

AMNESTY INTERNATIONAL

Public Statement

AI Index: AFR 01/005/2007 (Public)
News Service No: 221
14 November 2007

The African Commission: Amnesty International's oral statement on the human rights situation in Africa

Nigeria

Amnesty International is concerned about the continuing deterioration of the security situation in the Niger Delta. In August 2007, violence between armed gangs erupted in Port Harcourt, Rivers State, resulting in several deaths, including bystanders. In the ensuing response, the Joint Task Force (combined troops of the army, navy, air force and the mobile police) used helicopters and machineguns to attack the gangs; at least 32 people - gang members, members of the security forces and bystanders - were killed. Reports suggest that many people who had nothing to do with the clashes were also arrested. Earlier in February 2005, raids by the Joint Task Force in Odioma, Bayelsa State, resulted in a number of human rights violations, including cases of rape and the death of at least 17 people.

The recent outbreak of violence in Port Harcourt was not an isolated event, but part of a series of frequent clashes between armed gangs, which have increased since the April 2007 elections provoking numerous deaths. Reports indicate that during the election campaign politicians supported armed gangs of young people and encouraged violence against political opponents. After the elections, the violence continued. Amnesty International is concerned that the violence may increase in the next two months, when Nigeria holds local government elections.

The clashes also forced hundreds of people to flee Port Harcourt out of fear for more attacks. More people could be displaced if the Rivers State government implements the plans to demolish houses in the Port Harcourt waterfront area, which according to the former governor, served as a haven for the gangs who unleashed the violence. On 26 October, a new governor was appointed in Rivers State. He assured that the demolition plans will be suspended although the curfew in Port Harcourt, imposed in August, will remain 'for the time being'.

According to a report by the Nigeria Police Force, published to mark the first 100 days of office of the acting Inspector General of Police, over 260 armed robbers were killed by the police across the country, although reports suggest that the actual number may be higher. In October 2007, the commissioner of Police in the Abuja Federal Capital Territory reportedly issued a 'shoot at sight' directive for police officers to deal with suspected armed robbers.

Ill-treatment and torture remain widespread within the Nigeria security system. In July 2007, delegates from Amnesty International visited ten prisons in Nigeria. Many inmates gave Amnesty International accounts of having been tortured to force them to confess. These reports were consistent and in some cases the delegates were able to view injuries that appeared to confirm the accounts. In addition, the delegates spoke with women who reported that they had been tortured and in some cases raped by police officers while in police custody. Despite the fact that Nigeria has ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it is widely acknowledged by inmates, lawyers, NGOs and officials -and reported by the media- that police routinely use torture during interrogations of suspects. The police officials at the federal headquarters confirmed to the Amnesty International delegates that they are aware of torture cases, and that they 'address these unconventional ways of interviewing.' The findings of Amnesty International confirm those of the UN Special Rapporteur on Torture, who after his visit to Nigeria in March 2007 concluded that 'torture and ill-treatment is widespread in police custody; particularly systemic in the Criminal Investigation Departments'.

Amnesty International urges the African Commission to publicly condemn the human rights violations by the Nigerian Government and its law enforcement agencies. The African Commission should also call on Nigeria to:

- o ensure the full respect and protection of the human rights enshrined in the African Charter on Human and Peoples' Rights;
- o investigate all allegations of human rights abuses and, if there is sufficient admissible evidence, to prosecute the suspected perpetrators;
- o ensure prompt and fair trials for those accused of a criminal offence in accordance with international and regional standards and without recourse to the death penalty.

Zimbabwe

The human rights situation in Zimbabwe continues to deteriorate despite the SADC mediation process that started in March. The government continues to restrict the rights to peaceful assembly, freedom of association and expression. In particular, human rights defenders and other government critics, including members of the main opposition party, the Movement for Democratic Change (MDC) have been arbitrarily arrested, detained and beaten during arrest and while in police custody. Amnesty International has also received credible reports of torture in police custody which have been corroborated by medical reports. Government's policies are driving people deeper into poverty.

In February police in Harare imposed a three-month ban of public demonstrations in parts of Harare. The ban appears to violate provisions of the Public Order and Security Act which only allows a period not exceeding one month.

