

**BIBLIOGRAPHIC DATA SHEET**1. CONTROL NUMBER  
PN-AAJ-7642. SUBJECT CLASSIFICATION (695)  
SF00-0000-G100

## 3. TITLE AND SUBTITLE (240)

Legal assistance for human rights in African countries; final report

## 4. PERSONAL AUTHORS (100)

Meeker, Leonard

## 5. CORPORATE AUTHORS (101)

Center for Law and Social Policy

## 6. DOCUMENT DATE (110)

1981

## 7. NUMBER OF PAGES (120)

27p.

## 8. ARC NUMBER (170)

AFR351.996.M494

## 9. REFERENCE ORGANIZATION (130)

CLSP

## 10. SUPPLEMENTARY NOTES (500)

## 11. ABSTRACT (950)

## 12. DESCRIPTORS (920)

Human rights            Senegal  
Law  
Legal services  
Africa  
Zaire  
Sierra Leone  
Nigeria

## 13. PROJECT NUMBER (150)

930004900

## 14. CONTRACT NO.(140)

AID/otr-G-1684

15. CONTRACT  
TYPE (140)

## 16. TYPE OF DOCUMENT (160)

AFR  
351.996  
M494

1 June 1981

FINAL REPORT

Grant No. AID/ort-G-1684

Legal Assistance for Human Rights  
in African CountriesPurpose of the Grant

The purpose of this grant was to support a program of the International Project of the Center for Law and Social Policy in relation to the protection of human rights in selected African countries. The International Project was to identify, locate, and make contact with individual lawyers, bar associations, and other groups engaged in legal action to protect and promote civil and political rights recognized in the Universal Declaration of Human Rights and in the United Nations Covenants. Thereafter, the Project was to maintain communication with individuals and groups that expressed interest in receiving financial and technical assistance in carrying forward their human rights activities. It was not contemplated that AID grant funds would be used to pay attorneys' fees, since these could be so large as to exhaust the grant perhaps in only a single case. Rather, it was intended that the grant should be used to furnish financial assistance for certain other expenses occasioned by human rights litigation: court filing fees; copying of documents, reproduction of pleadings and briefs; travel required of counsel in the conduct of litigation;

compensation to a junior attorney whose services might be required in the preparation of a case.

#### Program Countries

Sierra Leone, Ghana and Zaire were initially selected for the human rights program of the International Project. The selections were approved by AID Washington, the relevant AID missions, and the American embassies in the countries concerned. The grant was signed on November 8, 1978. Selection of the three countries was approved in January 1979.

#### Initial Travel

The Director of the International Project, Leonard Meeker, left Washington on February 14, 1979, to commence travel to the African countries in order to make contact with individual lawyers and groups. He traveled by way of Geneva, for the purpose of conferring with Niall MacDermot, Secretary-General of the International Commission of Jurists, who had previously asked Meeker to visit him in Geneva before proceeding to Africa. In Geneva Meeker met with both MacDermot and the latter's deputy, Hans Thoolen. He received a number of suggestions of people to look up in the African countries. MacDermot said it would be very useful for the ICJ to be informed later of the results of the trip and to receive a list of contacts made, since the Commission had representatives travelling in Africa only occasionally.

Also while in Geneva Meeker met with Abdullah Dieye, Deputy Representative of Senegal in the United Nations Commission on Human Rights, for a general discussion of the status of human rights in various African countries and to secure additional suggestions of persons to see during travel in Africa. M. Dieye had been a member of the U.N. Human Rights Subcommittee on Chile and was able to report on what the group had found in that country.

Sierra Leone. Meeker visited Freetown, Sierra Leone, during the last week of February 1979. He called on the Chief Justice of Sierra Leone, Livesey Luke, and had dinner with two Justices of the Court of Appeal (M.S. Turay and Ken During). These three members of the judiciary commented on the judicial tenure provisions of the June 1978 Constitution: although judges normally retired at age 65, the President could retire any judge at 55. The Chief Justice said that 16 of the 20 High Court judges had sent a memorandum to the Attorney General and Minister of Justice taking the position that the new provisions applied only to judges appointed after their effective date. The two justices of the Court of Appeal expressed dissatisfaction with the new provisions as applied to any judge. In a discussion had by one of them with President Siaka Stevens, the latter said that some amendments should probably be made to the Constitution -- impliedly including the provisions on retirement of judges. The fact that Stevens made this statement was interpreted by the American Embassy as a

sign that amendments would likely be made, that Stevens did not consider them a threat to his position, and that the Sierra Leone Government saw advantage in responding to criticisms -- including external ones; the State Department Human Rights Report on Sierra Leone had referred to the new Constitution's erosion of judicial independence.

