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WEST AFRICA

“Be careful, you talk too much” - human rights defenders under attack

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SUMMARY

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If the governments of West Africa were as inventive and determined in their implementation of human rights safeguards as they are in their attempts to silence human rights defenders, this report would not be necessary.

Human rights defenders are a vital part of civil society and the human rights movement in every country in West Africa. Unfortunately, many governments in West Africa have chosen to harass, intimidate and even remove or silence those individuals. In other words, human rights defenders have themselves become victims of human rights violations. Amnesty International regularly receives reports that members of West Africa's strong, committed and outspoken community of human rights defenders are being threatened and sometimes even killed, that they are being tortured and ill-treated, unfairly detained and imprisoned, and are having their lives and livelihoods ruined.

This report, one of a number published by Amnesty International in support of human rights defenders worldwide, outlines the armoury of repression used by governments in West Africa to punish and deter human rights defenders. From the use of “death squads” and armed groups to barring human rights defenders' employment prospects, from detaining human rights activists for lengthy periods to undermining their reputation with gossip and damaging newspaper articles, governments use a wide range of methods against their targets. The cases cited in this report are far from comprehensive, they focus mainly on those who have been harassed, detained, attacked,

tortured and even killed because of their defence of human rights. These cases illustrate only some of the human rights abuses defenders have suffered and the impact that such dangers and harassment have on the lives and work of human rights defenders and their families.

The cases documented in this report are grouped under various themes which highlight the risks and dangers facing human rights defenders. A special section documents the plight of journalists who seek to expose abuses and defend rights. Some of the cases are already familiar to the international human rights community but others are hardly known even in their own country. Amnesty International recognizes the courageous and dedicated work of thousands of women and men across the region who have stood up to defend their own rights and the rights of others, but whose names and actions have not been recorded here for lack of information or space.

By stifling the activities of human rights organizations, governments also weaken the organizations' ability to expose violations, increasing the risk that practices of human rights violations will continue and worsen, unexposed and thus unopposed. In defending the rights of others, human rights defenders need to be protected too. Leading human rights organizations, including Amnesty International, have campaigned for more than a decade for the adoption of an international instrument that recognizes and strengthens the right to defend human rights.

On 9 December 1998, the UN General Assembly adopted the UN Declaration on Human Rights Defenders, a major milestone in the development of international protection for those working for human rights. The Declaration stresses the universality and indivisibility of all human rights and affirms that states should promote understanding of human rights, create or support independent national human rights institutions and programmes of human rights education for citizens to know and exercise their rights, and train public officials in human rights.

Amnesty International is calling on governments, the international community and human rights defenders worldwide to support and protect human rights defenders in West Africa. In particular, this report recommends that governments in West Africa grant human rights defenders, be they individuals or non-governmental organizations, the necessary guarantees to enable them to contribute to the promotion and defence of human rights, and to respect the freedom and personal safety of their members.

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TABLE OF CONTENTS

1.	Introduction	1
2.	International protection for human rights defenders	3
3.	Human rights defence in West Africa	5
4.	Amnesty International’s work in support of human rights defenders in Africa	7
5.	Risking their lives in defence of human rights	8
	Burkina Faso: The extrajudicial execution of Norbert Zongo and continuing harassment of human rights defenders	8
	Sierra Leone: Dangers of human rights defence in zones of internal armed conflict	11
	The Gambia: Excessive and indiscriminate use of force	13
	Cameroon: Violence and intimidation of human rights defenders by the <i>brigade anti-gang</i>	13
	Liberia: Death threats against human rights defenders	14
6.	Torture and ill-treatment of human rights defenders	16
	Togo: Torture and ill-treatment of human rights defenders.....	17
	Liberia: Arrest and humiliation of members of the Justice and Peace Commission	19
	Senegal: Torture and humiliation of prominent human rights defender and his family	19
7.	Abuse of the judicial system	20
	Mauritania: Abusive trial of human rights defenders.....	21
	Liberia: Bogus charges against members of the JPC and FOCUS.....	22
	Burkina Faso: <i>Collectif</i> leaders prosecuted for ‘undermining the morale of the armed forces’	25
	Togo: Human rights defenders falsely charged in a government attempt to evade responsibility for human rights violations	25
8.	Continuous harassment by the forces of law and order	26
	Nigeria: Harassment of oil protesters.....	27
	Senegal: Flushing out “rebels”.....	28
	Liberia: Officials “invite” human rights defenders to “clarify their allegations” .	29
9.	Organized defamation campaigns	30
	Mauritania: Defamation of human rights defenders by state media.....	30
	Liberia: Politicians accused of being <i>agents provocateurs</i>	30
11.	Independent journalists under attack	31
	Restrictive legislation against freedom of expression	31

Repression of independent mass media	32
Persecution of journalists.....	33
International Festival on Freedom of the Press and Expression in West Africa banned in Burkina Faso.....	35
12. Recommendations for the protection of human rights defenders in West Africa	36
To governments in West Africa.....	36
To the Economic Community of West African States	38
To the Organisation of African Unity, including the African Commission on Human and Peoples' Rights	39
Appendix 1 : Declaration of the All-Africa Human Rights Defenders Conference, Johannesburg, South Africa, November 1998	41
Appendix 2: UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms	43

WEST AFRICA

“Be careful, you talk too much” Human rights defenders under attack

1. Introduction

If the governments of West Africa were as inventive and determined in their implementation of human rights safeguards as they are in their attempts to silence human rights defenders, this report would not be necessary.

All those who are peacefully struggling for the realization of the fundamental rights proclaimed in the Universal Declaration of Human Rights are human rights defenders. Some work in human rights organizations, student and youth groups, religious, women's or development associations; others are lawyers, journalists, academics, teachers, students, the unemployed or farmers in remote and poor rural areas. Human rights defenders in Africa are at the forefront of the struggle for the respect of human rights. They voice the concerns of Africans and in particular victims of human rights abuses and their families. They not only criticize the authorities for violating the rights of individuals, but also work for the promotion of human rights, democracy and the rule of law through publicity of human rights instruments and lobbying of state authorities and international and regional bodies. In their work, they do their best to reach the grassroots of African societies. They sometimes initiate and actively participate in the formulation of state or national and regional policies that promote and protect human rights, democracy and the rule of law.

Human rights defenders defend any or many of a wide range of rights, including civil and political rights, social, economic and cultural rights. They take up issues of racial and ethnic oppression, women's rights, child rights, political imprisonment, torture, the death penalty, refugees and internally displaced persons, religious freedom, slavery, cultural and language issues, sexuality, the environment, minorities, workers' rights, the right to food, shelter and water, healthcare concerns (such as AIDS), media and artistic freedom, indigenous peoples' rights, harmful traditional practices such as female genital mutilation, migrants' rights, election observation and other democratic rights, exposure of corruption, or issues of international aid and debt relief.

Human rights defenders are a vital part of civil society and the human rights movement in every country in West Africa. Unfortunately, many governments in West Africa have chosen to harass, intimidate and even remove or silence those individuals. In other words, human rights defenders have themselves become victims of human rights violations. Amnesty International regularly receives reports that members of West Africa's strong, committed and outspoken community of human rights defenders are

being threatened and sometimes even killed, that they are being tortured and ill-treated, unfairly detained and imprisoned, and are having their lives and livelihoods ruined.

The 16 sub-Saharan states of West Africa¹ stretch from Mauritania on the Atlantic coast to Cameroon. Northwards they face the Mahgreb - the Arab states of north Africa. They vary enormously in size, population and *per capita* income, though most are among the least-developed countries of the world. They possess a wide range of political systems; all currently subscribe to multi-party democratic principles but with differing degrees of actual political freedom or real respect for human rights. They have mostly been independent from colonial rule since at least the 1960s, with the exception of Liberia, created as an independent republic in 1847, and Ghana which became fully independent in 1957. They have passed through phases of one-party and multi-party systems, dictatorship and military rule, and also still contain legacies of French, British or Portuguese colonial rule. Most embrace a large number of ethnic and racial groups (some of them recent migrants, others long-standing national communities), religions (particularly Islam and Christianity), cultures and languages.

This report, one of a number published by Amnesty International in support of human rights defenders worldwide, outlines the armoury of repression used by governments in West Africa to punish and deter human rights defenders. From the use of "death squads" and armed groups to barring human rights defenders' employment prospects, from detaining human rights activists for lengthy periods to undermining their reputation with gossip and damaging newspaper articles, governments use a wide range of methods against their targets. The cases cited in this report are far from comprehensive, they focus mainly on those who have been harassed, detained, attacked, tortured and even killed because of their defence of human rights. These cases illustrate only some of the human rights abuses defenders have suffered and the impact that such dangers and harassment have on the lives and work of human rights defenders and their families. The report is a call to governments, the international community and human rights defenders worldwide to support and protect human rights defenders in West Africa.

¹ Benin, Burkina Faso, Cameroon, the Gambia, Ghana, Guinea, Guinea-Bissau, Côte d'Ivoire, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo.

2. International protection for human rights defenders

"Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels." UN Declaration on Human Rights Defenders, Article 1.²

Wherever there is persecution and oppression, when human rights are denied or human dignity threatened, when harassed minorities or oppressed peoples are at risk, human rights defenders strive to protect the human rights of others and hold the authorities to account. In doing so, they often put their lives and liberty on the line, and confront threats and risks to their own safety.

When governments persecute human rights defenders, they violate their basic rights such as the right to freedom of expression, opinion and assembly, as well as the right to a fair trial, freedom from arbitrary arrest, ill-treatment and torture and the right to life. All these rights are enshrined in United Nations (UN) treaties and declarations, as well as in the African Charter on Human and Peoples' Rights. By stifling the activities of human rights organizations, governments also weaken the organizations' ability to expose violations, increasing the risk that practices of human rights violations will continue and worsen, unexposed and thus unopposed. In defending the rights of others, human rights defenders need to be protected too.

Leading human rights organizations, including Amnesty International, have campaigned for more than a decade for the adoption of an international instrument that recognizes and strengthens the right to defend human rights.

Finally on 9 December 1998, the eve of the 50th anniversary of the Universal Declaration of Human Rights, the UN General Assembly adopted the **UN Declaration on Human Rights Defenders**, a major milestone in the development of international protection for those working for human rights. Its full title is the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

The Declaration on Human Rights Defenders adds a call for action by civil society beyond the demand for recognition and protection for peaceful human rights activities by governments. This is particularly necessary in view of restrictions and attacks by governments worldwide against human rights defenders.

² Full title is the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. General Assembly resolution 53/144, 9 December 1998. For full text see Appendix 2.

