
amnesty international

AFRICA UPDATE
Human Rights concerns in
sub-Saharan Africa

September 1997 - March 1998

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Amnesty International's African membership

Amnesty International (AI) South Africa hosted the International Council Meeting of AI in December. More than 500 delegates from all over the world converged on the University of Western Cape. The year-long campaign to promote the Universal Declaration of Human Rights was launched in Cape Town by the Secretary General, Pierre Sané and Senegalese musician Cheikh Lo. Delegates campaigned against human rights violations in Algeria, the death penalty in Japan, and in support of the abolition of the death penalty worldwide.

There is strong support for AI in Mauritius, where the section was instrumental in obtaining government commitment to the African Charter and to the abolition of the death penalty, and enthusiastic groups in Tanzania, Zambia, Botswana and Zimbabwe.

In West Africa Amnesty International is well-established. There are membership groups in Benin, Burkina Faso, Mali, Sierra Leone, Gambia, Togo, Cote In Mali, Amnesty members have translated the African Charter into Bambara and in Cameroon the Universal Declaration of Human Rights has been translated into Douala. AI Togo have produced a special leaflet on the UDHR to be circulated to

d'Ivoire, Cameroon, Ghana, Nigeria and Senegal.

Of these, Ghana has 35 registered Amnesty International groups which campaign regularly for the freedom of prisoners of conscience. Work to promote an end to the practice of Female Genital Mutilation in West Africa is co-ordinated from Ghana, and the section has a thriving program for human rights education in schools.

Nigeria has 33 registered groups and played a key role in the campaigns against human rights violations in Turkey, in Kenya and against refugees this year. They have translated the African Charter into Hausa, and, with funding from the AI Norway, they have produced a set of school readers on human rights issues. They have sponsored cartoons and a travelling theatre show on the same theme.

The Amnesty International section in Senegal recently hosted a meeting of campaign co-ordinators from 11 different countries in West Africa where a strategy for sub-regional campaigning over the next year was finalised. The president of Senegal, Abdou Diouf, pledged to do everything in his power to promote the Universal Declaration of Human Rights.

schools and plan to produce materials in local languages such as Ewe. AI Sierra Leone produced 12,000 copies of a 40-page notebook overprinted with the text of the UDHR. AI Cote d'Ivoire held roundtables with businessmen to establish

a dialogue about human rights and development and held a training session on female genital mutilation at the National Assembly. AI Benin has formed human rights clubs throughout the country and has been holding workshops on the

Torture

articles of the UDHR.

All over Africa, torture is the rule rather than the exception. In many countries, detainees can expect to be tortured in prison, the confessions extracted under torture will be accepted in a court of law. The police officers and security agents who practise torture can expect to escape punishment. Detainees are especially vulnerable to abuse where legal procedures and safeguards, such as access to family, doctor and lawyers, are not followed.

Article 10 of the Universal Declaration of Human Rights declares “**No-one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.**” Yet even amongst those African countries which have ratified or acceded to the UN Convention against Torture, Amnesty International has documented evidence that the practice still continues and the torturers go unpunished.

In Cameroon prisoners have died from beatings. On 22 January 1998 **Hamadou Mana** died from a severe head injury after being beaten by prison

officials following an escape attempt. In Senegal, prisoners have been beaten for hours whilst hanging by a rope from the ceiling; others have had molten plastic poured on their bodies or have been forced to ingest toxic substances, such as petrol. Countries which are not signatories to the Convention against Torture have an even worse record. In Equatorial Guinea, **Idelfonso Borubo** died in hospital in Malabo on 3 February as a result of torture, as did **Carmelo Yeck Bohopo**. In Mozambique, **Crescêncio Sergio Muchanga** was said to have been dragged behind a moving vehicle with a rope attached to his wrists. Others were buried up to the neck in sand and had shots fired near their heads.

Women and children are not immune from torture. In Burundi, seven children and one adult are reported to have suffocated or died of dehydration in Gatumba police station in October 1997. Several hundred child soldiers died from disease and neglect in Kinsangani, Democratic Republic of Congo. Women are reported to have been raped or beaten on their breasts. At the beginning of 1998, women dressed in mini-skirts, trousers or leggings were tortured or ill-treated by soldiers of the *Alliance des forces démocratiques pour la libération du Congo*. On 1 December 1997 in Sudan, police broke up a peaceful women’s demonstration by beating them with sticks, rubber hosepipes and fists. Twenty-four of the women were sentenced to 10 lashes each, and one, **Lillian Salih Hussein**, was sentenced to a further 30 lashes for wearing loose trousers and a shirt, which

were held to be an inappropriate form of dress.

Amnesty International calls on the Organisation of African Unity to pledge their members to abolish the practice of torture and to bring to justice those who practice torture. The OAU must encourage member states to sign and ratify the UN Convention Against Torture and Other Cruel, Inhuman or Degrading

Attacks on Press Freedom

Treatment or Punishment

Article 19 of the Universal Declaration of Human Rights declares “Everyone has the right to freedom of opinion and expression”. Yet all over Africa, journalists and reporters are being imprisoned, harassed, tortured and killed because they have been critical of the government of their country.

In **Nigeria**, government officials have warned journalists not to speculate about the current treason trial of General Diya and 25 others. The military authorities have openly threatened the press not to risk facing the same fate as four journalists -- **Kunle Ajibade**, **George Mbah**, **Chris Anyanwu** (f) and **Ben Charles Obi** -- who are serving 15-year prison sentences for reporting the gross injustices of the last treason trials by Special Military Tribunal in 1995.

Of more than 30 journalists arrested and detained without charge or trial in 1997, at least seven were still in

incommunicado detention at the end of March 1998. **Mohammed Adamu**, Bureau Chief in Abuja of *African Concord* news magazine, and **Soji Omotunde**, editor of *African Concord*, have been detained since 27 July 1997 and 25 October 1997 respectively. *African Concord*, which has since collapsed, was one of several newspapers owned by Moshood Abiola.

In **Zambia**, journalists from *The Post* newspaper face continual threats of court action because of their criticism of the government. **Fred M'membe** and **Reuben Phiri** have been judged not to be in contempt of court for an article published on 13 January 1998, but members of parliament have demanded the arrest of editor Fred M'membe for an editorial published on 16 January describing MPs as “spineless”. **Dickson Jere**, another Post reporter, remains in hiding after publishing an article quoting Kenneth Kaunda who predicted an “explosion” if the government failed to address demands for constitutional reform.

Since the military coup in **Sierra Leone**, journalists have been at risk. **Sylvanus Kanyaka**, journalist, and **David Kamara**, proprietor of the *Herald Guardian* newspaper, were arrested on 10 January after an article suggested that a prominent member of the then ruling Armed Forces Revolutionary Council (AFRC) should be arrested. They were both reported to have been tortured in detention.

In mid-January, a new three-month ban was ordered against *Mauritanie-Nouvelles*, an independent **Mauritanian** weekly

which had been allowed to reopen upon expiry of a previous three-months' ban which prevented it from covering the election period. In the same week, in **Malawi**, on 6 January 1998, *The Daily Times* published a story about the high incidence of AIDS in the military. On 15 January, about 10 soldiers arrived at the Daily Times in an official Malawi army truck wearing uniforms but with their faces masked. Six entered the newspaper's offices, waving copies of the article on AIDS in the military. While the Assistant Editor, **Rankin Nyekanyeka**, was looking for the original copy of the story, he was hit and pushed to the ground by three soldiers. **Alfred Mtonga**, another *Daily Times* staffer was also hit and a camera, computer and video screens were smashed.

In **Liberia**, journalist **Edwin Jackson** and Editor in Chief **Bana Sackey** were amongst seven journalists from *The Inquirer* who were taken from their offices by armed SSS agents on 11 December, following publication of an article about the killing of Samuel Dokie.

They were released after the Minister of Information intervened on their behalf. On 21 December 1997, **Alex Redd**, a journalist with Radio Ducor, was abducted by plain-clothes security officials apparently because of interviews he carried out while he was covering the funeral of Samuel Dokie.

In **Ethiopia**, **Alemayehu Kifle**, **Tamrat Gemed** and **Mukenil Shebo** were arrested separately between mid-January and early February 1998, on account of published articles written by them.

another independent newspaper, *La Calame*, had all copies of its 12 January 1998 edition seized by the authorities.

They have now been provisionally released. **Kifle Mulat**, chairperson of the Ethiopian Free Press Journalists Association (EFPJA) was arrested on 11 February 1998, reportedly for refusing to amend a press release listing the journalists in prison. He is still held without charge under the Press Law.

There are about 16 journalists currently in prison in Ethiopia, some held since early 1997. Two have been sentenced to prison terms of one or two years, but the rest have been detained without charge or trial as part of a continuing government crackdown on the private press which is critical of the government.

Amnesty International has records of the harassment or detention of many other journalists in **Chad** and **the Democratic Republic of Congo**. In **Cameroon**, **Pius Njawé** was arrested on Christmas eve 1997 following an article in *Le Messager* questioning the state of health of President Biya. He was sentenced to two years' imprisonment and a fine on 13 January 1998. Members of the *Comité pour la libération de Pius Njawé* have also been arrested and briefly detained.

Amnesty International calls on the Organisation of African Unity to uphold the freedom of the press in member states.

COUNTRY REPORTS

future of the enclave have so far failed.

ANGOLA

Angola's new Government of National Unity and Reconciliation was sworn in on April 1997. Amnesty International appealed to the new government to develop a comprehensive program to protect human rights and to start by increasing protection for the right to life.

However, extrajudicial executions of unarmed civilians are still common, especially in the context of a little known war in Cabinda, where government soldiers are facing armed factions of the *Frente para a Libertação do Enclave de Cabinda* (FLEC), Front for the Liberation of the Enclave of Cabinda.

Abuses in Cabinda

Cabinda is separated from the rest of Angola by a strip of territory of the Democratic Republic of Congo, formerly Zaire. Cabinda produces about 60% of Angola's oil production which earns some 90% of the country's export earnings. Armed and other separatist groups have been seeking independence or autonomy from Angola for over 20 years. Attempts to negotiate a cease-fire and hold talks on the

Government security forces

In December 1997 the *Forças Armadas de Angola* (FAA), Angolan Armed Forces, launched a new offensive against Cabindan separatists. *Luís Nguba and Casimiro Dunge* had been on a hunting and fishing expedition. On 19 December 1997 they were returning to Lico village, Cacongo district, when they met government soldiers who had surrounded the area after a FLEC attack. The soldiers, apparently suspecting them of being FLEC supporters, arrested them, beat them, stabbed them with bayonets and then shot them dead.

Two unarmed civilians, *Jorge Bitiba Ndembe*, a 57-year-old cook, and a 23-year-old man, were deliberately killed on 5 January 1998 when government soldiers raided Chimvula village in the Necuto area. The raid followed a clash in the area between government troops and one of the FLEC factions. During the raid, soldiers assaulted villagers using electric-shock batons and

bayonets. Jorge Bitiba Ndembe was said to have been shot in the stomach and then stabbed. FLEC groups have reportedly abducted minors to join their military ranks and the government has, on a few occasions, accused separatists of deliberately killing government supporters. Both FLEC-FAC and FLEC-R have taken hostages. Most have been released after a few weeks, possibly after payment. However, FLEC-FAC is still holding at least one of two forestry workers taken hostage on 8 February 1997. They are **Omar Bin Norola**, a 46-year-old Malaysian citizen, and **Marcelin Alime**, a 50-year-old Philippine citizen. A FLEC-FAC representative informed Amnesty International in January 1998 that one of the two had been released but did not specify which. Amnesty International has repeatedly appealed to FLEC-FAC to release its hostages.

Abuses of power

Reports of soldiers and other officials threatening people, beatings and killings are commonplace. The government has consistently failed to take action to prevent such acts, to investigate those which occur and to bring suspected perpetrators to justice.

An army officer is said to have killed seven people and wounded 11 others because a driver refused to give him a lift. On 21 December 1997 dozens of people were returning from

Armed opposition groups

the market in Cabinda City in an open lorry. At Tchiobo, a village 52 kilometres from Cabinda City on the road to Tando Zinze, the officer, armed with a machine gun, stopped the truck, seeking a ride. The driver refused and as the truck moved on the officer opened fire on the passengers. As far as Amnesty International is aware no arrest has been made.