A call on the Attorney General and Minister of Justice, A.B. Kamara, evoked questioning from the latter about possible connections between the Center for Law and Social Policy and Amnesty International; the latter organization had issued an unfavorable and generally accurate report on Sierra Leone and was non grata to Mr. Kamara.

Meeker had in-depth discussions with a number of practicing lawyers: Manilius Garber (President of the African Bar Association), Walter Marcus-Jones (Lecturer in law at Fourah Bay College), J.T. Massaquoi (Treasurer of the Sierra Leone Bar Association), F.M. Carew, Francis Gabbidon, J.H. Smythe, Garvas Betts, J.B. Jenkins-Johnston, and Terrence Terry.

Except in a few instances there was no indication of active interest in serving as counsel in court cases where issues of civil and political rights are involved. In fact there appeared to be a disinclination to participate in cases where the government was taking action against private citizens. In the Sierra Leone ruled by Siaka Stevens, association with opponents of the regime has

sometimes led to harassment and persecution. Many lawyers are probably apprehensive of working on political cases. Moreover, a number of members of the bar in Freetown are engaged in legal practice that is closely tied to large commercial enterprises and is also highly lucrative. These individuals, rather than considering themselves well placed to undertake litigation on behalf of controversial figures, prefer to stick to their commercial law practice.

Some senior members of the bar in Freetown voiced concern about the very extensive powers of the President under the new Constitution; it had been rushed through Parliament in three days of June 1978; there has been a constant state of emergency since 1969, empowering the President to take extraordinary actions. One lawyer attached importance to the maintenance of links between the Sierra Leone bar and lawyers in other countries. In this connection he thought the African Bar Association (lawyers of English-speaking countries) could be helpful. That Association had held a conference at Freetown in August 1978, with a focus on human rights. The Stevens Government had participated in and given financial support to the conference. Various observers thought that the Government was sensitive to outside criticism of the human-rights situation in Sierra Leone and that the Carter Administration's policies had some practical effect. The remaining political prisoners had been released early in 1978. It was

acknowledged that the Sierra Leone Bar Association has little cohesion and is not active in a corporate sense.

A few younger lawyers expressed interest in cooperating with the International Project in the conduct of human rights litigation. Terence Terry had been counsel in two such cases. One was a challenge to the Government's exclusion from the ballot of two opposition candidates; the plaintiffs had won in the Court of Appeal; the case was settled while the Government's appeal was pending before the Supreme Court. The other case challenged the application of the 1977 declaration of emergency to the whole of Sierra Leone rather than to an "area" of the country (pursuant to the pre-1978 Constitution). This case had been lost in the High Court and was on appeal. Terry thought his representation of the two sets of plaintiffs had led to a night-time burglary of his chambers by government security forces; the papers seized had been returned promptly; Terry had left, for visitors to see, the physical signs of the break-in. Terry had been warned by relatives, and by his former law partner who had become Foreign Minister of Sierra Leone, against further involvement in political cases. Terry said he did not intend to be deterred. He said that, as a practical matter, there were not too many such cases; in some instances (as with the election case), individuals could pay but would not, while in others they lacked funds even to pay the court filing fees and to make the deposits necessary for commencing the action. In the

latter type of situation, assistance from an organization such as the Center for Law and Social Policy could be useful and meaningful. He agreed to be in touch if such situations arose in the future. Garvas Betts made a similar response. Meeker pointed out in his discussions that even the new Constitution left it open to the courts to decide whether particular emergency measures of the Government are "reasonably required" or "reasonably justifiable" in the circumstances.