The Declaration on Human Rights Defenders does not narrowly define what a human rights defender is or does, but it recognizes "the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels". It stresses the universality and indivisibility of all human rights, focussing on the rights of association, opinion, access to and sharing of information, the right to make criticism of public affairs and to complain to governments, the need for investigation and remedy of abuses, and the right to communicate with international organizations. It affirms that states should promote understanding of human rights, create or support independent national human rights institutions and programmes of human rights education for citizens to know and exercise their rights, and train public officials in human rights.

Article 12.1 of the Declaration states that: "Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms."

Article 12.2 emphasizes the duty of states to protect human rights defenders: "The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration."

A Special Representative of the UN Secretary General on the situation of human rights defenders was appointed in August 2000: Hina Jilani, a prominent human rights defender and lawyer from Pakistan, whose mandate is:

- (a) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;
- (b) To establish cooperation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the Declaration;
- (c) To recommend effective strategies better to protect human rights defenders and follow up on these recommendations.³

Amnesty International joined other NGOs from Latin America in successfully lobbying for a resolution supporting human rights defenders at the General Assembly of the Organization of American States in June 1999. This resolution marks an important

³ UN Commission on Human Rights Resolution 2000/61, UN Doc. E/CN.4/RES/2000/6 of 27 April 2000.

advance towards promoting the work of activists who aim to turn promises of freedom and justice into reality. Amnesty International will seek to work with other African NGOs to press for similar support in the Organization of African Unity (OAU), the African Commission on Human and Peoples' Rights and regional bodies in Africa such as the Economic Community Of West African States (ECOWAS).

3. Human rights defence in West Africa

Human rights defenders in recent years have faced risks and persecution throughout West Africa. In some countries the dangers have been considerable - they have been killed, tortured or forced into either exile or silence. They have been the targets of blatant or thinly-disguised means of repression. In a minority of countries, they have been largely free to promote and campaign for human rights without such extreme dangers, but some organizations or individual activists have still at times experienced intimidation or suffered reprisals on account of their human rights work.

Their work has not been unsuccessful. Human rights defenders in West Africa, over the years, have actively participated in public awareness campaigns and in national debates in the democratisation process, and have contributed in a large way to the consolidation of democracy and the rule of law in the sub-region. It is the responsibility of West African governments to recognize and support the work carried out by human rights defenders and their indispensable contribution to the promotion, observance and protection of fundamental rights and freedoms.

Human rights defenders in **Sierra Leone** have endured the most difficult circumstances during the 10-year internal armed conflict which has been characterized by gross violations of both international human rights and humanitarian law including crimes against humanity and war crimes. Civilians have borne the brunt of this conflict and human rights defenders have been among those targeted. As efforts to end the conflict continue, human rights defenders have a crucial role to play in ensuring that human rights are protected and respected.

Human rights workers dealing with human rights violations in **Mauritania** have been persecuted and arrested. In **Nigeria** human rights activists, who themselves were imprisoned under recent military governments, are now working under the new civilian administration to build a human rights culture, but continue to speak out when rights are threatened, for example when soldiers or police are reported to have killed unarmed civilians in the oil-producing Niger Delta region.

Members of human rights organizations in **Togo** have been arbitrarily arrested and some of them have been tortured and forced into exile, while other human rights

defenders, including trade unionists, have been killed in the last three years. In **Niger**, independent journalists, who play a fundamental role in the defence of human rights, and other human rights defenders have been arrested, and in some cases beaten, for exercising their freedom of expression and speaking out about human rights abuses. In **Liberia**, journalists and human rights defenders have been arrested, physically abused, threatened and forced to flee by the authorities.

The cases documented in this report are grouped under various themes which highlight the risks and dangers facing human rights defenders. A special section documents the plight of journalists who seek to expose abuses and defend rights. Some of the cases are already familiar to the international human rights community but others are hardly known even in their own country. Amnesty International recognizes the courageous and dedicated work of thousands of women and men across the region who have stood up to defend their own rights and the rights of others, but whose names and actions have not been recorded here for lack of information or space.

Amnesty International is conscious that this report does not itself go far enough to countering the 'invisibility' of the work of some human rights defenders. In West Africa, the work of women human rights defenders has received little public attention. Women in West Africa defend human rights in the face of widespread social discrimination and often gender-specific human rights violations. Many obstacles remain to the empowerment of women and to the achievement of equal rights, and there has been little progress in ensuring their participation in decision-making processes in government and political organizations, in the workplace and in the home.

Women have formed NGOs to raise awareness of gender-based rights issues, including harmful traditional practices such as female genital mutilation, which is prevalent in many societies of West Africa, despite government prohibitions. Women have been prominent as peace activists and counsellors of victims of rape or domestic violence. Many have been advocates of the rights of vulnerable groups and have joined in campaigns against racism, slavery, xenophobia and other forms of intolerance.

4. Amnesty International's work in support of human rights defenders in Africa

Amnesty International is committed to using its resources, experience and expertise to campaign for those who defend human rights to be able to do so openly and fully, without fear of being imprisoned, harassed, tortured or killed. Amnesty International has for many years denounced the attacks on the work and lives of human rights defenders in Africa, as in Latin America⁴, Asia⁵ and other regions of the world. Through lobbying, research and campaigning, the organization has put its weight behind the men and women risking their lives in the defence of the rights of others.

In 1998 as part of an international campaign for the 50th anniversary of the Universal Declaration of Human Rights, Amnesty International held workshops and conferences in all regions of the world to raise awareness of the work of human rights defenders. Sub-regional workshops for human rights defenders from Africa were held in Zimbabwe, Morocco, Côte d'Ivoire and Tanzania.

In July 1998 at a human rights defenders workshop convened by Amnesty International and held in Bingerville, Côte d'Ivoire, 39 human rights defenders from 13 West and Central African countries identified the daily hazards in the work of human rights defenders as the following: killings, death threats, torture, arrests, denunciations, attacks on offices, restricted movements within the country and outside and constant surveillance by security forces and paramilitary groups, and the non-recognition of human rights non-governmental organizations (NGOs) by some governments.

These activities culminated in an All-Africa Human Rights Defenders Conference in Johannesburg, South Africa in November 1998. This conference brought together human rights defenders from all over Africa to link their work with that of Amnesty International. A Declaration (see Appendix 1) and an Action Plan adopted by the conference were taken forward to a global Human Rights Defenders Summit for 350 defenders from 100 countries which was held in Paris, France, on 10 December 1998, the 50th anniversary of the Universal Declaration on Human Rights. These two important documents continue to provide a guiding framework for the ongoing work of human rights defenders in Africa, as well as for Amnesty International.

Different reports published by Amnesty International in the last few years reflect the plight of human rights defenders in West Africa in countries such as **Mauritania**, **Niger**, **Nigeria**, **Sierra Leone** and **Togo**, to name just a few. Urgent action appeals and news releases issued by the organisation have brought to public attention worldwide, through Amnesty International's members, the killings, torture and general harassment of

⁴ For example, see Amnesty International report *Americas: the right to defend human rights in the Americas* (22 September 2000, AI Index: AMR 01/04/00).

⁵ For example, see Amnesty International report *India: persecuted for challenging injustice: human rights defenders in India* (April 2000, AI Index: ASA 20/08/00).

human rights defenders in, among other countries, **Burkina Faso**, **Cameroon**, and **Senegal**. Further research, campaigning and other activities are also being undertaken to support and protect human rights defenders in all other parts of Africa.

5. Risking their lives in defence of human rights

"Everyone has the right to life, liberty and security of person." Universal Declaration of Human Rights, Article 3.

"Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right." African Charter on Human and Peoples' Rights, Article 4.

To be a human rights activist in several countries in West Africa, as the cases in this section demonstrate, is to live with the constant threat of violence to you or your loved ones. In countries such as **Burkina Faso**, **Cameroon** and **Liberia**, some human rights defenders have been told by members of the security forces or other armed groups that their "days are numbered". They live in situations in which even answering the telephone often means hearing the message that they talk too much and that their "mouths will be shut for them". Blame for state-sanctioned killings is often laid at the door of unknown or uncontrollable groups.

Burkina Faso: The extrajudicial execution of Norbert Zongo and continuing harassment of human rights defenders



On 13 December 1998, Norbert Zongo's badly burned body was found with those of three other people in a vehicle about 100 kilometres from the capital, Ouagadougou. The other victims were his brother, Ernest Zongo, chauffeur Ablasse Nikiema, and Blaise Ilboudo. There was no apparent evidence that the vehicle had been involved in an accident.

A prominent investigative journalist, Norbert Zongo had been vigorously pursuing the case of the death in custody of R. David Ouédraogo, the chauffeur of the President Blaise Compaoré's brother, François Compaoré. Investigations had been undertaken but were obstructed by the refusal of the head of state's brother to cooperate with the judicial authorities.

Norbert Zongo was also well known as an outspoken critic of the government of Burkina Faso and was renowned and respected for his independence. He was editor-in-chief of the independent weekly newspaper *L'Indépendant*, and President of the *Société des éditeurs de la presse privée*, the Association of Independent Newspaper Editors.

On 7 May 1999 an independent Commission of Inquiry established by the government made public its conclusion that Norbert Zongo had been killed for political motives. The commission of inquiry named six members of the presidential security force, *Régiment de la sécurité présidentielle*, as serious suspects, although proof of their culpability had not been established, and recommended that judicial proceedings be instituted against them. Three members of the presidential security force accused of killing David Ouédraogo, but also suspects in the killing of Norbert Zongo, were arrested in June 1999.

In August 2000, five members of the presidential security force were tried by the military court in Ouagadougou on charges of assault occasioning death (*coups mortels et blessures volontaires*) in the case of David Ouédraogo. Three of the defendants were convicted - two were sentenced to 20 years' imprisonment and one received a 10-year prison sentence - and the other two were acquitted. All three who were convicted and one of those acquitted were among the six suspects in the killing of Norbert Zongo named by the Independent Commission of Inquiry. One of the suspects died on 4 January 2001 in prison. With his death a possibly crucial witness for the trial disappeared. In February, one of the other suspects was charged with murder and arson (*assassinat et incendie volontaire*) in the case of Norbert Zongo.

More than two years after the killings of Norbert Zongo and his companions, Amnesty International considers this indictment to be an important first step towards ending impunity for those responsible for the killings. The organization reiterates its demands that the judiciary must be allowed to act with full independence and work towards a fair and prompt trial of all those involved in the killings.

Following the killings of Norbert Zongo and three others, the *Collectif d'organisations démocratiques de masse et de partis politiques*, a coalition of political parties, human rights organizations, trade unions, journalists' and students' organizations, was formed to call for those responsible for the killings to be brought to justice and to campaign to end impunity for human rights violations more generally in Burkina Faso. In a continuing pattern of harassment and intimidation, several members of the *Collectif* and other human rights defenders have been intimidated, arrested and ill-treated in custody.