In at least one case, senior military officers took some action in response to a complaint against the behaviour of soldiers but it is not clear whether any steps have been taken to bring those responsible to justice. On 7 January 1998, the driver of a lorry and his two assistants were arrested by soldiers from the Tando Zinze area who accused the men of transporting arms, and impounded the vehicle. The three men were held in a pit in an army barracks. People nearby reported this and the commanding officer of the barracks ordered that the prisoners should be released and the vehicle returned to them. The three men were severely beaten while in custody.

In the south of the enclave, on 6 January 1998, government soldiers attacked a village called

Aldeia da Fortaleza and raided it, beating civilians and looting and setting fire to houses. A number of people were hospitalized as a result. The attack followed the explosion of an anti-tank mine which killed two high-ranking army officers. Burundi has been in a state of civil war since President Melchior Ndadaye was killed in a coup on 21 October 1993. Since then more than 150,000 people have been killed by the Tutsi-dominated security forces or by members of armed groups from both Tutsi and Hutu communities. Since Major Pierre Buyoya was returned to power in a further coup in July 1996, the conflict has continued and human rights abuses by government security forces and by armed groups, have continued. Due to an increase in attacks by Hutu-led groups during 1996, members of the government called for the "surveillance and denunciation of enemies", these being understood to be mainly Hutu. As a consequence many young Hutu civilians are regularly arrested or killed by the Tutsi-dominated army on the grounds that they are "assailants", or are "helping the enemy".

Although Major Pierre Buyoya promised to end human rights violations when he returned to power in July 1996, Amnesty International has documented numerous cases of extrajudicial execution, arbitrary arrest and torture. Critics and opponents of the government have been harassed, detained or held under house arrest. More than 6,500 civilians, mostly Hutu, including at least 2,600 accused of

Amnesty International has no knowledge of any investigation into the reports of beatings and other abuses.

BURUNDI

involvement in massacres in Burundi, are held in various prisons and detention centres around the country - the majority without charge. Torture is reported to be carried out systematically and with impunity, in detention centres belonging to the security forces. Deaths in custody are often reported.

Amnesty International has repeatedly called on the Burundi authorities to investigate human rights violations, including extrajudicial execution, "disappearance", torture, ill-treatment and arbitrary arrest, committed by members of the Burundi security forces who continue to act with almost complete impunity. Amnesty International has also raised concerns about unfair trials and the use of the death penalty.

Killings

A country-wide pattern of reprisal killings by the army following clashes with armed groups, or armed group activity, continues unchecked. Thousands of civilians have been killed.

Many killings in conflict apparently result from a deliberate failure by the security forces to distinguish between unarmed civilians and members of armed groups; scores of children and

elderly men and women who could not possibly be suspected of being members of armed groups are reported to have been killed in massacres during military operations. In some cases responsibility for killings are not clear and it is rare that any of the parties to the conflict admit responsibility.

On 1 January 1998, a successful attack by an armed group on Gakumba military camp, close to Bujumbura airport, was reported. Numerous cases of "disappearance" after arrest are reported. In some cases, fears of "disappearance" are generated because the authorities do not immediately make public the whereabouts of the detainee or prisoner.

In other cases it is feared that detainees may have been killed.

On 16 December 1997, Amnesty International issued an Urgent Action (AFR 16/41/97) on behalf of **Etienne Mvuyekure**, the former General Secretary of the *Rassemblement du peuple burundais* (RPB). He was arrested on 1 or 2 November and taken to a commando military camp. He is believed to no longer be held at the camp, but he has not been seen since. Another Urgent Action (AFR 16/04/98) was issued for **Jean Népomuscène Minani** who was arrested by soldiers on 28 November 1997 at the Kwipera military position, Gasarara zone, Kanyosha commune, Bujumbura Rural. The reason for his arrest is not known, although he was reported to have been writing letters critical of the current government.

Torture

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followed by large scale killings of civilians. Both the army and armed groups have denied responsibility. It appears there were two massacres of civilians. Armed groups killed civilians suspected of collaborating with the army. There was also a reprisal attack by the armed forces looking for armed groups.

"Disappearances"

Torture and ill-treatment are routine in Burundi. Seven children and one adult reportedly died as a result of suffocation and dehydration in Gatumba police station in October 1997. They were among 10,053 people detained for two days in Gatumba as part of an operation to check identity cards.

Death penalty

Over 220 people are currently under sentence of death. Most were convicted of participation in the massacres of Tutsi civilians which followed the assassination of President Melchior Ndadaye in October 1993. Six men were executed on 31 July 1997 after grossly unfair trials. These were the first judicial executions in Burundi since 1981. One of the men, **Firmat Niyonkenguruka**, was denied the right to legal representation, and the defence witnesses he requested were excluded from the trial. Firmat Niyonkenguruka and two others of the six men executed, **Stanislas Machini** and **Ephraim Banka**, had submitted appeals which were not upheld. The others are believed not to have submitted appeals.

Amnesty International 25 May 1998

Prisoners convicted of capital offences may appeal to the Cassation court at the Supreme Court. However, the procedure only allows for appeals on gross errors of fact or law, and many prisoners have no opportunity to have the conviction and sentence reviewed by a higher independent jurisdiction. Prisoners may then seek presidential clemency.

Despite international condemnation of the executions, the Burundi Government **Léonidas Hatungimana, Jamali Nsabimana, Ismail Hussein, Haruna Hamadi, Saïdi Nzanzurwimo (in absentia), Pierre Nkurunziza (in absentia) and Bosco Nyandwi** were sentenced to death on 12 February 1998 after being found guilty of participating in a series of mine explosions in

CAMEROON

Bujumbura in early 1997, in which 11 people died. All seven have denied the charges. Amnesty International believes that their trial was unfair, and is concerned at the limited appeals procedures open to the defendants. Amnesty International has issued an Urgent Action (AFR 16/05/98) on their behalf.

Unfair trials

Arrest and detention procedures for the seven men named above were irregular, and their trial may not have conformed to international standards of fairness. Some defendants were initially held incommunicado in illegal detention centres, and were held for weeks before

has expressed its intention to carry out further executions. Amnesty International is appealing for Major Buyoya to grant clemency to all others under sentence of death and to allow their sentences and convictions to be reviewed by a truly impartial judicial body.

being formally charged. Although the defendants had legal representation during their trial at the *chambre criminelle* of the Court of Appeal in Bujumbura, allegations of torture were not taken into consideration by the court, despite visible traces of torture on some of the defendants. Defendants claimed in court that confessions had been extracted under torture or through intimidation.

An Amnesty International delegation is planning to visit Burundi in April to observe trials.

In September 1997 Amnesty International published a 39-page report, *Cameroon: Blatant disregard for human rights* (AFR 17/16/97), which documented persistent violations of fundamental human rights. These violations included; the harassment, arrest and imprisonment of critics and opponents of the government, in particular members and supporters of opposition political parties, journalists, human rights activists and students; routine torture and ill-treatment by the security forces of both political detainees and common-law prisoners;

deaths as a result of what appeared to be excessive lethal force; prison conditions amounting to cruel, inhuman and degrading treatment and resulting in a high mortality rate; and the first execution since 1988.

The report called on the government to release all prisoners of conscience, to safeguard detainees from torture and ill-treatment, to provide adequate food and medical attention to all prisoners, to introduce strict control of the security International observers monitoring legislative elections in May 1997 noted irregularities and intimidation and recommended that an independent body, in place of the Ministry of the Interior (*Ministère de l'Administration territoriale*), oversee future elections.

Scores of supporters of the main opposition parties, the Social Democratic Front (SDF) and *Union nationale pour la démocratie et le progrès* (UNDP), National Union for Democracy and Progress, were detained at the time of the presidential election held on 12 October 1997. President Paul Biya was re-elected for a seven-year term; the opposition disputed the government's claim of high voter turn-out. Four opposition political parties, including the SDF and the UNDP, had refused to contest the election without an independent electoral commission and had called for a boycott.

While most detainees were released after a few weeks, some were held for a month or longer. None was charged with any offence. **Chief Mondji,**

forces and to abolish the death penalty. It also called on the international community to scrutinize human rights in Cameroon and to press the government to adhere to its human rights commitments. The government publicly disputed the report but did not comment in substance.

Since the report's publication, human rights violations have continued.

Detention of critics of the government

Chairman of the SDF electoral district in Pinyin, North-West Province, was held for nearly two months. Amnesty International launched several Urgent Actions on their behalf (AFR 17/27/97, AFR17/30/97, AFR 17/02/98). Up to 20 UNDP supporters were arrested in Far-North Province because of their boycott of the election. Detained at a police station, they were escorted to the polling station and ordered to vote. They were released only after paying bribes to the security forces.

Seven prisoners of conscience - UNDP members held since 1994 and sentenced to 10 years' imprisonment in 1996 - remained held until December 1997 when they were released pending appeal, initially scheduled for February 1998, but postponed until April 1998. They had been convicted of offences relating to clashes in Maroua, Far-North Province, in July 1994 but there had been no evidence against those convicted.

A former government minister and a close associate were sentenced to 15-year prison terms in October 1997,

apparently solely for political reasons. In April 1997 **Titus Edzoa**, Minister of Health and a former Secretary General at the Presidency, announced his resignation and intention to contest the presidential election. In July 1997 he was imprisoned at Nkondengui prison, together with his presidential campaign manager who had been in police custody since May. Both men were charged with corruption and misappropriation of public funds. Their trial in October 1997 proceeded despite defence lawyers withdrawing in protest against being

At least five detainees died from torture, ill-treatment and lack of medical care. At the end of March 1998, a year later, almost 60 remained imprisoned - either in Yaoundé or Mfou - but none had yet been charged. They include members of the Southern Cameroons National Council (SCNC), which supports independence for the English-speaking community, and the affiliated Southern Cameroons Youth League.

Torture

Legislation prohibiting torture was passed in January 1997. However, torture and ill-treatment by the security forces have continued. Opposition supporters arrested around the time of the presidential election were tortured and ill-treated. SDF members **Justin Pokam** and **Thomas Seme** were reported to have been beaten by police in Yaoundé. UNDP supporters in Far-North Province arrested for boycotting the election were publicly

informed of the trial only 24 hours earlier.

Detention without charge or trial

Following armed attacks in several towns in North-West Province in late March 1997, in which 10 people including three gendarmes died, up to 300 people were arrested. While no group claimed responsibility, the attacks were attributed by the authorities to a group supporting independence for Cameroon's two English-speaking provinces.

tortured by soldiers, including by being beaten on the soles of their feet.

In November 1997, two young men died in police custody in Yaoundé; one was tortured with a heated domestic iron applied to his genitals; the other was severely beaten. In this case six police officers were arrested and charged with murder and complicity in murder, although such prosecutions have been rare in the past.

Prisoners held in Cameroon's prisons are regularly beaten. In at least two recent cases prisoners have died as a result. On 22 January 1998 **Hamadou Mana**, known as Agnana, held at the Central Prison, in Maroua, died from a severe head injury after being beaten by prison officials following an attempt to escape. **Ibrahim Mikila Béléde** died in similar circumstances at the same prison in May 1997.

Freedom of the press

Freedom of the press is constantly under attack. An increasing number of journalists have been convicted of criminal defamation and sentenced to prison terms for criticizing the authorities. Others have been arrested and detained before being released without charge. Newspapers are banned and confiscated.

Pius Njawé, a prominent journalist and director of the independent newspaper *Le Messenger*, was arrested on 24 December 1997 following an article in *Le Messenger* questioning the state of health of President Biya. He was Members of the *Comité pour la libération de Pius Njawé* which has been campaigning for his release have also been arrested and briefly detained. More than 30 court cases have been brought against *Le Messenger* since 1990, almost all of them by the government, and Pius Njawé has been imprisoned on many occasions in the past. Urgent Actions were issued on behalf of Pius Njawé and Michel Michaut Moussala (AFR17/01/98, AFR 17/03/98, AFR

CHAD

17/04/98).