Ghana. Prior to Meeker's departure from Freetown, a message arrived from the American Embassy in Accra advising against travel to the Ghanaian capital because of a general emergency created by a breakdown in the city's water system. Shortly thereafter, the Accra airport was closed, ostensibly for repairs, but later it became apparent that this measure was taken in conjunction with a currency conversion. As a result, Meeker did not visit Ghana, and instead Ambassador Linehan (Sierra Leone) arranged through a series of messages exchanged with the American Embassy in Lagos to substitute a program in Nigeria.

Nigeria. Meeker arrived in Lagos on March 7, 1979. In a two-day visit he met with members of the Nigerian Institute of International Affairs (including Ms. J. Ogwu); Babatunde O. Benson (President of the Nigerian Bar Association); Debo Akande (General Secretary of the Association); Mr. Ibiro (Director of the

Nigerian Law School); Chief Nabo B. Graham-Douglas (former Attorney General of Nigeria and currently Chairman of the Council of Legal Education); Tunji Braithwaite (barrister and solicitor); M.M. Princewill (solicitor); and J.N. Nwodo (barrister).

The officials of the Nigerian Bar Association, in response to questions, said the Association had not sponsored challenges in court to political detentions; these were described as being undertaken for preventive purposes when the Federal Military Government (FMG) thought an individual was likely to start a civil disturbance. Instead the Association had adopted the policy of collecting information on detentions, evaluating it, and taking a detention up with the relevant State Military Administrator if the detention appears unwarranted. The Association thought the results of this program generally satisfactory. Some American observers thought this a rose-colored estimate.

There was considerable discussion with the Nigerians of the Nigerian Constitution, which had recently been issued in draft form. The Nigerian lawyers believed that the Constitution would be approved, that elections would be held, and that a new civilian government would replace the FMG on schedule in October 1979. Although expressing uncertainty as to how long the new regime would last before being upset by another coup, the Nigerian lawyers thought that the draft Constitution was in general a progressive document and, if followed, would provide reasonable guaranties of

individual civil and political rights. The Nigerian practicing lawyers exhibited minimal interest in taking on political cases; their commercial practice was busy and apparently highly successful. However, Dr. Braithwaite, who was politically active as leader of the Nigeria Advance Party, stated that he had represented some individuals in human-rights-type cases and might do so again. He said he would be in touch later.

He later telephoned Meeker from London, and in the early summer visited Washington. The two met over lunch, but it appeared that Braithwaite was now preoccupied with electoral politics in Nigeria. He did not communicate subsequently concerning any human rights cases.

Zaire. In November 1978 Meeker had had a visit in Washington from Maitre Mbu Ne Letang, a lawyer in Lumbumbashi, who told of the difficulty in securing any legal defense for prisoners being tried by military tribunals. On two occasions Mbu had been asked by the President of the local bar association to represent defendants before military tribunals. Only through threatening to withdraw from a case, was he able to secure a few hours in which to confer with the defendant and to prepare the defense before the trial should take place. Mbu encouraged Meeker to come to Zaire, and when the latter arrived Mbu came to Kinshasa

and remained throughout Meeker's stay. He arranged a number of very useful meetings. Meeker called on the Deputy Auditor General of the Army (General Kundo) and urged upon him the importance of providing for an appeal from the criminal sentence of a military tribunal. It had been reported that the general in charge of Shaba Province was having pangs of conscience about having carried out executions summarily following convictions by a military tribunal with no right of appeal. General Kundo said that the question of appeal was one that should be considered.

Meeker's first visit to Kinshasa was during the second and third weeks of March 1979. At that time the members of the bar in Zaire were being subjected to hostile and punitive measures by the government. At the end of February the Minister of Justice, who was also the Procurator General of the Republic and President of the Judiciary Commission, convoked the Bar Association Presidents and members of the Bar Association Administrative Councils throughout Zaire to a meeting in Kinshasa. He did this in the absence of any legal authorization to call such a meeting. The Minister, in his triple role, had acquired very extensive powers: he could appoint or retire any member of the judiciary in Zaire; he could revise any judgment of any court in Zaire. At the Kinshasa convocation, Minister Kengo made a speech highly critical of the bar and proposed a new national bar association which should be subject to the authority of the Minister. The lawyers present from Kinshasa

and various regional centers did not agree, and on the last day of the conference the bar association president of Kinshasa, speaking on behalf of his colleagues, politely but firmly answered Kengo and stated opposition to the proposal for a national bar association under the Minister's control. On the following day, March 1, Kengo caused to be arrested four of those present at the conference. The President of the Kinshasa bar was not among the four, but Kengo stated that the bar would have no peace until he resigned his post.