Members of the human rights NGO, *Mouvement burkinabè des droits de l'homme et des peuples* (MBDHP), the Burkinabè Movement for Human and Peoples' Rights,

have found themselves at particular risk from the security forces and armed groups. Throughout the country, local offices of the MBDHP have been surrounded and watched by members of the security forces. This climate of fear has been fuelled by personalised hate messages in the form of leaflets or graffiti.

On 10 May 1999, the home of Halidou Ouédraogo, President of both the MBDHP and the *Collectif*, was surrounded by a group of at least 100 people who threatened and insulted him, apparently at the instigation of the mayor of Ouagadougou, who was at that time the Secretary General of the party in power, *Congrès pour la Démocratie et le Progrès* (CDP), Congress for Democracy and Progress. Despite the proximity of the police station, the police and gendarmerie reportedly took two hours to respond to requests for assistance. Halidou Ouédraogo was subsequently arrested and detained for two hours on 17 May.

In the district of Réo the President of the local MBDHP section, Grégoire Ouédraogo, reportedly received death threats from the mayor and was obliged to take refuge in the local police station. On 18 May 1999, the headquarters of MBDHP in Réo was set on fire, reportedly by supporters of the CDP. In the town of Yako, Michel Énamba, President of the local MBDHP section, was physically attacked, reportedly by CDP supporters. He was also forced to seek refuge in the local police headquarters. In the town of Tenkodogo, members of the CDP reportedly attempted to ransack the headquarters and the homes of two members of the local MBDHP.

Several members of the *Collectif* were arrested in April 2000. Dr Pierre Bidima and Etienne Traoré were among 33 people arrested on 10 April during a meeting at the MBDHP offices. All except Dr Pierre Bidima were released shortly afterwards. Etienne Traoré was re-arrested on 14 April. Police reportedly said that "Molotov cocktails", incendiary devices, were found in Dr Bidima's car. These arrests followed a call by the *Collectif* for a three-day general strike after police used force to break up a demonstration on 8 April in Ouagadougou in protest at delays in bringing those responsible for the death of Norbert Zongo and his companions to justice. Thirty demonstrators were wounded by the security forces, seven seriously. On 10 April, the first day of the strike, there were further violent confrontations between students and school pupils and the security forces.

Halidou Ouédraogo, Tolé Sagnon and Norbert Tiendrébéogo were arrested at their homes in the early hours of 13 April. Tolé Sagnon, vice-president of the *Collectif*, is Secretary General of the *Confédération générale des travailleurs du Burkina* (CGT-B), General Confederation of Burkinabè Workers. Norbert Tiendrébéogo is president of an opposition political party, the *Front des forces sociales* (FFS), Social Forces Front. Bénéwendé Sankara, a lawyer who heads the *Union des jeunes avocats du Burkina* (UJAB), Union of Young Burkinabè lawyers, was arrested on the afternoon of 13 April

2000. The same day, the government publicly denounced the *Collectif* for persistently violating the law and endangering public order.

All were subjected to degrading treatment by having their heads shaved in police detention. They were held by the *Direction de la compagnie d'intervention rapide* (DCIR), the police rapid deployment force, and were denied visits. They appear to have been detained solely because of their legitimate activities to end impunity for human rights violations. All were subsequently released without charge.

Sierra Leone: Dangers of human rights defence in zones of internal armed conflict

All sectors of civil society in **Sierra Leone** have worked under exceptionally difficult circumstances since the internal armed conflict began in 1991. Despite often overwhelming obstacles - not least threats to their lives - human rights defenders, working in groups or as individuals, have emerged as a committed and active force. They have worked against the odds to highlight some of the worst known abuses during the conflict and to lay the foundations for respect and protection of human rights as Sierra Leone emerges from more than 10 years of conflict.

Following the military coup of 25 May 1997, in which the Armed Forces Revolutionary Council (AFRC) came to power and joined forces with the armed opposition Revolutionary United Front (RUF), many of those who spoke out against human rights violations committed by the AFRC were arbitrarily arrested and detained, tortured and ill-treated. Those targeted included human rights defenders, particularly journalists and members of human rights organizations. Some human rights defenders had to flee Sierra Leone; those who remained were severely restricted in their activities because of the serious threats posed to their physical safety. These threats occurred throughout the period of AFRC rule which ended in February 1998 when the AFRC was forced from power by West African forces deployed in Sierra Leone and the elected civilian government was reinstated.

A short period of respite followed, during which human rights defenders were able to consolidate their work, coordinate their efforts and forge links with human rights colleagues in the UN mission in Sierra Leone and with international human rights and humanitarian organizations. A National Forum for Human Rights, bringing together several human rights groups, was formed. While it was possible for human rights defenders to work in relative safety in the capital, Freetown, much of the rest of the country, where civilians were victims of brutal attacks by rebel forces, was inaccessible.

In January 1999, however, rebel forces invaded Freetown, bringing to the capital the atrocities which had been committed in the north and east of the country after the AFRC and RUF were forced from power: several thousand unarmed civilians were

deliberately and arbitrarily killed and several hundred others suffered deliberate amputation of limbs or other forms of mutilation. Rape and other forms of sexual violence were systematic and widespread. Rebel forces abducted large numbers of civilians, including children.

Human rights defenders were again specifically sought out by rebel forces and they and their families were at risk of death and mutilation. Among those killed during the incursion were members of human rights groups, lawyers, local and international journalists and members of religious organizations. A group of prominent members of human rights NGOs escaped being killed by rebel forces when a shell blast forced them to retreat. A senior member of the human rights monitoring committee of the governmental National Commission for Democracy and Human Rights was killed, together with her husband, after an employee was tortured into revealing their whereabouts. Other members of the Commission and leaders of human rights NGOs managed to evade attempts by rebel forces to locate them. The homes of many human rights activists, lawyers and journalists were also deliberately destroyed.

Human rights defenders in Sierra Leone, including human rights groups and lawyers, have consistently voiced their concerns about impunity for the perpetrators of human rights abuses and, in particular, the blanket amnesty provided in the peace agreement of July 1999 for all acts committed during the internal armed conflict. This has often been an unpopular position in an environment where, however unpalatable, the amnesty was seen as a necessary compromise in order to obtain peace. They have also continued to investigate and report human rights abuses - committed by both rebel and government forces - and have established a vocal and internationally respected human rights community in Sierra Leone.

While the political and human rights situation remains insecure, however, many human rights defenders continue to be at risk of reprisals from those responsible for abuses which they denounce. This risk becomes particularly real at times of increased tension, such as in May 2000 when it was feared that rebel forces would once again attack Freetown after implementation of the peace agreement collapsed with the capture by rebel forces of UN peace-keepers.

The Gambia: Excessive and indiscriminate use of force

In the **Gambia**, students protesting about human rights violations were violently repressed by the security forces. On 10 and 11 April 2000, at least 14 people were killed and dozens injured, some severely, when security forces used excessive and indiscriminate force to break up demonstrations. Several of the dead were less than 18 years old. The unauthorized demonstrations were organized by the Gambian Students Union in Banjul, the capital, Brikama and other towns. They were in protest at two

incidents in March: the death, allegedly after torture by Brikama Fire Service personnel, of a male student, Ebrima Barry, and the rape of a 13-year-old schoolgirl by a police officer.

The demonstration in Banjul on 10 April became violent after the security forces tried to disperse crowds including by using tear gas, batons and rubber bullets. It appears that some demonstrators threw stones at security forces, burned tyres and set fire to buildings, including fire stations and police stations. The security forces reportedly fired into the crowd and autopsies apparently confirmed that live ammunition was used. Omar Barrow, a journalist and Gambia Red Cross volunteer, wearing Red Cross insignia, was among those killed as he went to help injured demonstrators. Many of the students arrested during and after the demonstrations were ill-treated and tortured in custody by members of the security forces including the National Intelligence Agency.

In late January 2001 the government issued a public statement on the findings of the Commission of Inquiry set up by the government and the inquest carried out by the Coroner. These reports confirmed that security force officers were largely responsible for the deaths and injuries of the students. However, in a statement on 26 January the government rejected many of the recommendations of the Commission of Inquiry and said that no one would be prosecuted for these human rights violations in "the spirit of reconciliation". Officers suspected of responsibility for the death of Ebrima Barry have been arrested but their trial had not concluded at the time of writing.

Cameroon: Violence and intimidation of human rights defenders by the *brigade anti-gang*

Some 700 people in **Cameroon** are believed to have been extrajudicially executed by the *brigade anti-gang*, a joint unit of the army and gendarmerie (the paramilitary police), since the unit was first deployed in March 1998. The *brigade anti-gang* appears to have assumed full powers of arrest and detention and to have summarily executed those suspected of "banditry". These human rights violations have been committed with impunity.

When human rights activists expose abuses committed by the *brigade anti-gang*, they are often themselves the target of repeated threats by the group. In particular, members of an NGO, the *Mouvement pour la défense des droits de l'homme et des libertés* (MDDHL), Movement for the Defence of Human Rights and Liberties, have been subjected to such intimidation.

In early May 1999, the *brigade anti-gang* ambushed and threatened with execution two MDDHL members who were investigating the killing of bandits on the road to the village of Kossa. Later that month *brigade anti-gang* members went to the homes of Abdoulaye Math, President of the MDDHL, and a colleague, Semdi Soulaye.

Both men were away at the time. Abdoulaye Math's house was reported to have been surrounded by some 18 members of the *brigade anti-gang*, who pointed guns at a member of his family. The two human rights defenders took temporary refuge with friends in the capital, Yaoundé. Abdoulaye Math's home was surrounded and his family intimidated on two subsequent nights.

Alioum Aminou, a photographer who had distributed photographs of victims of extrajudicial executions, was arrested by the *brigade anti-gang* in October 1998 in the town of Maroua and subsequently "disappeared". After two years, and several international appeals on his behalf, Alioum Aminou was finally released by the *brigade anti-gang* in September 2000.

Liberia: Death threats against human rights defenders

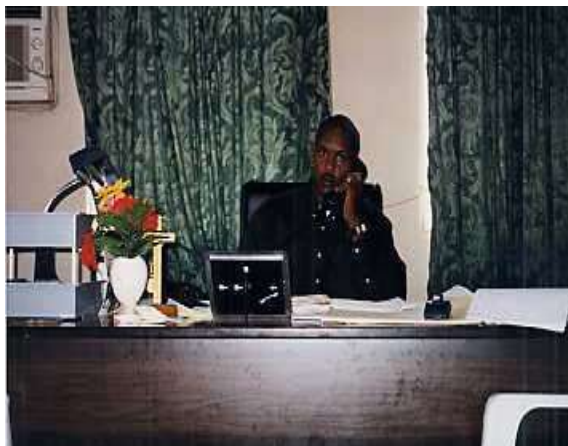
After seven years of a brutal civil war characterised by serious human rights abuses, a civilian government was set up in **Liberia** in 1997 under Charles Taylor. However, despite the government's promises to prioritize the rule of law and respect for human rights, human rights defenders continue to be at risk.