President Idriss Déby has faced ongoing but sporadic armed insurgency in the east, north and south regions of Chad since he took power in 1990. Members of the security forces taking part in counter-insurgency operations have committed human rights violations against the civilian population, including hundreds of unlawful killings. Members

charged with dissemination of false news, and on 13 January 1998 sentenced to two years' imprisonment and a fine. At the same trial, another journalist, **Michel Michaut Moussala**, director of the newspaper *Aurore Plus*, was sentenced to six months' imprisonment for criminal defamation but he had not been arrested and imprisoned by the end of March 1998. Pius Njawé's appeal against his conviction and sentence was scheduled for 2 April 1998.

of the armed opposition group *Forces armées pour la République fédérale* (FARF), Armed Forces for the Federal Republic, have also committed human rights abuses against the civilian population, including deliberate and arbitrary killings and rape. Further human rights abuses have been committed by other armed opposition groups. Real and suspected members of the FARF have been the victims of human rights violations, including arbitrary arrest and torture.

Ill-treatment and torture are widespread in Chad, and prison conditions amount to cruel, inhuman or degrading treatment. Suspected opponents of the government are at particular risk of human rights violations, and are often threatened or detained without charge or trial.

Extrajudicial executions

The security situation in these regions of Chad has been extremely fragile since violent clashes between the security

forces and the FARF in Moundou on 30 October 1997, in which at least 80 people were killed and others arrested and tortured on suspicion of collaboration with the FARF. Amnesty International issued an Urgent Action (AFR 20/12/97). Since then there have been frequent reports of killings, arbitrary arrests, torture and other human rights abuses in the region.

Dominique Djekoula, Alain Doumran, Mathias and **Gaston**, members of the FARF, were arrested in Déli, a village near Moundou, on their way back to The situation in the two Logone regions deteriorated still further in March 1998, when at least 100 people, mainly unarmed civilians, were reportedly killed by security forces in a series of massacres. The killings appear to be in response to attacks by the FARF.

*On 11 March, the chief of the canton of Goré (west Logone), **Gaston Mbainaibey**, was killed along with 10 other chiefs of neighbouring villages. They had been summoned by the sous-préfet of Benoye for official discussions on taxation. Instead of being received by the civilian authorities, they were arrested by the security forces and shot dead on the banks of the Logone river.*

On 14 March, government soldiers surrounded the village of Talade, where they tied up 25 people, then killed them in cold blood.

Moundou from the capital, N'Djaména; there is no further news of them. **Alain Baltimore**, two mentally ill patients, and several members of **the family of Désiré Laonoji**, the executive secretary of the FARF, were extrajudicially executed by the security forces. Two wounded civilians were taken from the hospital; one was returned to his family and died shortly afterwards, but the other is still missing. Two human rights activists were taken hostage but managed to escape.

Amnesty International fears that many more civilians may be killed by the security forces and by the FARF and has issued a press release (AFR 20/02/98) and an Urgent Action (AFR 20/03/98).

Arbitrary arrests

Following the October incidents in Moundou, at least 20 people were arrested in Moundou and N'Djaména. Some were released but at least five remained in detention at the end of 1997. They included **Danimbaye Kaïna Nodji** and **Souleymane Abdallah**, the founder member of Alternative 94, a Chadian organization for political debate.

Denial of freedom of expression

Members of the free press and human rights organizations, who speak out about abuses by government forces or armed opposition groups such as the FARF, are particularly at risk.

On 25 September 1997, **Sosthène Ngargoune**, president of the *Union des*

journalistes tchadiens, Chadian Union of Journalists, was severely beaten by members of the Chadian security forces who he was interviewing. During the attack the security forces threatened to kill Sosthène Ngargoune and **Dobian Assingar**, a prominent local human rights activist, accusing the two men of links with the leader of the FARF.

Julien Beassemnda is president of the human rights organization *Association Tchad Non-Violence*. In the days after the October 1997 clashes, his house was ransacked by security forces, who detained two of his nieces for over 24 hours. Julien Beassemnda was not in the country at the time.

On 26 March 1998, the Chadian government banned the activities of human rights organisations until further notice, and their offices were occupied by members of the security forces. Amnesty International considers this to be a violation of the right to freedom of expression.

Impunity

There is almost total impunity for human rights violators in Chad. Amnesty International believes that the phenomenon of impunity is one of the main contributing factors to the continuing pattern of human rights violations in Chad.

In August 1997 Amnesty International sent a memorandum to the government of the Democratic Republic of Congo (DRC) entitled *Memorandum to the*

Following the spate of killings in March 1998, the *Collectif des Associations de Défense des Droits de l'Homme et des syndicats basés à Moundou*, the Collective of Associations for the Defence of Human Rights and Trade Unions based in Moundou, called for two days *ville morte* ("dead town"), to protest against the killings of civilians. **Dobian Assingar** received death threats by telephone soon afterwards, and his house was attacked by members of the armed forces on 22 March 1998. He managed to escape, and is now in hiding.

DRC Government: Amnesty International's Recommendations for legal reform (AI Index: TG AFR 62/10/97). It contains an overview of the human rights situation in the DRC since the country's independence in 1960, as well as proposals to foster the rule of law. A Foreign Ministry official replied that there was no need for Amnesty International to visit the country but failed to address the concerns in the memorandum.

In December an Amnesty International report entitled *Deadly alliances in Congolese forests* (AI Index: AFR 62/33/97) was published. It contained information gathered during a June 1997 mission in the Republic of Congo about massacres of unarmed Hutu refugees and Congolese civilians. Most of the reported massacres were carried out by members of the *Alliance des forces démocratiques pour la libération du Congo* (AFDL) and their allies,

**DEMOCRATIC
REPUBLIC OF CONGO**

AI Index: AFR 01/02/98

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particularly the Rwandese Patriotic Army (RPA). Many other victims were killed by former Zairian government forces and various armed groups. The report highlighted other abuses including “disappearances”, torture, and a ban on political party activity outside the AFDL continued and dozens of AFDL opponents were beaten when political gatherings were violently dispersed. In the Kivu region, many people, including local traditional chiefs and educated people, were arrested and accused of supporting armed opposition groups, commonly known as *mai-mai*. Attacks on suspected supporters of the *mai-mai* and armed Hutu groups were carried out by members of the AFDL, the *Agence nationale de renseignements* (ANR) and the RPA. In Kinshasa, most of the arrests, beatings and torture were carried out by the ANR. Amnesty International issued Urgent Actions and news services on behalf of the victims.

Detention without charge or trial

The detention of dozens of government opponents without charge or trial continued. Many of the detainees were former government officials or people close to former President Mobutu. In early 1998 Amnesty International learned that many of the former government officials were being released, apparently after paying large sums of money. Detainees included journalists such as **Polydor Muboyayi**, who was arrested in September 1997 because his newspaper published an article alleging that President Laurent-Désiré Kabila was setting up a

arbitrary arrests. The DRC authorities responded by calling Amnesty International an “enemy of the Congolese people”.

Persecution of political opponents

unit similar to his predecessor’s *Division spéciale présidentielle*. He was released in mid-November. Prisoners of conscience include **Etienne Tshisekedi**, leader of the UDPS, who was arrested on 12 February 1998 and subsequently banished to Kasai-Oriental province. As he and his supporters were being arrested, two human rights activists, **Roger Sala Nzo Badila** and **Nyabirungu Mwene Songa** of the *Centre des droits de l’homme* (CENADHO) were being released after nearly two months in custody. Those held include human rights activists, journalists, members of opposition political parties and people associated with the former government. Two political leaders, **Joseph Olengha Nkoy** of *Forces novatrices pour l’union et la solidarité* (FONUS) and **Arthur Zahidi Ngoma** of *Forces du futur*, arrested in Kinshasa in January, have been transferred to Lubumbashi where they are effectively denied regular access to their families and legal counsel.

The death penalty

In October 1997, one soldier was publicly executed by firing-squad in Kinshasa and at least 15 people in Goma and Bukavu were executed in

early 7 January 1998. On 27 January the government executed 14 soldiers and seven civilians in the Camp Tshatshi military barracks in Kinshasa. Sixteen people were executed in Lubumbashi in late February. Those executed were convicted by the *Cour d'ordre militaire*, set up in August 1997 by President Kabila to try soldiers. Many of those convicted had no legal representation or were not given time to prepare their defence. The court is increasingly convicting political opponents or civilians who should be tried by ordinary civilian

Torture

Torture and ill-treatment of detainees are widespread. Increasing use of electric shock batons is being reported, particularly by the ANR in Kinshasa. Detainees are often beaten at the time of arrest. Many former government soldiers taken into camps for retraining have reportedly died after being beaten or deprived of food and medical care. At the start of 1998 several hundred child soldiers died from disease and neglect in Kisangani. Women are reported to have been raped or beaten on their breasts. Women dressed in miniskirts, trousers or leggings have been tortured or ill-treated by AFDL soldiers in Kinshasa.

Forcible repatriation of refugees

The AFDL has forced hundreds of refugees from Rwanda and Burundi to return to their countries, despite the

courts. On 23 January it sentenced two government opponents, university lecturer **Mathieu Kalele Ka-bila** and **François Kabanda**, to two years' imprisonment on the grounds that they spread false information against the government. Defendants cannot appeal against their convictions or sentences. Amnesty International has initiated Urgent Actions demanding an end to executions and for all death sentences to be commuted, and a Rapid Response Action to campaign against executions in the Great Lakes region.

fact that their lives would be at grave risk there. In November 1997 Burundian and Rwandese security forces, assisted by the AFDL and local government officials in South-Kivu, forcibly returned to Burundi and Rwanda more than 1,000 Hutu civilians of Burundian and Rwandese origin.

Obstruction of UN investigations

In addition to failing to carry out human rights investigations of its own, the DRC Government openly obstructed independent UN investigations into massacres of thousands of unarmed refugees and other civilians since September 1996. Although some investigations are reported to have begun in early February 1998, the authorities may have already destroyed or concealed most of the evidence. At the start of March 1998 the UN investigative team protested against the arrest of two

witnesses it had interviewed in the northwestern town of Mbandaka.

Amnesty International has been seriously concerned for the human rights situation in Equatorial Guinea following an attack on military barracks in which six soldiers and three civilians died. The attack was apparently carried out by the *Movimiento para la autodeterminación de la isla de Bioko*. Over 100 people from the Bubi ethnic group have been arrested on Bioko island following the attack on the military barracks in Luba, Moka and Baho Grande on 21 January 1998. Unconfirmed reports suggest that several people were deliberately killed by the security forces, who appeared to have been under orders to shoot to kill. It is feared that many of the victims were targeted because of their ethnic origin or for their real or suspected support for MAIB.

Martín Puye and **Serafín Riocaló**, both members of the Executive Council of the MAIB, handed themselves in to the authorities after President Obiang issued an order for the MAIB leadership to hand themselves in voluntarily or he would issue warrants for their arrest.

Three students attending Owerri University in Nigeria were arrested by Equatorial Guinean security personnel and Nigerian soldiers. **Magin Esara**, **Marcelino Barila** and **Marcos Binohari** were apparently suspected of belonging to MAIB. They were

(MAIB), Movement for the self-determination of Bioko Island, a Bubi political party. Members of the

EQUATORIAL GUINEA

Bubi ethnic group appear to have been targeted by security forces in reprisal.

Persecution of the Bubi ethnic group

reported to have been arrested on 27 February and taken to Equatorial Guinea.

Amnesty International has received reports from several sources that Bubi women have been raped, often in front of their husbands and other family members.

Torture

Several of those detained were reportedly tortured in prison. **César Copoburo**, who surrendered to the authorities in Basacato on February 5, was reported to have been tortured after a televised confession on 12 February. He reportedly sustained a broken foot, for which he is not receiving medical treatment. **Idelfonso Borubo** died in hospital in Malabo on 3 February, allegedly as a result of torture. **Carmelo Yeck Bohopo** also died allegedly as a result of torture on or around 8 February. Another torture victim, **Víctor Buyaban**, has since been released.

Death penalty

In Equatorial Guinea, offences against the security of the state, such as attacks on military barracks, are tried by military courts using “the most summary procedures” (*en proceso sumarísimo*), and carry the death penalty. There is no right of appeal against sentence or conviction. Several of the detainees have been charged and the trials are expected to take place within the next few weeks.

