

# AMNESTY INTERNATIONAL

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## **Africa Regional Overview Covering events from January to December 2003**

The human rights situation across the Africa region in 2003 was characterized by widespread armed conflict, repression of political opponents, persecution of human rights defenders, violence against women, and limited access to justice for the most marginalized in society. Illicit trade in resources and arms, near total impunity for past and continuing human rights abuses, and the failure of many governments to live up to professed standards of governance contributed to the denial of civil, political, economic, social and cultural rights particularly of the most vulnerable - women and children, refugees and the internally displaced, people living with HIV/AIDS, the poor and those who lack formal education. However, regional initiatives to establish greater respect for human rights progressed, including through intervention and mediation in conflict situations or in the protection of human rights defenders.

### **Armed conflict**

Government forces and armed opposition groups frequently abused human rights in conflicts such as those in Burundi, Central African Republic (CAR), Côte d'Ivoire, Democratic Republic of the Congo (DRC), Liberia, Sudan and Uganda. Among the abuses were the use and recruitment of child soldiers as combatants and sex slaves.

In eastern DRC and particularly the Ituri district, clashes between armed ethnic groups supported by outside powers including Rwanda and Uganda cost the lives of tens of thousands of people. Men, women and children were slaughtered, raped and mutilated indiscriminately, treated as mere pawns in the power play of those benefiting from the frequently illicit exploitation of resources that has fuelled years of conflict. Tens of thousands of people were internally displaced. The intervention of a European Union-sponsored Interim Emergency Multinational Force (IEMF) in June improved the security in and immediately around Bunia in the Ituri district, where a previously deployed UN force had failed. However, after the IEMF withdrew in September, serious abuses continued outside the areas that were once again controlled by a reinforced UN Mission in the Democratic Republic of the Congo (MONUC).

A transitional government constituted in Kinshasa in July, which comprised government representatives and heads of key armed and unarmed opposition groups, faced the major tasks of rebuilding national institutions, such as a functioning independent judiciary and a credible law enforcement system, and working with the international justice system to end impunity. In October the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the DRC submitted the last of four reports to the UN Security Council. The Panel had come under considerable pressure from a number of companies and governments not to repeat its previous recommendation that certain companies be investigated by their home governments for their activities in the DRC. Despite this, the Panel's fourth report again revealed the responsibility of businesses for the human rights and humanitarian

crisis in eastern DRC.

In June, the then Liberian President Charles Taylor was indicted for war crimes and crimes against humanity by the Special Court for Sierra Leone - the first time such a measure had been taken against a serving head of state in Africa. He was forced to step down in August after increasing pressure from the international community and following an escalation in the conflict in Liberia. The conflict, particularly in early 2003, resulted in thousands of deaths and involved high levels of sexual violence against women and girls, and mass displacement of people within Liberia and to Côte d'Ivoire, Guinea and Sierra Leone. Charles Taylor was given refuge by the government of Nigeria which offered him implicit guarantees that he would not be prosecuted in Nigeria or surrendered to the Special Court. AI protested strongly that the Nigerian government had violated its obligations under international law, but calls to either surrender Charles Taylor to the Special Court or open an investigation with a view to determining whether to pursue criminal or extradition proceedings in Nigerian courts were ignored.

The departure of Charles Taylor from office and Liberia contributed to a stabilization of the conflict in neighbouring Côte d'Ivoire. However, the implementation of the power-sharing agreement for Côte d'Ivoire, agreed in January in Linas-Marcoussis, France, and endorsed by the UN Secretary-General, continued to face problems. No progress was made in the investigation of numerous reported human rights abuses by all parties to the conflict. Some progress in conflict resolution was achieved elsewhere. In Burundi, a new government including several parties to the conflict was formed in November, and in Sudan new security agreements were signed in September by the government and the armed opposition group, the Sudan People's Liberation Army (SPLA). However, scores of civilians were killed in Burundi by government forces and armed groups, and in Sudan the conflict in the western province of Darfur claimed hundreds of lives and led to the displacement of hundreds of thousands of people.

In the CAR, a coup in March involving armed groups from neighbouring DRC led to the intervention of Chadian soldiers and French logistical support troops. Numerous extrajudicial executions and widespread sexual violence were reportedly carried out. Amnesty International Report 2004 out by several parties involved in the coup. In Uganda, a government military initiative against the armed group, the Lord's Resistance Army (LRA), led to an intensification of the conflict in the north. The LRA continued to abduct children to abuse them as combatants and sex slaves.

### **Economic insecurity and denial of rights**

Widespread poverty, high illiteracy rates and large disparities in wealth remained major obstacles for many people in the Africa region to justice, education and adequate health care and living standards. Political rivalry including violent struggle for power and resources, as well as discrimination, led to the economic and political exclusion of large sections of the continent's population, including its youth. In spite of frequent declarations of goodwill and important regional initiatives for greater national and international investment, such as under the NEPAD (New Partnership for Africa's Development), most governments failed to live up to their promises, resulting in the spiralling deterioration of opportunities for the most marginalized and vulnerable to have access to the most basic level of livelihood.