It was in these circumstances that the Kinshasa bar held a dinner meeting on March 17, inviting Meeker to speak at the dinner on the subject of human rights. Some sixty lawyers -- about half the total membership -- attended the dinner. Some lawyers appeared to have stayed away out of apprehension, but the turnout was impressive.

While in Kinshasa, Meeker met two lawyers who were members of the Legislative Council (Matadi Wamba and Yoka Mangono) as well as a number of private lawyers. From all of them he received information about the pressure to which the bar in Zaire was being subjected by the government. It was stated that Minister Kengo had the confidence of President Mobutu and that the latter had given Kengo free reign in the province of legal affairs.

Follow-up Activities

After returning from the initial travel to African countries, Meeker provided oral and written briefings to the State Department and AID. He sent written summaries to Mr. MacDermot, of the International Commission of Jurists, and urged that the ICJ send a mission of investigation to Zaire. Meeker reported also on the situation in Zaire to Mr. William Butler, of the New York Bar.

Zaire. Early in May Meeker received word from a member of the bar in Kinshasa that more arrests of lawyers had been made: Matunga Lumina Ntoka, President of the bar in Kinshasa, and two other Kinshasa lawyers. Meeker sent a further communication to Mr. MacDermot in Geneva and urged a very early ICJ mission to Zaire. The latter preferred the course of sending a letter to Kengo from a Belgian member of the ICJ. By mid-July all of the arrested lawyers appear to have been released. In one case, where the defendant was acquitted, the acquitting judge was promptly retired by Kengo. In some cases, the charges were left hanging over the heads of the lawyers who had been arrested. In late July and August, Maitre Matunga, President of the Kinshasa bar, was able to join a group of African jurists on an international visitor program trip to Strasbourg and Washington to observe the human rights organs of the Council of Europe and of the OAS at work.

Subsequently, there arose an opportunity to prepare a memorandum for President Mobutu concerning the merit and value of an independent bar and an independent judiciary in the United States. The memorandum was subsequently transmitted to Mobutu.

At the end of September 1979 President Mobutu signed an ordonnance-loi on the establishment of a national bar. The new law was changed in important respects from the Kengo proposal. The changes had come about as the result of the President's office soliciting suggestions from private lawyers in Zaire and adopting a number of them.

At the end of October the Kinshasa bar elected Legislative Council member Yoka Mangono as its president, succeeding Matunga. The change in leadership of the bar did not represent any change in its political disposition.

At the end of January 1980 President Mobutu made a number of changes in the government of Zaire. Prominent among them was the dismissal of Kengo wa Dondo from all of his governmental posts: as Minister of Justice, Procurator General of the Republic, and President of the Judiciary Commission. The President at the same time annulled the laws giving virtually plenary powers in the legal field to the holder of these posts. A new Minister of Justice was appointed, and the Legislative Council was asked to draft new laws concerning the judiciary and the bar.

Kinshasa bar President Yoka Mangono made a trip to the United States in February 1980 under the International Visitor Program. At dinner at Meeker's house, in a general discussion of the legal situation in Zaire, he described this as improved as a result of the ouster of Kengo. Yoka could not predict when consideration of the new laws would be completed by the Legislative Council and when those laws would be signed and take effect.

In April 1980 Meeker made a second visit to Zaire. This was under the auspices of the International Communication Agency and was for the purpose of giving a series of lectures and media interviews on different aspects of the general subject of human rights. It also permitted Meeker to resume contact in Kinshasa with a number of lawyers and it provided for a two and a half day stay in Lubumbashi which included a meeting with a number of members of the local bar.