Attacks on press freedom

Four men from *Tobia*, an Amharic weekly private newspaper, were arrested on 16 January 1998 for publishing an internal UN document outlining standard emergency evacuation procedures. Four members of the staff of the Oromo newspaper *Urji* have been detained, together with a former member of staff. The deputy manager, **Wakshum Bacha** and the deputy editor, **Alemu Tolessa**, were arrested on 23 December 1997 and are currently being held under the Press Law but without charge in Maikelawi police investigation centre in Addis Abbaba. They joined **Solomon Namara**, acting editor-in-chief, and **Tesfaye Deressa**, his deputy, who were arrested by government security officers on 16 October. Together with **Garuma Bekelle**, a former general manager of *Urji*, and Secretary General of the Human Rights League (see below) these two journalists have been charged with armed conspiracy. The charges also accuse *Urji* of being a mouthpiece for the Oromo Liberation Front (OLF). Amnesty International believes the five journalists to be prisoners of conscience, imprisoned on account of articles published in their newspaper.

procedures for UN staff. **Goshu Moges**, the acting manager of the publishing company, **Biru Tsegaye**, acting editor-in-chief, **Taye Belachew**, former editor in chief, and **Anteheb Merid**, deputy editor in chief, were taken into custody by plain clothes policemen. None of the four has yet been charged. That same evening the offices of the company which publishes *Tobia* were partly destroyed by fire.

ETHIOPIA

Kifle Mulat, chairperson of the Ethiopian Free Press Journalists Association (EFPJA) was arrested on 11 February 1998, reportedly for refusing to amend a press release listing the journalists in prison. He is still held without charge under the Press Law.

Alemayehu Kifle, **Tamrat Gameda** and **Mukenil Shebo** were arrested between mid-January and early February 1998, also on account of articles written by them. They have now been provisionally released.

There are about 16 journalists currently in prison, some since early 1997. Two have been sentenced to prison terms of one or two years, but the rest have been detained without charge or trial as part of a continuing government crackdown on the private press.

Persecution of the Oromo ethnic group

Prominent members of the Oromo ethnic group were arrested on 4 and 5 November 1997. Further arrests were made on 13 November. 31 of the detainees have now been charged with armed conspiracy and providing financial and other assistance to the Oromo Liberation Front (OLF). The OLF has been fighting government forces in the Oromia region since 1992 when the OLF (then a political party) left the government coalition.

Among the detainees are seven founding members of the newly-established OLF. There was a further wave of arrests of members of the Oromo ethnic group in early February 1998. Victims include **Abebe Abashu**, **Dawit Mekonnen**, **Muktar Usman** and **Mohamed Sheka**, folk-singers and **Tejitu Tucho**, a business-woman. Arrests are continuing, but several have been released.

The judicial system

Judicial reorganization has involved the dismissal of large numbers of federal and regional court judges and has seriously undermined the legal rights of prisoners.

2,200 officials of the former Dergue government are still in detention, most

THE GAMBIA

since 1991, but they have in theory been charged. The charges are genocide and carry the death penalty. Trials are

beginning to start but they will take years. The trial of 46 members of the Dergue continues with lengthy adjournments. After 4 years nearly 500 prosecution witnesses have testified, less than half the total number yet due.

Human Rights League. They are **Garuma Bekelle**, the Human Rights League General Secretary (see above), **Beyene Abdi (72)**, **Beyene Belissa (50)**, **Hussein Abdi (50)** and **Haji Sahlu Kebe (62)** (who are also officials of Mecha Tulema Association, an Oromo welfare organization), **Addisu Beyene**, general secretary of the Oromo Relief Association, and **Gabissa Lemessa**, a Save the Children Fund accountant. Amnesty International believes that they are prisoners of conscience.

January 1997 saw the return to civilian rule in The Gambia. However, the three political parties which had existed before military rule remain banned, and those who had held senior office in governments during the 30 years before the coup still cannot enter politics. A document issued by Amnesty International in December 1997, *Democratic Reforms without Human Rights* (AFR27/04/97), called on the government to end the arbitrary detention of prisoners of conscience, guarantee the safety of detainees, demonstrate opposition to torture and start immediate investigations into human rights violations. No reply has yet been received from the government.

Torture

Sarjo Kunjang Sanneh and Wassa Janneh were among eight people arrested at the opposition United Democratic Party's first regional constituency congress in Brikama. They were taken to the Banjul Headquarters of the National Intelligence Agency where they were tortured with heavy whips on the night of 11 June 1997. One victim, **Doudou Snayang**, was burned on his genitals. Both Sarjo Kunjang Sanneh and Wassa Janneh have since been released, but, in spite of assurances from the Attorney General, there has been no investigation into the torture.

GUINEA BISSAU

Torture

Sixteen people were tortured in a military barracks known as the Air Base on the outskirts of the capital, Bissau.

These 16 detainees and six others, who are held in military custody at the Fortaleza de Amura in the centre of Bissau, were arrested at different times between mid-December 1997 and February 1998. They were all suspected of involvement in smuggling arms across Guinea-Bissau's northern border and into the hands of the *Mouvement des forces democratiques de Casamance* (MFDC), Movement of Democratic Forces of Casamance, who are fighting Senegalese government forces in the Casamance region of southern Senegal.

Death penalty

Souleyman Sarr, Mballo Kenteh, Essa Beldeh and Omar Dampha were sentenced to death on 25 June 1997. The four were arrested after an attack on the Farafenni military camp in eastern Gambia in November 1996 in which six soldiers died. They had been found guilty of treason. Urgent Actions were issued on their behalf (AFR 27/02/97). On 2 October 1997 the court of appeal quashed the convictions and sentences. The ruling suggested that a new trial should start. Amnesty International has called on the government to suspend executions.

Reports emerged in late February that some of the suspected arms smugglers were being tortured. The Minister of Defence denied that torture was taking place. Detainees were visited by members of parliament on Monday 2 March and by members of the *Liga Guineense de Direitos Humanos* (LGDH), Guinea (Bissau) Human Rights League on 3 March. The detainees held in the Fortaleza de Amura included four senior military officers and two civilians. These detainees, according to the visitors, had not been tortured.

The 16 people held in the Air Base told their visitors that each of them had been beaten shortly after their arrest. They said that their torturers had made them lie face down and then hit them on the back, head, hands and ankles with truncheons. As a result of the torture **Filipe Manga** lost the use of his left hand. Three other victims, including **Lamine Djata**, a Senegalese, suffered temporarily paralysis of the feet after

being hit on the ankles. According to reports, a military doctor visited the detainees but the prison authorities were unable to purchase the medicines he prescribed. **Lamine Djata** was taken to hospital. The detainees said they were no longer being tortured.

Unlawful procedures

The law governing the arrest, detention and questioning of criminal suspects appears to have been ignored in the case of these 22 detainees. Instead of being brought before an examining magistrate within 48 hours, they were apparently held incommunicado, some for over 12

Amnesty International issued a major report and launched a worldwide membership action in September 1997, ahead of elections on 29 and 30 December. The report, **Kenya: Violations of Human Rights** (AFR 32/27/97) called on the government of Kenya to protect and promote human rights. It also expressed concern about arbitrary arrest, the independence of the judiciary, denial of fair trial, torture and deaths in custody, prison conditions, excessive use of lethal force and the death penalty. The urgent need for constitutional and legal reform was stressed. In its response, the government of Kenya claimed that it *“will uphold its laws in the interest of Kenyans and will not condone any transgression of those laws ... the maintenance of law and order is the first obligation of any government and the Government of Kenya will not falter in this.”*

weeks. They were not given access to legal counsel or to family members.

The detainees were apparently held and interrogated by a specially appointed commission of inquiry comprising military intelligence and security officers. This commission appears to have substituted itself for normal legal procedures. It appears to have allowed the use of torture and denied the detainees the protection of the law.

KENYA

In September 1997 the Inter-Party Parliamentary Group was formed to discuss the issue of legal and constitutional reforms which had become urgent in the context of free and fair elections. A series of reforms were enacted before the elections, but Amnesty International is concerned that these do not go far enough and have concerns about whether the policy will be put into practice.

Political violence

Since January 1998 there has been a resurgence of political violence which first surfaced during the run-up to the 1992 elections. The areas affected are largely constituencies in the Rift Valley that recently returned opposition members of parliament. Between 85 and 100 people are believed to have been killed and thousands of people have fled their homes for the safety of larger towns. The majority of those killed are from the Kikuyu community. Over 200

houses have been burnt down, schools have been closed.

The response of the authorities has been slow. Many believe the raiders are known to the police and, although around 65 people have been arrested, there is concern that those arrested are not raiders. There is now a heavy General Service Unit (GSU) presence in the area, but this has done little to restore confidence in the authorities.

Prominent politicians on both sides have been making inflammatory statements. On 27 January 1998, a peaceful demonstration was held in Nairobi protesting at the recent violence in the Rift Valley. It was violently broken up by the police and two members of the RPP, **Mungai Mbuthi and Raymond Mutura** were arrested and charged with unlawful assembly. They denied the charges against them and these were dropped on 13 March.

On 3 February the new parliament met to elect a new speaker. Several opposition politicians called for a national strike and for demonstrations. Although the strike did not go ahead there was a demonstration in Nairobi during which seven people were arrested, among them two members of the RPP, **Muthoni Kamau and Ndungi Githuka**. All seven were charged with taking part in an unlawful assembly and are due to come to trial on 27 April. If they are convicted Amnesty International will consider them prisoners of conscience.

and President Moi appeared on national television and stated in Kiswahili that "people will fry in their own fat like pigs". One opposition MP has called on the Kikuyus to arm themselves.

Harassment of human rights activists and politicians

Four members of the Release Political Prisoners Group (RPP) have been arrested since January 1998 and charged with holding an unlawful assembly.

Amos Kiprotich Kandie, who planned to stand against President Daniel arap Moi for the Kenya National African Union (KANU) nomination for the constituency of Baringo Central, was threatened with arrest in connection with a traffic incident dating from 1994. Although not present when the accident happened, he was charged with his driver. The charges against him were withdrawn on 1 December 1997 in response to appeals by Amnesty International's Urgent Action network. If detained, he would have been unable to stand for the nomination.

Professor Kivutha Kibwana, a leading member of the National Convention Executive Council (NCEC), a coalition of politicians and NGOs calling for legal and constitutional reform, was abducted by four plainclothes men with guns on his way home from a NCEC meeting on 19 January 1998. He was driven by his abductors for over one and a half hours, during which time they twice threatened to kill him. He was eventually abandoned in Ngong forest

when his car had a puncture. Documents belonging to the NCEC were stolen.

On 28 March Amnesty International produced a document **Kenya: Threat of deregistration of three Kenyan human rights non-governmental organizations, AI Index: AFR 32/08/98**. This report protests against the threats of deregistration facing a number of human rights NGOs following their support of the NCEC. The President advised the NGOs to inform their members who wished to engage in politics to join legally-constituted political parties. Although the Government has said that there will be a wide-ranging review of the Constitution Defendants in Kenya are denied legal aid in some circumstances, even when facing a possible death penalty, confessions believed to be extracted under torture by police officers appear to be admissible in court, pre-trial detention is often prolonged illegally and defendants' lawyers have inadequate time to prepare their case.

Torture and ill-treatment

In March 1997, Kenya acceded to the United Nations Convention on Torture, whilst still refusing to recognize the competence of the Committee against Torture to consider individual complaints of violations of the convention. Amnesty International is still calling for an independent investigation of complaints of torture. **Josephine Nyawira Ngengi** was arrested in May 1994 and beaten with clubs, planks and iron bars during

they have excluded the NCEC as a body from this review. Amnesty International is concerned at this attack on the rights to freedom of expression and association of the human rights community in Kenya.

Attacks on freedom of the press

Amnesty International has received numerous reports of assault by police and by members of the KANU youth wing of journalists. Their cameras have been taken and film destroyed. They have been arrested. Opposition newspapers have been impounded and printing presses have been put out of action.

Denial of fair trial

questioning, then forced to lie on the ground while an officer stood on her stomach. 17-year old **Lomoduro Amodoi** was found at post-mortem to have died of strangulation and head injuries after being taken to the police station in Lokichokio on 5 May 1997. No independent inquiry has been set up to look at either of these complaints.