The authorities seem to be particularly keen to block any attempt to investigate and bring to justice the perpetrators of the mass human rights abuses, including serious violations of international humanitarian law, committed during the civil war. To the human rights defenders who demand measures such as the establishment of a judicial tribunal on war crimes, the government uses the rhetoric of the need for reconciliation and reconstruction. But, human rights defenders argue, how can the slate be wiped clean on the past when, according to official figures, the civil war led to the deaths of 200,000 individuals and created 700,000 refugees and 1.4 million internally displaced people, and when impunity may encourage future perpetrators of human rights violations?

When human rights defenders publicly make such arguments or publish reports about human rights violations they are accused of being enemies of the state, of wanting to drag the country into the past and of blocking much-needed development aid.

During a March 2000 press conference, President Charles Taylor reportedly referred to human rights defenders as "a powerful few...with outside money" who are "preoccupied with keeping the past in front of us" and "spreading hate messages". He went on to warn: "if any action is taken by anyone to cause chaos... whoever it may be, I will take action and they will not forget it... I can be as tough as anybody. You all know me, so don't try it. We have tolerated some things but don't think we are stupid. We are not." (*The Patriot*, 20 March 2000, and Pan-African news agency, 18 March 2000). Following this speech, death threats towards human rights defenders in Liberia rose sharply.

At the end of March 2000, Nyepan Verdier Jr., the executive secretary of a leading human rights NGO, the Justice and Peace Commission (JPC), was reportedly told by an unidentified visitor to his office: "I have much respect for what you do and admire your courage, but be careful... these are dangerous days for you". In the months that followed, Nyepan Verdier Jr. received several warning telephone calls from callers who used similar phrases such as, "Be careful, you talk too much", "Your days are numbered", and "One of these days your mouth will be shut for you".



On 28 November 2000 about 70 men armed with knives, hammers and sticks, stormed the offices of the Centre for Democratic Empowerment (CEDE), a leading pro-democracy organization in Liberia. They destroyed computers and office furniture, stabbed Conmany Wesseh, CEDE's Executive Director, and physically assaulted Amos Sawyer, CEDE's Chairman and former Liberian interim President, and other CEDE staff. Conmany Wesseh, Amos Sawyer and eight other CEDE staff required hospital treatment.

The assault followed a meeting of Liberian NGOs hosted by CEDE, which resulted in a public call on the Economic Community of West African States (ECOWAS) to take action to implement the 1998 moratorium on the import, export and manufacture of small arms and light weapons in the region which is due to expire in October 2001. During the meeting Conmany Wesseh briefed the participants on his regional and international activities, and talked about his plans for the creation of a West African Action Network to prevent the proliferation of small arms.

It is believed the attack was carried out by war veterans, possibly with the backing of the Liberian authorities, in an attempt to stop activists from campaigning on democracy and arms transfer issues. The authorities have said publicly that they regret the incident. A high-ranking armed forces officer and seven others have been charged with aggravated assault and released on bail to await trial. However, others believed to be also responsible for the attack are not known to have been investigated by police.

Conmany Wesseh is an outspoken democracy activist and a committee member of the NGO International Action Network on Small Arms (IANSA). His family home

was attacked and ransacked in 1999, and his wife and children received death threats. Those suspected of carrying out the attack were arrested, but were later released without charge, despite the existence of evidence against them.

6. Torture and ill-treatment of human rights defenders

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation." International Covenant on Civil and Political Rights, Article 7.

"Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited." African Charter on Human and Peoples' Rights, Article 5.

"No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture." Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 2 (2).

It is common in West Africa for the detention of a human rights defender to last for a short time only, but in some cases, this is long enough to inflict severe physical injury. Torture and ill-treatment are also dealt out at the place of arrest, even in front of passers-by. Those responsible for the torture or ill-treatment of human rights defenders are virtually never held to account.

Togo: Torture and ill-treatment of human rights defenders

On 5 May 1999 Amnesty International published a report entitled *Togo: Rule of Terror*, based on the findings of a visit to the country in November and December 1998. The report described a persistent pattern of extrajudicial executions, "disappearances", arbitrary arrests and detentions followed by torture and ill-treatment, sometimes leading to death, and harsh conditions of detention. In particular, it alleged that hundreds of people had been killed by the security forces around the time of the June 1998 elections, and that bodies had been dumped at sea by military aircraft.

Since the publication of the report, at least 25 human rights activists, including trade unionists, student leaders, and independent journalists, have been arbitrarily

arrested or forced to flee by the Togolese authorities. Some of them were tortured while in detention.

Ameen Ayodele, an active member of Amnesty International in Nigeria, was reportedly detained and tortured by the Togolese security forces following publication of the report. On 19 May, he was travelling from Ghana to Nigeria by road via Togo. At the border post of Aflao between Ghana and Togo, he presented his Amnesty International membership card to the Togolese security forces as a means of identification, as all his other documents, including his passport, had been stolen. The security forces arrested him on suspicion of being a 'spy' for Amnesty International, in advance of the scheduled visit by the organization's Secretary General, Pierre Sané, to the capital, Lomé, on 21 May which was subsequently cancelled by the authorities.



Ameen Ayodele spent nine days confined to a cell; he says he was beaten and tortured every day, as the security forces interrogated him about his involvement with Amnesty International. He was threatened with death at least twice. He later described how, on one occasion, he was taken to a beach near the border post, a gun was put into his mouth by a police officer who was asking questions that he could not answer and he was threatened with execution following which his body would be dumped in the sea.

Ameen Ayodele was released without charge on 27 May and returned to Nigeria. No investigations into this case have been undertaken by the authorities.

Nadjombe Antoine Koffi, an active Amnesty International member in Togo, was arrested on 14 May 1999 in Lomé. His wife was arrested with him but released two days later. He had visited the Amnesty International headquarters in London for a meeting in January 1999 and the Togolese authorities may have thought that he then passed on information about human rights violations in Togo. However, Amnesty International does not allow its members or staff to gather, assess, or act upon information about human rights cases in their own country and the Togolese authorities have been told of this rule. No members of the Togolese section of the organization were involved in researching or writing the report on Togo.

Nadjombe Antoine Koffi was held at the *Sûreté Nationale* and then at the civil prison of Lomé. According to his testimony, while in detention at the *Sûreté Nationale*, Nadjombe Antoine Koffi was beaten and threatened with death by security officers who tried to force him to make a false public statement against Amnesty International's

Secretary General Pierre Sané. He later told how, the day he was threatened with death, he was taken to a confined cell and told that he would be victim of a lethal injection if he did not publicly attack Pierre Sané. In that cell, a member of the security forces, standing up in front of a table on which there were some syringes and some medicines, pretended to be preparing the injection and put some liquid in a syringe. Then he left the room. Nadjombe Antoine Koffi, terrified, waited for 30 minutes until he was taken out of the cell. He was then reportedly told by a security officer that he was lucky as "nobody usually survives after being held in that cell".

While being questioned by the members of the *Sûreté Nationale*, he was urged to confess that he had passed information to Amnesty International "in order to have his life saved". He was told that he was the "enemy number one" of the country and he would be treated as such. His wife was also told that she should confess what her husband had done in order to see him again alive.

After his release on bail on 18 June 1999, Nadjombe Antoine Koffi fled from Togo and he is now in a safe country. When he was released, he was warned by a senior member of the judiciary not to leave the country as, if they caught him, "it would be over for him". At the time of writing, the charges against him stand while the investigation into the case continues. He faces serious criminal charges of "attacking the credibility and security of the State, spreading false information and using forged documents" [*atteinte au crédit et à la sûreté de l'Etat, diffusion de fausses nouvelles, faux et usage de faux*].

In December 1999, five student leaders from the *Conseil des étudiants de l'université du Bénin* (CEUB), Student Council of the University of Bénin, in Lomé, Alphonse Lawson-Hellu, Lorempo Lamboni, Souradjou Karimou, Kokou Segbeaya and Justin Akakpo and members of the teachers' union were detained briefly after addressing a public meeting of students at Ablapedogan high school in Lomé on the problems of the Togolese education system. They were beaten at the time of arrest and while in custody.

In January 2000 an international arrest was issued against Alphonse Lawson-Hellu on a charge of spreading false information. He went into hiding for over a week until the charge was dropped. In March 2000, Lorempo Lamboni, Kokou Segbeaya, Justin Akakpo, Daniel Kolani and Hanif Tchadjobo, all CEUB leaders, were tried and sentenced *in absentia* to 18 months imprisonment for alleged vandalism and having organized an illegal demonstration. An appeal has been lodged against this judgment. Hanif Tchadjobo was arrested on 10 April 2000 and was detained in the civil prison of Lomé on criminal charges for more than two months before being released.

Koumoyi Kpelafia, another CEUB leader, was arbitrarily arrested on 3 April 2000 and was also detained in Lomé civil prison for more than two months. He has been charged with "*trouble à l'ordre public, rassemblement illicite, coup mortel*", "disturbing

public order, illegal gathering and assault occasioning death", but it is not clear whether he has yet been tried. It appears that the detention of Koumoyi Kpelafia and Hanif Tchadjobo was an attempt by the Togolese authorities to put an end to students' protests by silencing the leading members of CEUB. The other leaders of the organization are in hiding or have fled the country.

Liberia: Arrest and humiliation of members of the Justice and Peace Commission

Katoh Geecepee, an active member of the JPC was arrested in Sinoe county in December 1999 by members of a military patrol. He was publicly stripped and forced to parade in a public square at gunpoint, while being jeered at by onlookers.

A second JPC observer, Nathan Onumah, was trying to prevent a soldier from beating a suspect in the town of Buchanan when he himself was hit on the head with a rifle butt by a member of the military. On his discharge from hospital, Nathan Onumah was formally charged with criminal conduct, obstruction of the police in the execution of their duty and aggressive behaviour towards a police officer. The case against him is currently being processed.

Senegal: Torture and humiliation of prominent human rights defender and his family

Anquiling Diabone, a regional representative of the human rights NGO, *Rencontre africaine de défense des droits de l'homme* (RADDHO), African Conference for the Defence of Human Rights, was arrested and tortured on 1 October 1998 at a military checkpoint 40 kilometres from Ziguinchor, the main city in the region of Casamance.