On 11 March civil society organisations under the banner of the Save Zimbabwe Campaign organised a prayer meeting in Harare's low income suburb of Highfield to protest the police ban. Forty-nine people were arrested including leaders of the MDC Morgan Tsvangirai and Arthur Mutambara, Sekai Holland and Grace Kwinjeh. Civic leaders also arrested included the chairperson of the National Constitutional Assembly (NCA) Dr. Lovemore Madhuku. The activists were severely beaten by police at Machipisa police station, Tsvangirai, Holland, Kwinjeh, Madhuku and others suffered serious injuries including broken limbs and deep skin lacerations. On the same day an NCA activist Gift Tandare was shot dead by police. Police also opened live fire at mourners at Tandare's funeral wake seriously injuring two people.

On and around 28 March about thirty-two members of the MDC were arrested by police. They were accused of carrying out acts of sabotage, including bombing police stations and receiving military training in South Africa. Several of those arrested were tortured by police. The detainees spent two to three months in detention. Among those arrested was MDC Member of Parliament Paul Madzore. In May, police also arrested lawyers Andrew Makoni and Alec Muchadehama who were representing the MDC detainees. The lawyers were detained for three days despite a court order declaring their arrest unlawful.

In June the government arbitrarily introduced price cuts. This resulted in panic buying and serious shortage of basic goods such as maize, the staple food. Over 7,000 business people were arrested and charged for 'flouting' the price control regulations. Businesses complained of being forced to sell goods at sub-economic prices.

We urge the African Commission to publicly condemn the government of Zimbabwe for its persistent disregard of its human rights obligations under the African Charter on Human and Peoples' Rights, including the wide use of torture, inhuman and degrading treatment against human rights defenders political opponents by the Zimbabwe Republic Police. We also ask the African Commission to review the extent to which Zimbabwe has complied with the Commission's recommendations following its mission to the country in June 2002.

Democratic Republic of Congo

Amnesty International is gravely concerned that escalating violence in the North-Kivu province between government forces and fighters loyal to renegade general Laurent Nkunda could develop into a renewal of mass ethnic killings and other human rights abuses.

Amnesty International is receiving reports from those fleeing the fighting of rapes and killings of civilians. Recruitment and use of children by armed groups in the Kivus has continued.

More than 176,000 people have been forced to flee their homes in recent weeks. Amnesty International believes that the continued violence in eastern DRC stems directly from the failure by the government and international community to tackle entrenched impunity for human rights abuses.

Laurent Nkunda, a former senior RCD-Goma officer, is accused of having committed war crimes including in Kisangani in 2002 and Bukavu in 2004. He is the subject of an international arrest warrant issued by the DRC government in September 2005. The UN has accused him of breaking the arms embargo on DRC. To date, no DRC government or UN operation has been initiated to arrest him. He has been able to move freely in parts of North-Kivu province and Rwanda. Laurent Nkunda claims that his forces are protecting the province's ethnic Tutsi population from attacks by the Rwandan insurgent armed group, the FDLR (Forces Démocratiques de Libération du Rwanda). He accuses the DRC government of making insufficient effort to dislodge the FDLR from eastern DRC. The FDLR has also been responsible for gross human rights abuses in the DRC.

The DRC government has rewarded other alleged war criminals with senior command positions in its army. There can be little confidence that the government army will ever be capable of protecting civilians, professionally and impartially, as long as no action is taken to remove these individuals from their positions and bring them to justice. The international community, which is providing considerable financial and technical assistance to the country's security sector reform programme, should be insisting on this.

Serious human rights violations are routinely committed by the DRC's police, intelligence services and the army. These human rights violations include arbitrary arrests, torture and ill-treatment, rape, enforced disappearance and extrajudicial executions or excessive use of force leading to death.

Amnesty international urges the African Commission to publicly condemn the continuing violations of international human rights and humanitarian law by the DRC government. Amnesty International also calls on the African Commission to urge the DRC government to:

- o Ensure that all forces involved in the continuing fighting in the country respect international human rights and humanitarian law, stop attacking civilians and allow humanitarian access to all civilians caught up in the violence.
- o Launch an urgent and independent investigation into the systematic detention, torture and murder of political opponents committed by security forces in the DRC.
- o End impunity for human rights violations and bring the perpetrators to justice.