Death penalty

More than 700 prisoners are under sentence of death in Kenya. No executions have been reported for nine years, but many prisoners on death row have died as a result of appalling prison conditions. The death sentence is mandatory for anyone convicted of treason, murder, robbery with violence or attempted robbery with violence and for administration of an unlawful oath to commit a capital offence. Defendants facing the death penalty in Kenya are

often convicted after trials which fail to meet international standards. In addition, some defendants have stated in court that they were tortured or ill-treated to make them plead guilty.

Prison conditions

Hundreds of people are known to die each year in Kenya's overcrowded and filthy prison cells. Prisoners are deprived of food, clothes and medical care. Disease is rife. More than 40,000 people are believed to be in prisons which have been described by a

On 10 March 1998, three shop stewards of the Lesotho Clothing and Allied Workers Union (LECAWU), **Sam Mokhehle, Kototelo Senekale and Lefu Nkuede**, were arrested. On 11 March another worker, **Mosotho Mosoka**, was arrested. The four men were held incommunicado in police custody, in breach of the law which states that detainees should be brought before a court and charged within 48 hours of their arrest. They were brought to court on 16 March on vaguely-worded charges of assault. On 18 March they were released on bail, and told to report to the police once a week.

On 17 March, six women garment workers, **Mantsane Phoba, Moleboheng Mchake, Mohanuo Mphahama and Mamonyane Moorofi** and two whose names are not known to Amnesty International, were arrested but released the same day. They were informed by the police that they would

Kenyan High Court Judge as "death chambers."

LESOTHO

Detentions

Since early March 1998 police have arrested at least 10 shop stewards and factory workers, in the context of a long-running labour dispute between management and workers at a Maseru garment factory.

receive a summons to appear in court on 15 May. Three of them had also been arrested the previous week but released without charge on 13 March.

Torture and ill-treatment

Some of the workers detained were reportedly assaulted and humiliated while in custody. **Rekselitsoe Nonyana** was arrested on 5 March and released without charge on 9 March. He subsequently stated that while he was in police custody he was denied food and that when he complained of hunger, police officers hit him with batons in the stomach, kicked and slapped him. Police officers also allegedly tied him to a tree and forced him to sing trade union songs.

The three women garment workers arrested and released on 13 March reported that they were assaulted during their detention and forced to sing trade union songs. Women police officers allegedly grabbed at the detainees' breasts, and pricked the detainees,

including on their buttocks, with small sewing needles.

Background information

A long-running labour dispute over pay and working conditions at a garment factory in Maseru, Chinese Government Manufacturers (CGM), came to a head on 12 February 1998 when workers refused to continue work until management responded to their grievances. Management responded by dismissing the entire workforce. Shortly afterwards, the Commissioner of Police announced that three police officers allegedly responsible for the shootings had been suspended from duty pending an internal investigation into the incident. On 27 February Lesotho trade union organizations handed a petition to the Prime Minister calling for an independent commission of inquiry. As of 13 March, the police had not made public information about any progress in their investigations nor made public the names of the suspended officers, and workers who witnessed the shootings had not been approached by the police investigators for interviews.

LIBERIA

After seven years of civil war, elections were held in July 1997 and a new government headed by Charles Taylor, one of the former armed faction leaders, was inaugurated in August 1997.

Workers then staged an all-night sit-in. Workers gathered peacefully outside the factory became angry when one police officer injured two workers with a vehicle. This reportedly provoked some workers to throw stones at the vehicle. The police responded without warning by firing into the crowd, killing a 23-year-old woman, **Libuseng Ramolata**, and injuring dozens of others. One of those injured, **Seabata Sehlabaka**, died later from his injuries.

Amnesty International issued a report, "*Time to take human rights seriously - placing human rights on the national agenda*" (AFR34/05/97) on 1 October 1997. This report accompanied an Amnesty International mission to Liberia in the same month. In October 1997, the government established a National Human Rights Commission to promote and protect human rights in Liberia. Among issues of concern to Amnesty International were that the Commission had no powers to initiate investigations and that it was specifically prohibited from influencing legislation - both these issues are apparently under review. The Commission has not yet begun its work. There appear to be no plans to investigate and act on human rights abuses committed during the war.

Possible extrajudicial executions

Samuel Dokie, his wife **Janet**, **Serina Dokie** and **Emmanuel Samuel Voker** were arrested on 29 November 1997

in the town of Gbarnga. Unidentified security officials, apparently acting on behalf of the Special Security Services (SSS), made the arrests. On 4 December the charred bodies of Samuel and Janet Dokie were found in their burnt out car in the outskirts of Gbarnga. The bodies of the other two abducted people were found at another spot near Gbarnga.

At least five security officers were arrested in connection with the killings. Benjamin Yeaten, Head of the SSS and President Taylor's chief bodyguard publicly admitted he gave the orders to arrest Samuel Dokie and to bring him to Monrovia, and has been suspended from office. In February 1998, Isaac Whonnie, aide de camp of President Taylor, **Moses** Journalist **Edwin Jackson** and Editor-in-chief **Bana Sackey** were among seven journalists from *The Inquirer* who were taken from their offices by armed SSS agents on 11 December, following publication of an article about the killing of Samuel Dokie. They were questioned for a couple of hours by members of the SSS and reportedly threatened. They were released after the Minister of Information intervened on their behalf.

On 21 December 1997, **Alex Redd**, a journalist with Radio Ducor, was abducted by plain-clothes security

Sackie and Moses Jallah, all senior members of the SSS, were released by the court for lack of evidence and **Richmond Saydee** and **Kennedy Fineboy**, who are also reportedly members of the SSS still face murder charges. Five others are being sought for arrest and trial.

Attacks on the press

Journalists have been harassed and subjected to short-term arrest after covering politically sensitive nature stories.

In September 1997 **Philip Wesseh**, managing director of the independent newspaper, *The Inquirer*, questioned police methods in dealing with alleged armed robbers. He was arrested and interrogated for several hours.

officials apparently because of interviews he carried out while he was covering the funeral of Samuel Dokie. He was abducted some 150 kilometres outside the capital and was found two days later in police custody in Monrovia, apparently with knife wounds. It seems that his captors had abandoned him in Monrovia with his arms still tied behind his back and that he had been handed over to the police. He was held for questioning and first charged with treason. After six days in police custody, he was released on bail after the charges were reduced to felony.

On 23 January 1998, *The National* newspaper reported that the police had flogged **Hassan Bility**, its editor, after he was escorted to Police Headquarters in Monrovia for questioning. He required medical treatment. This incident was apparently in reprisal for an article carried by *The National* about the brief detention of five Liberian security officers by Nigerian ECOMOG troops who tried to inspect a commercial truck in which the troops were travelling.

Refugees and displaced people

During Amnesty International's mission to Liberia in October 1997, reports were received of beatings and other forms of ill-treatment by armed men against returning refugees. Freedom of the press in Malawi is under threat since the Editors in Chief of the Blantyre Newspapers group received letters from President Muluzi's press officer objecting to recent press articles critical of the President.

Harassment of journalists

On 6 January 1998, *The Daily Times* published a story about the high incidence of AIDS in the military. On 15 January, about 10 soldiers arrived at *The Daily Times* in an official Malawi

MALI

army truck wearing uniforms but with

belonging to the Mandingo ethnic minority group, especially in Nimba and Lofa counties. The Mandingos are traditionally traders and their property was seized by people of the majority ethnic groups during the war. Most Mandingos took refuge during the war in Guinea and Cote d'Ivoire and some reportedly consider it unsafe to return permanently. Plans by international organizations for the large-scale repatriation of Liberian refugees from neighbouring countries has been repeatedly postponed.

MALAWI

their faces masked. Six entered the newspaper's offices, waving copies of the article on AIDS in the military. While the assistant editor, **Rankin Nyekanyeka**, was looking for the original copy of the story, he was hit and pushed to the group by three soldiers. **Alfred Mtonga**, another journalist was also hit and a camera, computer and video screens were smashed.

Both police and army officers have begun investigations, but are reported as saying that the attackers were not acting under orders. The officers involved have not been suspended from duties not brought to justice.

Amnesty International issued a report on human rights violations in Mali in November 1997. The report, **Basic Liberties at Risk** (AFR37/01/97), documents the harassment of leaders and supporters of opposition parties and cases of arbitrary detention, torture and ill-treatment. The report calls on the government to respect the legal procedures for arrest and detention, to end torture and ill-treatment, to initiate thorough, independent and impartial investigations into all cases of torture and ill-treatment and bring those responsible to justice and to control the use of force by members of the security forces. It also called on the government to publicly reaffirm its In reply, Amnesty International repeated its recommendations to institute thorough, independent and impartial investigations into all cases of torture and ill-treatment and use of undue force by the security forces in line with the UN Convention against Torture, which Mali is in the process of ratifying. The government

MAURITANIA

had acknowledged and regretted that on 10 August 1997, security forces had used excessive force against opposition politicians and journalists, but the organization asked the

commitment to freedom of expression and the right to peaceful assembly.

In his response, the Minister of Justice deplored the use of excessive force against members of the opposition and against journalists which followed the death of a police officer on 9 August 1997. He stated that initial investigations into allegations of torture and ill-treatment had concluded that no torture had occurred. He also pointed out that the judicial authorities had received no complaints of torture.

Minister to clarify whether an inquiry had been held in these cases and which sanctions had been decided.

The organization remains concerned about the continuing detention of seven possible prisoners of conscience, **Mady Diallo**, a former government Minister and six soldiers arrested in October 1996 and charged with “attack against the lawful government of Mali with the intention of overthrowing it by force, and aiding and abetting a threat to state security by means of donations, pledges and provision of resources”.

The rights to freedom of opinion and expression and the right to freedom of peaceful assembly and association are

under threat in Mauritania. Amnesty International issued two documents (AFR38/02/98 and AFR38/05/98) which call on the government of Mauritania to release immediately all prisoners of conscience and to respect the rights of the Mauritanian people to freedom of expression and association.

Human rights defenders convicted
Boubacar Ould Messaoud, Maitre Brahim Ould Ebetty and Professor Cheikh Saad Bouh Kamara are currently serving a 13-month prison sentence for their activities within non-authorized organizations. They were arrested at their homes in the capital, Nouakchott, on 17 January 1998. They were held incommunicado for four days and were charged solely on account of their work in defence of human rights. A fourth man, **Abdel Nasser Ould Ethmane**, who is based in France and charged *in absentia*, was also sentenced to 13 months' imprisonment. **Maitre Fatimata M'Baye** was part of a team of defence lawyers for the four when she

was arrested on 5 February 1998. All five are senior members of either SOS-Esclaves, a Mauritanian NGO campaigning against slavery, or of *Association mauritanienne des droits de l'homme*, Mauritanian Human Rights Association. The arrests and convictions appear to have been prompted by a television programme on slavery broadcast on 15 January 1998 on a French language cable channel, which featured an interview with Boubacar Ould Messaoud. The four imprisoned human rights defenders are considered by Amnesty International to be prisoners of conscience.

Restriction without charge

More than six other people were arrested on 5 February 1998 during a demonstration organised by *Action pour le Changement*, Action for Change, to call for the release of the human rights defenders. At least five people have reportedly been sent to their home areas under a form of house arrest, but no charges have been brought against them.

MOZAMBIQUE

Freedom of the press

In mid-January 1998, *Mauritanie-Nouvelles*, an independent weekly which had just been allowed to reopen after a three-months' ban which prevented it from covering the election period, was banned for another three months. Another independent newspaper, *La Calame*, had all copies of its 12 January 1998 edition seized by the authorities.

Torture in police cells is a serious problem in Mozambique. In 1997 scores of people were reported to have been tortured.

Crescêncio Sergio Muchanga was found dead in a police station in October 1997. He and about 14 other people, including women and children, had been detained in Matola, outside the capital, Maputo, in connection with the theft of a government vehicle. At least five of the detainees were

severely beaten and at least two of them were reportedly taken at night to the banks of the Matola River where they were buried up to the neck in sand and had shots fired near their heads. In addition, Crescencio Sergio Muchanga was said to have been dragged behind a moving vehicle by a rope attached to his wrists. Representatives of the *Liga Moçambicana dos Direitos Humanos*, Mozambique Human Rights League, subsequently saw his body in the morgue bearing what appeared to be bullet holes in the neck and chest. A judicial inquiry was opened but the case has not yet come to court.