Anquiling Diabone was known for speaking out in defence of human rights, particularly in Casamance, where armed conflict has raged since 1982 between government troops and the *Mouvement des forces démocratiques de Casamance* (MFDC), Democratic Forces of Casamance Movement, an armed opposition group claiming independence for the region.

The soldiers at the checkpoint reportedly kicked Anquiling Diabone, bound him and dragged him in the mud, exposed him to passers-by and threatened to kill him at nightfall. Thanks to a warning from a fisherman from Ziguinchor and his colleagues, the national office of RADDHO in the capital, Dakar, was alerted and immediately intervened at the highest level, and Anquiling Diabone was released at 6pm the same day.

However, ten days later, Anquiling Diabone's wife, Marie Sambou, his two sons, Amai Kone Wilfrid (16 yrs) and Kouassénibo (14 yrs) and his nephew Atinbaye (16 yrs) were detained and intimidated at the same checkpoint. The soldiers made the three youths

perform physical exercises in front of their mother and then released them, saying: "Go ahead, but your father talks too much".

Anquiling Diabone fled the country, obtained political asylum in France and has still not been able to return to Senegal for fear of his life. A commission of inquiry established by the President of the Republic into his harassment seems to have taken advantage of his exile to abandon its work.

7. Abuse of the judicial system

"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law...everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law." International Covenant on Civil and Political Rights, Articles 9 (1), 14 (1).

"...No one may be arbitrarily arrested or detained... Every individual shall have the right to have his cause heard. This comprises:

- a) the right to an appeal to competent national organs against acts of violating his fundamental rights...*
- b) the right to be presumed innocent until proved guilty by a competent court or tribunal;*
- c) the right to defence, including the right to be defended by counsel of his choice;*
- d) the right to be tried within a reasonable time by an impartial court or tribunal."*

African Charter on Human and Peoples' Rights, Articles 6, 7 (1).

The judicial system sometimes appears to be used by the authorities as a means of pursuing and silencing human rights defenders, rather than upholding their human rights.

Governments, however, tend to be keen to demonstrate to the international community that they do not see human rights activism as a criminal activity in itself. So instead, they charge human rights defenders with political crimes under sweeping, catch-all laws such as those penalizing 'sedition', 'incitement to revolt', and 'attempts to undermine institutions' (where the definition of such terms is highly discretionary) or under trumped-up criminal charges, such as vandalism. In such cases, once the governments have identified the "criminal", it seems they then do their best to find a suitable "crime".

Mauritania: Abusive trial of human rights defenders

In **Mauritania**, human rights organizations, the media and political opposition parties operate with great difficulty. Many local human rights organizations, including those campaigning against slavery, are forced to operate without government authorization, leaving human rights defenders liable to prosecution and imprisonment under Mauritanian law. In one case, charges of "belonging to an unauthorized organization" were used to prosecute several prominent human rights defenders.

Boubacar Ould Messaoud, President of the human rights NGO *SOS-Esclaves*, SOS-Slaves, Maître Brahim Ould Ebetty, a prominent lawyer and member of *SOS-Esclaves*, and Professor Cheikh Saad Bouh Kamara, President of the *Association mauritanienne des droits de l'homme* (AMDH), Mauritanian Association for Human Rights, were arrested in January 1998. They appear to have been targeted primarily in response to a January 1998 French cable television news item on slavery in Mauritania which featured an interview with Boubacar Ould Messaoud. It seems the authorities used this program as an excuse to curb the freedom of association and expression of leading human rights activists more generally in Mauritania. In a speech delivered the year before, the President of Mauritania, Maaouya Ould Sid' Ahmed Taya, stated that those who campaign against slavery were enemies of his government who want to tarnish the image of the country.

All three were arrested on 17 January and placed under close guard at the national security headquarters. An international arrest warrant was also issued against a fourth human rights defender, Abde Nasser Ould Ethmane, who lives in France.

On 5 February, three days before the trial, Maître Fatimata M'Baye, who was to have been one of the defence lawyers in the trial, was also arrested.

At the start of their trial in February 1998, the group were accused of 'having exploited a social climate and the confidence of civil society, its curiosity and its openness of mind' and of having 'attempted to enrich themselves through contact with international NGOs by telling untruths about Mauritania'. However, the trial did not in fact relate to the accusations, but to the legal status or otherwise of the various human rights organizations to which the members of the group belonged, although for years the authorities had refused to accredit their respective organizations.

On 12 February, the four in custody and the fifth, who was tried *in absentia*, were sentenced to 13 months' imprisonment. Those in custody lodged an appeal with the Court of Appeal which confirmed their sentences in March. However, on the very day the Court of Appeal announced its verdict, all five were granted presidential clemency, and the

remaining restrictions on their supporters were lifted, although the organizations which they were accused of running remained unauthorized.

Liberia: Bogus charges against members of the JPC and FOCUS

The Liberian authorities have shown themselves to be willing to bring charges against members of human rights organizations as a means of preventing embarrassing revelations emerging about the country's poor human rights record.

At the end of 1998, the human rights NGO Justice and Peace Commission (JPC) and FOCUS, a child rights group, published a report, *Forced Child Labour in South-Eastern Liberia*, which described the child slavery in the counties of Maryland, Grand Kru and Bong. The report accused former members of the National Patriotic Front of Liberia, an armed warring faction led by Charles Taylor, now President of the Republic, during the country's seven-year civil war, and government officials of being involved in the practice of forced labour. The revelations proved embarrassing to the Liberian government and put a strain on its dealings with the international community, with organizations such as the Anti-slavery Committee of the International Labour Office demanding further investigation.

On 26 January 1999 Minister of Labour Thomas Woewiyu responded to the report's allegations by accusing the JPC and James Torh, the executive director of FOCUS, of orchestrating "a campaign of sabotage of the government's work of reconstruction through a massive disinformation campaign". Some days later, a Liberian senator publicly threatened severe punishment for the members of any human rights organization which publicized human rights violations in Liberia.

Legal proceedings were brought against the two organizations in March 1999 by legislators from the counties of Maryland, Grand Kru and Bong. The legislators argued that the reports of forced labour by JPC and FOCUS damaged the image of their counties, making it difficult to obtain international assistance, and asked for damages of US\$10 million, the equivalent, they claimed, of the amount of development aid lost. Although the claim was not pursued, perhaps due to the indignation expressed by the international community, neither has it yet been formally dropped, giving the government a tool with which to take action against the JPC and FOCUS when it sees fit.

Official attempts to silence human rights organizations in Liberia continued. Only a few months later, James Torh found himself in detention, charged with sedition. The charges were brought following a speech James Torh made to secondary school students in the capital, Monrovia, on 8 December 1999, in which he criticized the Liberian government for incompetence and corruption. "If you don't pull yourselves together", he was reported to have said, "the time will come when you will be judged by history of having put into power people who have ruined the country to the point where it is impossible to find even a razor blade".



Officials from the security forces arrived at his office one week later, on 15 December. Telling him that the assistant to the Director of Police wished him to clarify his speech to the students, they reportedly ordered him to follow them back to the police station with the remark, "if you don't come with us at once, we will burn you alive". They then told him that he was under arrest, although they had no warrant. At the police station, he was put in a cell, then searched, forced to undress, beaten and kicked.

After two days in detention, a warrant for his arrest on charges of sedition was issued. He was then transferred to the central prison in Monrovia, where he remained for over a week before being released on bail, the collateral for which was provided by a group of friends.

At the start of his trial in January 2000, his lawyers demanded the annulment of the charge of sedition because it had been brought in bad faith, and requested that he be brought within a constitutional rather than a criminal jurisdiction.

While on bail, James Torh lived under the permanent threat of armed attack. On the evening of 27 January 2000, a patrol of the Anti-Terrorist Unit and of the Special Security Service repeatedly visited his neighbourhood to inquire into his presence in the country. Two days later James Torh made an official written complaint to the Minister of Justice about the surveillance being carried out by the security forces. On 23 March 2000, the same security forces went to his home again at midnight looking for him and his

family. They could not find them as James Torh and his family had taken the precaution of sleeping somewhere else.

James Torh was forced to flee Liberia for his own safety the next day. When he did not appear at his trial on 3 April, the tribunal ordered his re-arrest.

The authorities then turned their attention to the group of friends who had provided James Torh's bail and who had guaranteed his presence in court. The police appeared to suspect the group, Ambulia Kamara, Joseph Harris and Counsellor Elizabeth Boyenneh, along with James Torh's lawyers, Counsellor Frederick Jayweh and Counsellor Tiawan S. Gongloe, of having organized his escape. Elizabeth Boyenneh, chair of the Association of Female Lawyers of Liberia (AFELL), was particularly



targeted after James Torh fled the country. On 12 April, she was sentenced to a fine of US\$100 while Ambulia Kamara, who works for the Ministry of Finance, was sentenced to 30 days' imprisonment. They both lodged an appeal against this ruling.

In February 2000 Father Boniface Golo Tye, a Catholic priest based in the county of Grand Gedeh, was charged with sedition after describing members of the Liberian government as 'rebels'. Father Tye had gone to the police station to testify on behalf of a young boy arrested for allegedly stealing some wooden planks. Father Tye was released after having paid a fine equivalent to US\$1,225.

Burkina Faso: *Collectif* leaders prosecuted for 'undermining the morale of the armed forces'

Norbert Zongo's death in December 1998 preceded a crackdown on other human rights activists and set off a wave of demonstrations and strikes throughout Burkina Faso. The *Collectif d'organisations démocratiques de masse et de partis politiques* became increasingly concerned about the brutality with which security forces broke up these demonstrations. A statement was issued by prominent members of the *Collectif*, including Halidou Ouédraogo, Tolé Sagnon, Bénéwendé Sankara, and André Tikiri, a student leader, calling on the security forces to ensure the safety of demonstrators during a protest against impunity.

In early December 1999, these *Collectif* leaders were arrested and detained for three hours by the police State Security Department in Ouagadougou. They and two others were subsequently charged with undermining the morale of the armed forces and inciting disobedience within the army, crimes are punishable by 5 to 10 years' imprisonment and a heavy fine. All six *Collectif* leaders were, however, acquitted of all charges by a court on 27 December 1999.

Togo: Human rights defenders falsely charged in a government attempt to evade responsibility for human rights violations

False allegations, directed against those who defend human rights, are tactics employed by governments with which Amnesty International is all too familiar. In May 1999, as mentioned above, Amnesty International published a report entitled *Togo: Rule of Terror*. The authorities responded to the report by calling it "a tissue of untrue statements, false allegations and bias, inspired by the bad faith of its authors" and started legal proceedings against Amnesty International's Secretary General, Pierre Sané, and summoned him to appear before an investigative magistrate of the High Court in Lomé for "a possible indictment for contempt, incitement to revolt, dissemination of false news and conspiracy against the external security of the state".