During the year elapsing between these first and second visits to Zaire, there had been no requests from members of the bar in that country for assistance in connection with human rights cases in which they were participating as counsel. The arrests of lawyers during the early months of 1979 and the charges presented against them were resolved without extensive litigation, and by summer all of the defendants were at liberty. Presumably, the charges against them were subsequently dropped, either before or after the dismissal of Kengo from his posts. Members of the bar

did appeal for international support to assist them against the harassment and persecution to which they were being subjected during the first half of 1979. In response to appeals sent following Meeker's March 1979 visit to Kinshasa, it was possible to activate a series of institutions in the western world for the purpose of letting the Government of Zaire know that its treatment of the legal profession was known abroad, and was highly disapproved. The U.S. Embassy in Kinshasa and the Department of State in Washington made representations on the subject. Also activated to take steps of one sort or another were the International Commission of Jurists in Geneva, the Union Internationale des Avocats in Paris, and the Association of the Bar of the City of New York. Lawyers in Zaire expressed the opinion later that the various moves brought it home to President Mobutu that the actions of Kengo constituted a net liability, and that this contributed to Mobutu's desire to dismiss Kengo. [The latter retains, however, his position as a member of the political bureau of Zaire's ruling party.]

During the second visit to Zaire, Meeker asked lawyers in Kinshasa and in Lubumbashi what their counterparts in the United States might do that could be helpful to the profession in Zaire and contributory to the protection of basic individual rights. These lawyers doubted that it would be feasible to form a human rights organization in Zaire or to take other action challenging directly the government's policies or actions with

respect to human rights. However, they expressed interest in establishing some type of formal relationship with bar associations in the United States. They spoke of "twinning" between the bar of Lubumbashi, for example, and the bar in a U.S. city. They expressed interest also in reciprocal visits and conferences or colloquia in which lawyers of the two countries could participate.

A chronic and basic human-rights problem in Zaire is the harassment and mistreatment of civilians by the gendarmerie -- often with the slightest of pretexts and usually for purposes of extortion. While in Kinshasa in 1980, Meeker discussed with the Embassy and, at the latter's suggestion, with the new Secretary of State for Justice the possibility of creating an office in the Ministry of Justice that would handle and deal effectively with citizen complaints against gendarmes and would be widely known for doing so. Redress of private grievances and punishment of the guilty would constitute the essence of the activity. The Secretary of State (Bokuma) was strongly in favor. Modest funding would launch this project.

Sierra Leone. In November 1979 Meeker received a communication from Terence Terry, lawyer in Freetown, inquiring whether the Center could assist with the expenses in connection with the appeal of Dr. Hadj Conteh and Mr. Mohammed Bash-taqui from the

lower court decision dismissing their challenge to the February 1977 proclamation of a state of emergency in Sierra Leone. This was the case in which these two plaintiffs contended that the proclamation exceeded the authority given to the President by the Constitution. Correspondence followed in which Mr. Terry and Meeker reviewed the expenses of the appeal (filing fees, deposit against costs, reproduction, etc.), and the matter was concluded with the Center contributing \$1,531 to cover these costs -- which did not include the fees of counsel.

Nigeria. In the Spring of 1981 the Nigerian Bar Association requested financial support for travel to the United States by three of its members to study the provision of legal services to lower-income groups and in litigation in civil and human rights. The Nigerian Association hopes to launch a legal aid or legal services program of its own. A grant of just over \$6,000 has been made by the Center for Law and Social Policy to the Nigerian Bar Association for this purpose. Its representatives are to arrive in the United States 20 June 1981.

#### Inter-African Union of Lawyers

In February 1979, when Meeker was en route from Geneva to Freetown, he stopped off in Dakar in order to talk with Senegalese lawyers knowledgeable about human rights in African countries. The Chief Justice and the First Vice President of the Supreme Court of Senegal have been prominent figures in the