The Africa region continued to have the highest regional rate in the world of people living with HIV/AIDS. In some countries close to 40 per cent of the population were infected, threatening a catastrophic level of human suffering and death and putting at risk the ability of society to develop in a sustainable way. While some progress was made in 2003, the majority of states and the international community continued to fail people living with HIV/AIDS in Africa by not making anti-retroviral drugs and treatment, which can also help prevent mother-to-child transmission of the virus, available to the most vulnerable.

### **Violence against women**

Violence against women continued to be widely seen as socially acceptable, and women were frequently and blatantly denied their civil, political, economic, social and cultural rights. This seriously affected the ability of women to enjoy their sexual and reproductive rights or to gain justice for abuses of their rights. The weaker position of women in the negotiation of safe sex practices and their greater vulnerability to

sexual violence led to higher infection rates of HIV/AIDS among women than among men of the same age group.

Women faced widespread discrimination in law and administrative practice. For example, there continued to be different standards of evidence for sexual "offences" such as zina (involving consensual sexual relations above the age of consent), and culpable homicide was used as a charge in cases of abortion and miscarriage in some states in Nigeria. As a result, women, especially those from deprived economic backgrounds and with little formal education, were more likely than men to be convicted and sentenced to death or other cruel, inhuman and degrading punishments for some crimes. Amnesty International Report 2004 Women and girls remained the most vulnerable group in society in armed conflict and as refugees or when internally displaced. They were raped and suffered other forms of sexual violence by perpetrators from different parties to the conflicts in Burundi, CAR, Côte d'Ivoire, the DRC, Liberia, Sudan, Uganda and elsewhere.

The human rights of women were further denied by the failure of the state to protect them effectively from criminally motivated sexual violence or to support them as survivors of violence. In countries such as South Africa and Swaziland, this was largely the result of inadequate frameworks and practices of law enforcement and judicial process.

In Senegal, women also faced serious obstacles in access to adequate health care and to redress for abuses committed against them and close relatives in the conflict in the southern region of Casamance over the past decades. In several countries, legislation on domestic violence was being prepared, but progress was slow. Female genital mutilation continued to be widely practised in different forms in many countries, but only in a few have effective measures been taken at state level to eradicate the practice, despite growing campaigning by civil society to end its use.

### **Political repression**

Political opponents were free in only a few countries in the Africa region to exercise their rights to freedom of conscience, expression and association. Governments of countries such as Cameroon, Chad, Eritrea, Ethiopia, Rwanda, Togo and Zimbabwe used malicious prosecution, arbitrary arrest and excessive force against demonstrators as tools of political repression. In some cases newspapers and radio stations were arbitrarily closed down. Journalists and human rights defenders continued to be harassed by the security forces or accused, charged and detained on grounds of libel to silence dissent and prevent criticism of government acts and policies. In some countries, detainees were denied their right to a fair trial on "security" grounds and in some instances, such as in Kenya, legislation was being prepared that would allow derogation from key human rights obligations on grounds of combating "terrorism".

In many countries, including Burundi, Eritrea, Ethiopia, Sudan, Togo and Zimbabwe, torture and ill-treatment of suspects continued to be widespread. Across the region too, the judiciary was undermined and politically influenced by governments to silence opposition. In December, the Commonwealth decided to renew its suspension of Zimbabwe because of the government's poor human rights record; Zimbabwe then withdrew from the Commonwealth.

### **Death penalty**

The worldwide trend towards abolition of the death penalty was reflected in the Africa region, with several countries being abolitionist in law or practice. Opportunities for further progress emerged in 2003 through the work of sub-regional intergovernmental organizations such as the Economic Community of West African States (ECOWAS). However, many people remained in detention under threat of execution across the region. In Nigeria, Sharia (Islamic law) courts continued to hand down death sentences based on penal legislation passed since 1999, and in Zambia more than 40 people were sentenced to death for participation in an alleged coup attempt. No executions were reportedly carried out in either country. In Chad, however, nine men were executed - the first time death sentences had been carried out in the country since 1991.

### **Human rights defenders**

Human rights defenders in the Africa region continued to play a vital role in monitoring human rights and bringing abuses to international attention. After several years of lobbying by African and international non-governmental organizations, and support from the Special Representative of the UN Secretary-General on Human Rights Defenders, the African Commission on Human and Peoples' Rights finally decided to designate a commissioner as a "focal point" to monitor abuses of the human rights of defenders in Africa, recognizing the important role they play and their specific need for protection. However, the Commission failed to adopt a declaration or binding protection mechanism to this end. Amnesty International Report 2004

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