The UN and the OAU subsequently announced the establishment of a joint international Commission of Inquiry into allegations of hundreds of extrajudicial killings in Togo made in Amnesty International's May 1999 report. On 12 March 2000 the Togolese government indicated that it would withdraw its complaint against Pierre Sané once the commission began its work in Togo. In November, the *doyen des juges d'instruction*, Dean of Examining Judges, in Togo ordered that all proceedings against Pierre Sané and four other human rights defenders should be stopped until further notice. However, it remains unclear whether or not the charges have been dropped. In early 2001 the Togolese government further accused Pierre Sané of receiving payments from opposition leader Mr Gilchrist Olympio to publish the organization's 1999 report on Togo, which has been categorically denied by both parties. The "evidence" produced by the Togolese authorities included two letters supposedly from Gilchrist Olympio to Pierre Sané and a statement from a USA-based graphologist purporting to authenticate them. The graphologist has informed lawyers engaged by Amnesty International that the letter being circulated by the Togolese authorities "is not mine [...] it is not signed by me".

The Togolese government also seems to have done its utmost to try to silence human rights defenders suspected of having passed information to Amnesty International. Following allegations that members of the *Association togolaise pour la défense et la promotion des droits de l'homme* (ATDPDH), Togolese Association for the Defence and Promotion of Human Rights, sent false information about human rights violations to

international human rights organizations, including Amnesty International, several leading members of the ATDPDH were arrested in May 1999. Tengue Nestor, Gayibor François and Brice Sant'anna spent more than a month in detention during May and June 1999, accused of "attacking the credibility and security of the State, spreading false information and using forged documents". In November 2000, the Dean of Examining Judges ordered that the charges of "false accusation and defamation" against Togolese human rights defenders arrested in relation to AI's report be dropped, but it remains unclear whether the charges have been dropped.

On 31 July and 1 August 2000 Kofi Messa Devotsu, chairperson of the *Ligue Togolaise des Droits de l'Homme* (LTDH), Togolese Human Rights League, was questioned by the Minister of Interior and was threatened with arrest after the publication on 20 July 2000 of a critical report by his organization on the human rights situation in Togo. The interrogation took place in the presence of a number of independent Togolese journalists, who were also questioned and criticized by the Minister for having published articles on the LTDH report.

8. Continuous harassment by the forces of law and order

Security forces often abuse the powers given to them by law in order to sustain a campaign of intense pressure on human rights defenders. They can, for example, issue repeated summonses or arrest warrants against human rights defenders, search their homes or places of work, and make it difficult for them to obtain official documents. On more than one occasion, members of the intelligence services have raided offices or homes to confiscate an organization's papers, including lists of the names of its members. Sustained harassment can also include more violent means such as excessive use of force in response to those defending human rights.

Security forces and intelligence services have also used their powers, both within the law and without, to intercept and monitor communications between human rights defenders. Mail which is sent through the postal service often arrives late and with envelopes already opened. Invitations to meetings and reports sent by other NGOs are regularly confiscated. In **Mauritania**, for example, the post office box of Professor Cheikh Saad Bouh Kamara appears to be tampered with on a regular basis, with books sent by his colleagues from overseas often never reaching him. His bank account is also reportedly monitored by the intelligence services. The NGO *Mouvement des réfugiés Mauritanien au Sénégal pour la défense des droits de l'homme*, Movement of Mauritanian Refugees in Senegal for the Defence of Human Rights, has to send its post from neighbouring countries to try to ensure it is not intercepted. Correspondence sent by registered post from the organization to the African Commission for Human and People's Rights has disappeared on occasions.

Nigeria: Harassment of oil protesters

Despite significant progress in respect for human rights in **Nigeria** since an elected civilian government came to power in May 1999, serious human rights violations continue in many parts of the country. In their actions against criminal suspects and against oil protesters, including some human rights defenders, the Nigerian security forces have been responsible for violations of human rights. Local communities in the Niger Delta in southeast Nigeria have criticized the use of the military or paramilitary police in reprisal raids which have resulted in excessive use of force and the deaths of civilians. There have also been reports that the security forces have used excessive force in response to protests against oil company activities and thefts from fuel pipelines, resulting in several reported fatalities.

In April 2000 police shot dead at least one person, 18-year-old Barinaadua Gbaraka, and burned down homes in the village of K-Dere in Rivers State. Local residents had been protesting against a road-building project by the Shell oil company, and six youths had been detained briefly in March. Shell subsequently withdrew its contractors from the area. According to the Rivers State authorities, police went to the village in the early hours of 11 April to quell unrest between the inhabitants and those of a neighbouring village, and were ambushed by youths who seized and seriously injured eight officers and burned police vehicles. Residents of K-Dere said that there had been no unrest, that the reason for the raid was to arrest those suspected of being behind the protests, and that Barinaadua Gbaraka was shot when he fled.

Several residents were detained and reportedly assaulted in custody. Ledum Mitee, lawyer and leader of the Movement for the Survival of the Ogoni People (MOSOP), was among 11 people charged and released on bail to await trial. MOSOP is the community organization formerly headed by the writer and human rights defender Ken Saro-Wiwa, who was convicted of murder and executed in 1995 with eight other Ogoni activists after unfair and politically motivated trials. Ledum Mitee's family home was among those burned in April 2000. He and two others were charged with arson, for allegedly burning down houses in another village, and eight others faced charges including the attempted murder of police officers. The accused said the charges had been fabricated to justify the detentions. Their trials were repeatedly adjourned and had not proceeded by early 2001.

Senegal: Flushing out "rebels"

During the 18-year-old conflict between government forces and the armed opposition group MFDC in the Casamance region of **Senegal**, scores of suspected MFDC supporters have been held in prison without trial and the security forces have been responsible for

torture, "disappearances" and extrajudicial executions. The MFDC has abducted and killed civilians and has extrajudicially killed captured soldiers.

The section of the human rights NGO RADDHO at Ziguinchor is a focal point for human rights activities in the Casamance region, with many of those who have suffered human rights violations at the hands of the judicial authorities, the police or military visiting the section to seek help. As a result of their work against human rights abuses committed by both sides to the conflict, RADDHO members have been subjected to surveillance, intimidation, arrest and detention and even obliged to go into exile. They believe that their telephone conversations are being intercepted by state security forces, and have to use telephone lines outside the office to pass on confidential information.



"We live under the constant psychological strain of being taken away at night, never to return", they told Amnesty International. "There is a feeling that they are always waiting to catch us out... We are accused of being soft on rebels and hard on the army".

Following a campaign of intimidation, Assine Bertrand, the administrative secretary of RADDHO in Ziguinchor, was forced in August 1999 to give up his job as a teacher of modern literature in the Dji Gnabo secondary school, and move to relative safety in Dakar. He has reportedly not returned to the Casamance region since then.

In December 1999, the security forces broke into the office of Aquiling Diabone, a RADDHO regional representative (see also above). Only a copy of the constitution, standing orders and minutes of RADDHO disappeared. In the same month, Amadou Tine's educational bookshop was ransacked by two individuals under the pretext of checking for stolen books. Despite the small size of the shop, they searched for four hours, including containers which could not hold a book, such as a medicine chest.

Liberia: Officials "invite" human rights defenders to "clarify their allegations"

Members of human rights organizations in **Liberia** who issue statements or reports on local human rights violations are commonly "invited" by the chief of police to his office to provide "clarification". At the police station, human rights defenders meet only junior

officers who threaten to detain them until they provide concrete proof of the truth of their allegations.

The leaders of the human rights NGO JPC received such an invitation by the chief of police in October 1998, after the organization published a statement drawing attention to the massacre of 68 unarmed civilians, including women and children, the previous month in the capital, Monrovia, and the summary burial of the civilians in mass graves. The JPC members were questioned for three hours, during which time the police threatened to lock them up until they had indicated the whereabouts of these mass graves, and called them '*agents provocateurs*, dissidents and rebels'. The allegations made by the JPC were subsequently confirmed by the non-governmental National Human Rights Center.

In March 2000 the Liberian government closed down the independent broadcasting *Star Radio* station and the Catholic-sponsored *Radio Veritas*, both of which have played a key role in reporting human rights violations in Liberia. Suah Deddeh, Chair of the Press Union of Liberia, spoke to *Radio DC 101.1* to describe the closure of the radio stations as unconstitutional, extrajudicial and arbitrary. That same evening, 17 March 2000, he was arrested at his home by armed police. During his late-night interrogation at the police station, the police defied him to prove what he had said on *Radio DC 101.1*. In an apparent attempt to trap him, they compared his statement with a recording of the broadcast. Fortunately, there were no discrepancies and he was released the next day without charge. Although *Radio Veritas* was later authorized to resume broadcasting, *Star Radio* received an indefinite ban and remained closed at the time of writing.

9. Organized defamation campaigns

"No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks." International Covenant on Civil and Political Rights, Article 17.

The highly sensitive nature of many of the allegations made by human rights defenders sometimes requires that all the details of a particular case cannot be publicised, for the sake of the safety of those whose rights have been or may be abused. The personal integrity of human rights defenders is therefore very important: they need to be perceived as people who are telling the truth about human rights abuses.

Governments sometimes seek to undermine the reputation of human rights defenders by abusing their control of the media and influence in society in order to spread

defamatory rumours and false allegations against human rights defenders. Government intelligence services may publish false allegations about a human rights defender in newspapers in the hope that the allegations will be unconditionally accepted by the general public. If necessary, the authorities can invent "evidence" against a human rights defender.

Mauritania: Defamation of human rights defenders by state media

In **Mauritania**, human rights defenders are commonly labelled by state newspapers as anti-nationalist, anti-patriotic, or anti-religious spies in the pay of foreign countries. Between January and March 1998, for example, Professor Cheikh Saad Bouh Kamara was treated in this fashion by *L'Opinion*, *La Verité* and *Le Magreb Hebdo*, all newspapers widely believed to be financed by the government. In April 1998, Professor Kamara was detained in Dakar, Senegal, and expelled to Mauritania as he was about to attend a meeting on human rights.

Liberia: Politicians accused of being *agents provocateurs*

The Liberian authorities often make use of the media, in particular the state-funded *Monrovia Guardian*, to threaten or undermine human rights defenders.

On Tuesday 21 March 2000, for example, the *Monrovia Guardian* alleged that several opponents of the ruling party had been identified as having disguised themselves as human rights defenders, and alleged that these 'human rights defenders' were, in fact, *agents provocateurs*. The article appeared under the by-line of "editorial consultant" Eugene Nagbe who was, in fact, the assistant to the director of the national police force.

