

A SURVEY OF HUMAN RIGHTS CONCERNS IN AFRICA IN 1992.

by Peter J. Sutton

Chairperson, New Zealand Section, Amnesty International.

In this short paper, I shall attempt to summarise Amnesty International's concerns about human rights abuses in Africa, comment briefly upon the environment in which they occur and suggest some measures which should be taken to protect human rights there in the future.

The historical period since the end of the Second World War has been one of great political and social upheavals throughout the continent of Africa and has also seen enormous changes in the attitudes of the international community towards human rights. It should, therefore, be no surprise that major conflicts have arisen between policies of *realpolitik* and universally accepted standards of justice.

Before the creation of the United Nations (UN) in 1945, the only multinational agreements of relevance to my topic were the Geneva Conventions on the conduct of hostilities and the humanitarian treatment of prisoners and civilian populations. Since then, the adoption by the UN in 1948 of the Universal Declaration of Human Rights¹ and its endorsement by virtually all nations was followed in 1966 by the International Covenants on Civil and Political Rights² and on Economic, Social and Cultural Rights³. These Covenants and the later UN Convention Against Torture⁴ and other resolutions have given legal force to the principles of the Universal Declaration.

Although these Covenants and Conventions were adopted with the full participation of representatives of the African members of the UN, many of these states have not yet formally ratified these instruments. However, in 1981, the Organisation of African Unity adopted the African Charter on Human and Peoples' Rights⁵. This charter was derived from the Universal Declaration and contained all of its major provisions. It has been ratified, acceded to or signed by 43 of the 50 members of OAU.

An extract from the news release⁶ which accompanied the publication of Amnesty International's Annual Report⁷ on 9 July this year makes very appropriate comment:

"Paying lip service to human rights in new laws and international declarations achieves nothing if in the end governments don't act on violations.

In Africa, where governments have been slow to tackle past human rights violations, the political killings continued, with extrajudicial executions reported in Chad, Mali, Mauritania and Rwanda. In Burundi 1,000 or more extrajudicial executions were committed against a backdrop of ethnic tensions; in South Africa, hundreds of government opponents were extrajudicially executed with the acquiescence or direct involvement of the government's security forces. Elsewhere in the region, torture was taking place in Sudan on a daily basis in detention centres known as 'ghost houses', while in Uganda hundreds of suspected opponents of the government were detained during counter-insurgency operations.

Governments in Africa and throughout the world often use the violence of opposition groups as an excuse for letting their security forces get away with human rights violations. While we condemn torture, hostage-taking and deliberate and arbitrary killings by such groups, those abuses can never justify government counter-terror."

To expand on these concerns I shall attempt a very brief and necessarily incomplete survey of the human rights situation in Africa, region by region. My sources are the Amnesty International Annual Reports for 1990^a and 1991 and individual country reports published during the first seven months of 1992.

North Africa: All of the governments of the countries along the continent's north coast imprison large numbers of opponents either without charge or trial or after trials clearly unfair by international standards. Most of the prisoners are, or are suspected of being, supporters of Muslim fundamentalist organisations. The numbers appear to be largest in Algeria where thousands are being held in primitive and remote desert camps since the State of Emergency was declared in February 1992. There are also reports of torture and deaths in custody. In Morocco, well over 300 political prisoners and "disappeared" people were released and the most notorious prison demolished during Amnesty's campaign focussing on that country last year. However, there are still many long-term prisoners of conscience and reports of unfair trials, torture and "disappearance" in Morocco.

West Africa including the Saharan States: Most of the nations in this region are in political and economic turmoil with some in transition following the overthrow of repressive governments, others with regimes seeking to hold on to power by suppressing all opposition, and yet others experiencing current or recent civil wars. In the last few years, Amnesty International has been reacting to a series of human rights crises as they occurred all over this region. In at least 11 of these 16 countries, there have been human rights abuses, often on a massive scale, and including every type of violation (extrajudicial and arbitrary killings, "disappearances", detention without trial, torture and ill-treatment, unfair trials and public executions).

In Central Africa, Amnesty has been concerned for many years at the situation in the states of Burundi and Rwanda. In the last two years, ethnic conflict has resulted in the extrajudicial execution of more than a thousand people in each country; members of the Hutu tribe in Burundi and of the Tutsi in Rwanda. Torture and "disappearance" at the hands of government forces is widespread. In Chad moves towards a multi-party state have resulted in instability and reports of imprisonment without trial, torture and political killings, while, in Zaire, there is concern that the conviction and sentencing to death of mutinous soldiers *in absentia* may have indicated that they had already been executed.

In the Nile Valley and East Africa (including the Indian Ocean island states) there have been continuing concerns about the treatment of government opponents and other prisoners. However the most widespread problems are in the Sudan and Uganda where thousands of deaths and cases of torture and arbitrary detention continue to occur in the context of armed insurgency. Both government forces and armed opposition groups are responsible for these human rights violations.

The situation in North East Africa is quite chaotic. The final stages of the civil wars in Ethiopia, Eritrea, Somalia and Djibouti resulted in very large scale human rights abuses of all types and in some areas these problems persist with no effective government to check them. The most stable country in the region, Kenya, is making progress towards a multi-party system and some political prisoners have been released but the opposition still faces considerable harassment.