Peter Mashaba, a Swazi businessman, and **Edward Plaatjies** from South Africa, were arrested after they crossed into Mozambique from Swaziland at the Namaacha border post in December 1997. On their way to Maputo, the two men were arrested by police, suspected of having entered Mozambique illegally. They were beaten and taken to the Namaacha police station for questioning. Police burned Peter Mashaba with cigarettes and matches on the stomach. There have been very few instances of

NIGERIA

police being brought to justice when they are suspected of torturing prisoners. In January 1997 four police officers were each sentenced to seven years' imprisonment for torturing **Franque Luís Tchembene**, who died in June 1996 as a result of the torture.

Amnesty International has written to the authorities calling on them to investigate

and back and in the pubic area. His face was swollen as a result of blows; the tight hand-cuffs and leg irons left scars on his wrists and ankles; he was unable to walk easily because of the burns. Both men were subsequently transferred to the maximum security section of Machava Prison.

In Mozambique detainees must normally be brought before an examining magistrate within 24 hours of their arrest. However, Peter Mashaba and Edward Plaatjies were held for over two weeks before they were taken to court on 5 January 1998. The magistrate ordered that they should be released pending trial. However, no steps were taken to investigate their assertion that they had been tortured. Despite the judicial order for their release, the two men remained in prison. The two men were finally released on 22 January 1998 and the prosecution case was dropped. On the same day they returned to Swaziland.

all reports of torture and to bring suspected perpetrators to justice. It also urges the authorities to consider ordering a wider inquiry into the practice of torture in Mozambique so that preventive action may be taken.

Despite promises to improve its human rights record after the international condemnation of the execution of Ken Saro-Wiwa and his eight Ogoni companions in November 1995, the Nigerian government has not changed its practice or policy in any fundamental way. Prisoners of

conscience have died as a result of life-threatening prison conditions. Political prisoners face the death penalty after grossly unfair trials. Journalists, pro-democracy and human rights activists are still at serious risk of imprisonment, ill-treatment or harassment. Reports have continued of arrests, beatings and killings by soldiers in Ogoniland.

Deaths of prisoners of conscience

Following the December 1997 deaths in prison of former deputy head of state **Major-General Shehu Musa Yar'Adua** and another prisoner of conscience, **Staff Sergeant Patrick Usikekpo**, Amnesty International has been appealing for urgent medical care for other prisoners of conscience held in life-threatening conditions. The required autopsies and investigations into these deaths were not carried out

The secret treason trial started on 14 February 1998 of deputy head of state General Oladipo Diya and 25 others. Since 1983, when the military overthrew the last elected civilian government, nearly 90 people have been executed following grossly unfair and politically-motivated trials. Amnesty International has urged the Nigerian Government not to impose death sentences in this case.

Imprisoned, ostensibly awaiting trial

Moshood Abiola, the winner of the 1993 presidential elections the results of which were annulled by the

and the authorities have provided no explanation.

Human rights lawyer **Ebun-Olu Adegboruwa** is reported to have been chained in an underground cell at the detention facility in Apapa, Lagos, of the Directorate of Military Intelligence (DMI) and to have contracted typhoid fever and scabies. He has been detained incommunicado and without charge or trial since November 1997.

Dr Beko Ransome-Kuti and **Shehu Sani**, Chairman and Vice-Chairman respectively of the Campaign for Democracy, exposed the unfairness of secret treason trials in 1995 and were themselves sentenced to 15 years' imprisonment by Special Military Tribunal. They have both required emergency hospital treatment recently after becoming seriously ill in prisons far from their homes.

Unfair trials; the death penalty

military, has been detained, practically incommunicado, since June 1994 when he tried to assert his electoral mandate. Ostensibly awaiting trial on treason charges, he is denied all the rights of a prisoner awaiting trial, including access to his lawyers or family.

The authorities have blocked all legal applications to have a group of Ogoni prisoners brought to trial or released more than three years after most of them were arrested. The prisoners are still detained in harsh conditions,

awaiting trial on identical murder charges to those used to execute the Ogoni nine in November 1995.

In March 1997 the Nigerian authorities charged exiled writer and Nobel laureate **Wole Soyinka** and 15 others with treason, a capital offence, in connection with a series of bombings throughout the country in which as many as 20 people have been killed. Leading pro-democracy and human rights activists are among the 12 accused who are in prison: **Dr Frederick Fasehun**, Acting Chairman of the Campaign for Democracy, and **Chief Olu Falae**, former Minister of Finance. **Dr Adebenga Adebunsi**, an employee of an exiled critic of the government, is reported to have been hung up by his feet and his head kicked following his arrest. Six of the accused were reportedly arrested because they knew one of the victims of the November 1996 car-bomb. Three others had previously been arrested on suspicion of involvement in a bombing in May 1995. The case against them had been withdrawn for lack of evidence but they had been redetained, in defiance of a court order.

On 18 March 1998 human rights lawyer **Femi Falana** was released from six days' detention. He and **Joe Ajaero**, labour correspondent for the independent *Vanguard* newspaper, were among a group of people detained without charge since 12 March for attending a legal seminar in Ilorin, Kwara State.

Some of the accused were not questioned about the bombings during their weeks in detention before the treason charges were brought against them --Dr Fasehun was reportedly asked only about his human rights activities --and have been denied access to their lawyers. They are held at the headquarters of the federal police, the Federal Intelligence and Investigation Bureau (FIIB), in Ikoyi, Lagos, in harsh conditions.

Journalists and human rights defenders

Critics of the government have continued to be detained, incommunicado and without charge or trial, under the draconian provisions of the State Security (Detention of Persons) Decree, No 2 of 1984. The Decree provides for the indefinite detention without charge or trial of any person suspected of threatening the security of the state, and prohibits any legal challenge to detention. Private as well as public meetings involving human rights or democracy groups have been forcibly broken up by the security police unless organized by government backed bodies.

On 3 March 1998, lawyer **Olisa Agbakoba**, was beaten and gun-butted in the face by police when he attempted to negotiate with police officers. He was detained for two days and charged with public order offences, with about 30 others, for organizing a pro-democracy march in Lagos. Ten journalists were reportedly arrested at the rally and

some beaten before being released uncharged.

Ogaga Ifowodo, a member of the Civil Liberties Organisation, has been in incommunicado detention since his return from a visit to the United Kingdom at the time of the Commonwealth Heads of Government Meeting in November 1997.

Government officials have warned journalists not to speculate about the current treason trial of General Diya and 25 others. Of more than 30 journalists arrested and detained without charge or trial in 1997, at least seven were still in incommunicado detention at the end of March 1998.

Mohammed Adamu, Bureau Chief in Abuja of *African Concord* news magazine, and **Soji Omotunde**, editor of *African Concord*, have been detained since 27 July 1997 and 25 October 1997 respectively.

Also still detained without charge or trial are employees of *The News* group of newspapers and *Tell* news. In July 1997 the authorities executed a minor while he had an appeal against his conviction by a Robbery and Firearms Tribunal pending before the High Court. Execution of minors clearly contravenes the International Covenant on Civil and Political Rights, which Nigeria has ratified.

Chidiebere Onuoha was aged 17 when he was shot dead in front of a crowd of thousands in July 1997. He and five others were convicted in connection

magazine, noted for their outspoken criticisms of the military government.

Several were arrested in October and November 1997 after they reported that the head of state, General Sani Abacha, was seriously ill, and others were forced into exile.

Adetokunbo Fakeye, defence correspondent of *PM News*, **Onome Osifo-Whiskey**, managing editor of *Tell*, **Babafemi Ojudu**, managing editor of *The News* group, and **Rafiu Salau**, administrative manager of *The News* group, have all been detained since November 1997.

Death penalty

Hundreds of prisoners are under sentence of death, some of them for many years. Most have been sentenced to death by Robbery and Firearms Tribunals, special courts directly appointed by the military authorities, which cannot guarantee independence from government control and which allow no right of appeal.

with an armed robbery committed in May 1995; another minor, **Patrick Obinna Okoroafor**, had his sentence commuted to life imprisonment on 18 July 1997.

Torture

Torture or ill-treatment of prisoners by soldiers and police at the time of arrest and in order to induce them to make incriminating statements is routine, including in criminal cases.

In January 1998 **Batom Mitee**, brother of the exiled Acting President of the Movement for the Survival of the Ogoni People (MOSOP), and **Tombari Gioro** were among dozens of MOSOP supporters arrested by armed troops in Bori, the main town in Ogoniland, to stop them celebrating Ogoni Day. They are reported to have been beaten with rifle butts and electric cables, and subsequently to have been denied food and medical attention for their injuries.

They and other Ogoni detainees were still detained without charge or trial in March 1998. At least one woman, a young member of staff at Batom Mitee's hotel, was reportedly assaulted, raped and detained when soldiers looted and ransacked the hotel.

RWANDA

During 1997, the number of killings of unarmed civilians, including extrajudicial executions by the RPA and deliberate and arbitrary killings by armed opposition groups, increased sharply, especially in the context of intensified armed conflict in the northwest. This can be attributed in great part to the mass *refoulement* of hundreds of thousands of Rwandese refugees from the former Zaire and Tanzania in late 1996. Between January and August 1997, at least 6,000 people - the majority unarmed civilians, including many children - were killed in Rwanda, some by the RPA, others by armed opposition groups. Many more

Since January 1997, there has been a serious escalation in the armed conflict between the national army, the Rwandese Patriotic Army (RPA), and armed opposition groups believed to include soldiers of the former Rwandese armed forces and *inahamwe* militia responsible for massacres during the genocide of 1994.

In December 1997, Amnesty International issued **Rwanda: Civilians trapped in armed conflict** (AFR 47/43/97). A previous report had been issued in September 1997, **Rwanda: Ending the Silence** (AFR47/32/97). Both reports document thousands of killings of unarmed civilians and call on the government of Rwanda and the international community to take effective action before thousands more men, women and children lose their lives in the violence.

Killing of unarmed civilians

have been killed since and massacres are continuing in the first months of 1998. Every attack by armed opposition groups is followed by a military operation and reprisal killings in which many vulnerable people, including elderly men, women and young children, have also been killed. Regions in the northwest of the country have become virtually inaccessible because of the insecurity. Independent human rights investigations in these areas are severely restricted and monitoring the safety of returnees has become almost impossible, with the result that the perpetrators of human rights abuses are able to carry on killing with impunity.

On 11 December 1997, at least 300 refugees, including children, from the Democratic Republic of Congo were massacred in a refugee camp at Mudende, Gisenyi. Most of the victims were members of the Tutsi ethnic group. The perpetrators are believed to be members of the former Rwandese army or *interahamwe* militia.

Following this attack, many unarmed Hutu civilians in the area were killed in a reprisal attack by Tutsi civilians assisted by RPA soldiers.

On 11 January 1998 and in the days that followed, more than 300 civilians - men, women and children - were shot dead by RPA soldiers during a military operation at Keya and surrounding areas in Rubavu commune, Gisenyi.

Armed opposition groups were responsible for the deliberate killing of around 40 civilians at Jenda, in Ruhengeri, on 5 February 1998 and between 50 and 60 civilians at Byahi, in Gisenyi, on the night of 6 to 7 February.

Many more were seriously wounded in these attacks. Armed opposition groups are also believed to have been responsible for the death of around 40 people in an attack on a bus in Gisenyi on 19 January.

Amnesty International issued a news release in March 1998 (AFR 47/08/98) following a mission to Rwanda. The release cited an alarming increase in the number of "disappearances" over the last year. Some of the "disappearances" have been linked to arrests made by RPA

Extrajudicial executions

Extrajudicial executions of detainees by members of the security forces have continued, in some cases effectively replacing the judicial process. For example, between 1 and 10 August 1997, at least 95 detainees at the communal *cachot* (detention centre) of Rubavu and an unknown number at the *cachot* at Kanama were reportedly killed by security forces.

Violations of freedom of expression

Journalists and others who have criticized actions by government officials and the security forces have been victims of human rights violations.

On 27 April 1997, **Appollos Hakizimana**, a journalist working for an independent newspaper, *Intego*, and editor of a new publication, *Umuravumba*, was shot dead by unidentified gunmen in Nyamirambo, in Kigali, as he was approaching his house.