Amara Augustine, a researcher for Liberia Democracy Watch, was accused of being an *agent provocateur*. A former adviser in the Ministry of Foreign Affairs and lecturer at the University of Monrovia, his life has changed since his name appeared in the *Monrovia Guardian* newspaper on 21 March 2000. He has told Amnesty International that he is in constant fear of being arrested, "disappearing", or being brought before a court as an *agent provocateur*.

11. Independent journalists under attack

A free and responsible press contributes to exposing human rights violations and is a reflection of the fundamental human right to freedom of expression, as provided for under international standards.

Vehicles for the expression of independent or opposition views should not, therefore, be persecuted by governments on the basis of stating such views.

Unfortunately, the practices of many governments in West Africa fall far short of these internationally recognized standards. The laws of several states in West Africa restrict the fundamental human right to freedom of expression. Independent newspapers and radio stations are often muzzled or prosecuted for libel, while independent journalists can find themselves arrested or attacked when they publicize facts or opinions of which the government disapproves. When journalists are silenced, it is not only they who are the victims, but also ordinary citizens who are deprived of their right to full and objective information.

Restrictive legislation against freedom of expression

In the **Gambia**, freedom of expression and association continue to be restricted. Journalists have been harassed, detained briefly and threatened with a new law that would restrict their activities even further. Members of opposition parties also face harassment and arrest, often followed by severe ill-treatment. Police and the security forces continue to intimidate journalists with arbitrary detentions and threats of violence.

In 1999, the government proposed new legislation to create a National Media Commission with judicial powers to fine and jail journalists for six months or more if they refused to appear before the Commission to give evidence, or if they interrupted, insulted or otherwise disobeyed the Commission. The Commission could also seize a reporter's information or property in connection with its inquiries. No appeal against the Commission's decision would be allowed. Under the proposed law, no media organization or journalist could work unless licensed by the Commission. All these restrictions would unduly limit freedom of expression. The draft law has not so far been passed by the National Assembly although it still remains a potentially serious threat to media freedom.

In **Togo** a new press bill was passed in early 2000 which limited press freedom and made defamation of the government an imprisonable offence. Amnesty International believes this is a further measure to silence critics, in particular independent journalists. Detention for press offences such as "spreading false information" has been regularly used by the authorities against independent journalists.

In **Ghana**, the Supreme Court ruled in 1997 that legislation providing for up to 10 years' imprisonment for false reporting likely to injure the reputation of the government was not in contravention of the right to freedom of expression contained in the 1992 Constitution. The ruling was given in relation to one of more than 150 criminal and civil libel cases brought against the privately-owned press by government officials and their associates in recent years, some of which have resulted in journalists being imprisoned. Amnesty International is concerned that such imprisonment reflects a pattern of intimidation which poses a threat to freedom of expression. Two decades of

government headed by J.J. Rawlings, both military and civilian, ended in January 2001 when John Agyekum Kufuor was inaugurated as the newly-elected President. In February he announced that the criminal libel law would be repealed in order to allow journalists greater freedom of expression and to demonstrate the government's confidence that the news media would exercise that freedom responsibly.

Repression of independent mass media

Independent radio stations in West Africa can play a vital part in providing information about human rights abuses in each particular country. Unlike newspapers, which tend to be read only in small circles of literate individuals in large cities, radio stations reach out to the poorest people and the most remote corners of the country. Thanks to their detailed and independent information, independent stations are probably listened to more than state radio stations. Many governments perceive such stations as a threat, and have used their powers to restrict their activities.

In the **Gambia** in February 1998, the government closed the popular independent radio station *Citizen FM*, apparently because of its broadcasts about the government's National Intelligence Agency, which had been connected with serious and persistent human rights violations. The authorities called the broadcasts "irresponsible journalism" and refused to renew the radio station's licence. Boubacar Gaye and Ebrima Sillah from the radio station were arrested and detained for three days, released on bail and then detained again briefly. Coverage of the proceedings against Boubacar Gaye by journalists from the Gambian newspaper *The Observer* led to the arrest and detention for four days of seven members of the newspaper's staff in April 1998 who were warned about working for the newspaper.

From 1998 until March 1999, immigration officers conducted open surveillance of the largest selling independent daily newspaper in the Gambia, *The Daily Observer*. For almost a year, the identity papers of those entering the newspaper's premises were checked, in a policy of intimidation aimed at non-Gambian journalists working there. Many foreign journalists had been expelled in previous years.

In July 1999, less than three weeks after it opened, the Gambian government ordered *The Independent* newspaper to close, citing deficiencies in registration, although its papers were in fact in order. The newspaper reopened after one week. The closure appeared to be linked to an editorial condemning alleged human rights violations since the 1994 military coup. In July and August agents of the National Intelligence Agency briefly detained the editor-in-chief, Baba Galleh Jallow, the managing editor, Yorro Alagi Jallow, and a reporter, N. Daffeh, apparently in relation to the same editorial. In July 2000, Baba Galleh Jallow and Alhagie Mbye of *The Independent* were arrested, briefly

detained and released on bail after being charged with libel for reporting on a prison hunger strike.

Star Radio and *Radio Veritas*, two independent radio stations in **Liberia**, play a major role in disseminating independent information within the country. On 13 March 2000, the two stations broadcast claims made by the US State Department about human rights violations in Liberia. Two days later, police surrounded the stations, after orders were issued for the shut-down of *Star Radio* and the suspension of *Radio Veritas*. The police also seized equipment belonging to *Star Radio* on the pretext it was financed with US assistance. Although *Radio Veritas* was later authorized to resume broadcasting, *Star Radio* received an indefinite ban and remained closed at the time of writing. President Charles Taylor in particular has not hidden his position - in an emergency press conference following the closure of the station, he is reported to have said: "During my administration *Star Radio* will not come on the air again." (See also sections 5 and 8 of this report.)

Persecution of journalists

Across West Africa, independent journalists are being detained, arrested, ill-treated and threatened with death as a result of their legitimate activities in the defence of human rights. Such persecution is sometimes directed at the management of an offending paper, with the desired result being the paper's eventual closure.

Sometimes journalists are detained after an order has been issued for their arrest or even without any legal order or charge. Prolonged detention without charge, as well as being prohibited by international human rights standards including the International Covenant on Civil and Political Rights, also puts detainees at greater risk of ill-treatment and torture.

Journalists have been under attack in **Guinea**: in February 1999 the authorities expelled Don de Dieu Agoussou, a Beninese journalist working for *L'Oeil*, a weekly newspaper. In 1998 he had received threats after writing an article critical of the authorities. In April 1999, Jean-Baptiste Kouroma, the associate director and editor-in-chief of *L'Indépendant*, a private weekly, was arrested and detained at Conakry police station after he published an article in which he accused senior state officials of bribery. He was held for three weeks before being released without charge. In December 1999, the owner of *L'Indépendant*, Aboubacar Sylla, and his editor-in-chief, Saliou Samb, were arrested and detained without charge following a report in the newspaper on a corruption investigation which made serious accusations against an influential member of government. Aboubacar Sylla was released after two days and Saliou Samb was detained for 12 days and then expelled to Ghana.

In **Togo**, independent journalists, who play a key role in investigating and exposing human rights violations committed by the security forces, have often been the targets of clampdowns by the authorities. Romain Koudjodji, editor of *Le Reporter*, was arrested in April 1999 after the publication of an article on a case of torture by the security forces. He was charged with propagation of false news and received a two-month prison sentence. He was released two months later.

In **Nigeria**, Uche Maduemesi, a correspondent for the magazine *Tell* in Enugu State was reportedly slapped in the face in January 2000 by a member of the state governor's security force who complained of his critical writings about the governor.

Journalists in **Ghana** have in recent years been detained, brought to court and given prison sentences for defamation of government officials and certain of its associates. In late October 1999, two journalists from *Joy FM* Radio, Samuel Atta Mensah and Mawuko Zormelo, and Yaw Amfo Kwakye, chief executive of the *Statesman* newspaper group, were arrested and detained overnight for questioning by security police. In early November 1999 armed police surrounded the home of Ferdinand Ayim, a *Statesman* correspondent, and arrested him. The *Statesman's* proprietor, opposition member of parliament and a human rights lawyer, Nana Akufo-Addo (in January 2001 appointed Attorney General and Minister of Justice), was questioned by police, together with the paper's receptionist, Samuel Okyere. All were provisionally charged with making or abetting false reports which brought the government into disrepute - an offence punishable by up to 10 years' imprisonment - and released on bail. The charges were in connection with the publication and radio broadcast of a tape recording in which a man alleged to be a presidential security guard admitted involvement in the 1985 murder of a Catholic priest and the 1992 bombing of a hotel belonging to the family of Nana Akufo-Addo.

In **Niger**, Ali Sékou Maina, managing director of the weekly *La Voix du Citoyen*, was attacked by four men on the night of 13 March 1999. These unknown individuals first asked him to follow them and then, when he did not comply, struck him violently on the head. The arrival of several people, who had been alerted by the victim's cries, caused the aggressors to flee, leaving the journalist on the ground, seriously injured. Certain items of clothing enabled Ali Sékou Maina to identify his assailants as military or para-military officers. This assault followed the publication of an article on 11 March in *La Voix du Citoyen* which claimed that the government was targeting an opposition leader.

In October 2000, three journalists from the Niger private weekly *L'Enquêteur* were charged with "spreading false news" after the publication of an article about a dispute between Niger and Benin concerning the island of Lété. One month later, one of them, Soumana Maïga, the founder of the weekly, was sentenced to eight months'

imprisonment. The two other journalists received a six-months suspended prison sentence.

In **Cameroon**, Chris Oben, Jean-Mathias Kouemeko and Therese Forbin of *Radio Buea* were arrested, interrogated and released in February 2000 pending further investigations for critical comments of the government's treatment of anglophone citizens. Richard Touma of *Le Messenger* newspaper was beaten by security forces in November 2000 when investigating an opposition party's march for an independent electoral commission.

International Festival on Freedom of the Press and Expression in West Africa banned in Burkina Faso

An International Festival on Freedom of the Press and Expression in West Africa was scheduled to take from 12 to 16 December 2000 in Ouagadougou, the capital of Burkina Faso. The festival was the initiative of the Media Foundation for West Africa (MFWA) based in Ghana, *Le Centre National de Presse Norbert Zongo* (CNP-NZ), Norbert Zongo National Press Centre, of Burkina Faso, and the MBDHP. More than 50 participants attended, including representatives of international organisations for the protection and promotion of media and human rights, journalists' unions and human rights organizations from all ECOWAS countries, and individual human rights activists from throughout West Africa.

The festival was intended to serve as a commemoration of the courage of the many West African journalists who have been killed or injured in the pursuit of their legitimate work as journalists. In brief, the aims of the festival were: to promote solidarity among journalists; to encourage the exchange of information; and to discuss ways to ensure press freedom and freedom of expression in West Africa.