United Nations Human Rights Commission. The Procurator General of the Republic is President of the Senegalese Commission on Human Rights. Moustapha Seck, then president of the Dakar bar association, had organized the month before a colloquium of French-speaking African bar associations at which it was decided to establish an Institute of Human Rights Education. It was Seck's hope that this Institute could serve educational and training purposes and could also disseminate information on human rights developments. In addition to contemplating ways in which the Institute could be converted from a paper organization into a functioning reality, Seck was beginning to think about the possibility of drawing lawyers from the different regions and countries of Africa into an enterprise or perhaps an organization with a focus of interest on human rights. Following Meeker's return to Washington, he discussed with the Bureau of African Affairs in the Department of State the possibility of inviting a group of African jurists to visit both Strasbourg and Washington during the summer of 1979 for the purpose of observing the European Commission on Human Rights and the Inter-American Commission on Human Rights in operation. Seven invitees later made the trip in July and early August: Amos Wako (Kenya), Secretary-General of the African Bar Association; Joseph Kavaruganda (Rwanda), President of the Cour de Cassation of Rwanda; Manilius Garber (Sierra Leone), President of the Sierra Leone and African Bar Associations; Babatunde O. Benson (Nigeria),

President of the Nigerian Bar Association; Mohammadou Moustapha Seck (Senegal); President of the Senegalese Bar Association; and Robert Heyfron-Benjamin (Ghana), Chief Justice of Botswana. While the group were in Washington, Meeker gave a lunch for them on August 3, 1979. There was further discussion about the possibility of forming an all-African organization of lawyers with special emphasis on human rights. Seck summed it up by saying, "When we get home, we will have to do something about this."

During the next several months M. Seck travelled to a number of African countries to interest members of the private bar in creating the kind of organization he had in mind. He enlisted the services of two or three colleagues to cover some countries that Seck could not cover himself. By early 1980, enough groundwork had been laid to enable Seck to begin definite planning for a conference. Invitations were subsequently sent out for a "Constitutive Congress for the Inter-African Union of Lawyers" to be held in Dakar from May 21 through May 24, 1980. An AID grant of \$25,000 was available to Seck to defray expenses of the conference. In addition, the Center for Law and Social Policy defrayed the travel expenses of three delegates from Zaire, in the over-all amount of \$3,000. These delegates had been unable to secure from their government foreign exchange for travel and attendance. Without outside assistance there would have been no Zairian participation in the conference.

The conference, held in the International Exchange Center of Dakar, was attended by delegates from Egypt, Algeria, Morocco, Sudan, Ethiopia, Senegal, Nigeria, Benin, Gabon, Ivory Coast, Zaire, Zambia, Cape Verde, Tanzania, Kenya, Mali, and the Central African Republic. Following the opening session on May 21, which included an address by the Prime Minister of Senegal, the conference was organized into three commissions: one, on the profession of lawyer, which in the next two days reviewed the situation of the bar in a number of African countries; another on human rights in Africa; and a third on the drafting of a constitution for the organization. The debates -- and the politicking -- were concluded by noon on May 24. That afternoon the draft constitution was taken up in the plenary session and, following various amendments, was adopted. The instrument has the following main features:

1. Individual practicing African lawyers and also bar associations and groups are eligible for membership in the Inter-African Union of Lawyers.
2. The Union is to have a Congress which will meet every three years.
3. The Union is to have a Bureau made up of Union officers; the Bureau is the executive arm of the Union.
4. The Union's purposes include: (a) defending the interests and essential principles of the legal profession;

(b) protecting the freedom and independence of defense in criminal cases; (c) defending and promoting public and private freedom, human rights and the rights of peoples.

5. The Union will have an African Institute of Human Rights. 1/ The Union can create permanent and ad hoc commissions for the pursuit of its objectives, notably for the development of juridical science and the protection of human rights.

6. Decisions of the Congress are made by a majority of members present and voting. Each national group in the Congress shall be entitled to one vote, whose casting will be decided by the national group.

7. The resources of the Union will stem from dues of members, contributions, and revenue from its activities. 2/

Initial elections were held by the Union on May 24, 1980. Moustapha Seck was elected President and Amos Wako Secretary-General. The other members of the Bureau were distributed among the five geographical regions of Africa recognized by the OAU and among the four language groups represented at the conference (French, English, Arabic and Portuguese). Members of the initial Bureau contemplate the Union will have an information publication to be circulated

1/ The 1979 Institute for Human Rights Education is expected to be folded into the new Institute.

