believed to have been a member of the Deewell, a criminal gang. According to his family, he had surrendered his guns to the police, following reports of an amnesty for militants in the Niger Delta. On 9 April officers confirmed that Chika Ibeku was being detained at the SOS centre, but refused to allow his family and lawyers to see him. Just three days later, on 12 April, officers at the SOS centre denied any knowledge of his whereabouts.

## NEW UN CONVENTION

In 2006 the UN General Assembly adopted the International Convention for the Protection of All Persons from Enforced Disappearance.

Born out of the experiences of the families of the disappeared, and with

the support of human rights organizations such as Amnesty International and of some governments, the Convention addresses the violations linked to an enforced disappearance and the problems facing those who try to investigate and hold perpetrators to account.

The families' rights to know the truth about the fate of a disappeared person and to obtain reparations are recognized. The Convention obliges states to protect witnesses and to hold any person involved in an enforced disappearance criminally responsible. It also requires states to institute stringent safeguards for people deprived of their liberty; to search for the disappeared person and, if they have died, to locate and return the remains.

The Convention obliges states to ensure that enforced

disappearances are a criminal offence under their laws. The Convention also requires states to prosecute alleged offenders present in their territory, regardless of where the crime was committed, unless they decide to extradite them to another state or surrender the suspects to an international criminal court. A Committee of experts will oversee the Convention's implementation and will review complaints from individuals and states, provided that states accept the Committee's competence to do so.

The Convention is now only eight ratifications away from entering into force. All governments should ratify it as soon as possible. Ratifying the Convention will send a powerful signal that enforced disappearances will not be tolerated and will give those searching for their loved ones a much needed new tool.

## TAKE ACTION!

**Mali and Senegal are the only African countries that have so far ratified the International Convention for the Protection of All Persons from Enforced Disappearance.**

■ Contact your government, urging it to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. If it has already done so, urge it to use its influence with other governments in support of the Convention.

■ Join our campaign to support the International Convention for the Protection of All Persons from Enforced Disappearance and take action against enforced disappearance at Amnesty International's webpage: <http://www.amnesty.org/en/enforced-disappearances>

■ You can also join the International Coalition against Enforced Disappearances' country-by-country ratification campaign: <http://www.icaed.org>

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