Members of the National Assembly who criticized government policies have also been targeted. Amongst these was **Evariste Burakali**, of the Parti libéral, who was shot dead by an RPA soldier in Rutare, Byumba on 16 January 1997.

"Disappearances"

soldiers. "Disappearances" have been especially common during or following military operations in areas where insurgent activities have been reported. Some individuals have later been traced in detention centres and a number have been released, but the majority remain

unaccounted for. The “disappeared” include **Juvéna Bagarirakose** who has not been seen since 9 January 1998. Amnesty International issued an Urgent Action on his behalf (AFR 47/05/98). **Ladislav Mutabazi**, the prosecutor of Gisenyi, “disappeared” on 18 January 1998. Scores of other people “disappeared” in Umutara, in December 1997 and January 1998.

Arbitrary arrests

While many of the detainees accused of participating in the genocide are believed to be guilty, a significant proportion are believed to be innocent. Many cases of arbitrary arrest are reported, particularly in the context of disputes over property. Many detainees claim not to know why they have been arrested, and have no case file. Others appear to have been arrested because their relatives had served in the former government or army, but they themselves are not known to be accused of a specific crime. Large numbers of people have also been arrested in an apparently arbitrary manner during Conditions of detention continue to be a cause of grave concern as the number of detainees in central prisons and *cachots* is estimated at above 130,000, well beyond their intended capacity. Life-threatening conditions prevail in these centres where children continue to be detained, in some cases in the same appalling conditions as the adults. Many detainees are dying from diseases resulting from the extreme overcrowding and lack of hygiene and medical facilities. Detainees also suffer from grossly inadequate supplies of food. Many other detainees are held in

military search operations on the basis that they may have been collaborating with armed opposition groups.

Death penalty

More than 100 death sentences were handed down in 1997, mostly in trials by civilian courts of people accused of participation in the genocide. Some were sentenced to death after unfair trials, for example, without having had access to a lawyer. None had been executed by March 1998, although it is feared that the executions are imminent. However, cases handled by the military courts are generally processed more quickly. On 16 January 1998, four RPA soldiers, **Mfizi Muhirwa, Isidore Bishogo, Ernest Gakire and Kami Mutangana**, were sentenced to death for assassinating a colleague. Two others, **Gaspard Mutabazi** and **Emmanuel Rutayisire** were summarily executed without a trial on 17 and 29 January. Urgent Actions were issued on their behalf (AFR 47/03/98).

Prison conditions

military detention centres, where they are denied access to their families and international observers.

Urgent Actions (AFR 47/45/97, AFR 47/01/98, AFR 47/02/98) have been issued on behalf of **Philomène Mukabarali**. She is the wife of **Sylvestre Kamali**, a former Rwandese diplomat and a leading member of an opposition party at the time of the previous government, who has been in prison without trial since 1994. She was arrested on 19 December 1997 after armed men forced their way into her

house She has been charged with endangering the security of the state, apparently because leaflets found in her house expressed support for the monarchy of Rwanda. Following appeals from Amnesty International and others, visitors are now permitted to bring her some medicine, but not the specialized medicine she requires for a life-threatening illness. The prison conditions are likely to aggravate her ill-health and could prove fatal. Relatives and staff members who have tried to deliver food to her husband, Sylvestre Kamali, have been repeatedly beaten and slapped, and ordered to take the food away.

SENEGAL

For the past 15 years, civilians have been hostage to the conflict between the Senegalese Government and the *Mouvement des forces démocratiques de Casamance* (MFDC), Democratic Forces of Casamance Movement, an armed opposition group which is Human rights violations by the security forces in Casamance are primarily committed by the army and the gendarmerie, which have for years been acting with total impunity. The security forces are faced with insurrection in Casamance, but many of the people interviewed by Amnesty International have insisted that the security forces are keeping the civilian population in a state of terror and avenging themselves against innocent civilians for losses

demanding the independence of this region in southern Senegal. The two parties to the conflict have consciously chosen to terrorize civilians, including women and the elderly, to force them to take their side or to dissuade them from supporting the other side. In February 1998, Amnesty International published **Senegal; Climate of Terror in Casamance** (AFR 49/01/98), detailing human rights abuses.

Torture

Amnesty International has many testimonies about torture by the army and the gendarmerie (the para-military police). Several prisoners have been tortured by electric shock; some have been beaten for hours whilst hanging by a rope from the ceiling; others have had molten plastic poured on their bodies or have been forced to ingest toxic substances, such as petrol. Torture is used not only to extract confessions but also to create terror in people to dissuade them from supporting the MFDC's independence movement.

Impunity

caused by the MFDC. Military sources have told Amnesty International anonymously that it is regular practice for "the Senegalese army to torture and execute people in Casamance, and then to bury the bodies near army camps and checkpoints".

These massive violations of human rights cannot be explained away as "regrettable errors", since the Senegalese army is unanimously seen as a

well-structured and well-disciplined army and has for many years regularly taken part in peace-keeping operations conducted both by the Organization of African Unity (OAU) and the United Nations (UN). These violations clearly imply that responsibility lies with the highest authorities of the State.

“Disappearances”

Amnesty International is particularly alarmed about the "disappearance" of people arrested by the security forces. Their names do not appear on any list of prisoners and the authorities deny that they have been arrested. Despite repeated demands by some victims' relatives, Senegalese human rights organizations such as *Rencontre africaine pour la défense des droits de l'homme* (RADDHO), African Conference for the Defence of Human Rights, and Amnesty International, the Senegalese authorities have systematically refused to acknowledge the existence of this phenomenon and to

Following the military coup on 25 May 1997 in which the government of President Ahmad Tejan Kabbah was overthrown by Major Johnny Paul Koroma, the rule of law in Sierra Leone completely collapsed. Soldiers, together with members of the armed opposition Revolutionary United Front (RUF) who joined forces with them after the military coup, committed serious human rights abuses. Hundreds of people were arbitrarily arrested and detained; many were tortured and ill-treated. Some of those suspected of opposing the ruling Armed Forces Revolutionary Council (AFRC) were

put an end to the suffering of the victims' families.

Armed opposition groups

Amnesty International has for many

SIERRA LEONE

years denounced the abuses committed by the MFDC against unarmed civilians. Dozens of civilians, including women and children, have been the victims of ill-treatment, torture and deliberate and arbitrary killings. Some of these acts seem to have been committed by the MFDC on the basis of ethnic criteria. Members of the Manjak, Mandingo, Balante and Mancagne ethnic groups have often been the target of attacks by the MFDC, which feels that these non-Diola populations are not involving themselves in the struggle for the independence of Casamance. The MFDC also kills soldiers who fall into its hands.

extrajudicially executed. Victims of human rights violations included people associated with the government of President Tejan Kabbah, journalists, students and human rights activists.

Following the military coup, Amnesty International repeatedly called for an end to arbitrary arrest and detention, torture and ill-treatment, and extrajudicial executions. On 20 October Amnesty International published *Sierra Leone: A disastrous set-back for human rights* (AFR 51/05/97), which documented these violations. It also called on the

international community to give priority to the protection of human rights in its efforts to resolve the political crisis in Sierra Leone.

In October 1997 the AFRC agreed to return power to President Tejan Kabbah by 22 April 1998. However, there were serious set-backs to the implementation of this agreement. Fighting between soldiers, together with RUF forces, and the *kamajors* (a civilian militia composed of traditional hunters) who support President Tejan Kabbah, intensified throughout the country. In mid-February 1998 West African forces deployed in Sierra Leone, known as ECOMOG and predominantly Nigerian troops, forced the AFRC from power in Freetown. ECOMOG subsequently took control of other major towns such as Bo, Kenema and Makeni and at the end of March 1998 were advancing on Kono and Kailahun Districts in the east of the country.

President Tejan Kabbah and his government returned to Freetown on 10 April 1998. Amnesty International urged that the legality of the detention of all those detained be established by a judicial authority as soon as was practically possible and that they be either charged or released with a minimum of delay. It also called for the immediate and unconditional release of any detainee who may have been held solely because of their perceived sympathies for the AFRC and who had neither used nor advocated violence. The government responded that investigations were being conducted into the cases of those held and that those charged would be tried in

March 1998. A state of emergency, which provides for detention without trial for up to 30 days, was proclaimed and ratified by parliament on 26 March 1998.

Since ECOMOG troops forced the AFRC from power, more than one thousand people have been arrested and detained. A significant number were former combatants who were considered to be prisoners of war. Others were associated or perceived to be associated with the AFRC and the RUF. Many of those detained were suspected of being responsible for criminal offences which include gross human rights abuses such as torture and deliberate and arbitrary killing of civilians. Some of those detained 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.

the ordinary courts. Some 50 people were released in early March 1998 and some other 20 were brought before a court to be charged in late March 1998.

Arbitrary arrest and detention

After the military coup in May 1997, hundreds of people associated with the government of President Tejan Kabbah or suspected opponents of the AFRC were arbitrarily arrested and detained. They included members of President Tejan Kabbah's government, those closely associated with the government or the ruling Sierra Leone People's Party

(SLPP), journalists, students and human rights activists.

In October 1997 soldiers and RUF members attempted to arrest the Secretary General of the Sierra Leonean Section of Amnesty International. **Isaac Lappia**, apparently suspected of opposing the AFRC and passing information outside Sierra Leone, escaped arrest; however, family members and others at his house were beaten and briefly detained.

During October and November 1997 the crack-down on the press intensified; at least 20 journalists, including **Jon Z. Foray**, editor of *New Storm*, and **Jonathan Leigh**, editor of the *Independent Observer*, were detained without charge for up to two weeks.

Sylvanus Kanyako, a journalist working for the *Herald Guardian*, and **David Kamara**, the newspaper's proprietor, were arrested on 10 January 1998 after an article suggested that a prominent member of the AFRC should be arrested in connection with the looting of the Iranian Embassy in Freetown in late December 1997.

Prominent members of the community in the town of Kenema in Eastern Province who were arrested in January 1998 apparently because they were suspected of supporting the *kamajors* were also tortured and ill-treated. Some were subsequently extrajudicially executed (see below).

Several foreign nationals were captured by RUF forces in mid-February 1998,

Torture and ill-treatment

Since the military coup, hundreds of people have been tortured and ill-treated by both soldiers and RUF forces.

Sam Goba was arrested in September 1997 because of his close association with President Tejan Kabbah. He was held with other detainees in a freight container at Cockerill military headquarters for several months. He health seriously deteriorated and his fate was unclear.

Many of the journalists arrested during the year were tortured and ill-treated. In October 1997 **Umaru Fofanah**, a freelance journalist suspected of providing information to a clandestine radio station broadcasting in support of President Tejan Kabbah, was reported to have been tortured and shot in the leg by soldiers.

Both Sylvanus Kanyako and David Kamara were reported to have been tortured in detention; Sylvanus Kanyako was reported to have sustained serious injuries from having his arms tied tightly behind his back.

including those working at a hospital in Lunsar, Northern Province. They appeared to be held hostage although no conditions for their release were known to have been made. They were held for about two weeks.

Extrajudicial executions and deliberate and arbitrary killings

Soldiers together with members of the RUF were responsible for hundreds of

extrajudicial executions. While many civilians died as a result of the general situation of violence and insecurity, particularly in the period following the coup, other civilians were deliberately killed for political reasons by soldiers and RUF members.

In December 1997 about one hundred villagers were reported to have been shot dead by soldiers posing as *kamajors* in the east of the country.

B.S. Massaquoi, chairman of the town council of Kenema, and other prominent members of the community in Kenema were arrested at a time of fierce fighting between the AFRC with RUF forces and the *kamajors*. While some of those arrested managed to escape to safety, others were deliberately and arbitrarily killed by members of the RUF. B.S. Massaquoi was among those killed; his body was found on 23 March 1998 in a mass grave near Kenema together with the bodies of 35 other people.

The AFRC resorted to the use of the death penalty in an apparent attempt to be seen to be taking action to impose law and order. On 25 October 1997 10 soldiers were executed after being convicted of murder and sentenced to death by a military court. A further 17 people were reported to have been executed on 2 November 1997 and another eight were executed in Koidu, Kono District, on 2 December 1997. Reports suggested that, in some cases, no trial had taken place.