However, the government of Burkina Faso banned all activities in connection with the festival and other local events planned by Burkinabè rights groups to coincide with the second anniversary of the death of Norbert Zongo. Security forces deployed in the festival's secretariat, the Press Center of the Burkinabè Press Union, and made it impossible to use the other official venues for the festival. A delegation of participants arriving by road in two buses from Accra, Ghana, were denied entry into the country, apparently on the direct instructions of the authorities. On 13 December, another delegation of around 22 people from Ghana, Nigeria, Togo and Benin arriving by air at Ouagadougou were delayed for some hours at the airport. Those who tried to visit Norbert Zongo's tomb were dispersed by the security forces using tear gas.

On 15 December, the participants were eventually able to carry out some of the work of the conference without further interruption by the security forces, including

working group discussions and a plenary session, albeit in different venues and with a very low profile.

12. Recommendations for the protection of human rights defenders in West Africa

Human rights defenders have assumed a central role in the promotion and protection of human rights. In this work, they put their lives and liberty on the line. Amnesty International campaigns for the protection of individuals and groups in all spheres of human rights work, be this the promotion of civil and political rights, the promotion of social and economic rights or in advocacy of the rights of vulnerable groups. The recommendations which follow are targeted towards key individuals and institutions with the power to influence for the better the environment in which West African human rights defenders operate.

To governments in West Africa

In the context of this report, Amnesty International recommends that states in the region grant human rights defenders, be they individuals or non-governmental organizations, the necessary guarantees to enable them to contribute to the promotion and defence of human rights, and to respect the freedom and personal safety of their members. To this end, Amnesty International calls on the governments in West Africa:

- to ensure that the principles contained in the Declaration on the Right and Responsibility Of Individuals, Groups and Organs of Society to Promote And Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the UN General Assembly on 9 December 1998 by Resolution 53/144, are fully incorporated into national law and mechanisms for the protection of human rights, and are fully implemented in practice;
- to commit themselves explicitly and publicly to promoting respect for human rights and protecting human rights defenders, and acknowledge the legitimacy of the work of human rights defenders;
- to take effective action and measures to ensure that state officials at every level of the state apparatus, including law enforcement officials, respect the legitimacy of the work of human rights defenders and allow them to carry out this work without hindrance or harassment;
- to take effective action to sanction state officials who abuse the judicial system (and/or the government administrative system) to the detriment of human rights

defenders with the intention of harassing them or curtailing their legitimate activities for the defence of human rights;

- to adopt integrated programs for the protection of human rights defenders such as thorough criminal investigations into attacks and threats against human rights defenders, and preventative measures including education for security force agents on the rights of human rights defenders to carry out legitimate activities, as well as security measures to assist human rights defenders and their families with immediate safety issues. Such programs should ensure that all measures to protect human rights defenders are adopted in accordance with the wishes of the person receiving protection;
- to ensure full implementation of comprehensive witness protection programs for the protection of individuals, including human rights defenders, involved in investigations or other proceedings against those accused of human rights violations;
- to ensure full support for mechanisms and initiatives within the UN and regional bodies aimed at protecting human rights defenders. This would include providing information to the Special Representative of the UN Secretary-General on Human Rights Defenders on national law and practices relevant to human rights defenders, responding promptly and fully to her queries regarding allegations of human rights violations, inviting her to visit their country, implementing her recommendations, and facilitating communication and transmission of information between the Special Representative and non-governmental organizations.

Amnesty International also urges governments in West Africa:

- to ratify basic human rights treaties, if they have not done so already, and in particular in the context of the present report, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women.
- to comply with states' obligations under these treaties as well as the African Charter on Human and Peoples' Rights and other international instruments, in particular: to respect and ensure for all people in their territory those rights which are vital to the work of human rights defenders, such as the right to liberty and security of person, freedom from arbitrary arrest and detention, freedom from torture and other ill-treatment, the right of peaceful assembly, freedom of expression and association and the right to a fair trial;

- to take the legal steps necessary to allow monitoring bodies such as the UN Human Rights Committee, the UN Committee against Torture and the UN Committee on the Elimination of Discrimination against Women to receive and examine individual complaints, and to withdraw any other reservations or declarations limiting the protection of these treaties;
- to comply with the recommendations issued by international and regional human rights monitoring bodies;
- to ensure that exhaustive, prompt and impartial investigations are conducted into all human rights violations, that those responsible are brought to justice and the victims or their relatives provided with reparation. The results of such investigations should be made public.

To the Economic Community of West African States

The Economic Community of West African States (ECOWAS) should recognize the serious situation faced by human rights defenders in the region as well as the important contribution that they make to the establishment and strengthening of national systems of human rights protection. In addition, ECOWAS should take steps to guarantee the protection of the rights and freedoms of human rights defenders to carry out their important work.

Amnesty International recommends to ECOWAS:

- at its next meeting of Heads of States and Governments, to adopt a resolution on human rights defenders publicly recognizing the contribution they make to the promotion and defence of human rights and urging states to grant human rights defenders the necessary guarantees and facilities to enable them to continue their work, and to respect the freedom and personal safety of their members;
- to encourage member states to thoroughly implement the provisions of the UN Declaration on Human Rights Defenders and to eliminate any obstacles that might prevent or hamper their implementation;
- to support and encourage publicly the work of the Special Representative of the UN Secretary-General on Human Rights Defenders and to encourage member states to support and cooperate fully with the Special Representative.

To the Organisation of African Unity, including the African Commission on Human and Peoples' Rights

The Organization of African Unity (OAU) should recognize the serious situation faced by human rights defenders in the region as well as the important contribution that they make to the establishment and strengthening of national systems of human rights protection. In addition, the OAU and the African Commission on Human and Peoples' Rights should take steps to guarantee the protection of the rights and freedoms of human rights defenders to carry out their important work.

Amnesty International recommends to the OAU:

- at its next Assembly of Heads of States and Governments, to adopt a resolution on human rights defenders publicly recognizing the contribution they make to the promotion and defence of human rights and urging states to grant human rights defenders the necessary guarantees to enable them to continue their work, and to respect the freedom and personal safety of their members;
- to encourage member states to thoroughly implement the provisions of the UN Declaration on Human Rights Defenders and to eliminate any obstacles that might prevent or hamper their implementation;
- to support and encourage the work of the Special Representative of the UN Secretary-General on Human Rights Defenders and to encourage member states to support and cooperate fully with the Special Representative;
- to support the work of the African Commission on Human and Peoples' Rights and its Special Rapporteurs and to support the establishment of a specific mechanism within the Commission which can contribute towards the protection of human rights defenders.

Amnesty International recommends to the African Commission on Human and Peoples' Rights:

- to include the situation of human rights defenders as a subject for discussion during its visits to states parties of the African Charter on Human and Peoples' Rights;
- to ensure that, in their reports to the Commission, states parties include information on human rights defenders;
- to include a chapter in its annual report on the situation of human rights defenders in member states;
- to strengthen the system of Special Rapporteurs and other human rights monitoring mechanisms and, in this context, to establish a specific mechanism

within the Commission which can contribute towards the protection of human rights defenders.

Appendix 1 : Declaration of the All-Africa Human Rights Defenders Conference, Johannesburg, South Africa, November 1998

We,

Human rights defenders, that is, women and men on the front line of the struggle to protect and promote human rights and who include, lawyers, journalists, NGO workers, trade unionists, members of rural organisations, health workers, religious workers, development workers, students and relatives of victims, etc

Gathered at the All-Africa Human Rights Defenders Conference, Johannesburg, South Africa, from 2 to 4 November 1998

Recalling the regional and international standards already in existence for the protection and promotion of human rights in particular the Universal Declaration of Human Rights, which on 10 December 1998 celebrates its 50th anniversary, and the draft Declaration for the Protection of Human Rights Defenders that guarantee fundamental rights and freedoms.

Observing the failure of most states and governments in Africa either to live up to the domestic and international obligations to which they have committed themselves in the protection and promotion of human rights, or to ratify and accede to relevant international human rights standards, and the failure of governments and armed groups involved in conflicts in Africa to adhere to international humanitarian law;

Acknowledging that Human Rights Defenders have as a result assumed a central role in the promotion and protection of each and every one of the human rights;

Observing moreover the particular risks run by human rights defenders in the context of armed conflict;

Deeply concerned that the increasing number and influence of human rights defenders has been accompanied by their own rights being violated;

Denouncing in particular the violations of human rights they face, including: extrajudicial execution, torture, rape and sexual assault, arbitrary arrest and detention, and unfair trials;

Denouncing moreover the extent of measures used by many states to silence human rights defenders, including censorship and seizure of publications, constant surveillance and intimidation, economic and professional harassment, bureaucratic obstacles to legalisation of their activities, denial of freedom of assembly and social ostracisation

Affirm the right to continue such work in accordance with the international human rights standards

Considering all threats on human rights defenders as an attack on the work of human rights NGOs everywhere, decide to organise themselves into networks to respond immediately, with all means at their disposition, to these fundamental violations of human rights

Undertake to train Africans, in particularly human rights defenders, to make best use of national, international and regional mechanisms established for the protection of human rights

Call upon all States to respect and ensure the respect of the right to freedom of action for human rights defenders

Urge all States to bring national legislation into accordance with international human rights standards and to ensure the independence of the judiciary and other mechanisms for the defence of human rights

Urge all States to adopt special measures to ensure the protection of women human rights defenders including the implementation of the Beijing Plan of Action

And call upon all States to facilitate the granting of asylum to human rights defenders at imminent risk of human rights violations

Moreover call upon the intergovernmental, international and regional organisations to intervene on behalf of human rights defenders and campaign to guarantee their safety

Urge that the United Nations and all its agencies give priority to consultations with human rights defenders in their work

Urge the United Nations Commission on Human Rights to establish the post of Special Rapporteur for Human Rights Defenders and to ensure that the work of human rights defenders is included in the mandate of all United Nations mechanisms

Demand moreover that all bi-lateral and multi-lateral organs and authorities of economic cooperation ensure in their program the protection of human rights defenders

Demand finally that multinational companies ensure that their strategies and projects are not harmful to the freedom of action of human rights defenders

Call upon international public opinion, in particular the media, to join in the protection of human rights defenders and promoting their activities in defence of human rights for all.

**Adopted by acclamation
Johannesburg, 4 November 1998**

Appendix 2: UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

UN General Assembly resolution 53/144, 9 December 1998

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.
2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.
2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.
2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.
3. To the same end, everyone has the right, individually and in association with others, *inter alia*:
 - (a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;
 - (b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;
 - (c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.
4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.
5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.
2. Such measures shall include, *inter alia*:

- (a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;
 - (b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.
3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.

2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.
3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.