2/ A copy of the draft constitution is attached.

to all members. They hope also to hold, in the intervals between sessions of the full Congress, seminars and colloquia on subjects of common interest. Human rights is high on the list of such subjects and may well be the topic of the first colloquium when one is held. M. Seck looked forward to the first such colloquium being held in an English-speaking country, probably in East Africa, the Constitutive Congress having been held in Dakar and the permanent headquarters of the Union being located in Dakar.

In the latter months of 1980 and during the winter and spring of 1981 Meeker had a number of exchanges with Seck about a 1981 colloquium or seminar on human rights, in which Meeker repeatedly urged the submission of budgetary estimates, as a basis for applying to AID for a supporting grant. A meeting of the Union's Bureau was held in Addis Ababa early in 1981. It was decided there to hold a November 1981 colloquium in Lusaka on the subject of the role of lawyers in liberation struggles in southern Africa. A copy of Seck's letter on this project is enclosed.

## Conclusions

1. There appears to be in many of the African countries a private bar made up of lawyers who are generally independent and free agents. The inclination of lawyers to take human rights cases and represent political defendants varies from country to country, depending both on the traditions of the bar and on the degree of control and repression maintained by the government.

2. The experience under this AID grant indicates the existence of only limited opportunities for external assistance to African lawyers who are engaged in litigation to protect basic individual rights. In the countries where the need is greatest -- such as Zaire for example -- the conduct of government offers maximum disincentives to lawyers in regard to engaging in cooperative efforts for the protection of civil and political rights. In Nigeria, on the other hand, where a civilian government took office on October 1, 1979, the need for outside assistance to lawyers in human rights cases is less.

3. There was general agreement among African lawyers that continuing communication among them within the region, and communication with lawyers and bar groups in other parts of the world, would serve to ameliorate their present sense of isolation within individual countries, where particular lawyers and the bar generally feel themselves alone and at the mercy of

the local government. They stressed that contacts with the legal profession outside their own countries and outside of the African continent would both effectuate moral encouragement and provide practical political protection.

4. Members of the private bar in Africa are often very independent in their thinking and in their attitude toward African governments. Their outspokenness can be marked when they are away from home and participating with colleagues in a conference such as the one held at Dakar in May.

#### Recommendations

1. The U.S. Government and private groups in the United States should keep a watching brief on human rights developments in African countries. Congress has laid upon the State Department a requirement for country-by-country human rights reports to be submitted annually. Even in the Carter Administration the reports tended to play down problems, to employ circumlocutions and euphemisms, and to take the most optimistic view of prospects. Both foreign government officials interested in progress, and those having the most limited interest in human rights progress, seem likely to be optimally affected by entirely candid reporting. The State Department reports should be continued and should be made more plain-spoken and direct.

2. On the basis of continued monitoring, the U.S. Government should approach African governments concerning human

rights matters where the U.S. has suggestions to make. There will be many such instances.

3. The possibilities should be explored for creating continuing relationships between bar groups in African and bar associations in the United States. In addition to exchanges of publications, occasional trans-Atlantic visits by lawyers in both directions, accompanied by local seminars or colloquia on human rights, would be a useful means of maintaining communication, watching human rights developments in African countries, and manifesting interest in them. Some limited funding will be necessary to carry on such a program.

4. Modest funding should be provided to the Ministry of Justice in Zaire to implement a pilot project for dealing with citizen complaints against the gendarmerie.

5. The U.S. Government should provide financial support to the new Inter-African Union of Lawyers during its early days to make sure it gets off the ground as a functioning organization and achieves reality in operation. The Union will probably wish to hold a large meeting in the form of an all-African colloquium during the last months of 1981. President Seck has estimated the cost of such an enterprise at about \$50,000. It would seem worthwhile to provide the material means for holding such a colloquium during the year following the creation of the Union.

In this way momentum would be sustained, and lawyers and governments in Africa would know that the new Union was an institution to be reckoned with.

6. To the extent of need, financial support should be provided to assure the preparation and circulation of a publication by the new Union informing its readership of developments concerning the observance and enjoyment of basic individual rights in Africa.