As AFRC and RUF forces retreated from advancing ECOMOG forces in February and March 1998 they committed gross human rights abuses. Hundreds of unarmed civilians were deliberately and arbitrarily killed, many women and girls were raped, in towns such as Bo, Kenema, Lunsar, Makeni, Koidu and surrounding villages.

There were also reports that *kamajors* fighting AFRC and RUF forces deliberately killed, tortured and ill-treated civilians. In September 1997 four people, including a woman, who were suspected of being soldiers or AFRC supporters were reported to have been summarily beheaded when the vehicle in which they were travelling from Bo to Makeni was stopped by *kamajors*. In January 1998 *kamajors* were reported to have deliberately and arbitrarily killed civilians in two villages near the town of Rotifunk, Southern Province, some 90 kilometres from Freetown.

Death penalty

On 28 November 1997, a new decree was promulgated making death sentences statutory for the offences of looting and commandeering vehicles. This legislation was retroactive to the time of the military coup in May 1997.

Amnesty International strongly condemned these executions and called for the repeal of retroactive legislation extending the scope of the death penalty.

Refugees and internally displaced people

The violence and insecurity following the military coup in May 1997 forced thousands of Sierra Leoneans to flee their homes once again; many had previously become refugees or internally displaced during Sierra Leone's internal armed conflict. Several hundred residents of the port area in Freetown were reported to have left their homes in mid-September 1997 after ECOMOG forces intensified efforts to impose an economic blockade by shelling ships approaching the port of Freetown. At least a thousand people, however, sought refuge in Freetown as fighting between soldiers and ECOMOG forces intensified from 9 October 1997 around the military base held by ECOMOG forces at Jui outside the capital. Thousands of people subsequently fled from Freetown to escape the violence as ECOMOG forces advanced on Freetown in February 1998.

Thousands of others were subsequently forced from their homes in Bo, Kenema, Makeni, Koidu and other towns and villages as retreating AFRC and RUF forces deliberately and arbitrarily killed unarmed civilians, looted and burned their homes.

National Prosecuting Authority Bill

In October 1997 Amnesty International, in the belief that the draft National Prosecuting Authority Bill could potentially result in improvements to the functioning of the criminal justice system and thereby to the protection of human rights, forwarded comments and recommendations on the Bill to the South African Government and the Chairperson of the parliamentary

With the restoration of the civilian government in Freetown in February 1998 and as ECOMOG forces gradually took control of areas of the country outside Freetown, people began to return to their homes.

In February 1998, the organization published a report **South Africa: The**

SOUTH AFRICA

criminal justice system and the protection of human rights: the role of the prosecution service (AFR53/01/98) reporting on its conclusions from its 1997 inquiry into the role of Attorneys-General in past human rights violations and in particular into the conflict which had developed in the province of Kwa-Zulu Natal over the investigation and prosecution of killings by hit-squads. The report also contained the organization's recommendations on draft legislation, the National Prosecuting Authority Bill which began to be debated by the Parliament of South Africa in February of 1998.

Portfolio Committee on Justice. In the same month a representative of the organization presented the submission to the Truth and Reconciliation Commission (TRC), during its three-day hearings in Johannesburg on the role of the legal system in the human rights violations which took place under the former Government. The views put forward reflected the results of an inquiry conducted by Amnesty

International earlier that year. On 3 February 1998 the organization sent its submission formally to the Portfolio Committee on Justice in the context of the Committee's public hearings on the Bill scheduled for mid-February.

The proposed National Prosecuting Authority could inject more accountability into the criminal justice system, raise standards of professionalism among the staff of the prosecution service, and provide a means to deal with complaints about decisions on prosecution or the conduct of a prosecution. At the same time, it will be vital to achieve in the legislation a balance between independence from political interference and accountability to the political process for the investigation and prosecution of crime. Amnesty International recommended that there should be parliamentary hearings on the proposed legislation.

The role of the Attorney-General

At the TRC's October 1997 hearings, former and current Attorneys-General for the most part denied that they had made decisions on prosecution matters at the direction of the Minister of Justice prior to 1992, but said they had only been implementing the existing laws. At the same time and somewhat paradoxically, they emphasized the importance of their independence from the Minister as provided under the 1992 legislation. Members of South Africa's legal profession and human rights monitors expressed strong scepticism about this independence.

The proposed legislation will apparently reverse the consequences of the 1992 Attorney-General Act which had made these law officers independent of the Minister of Justice. Prior to 1992, the Attorney-General exercised authority subject to the control and direction of the Minister. The then Attorneys-General made use of extraordinary powers, for instance, withholding bail and detaining witnesses. They appeared to be indistinguishable from the then government in its use of the law to persecute its opponents. The 1992 Act gave the Attorneys-General full authority to prosecute on behalf of the state and reduced the role of the Minister to that of coordinating their functions. The Act imposed few obligations on them for reporting to the Minister or the Parliament, and created cumbersome and inadequate procedures for the suspension or removal of an Attorney-General.

Amnesty International had investigated the controversies in the province of KwaZulu Natal over the investigation and prosecution of those responsible for grave violations of human rights. The conflict which developed between the provincial Attorney-General and those involved in the investigation of these crimes was exacerbated by the lack of any appropriate means of adjudication and accountability. In a situation where the police had a poor reputation as investigators of crime, the effects of which were compounded by political bias, the traditional division of labour between the police and the Office of the

Attorney-General needed to be replaced by a more strategic and multi-agency approach. Amnesty International concluded that the Office of the Attorney-General had failed to take such an approach. Furthermore, as was evident in a number of high-profile cases which had been investigated by the nationally appointed Investigation Task Unit, this failure sometimes obstructed investigations and prevented the resolution of a number of cases of political killings linked to hit-squads operating in the province.

Recommendations

Amnesty International's recommendations on the draft National Prosecuting Authority Bill include:

1. In the appointment of the National Director of Public Prosecutions (NDPP), the President should act on the recommendations of a committee which is clearly beyond political influence and designed to ensure the highest qualifications of the office holder.
2. The procedures and grounds for suspension of the NDPP should be consistent with Articles 21 and

Treatment of women

Thirty-eight women who were protesting at the conscription of secondary school-leavers into the armed forces were arrested on 1 December 1997. Security agents broke up the peaceful demonstration by beating women with sticks, rubber hoses and fists. Subsequently 37 women were

22 of the UN Guidelines on the Role of Prosecutors and Section 179, in particular Section 179 (4), of the Constitution.

3. To enhance the accountability of the office the NDPP should be obliged to table in the national parliament annual reports and a list of case-related reports and publish in the Government Gazette any prosecution policies or directives issued by the NDPP.
4. The legislation should indicate the full scope of the NDPP's power to "review" a decision on prosecution by a provincial Director of Public Prosecutions (DPP). The NDPP should be required to provide full, written reasons for decisions taken in such a review, and to place them before Parliament.

SUDAN

summarily convicted of causing a disturbance, obstructing traffic and demonstrating without permission. All 37 were sentenced to a fine of £s10,000 (Sudanese pounds). Twenty-four were sentenced to 10 lashes each. **Lillian Salih Hussein** was sentenced to a further 30 lashes for wearing loose trousers and a shirt, held to be inappropriate dress. (AFR 54/18/97)

Death penalty

`Abd al-Halim `Abd al-Raziq was sentenced to death for premeditated murder under Article 130 of the criminal code. Two men were killed when he and another man attacked a mosque of the Ansar Sunni order of Islam in September 1997. As Amnesty International opposes the death penalty in all cases as a violation of the right to life, Urgent Action AFR 54/01/98 was issued on his behalf.

UGANDA

On 18 September 1997 Amnesty International issued **Uganda: "Breaking God's commands", the destruction of childhood by the Lord's Resistance Army** (AFR 59/01/97) on the abduction, enslavement and killing of children in Uganda.

The LRA uses violence to terrorize villagers. Thousands of civilians have been deliberately killed; thousands of women have been raped. The killers and rapists are themselves abused children. They are being abused by being forced to commit human rights abuses. This is deliberate. The children are often traumatized by what they have done and,

ZAMBIA

believing that they are outcasts, bound to the LRA.

The Lord's Resistance Army (LRA), an armed opposition movement fighting the government in northern Uganda, systematically abducts children and forces them to become child soldiers. Their numbers are believed to have reached between five and eight thousand in the past three years. Perhaps three thousand have escaped. No-one knows how many have been killed. Most of those abducted are between 13 and 16 years old. Younger children are generally not strong enough to carry weapons or loads while older children are less malleable. Boys outnumber girls. Children are beaten, murdered and forced to fight well-armed government troops. They are "owned" by the LRA leadership. Girls are raped and used as sexual slaves. The abduction of girls and their forced marriage to more senior LRA soldiers is used as a reward and incentive for male soldiers. Nearly all escaped girls and women have sexually transmitted diseases.

The LRA is supported and supplied by the Sudan Government. While the LRA leadership is responsible for abusing human rights, the Sudan Government can also be held responsible.

Amnesty International is calling for the recommendations of the Graça Machel UN report on the impact of armed conflict on children to be implemented without delay.

After an attempted coup on 28 October 1997, a state of emergency was declared.

More than 90 people have been arrested in connection with the attempted coup, including military officers and members of opposition political parties. The state of emergency was extended for another three months 29 January 1998.

Detention without charge

Former president **Kenneth Kaunda**, leader of the opposition United National Independence Party, **Dean Mung'omba**, the leader of the opposition Zambia Democratic Congress and more than 100 others have been detained under provisions of the Preservation of Public Security Act which allows them to be held for 28 days without charge. Kaunda himself is now under house arrest, and 73 others have reportedly appeared before courts of law. Seven have been released secretly, including **Priscilla Chimba**, Dean Mung'omba's secretary. The others continue to be held, without charge or trial, in overcrowded and insanitary prison conditions.

Torture

A number of the detainees mentioned above were reportedly tortured during interrogation at Police Service. Journalists from *The Post* newspaper face continual threats of court action because of their criticism of the government. Members of parliament have demanded the arrest of editor **Fred**

ZIMBABWE

M'membe for an editorial published on 16 January describing MPs as "spineless". **Dickson Jere**, another *Post*

Headquarters in Lusaka. One detainee has allegedly died from injuries suffered under torture. The Zambian Human Rights Commission found that at least seven had injuries consistent with their alleged torture.

Prison conditions

Zambia's prisons are severely overcrowded and conditions are harsh. During 1997, up to 100 prisoners, weakened by malnourishment, died from TB, AIDS and other diseases.

Harassment of journalists

Frederick Mwanza, a journalist known for articles critical of the government, was among seven released secretly in early March 1998 after more than four months in detention. He was arrested on the grounds that he attended a meeting at which an attempted coup was discussed, but all four witnesses against him testified in court that they were tortured in police custody.

reporter, is in hiding after publishing an article quoting Kenneth Kaunda who predicted an "explosion" if the government failed to address demands for constitutional reform.

The Media Institute of Southern Africa (MISA) has reported that several journalists at the Zambian national Broadcasting Corporation have been suspended or dismissed since the 28 October attempted coup.

Riots in the centre of Harare in January 1998 were met with human rights abuses by police using live ammunition, tear gas and clubs. The riots were provoked by steep rises in the price of basic commodities. An estimated 1,000 people marched into the city in protest.

Officers of the Zimbabwe Republic Police and the Zimbabwe National Army (ZNA) soldiers appeared to use live ammunition to disperse rioters and looters at shopping centres suburbs of Harare on 20 January 1997. Unconfirmed reports indicated more than five people were shot dead in Mbare, Chitungwiza, Mufakose and Glen View. The dead reportedly included a young school girl and a woman shot by police or soldiers.

The Home Affairs Minister, Dumiso Dabengwa, authorized army soldiers to use firearms, even in situations where there was no threat to life, in a statement to the national media on 20 January. Amnesty International condemned the authorization.

In a press release and a letter to President Mugabe, Amnesty International expressed concern about incidents of beatings and shootings of people by ZNA soldiers in the suburbs of Harare and in Chitungwiza. In a further appeal sent in the period immediately after the riots to the military commander of the ZNA, Amnesty International called for an end to the apparent punishment beatings by soldiers of residents suspected of looting.