The Portuguese and Spanish Speaking Countries of Africa present some special post-colonial problems. Following the end of the civil war in Angola last year, there have been concerns about the continuation of politically-motivated killings and about the question of responsibility for past human rights violations. In Mozambique, despite peace negotiations, the fighting has continued with reports of detention without trial and human rights abuses by the government side and of large scale arbitrary killing and torture by RENAMO. Political arrests and torture are also reported from Equatorial Guinea.

In Southern Africa, the politically-motivated killings in the Republic of South Africa are well known and Amnesty holds government security forces at least partially responsible. Of the so-called "front-line states", Malawi causes greatest concern with the arbitrary arrest and detention, "disappearance", torture and intimidation of suspected opponents of Life-President Banda. Concerns in Namibia include recent allegations of police torture and the need for clarification of the fate of thousands who "disappeared" before independence while in the custody of the South African authorities or of SWAPO.

It is important to understand the historical background to this bleak picture of human rights abuse across the continent of Africa. This short paper can give only an over-generalised sketch:

The 1950's saw independence for most colonial African countries with at least nominally democratic forms of government but inadequate human and financial resources.

The 1960's produced a drift towards intolerance, a return to the repressive practices of the previous colonial rulers, the establishment of one-party states and the arbitrary imprisonment of non-violent government opponents.

In the 1970's, these abuses became more extreme with the torture and murder of thousands of people especially in Uganda, Angola, the Central African Empire, Ethiopia, Mozambique and Zaire. This period was described as "Africa's Human Rights Emergency". Fair and independent judicial systems were replaced across the continent by summary trials and politically controlled tribunals.

The end of that decade saw the overthrow of some of the most notorious dictators, but the 1980's were typified by gross human rights violations in the context of civil wars and successionist conflicts. Massacres, torture and arbitrary detention continued on a large scale in many countries: Ethiopia, Mozambique, Sudan and Uganda to mention just a few.

These problems have persisted into the 1990's although many of the conflicts are now over and there is a move towards multi-party democracy in many states. Other countries are writing or revising constitutions providing for the rights of their citizens.

In June 1991, the OAU Assembly of Heads of State and Government said, "The promotion and protection of human and peoples' rights are essential for the progress of Africa's citizens." In echoing that sentiment, it is pertinent to ask what measures must be taken to prevent it being just a pious hope.

The first essential is, of course, the political will to make it happen and to curb the excesses not only of politicians determined to maintain power but also those of the military, the police and the security services. Recent events in South Africa have emphasised that this is so.

The first step in this direction will be the ratification of the African Charter, the International Covenants and the UN Conventions against torture and on the treatment of prisoners. This must be followed by the submission of the regular reports required of all states party to these international agreements.

Treaties and policy statements are not enough however. Other essential steps include:-

- effective action against the use of torture, arbitrary detention and extrajudicial executions;
 - rigorous, independent investigations into every such allegation;
 - the prosecution of those found to be responsible for such acts;
 - an end to *incommunicado* detention;
 - the removal of legal immunity for security forces;
 - an independent judiciary with the power of *habeus corpus*;
 - a limitation on the use of force by police and the military;
- and - the rejection by the courts of evidence obtained by torture.

The presence or absence of such safeguards, not verbal assurances, is the best indicator of the willingness of a government to end human rights abuses in its territory. Amnesty International will continue to monitor and report on each country's situation and will campaign on behalf of all victims in Africa as in other parts of the world. We urge all governments, non-governmental organisations and individuals who have diplomatic, trade or aid contacts with African governments to use these contacts to raise human rights concerns and to encourage appropriate action. Human rights violations can no longer be excused or termed merely matters of internal policy; the basic freedoms of the Universal Declaration are the birthright of all peoples and their denial is a matter for universal concern.

ACKNOWLEDGMENT.

The author gratefully acknowledges his indebtedness to Mr M.B. Dottridge, Head of the Africa Research Unit of the International Secretariat of Amnesty International, and to his paper Protecting Human Rights and the Rule of Law in Africa presented to the International Colloquy on Democracy and Human Rights, 22-24 April 1992, Lisbon, Portugal.

BIBLIOGRAPHY.

1. General Assembly of the United Nations: Universal Declaration of Human Rights.
adopted 10 December 1948.
2. *ditto* The International Covenant on Civil and Political Rights (with two Optional Protocols).
adopted 16 December 1966.
3. *ditto* The International Covenant on Economic, Social and Cultural Rights.
adopted 16 December 1966.
4. *ditto* Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.
adopted 8 December 1977.
5. Organisation of African Unity: African Charter on Human and Peoples' Rights.
adopted 1981, in force 1986.
6. Amnesty International: Governments Let Torturers, State Assassins Get Away with Abuses.
Amnesty Internl. News Release. London. 9 July 1992.
7. *ditto* Amnesty International Report: 1992.
Amnesty International Pubs. London. July 1992.
8. *ditto* Amnesty International Report: 1991.
Amnesty International Pubs. London. July 1991.
9. *ditto* South Africa: State of Fear.
Amnesty International Pubs. London. June 1992.

Current Amnesty International Reports on individual African countries may be obtained from the Amnesty International Section Offices in Australia (Private Bag 23, Broadway, NSW.) or New Zealand (P.O. Box 793, Wellington)