

# US STATE DEPARTMENT REPORT ON IVORY COAST 2000

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*Country Reports on Human Rights Practices - 2000*

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Prior to October presidential elections, Cote d'Ivoire had a military government. Brigadier General Robert Guei took power on December 24, 1999, following a bloodless coup d'etat, which forced the departure of then President Henri Konan Bedie. General Guei, who was Chief of Staff under Presidents Felix Houphouet-Boigny and Bedie, declared himself the new President, suspended the Constitution, dissolved the National Assembly, and formed the National Committee for Public Salvation (CNSP)--which consisted of himself, seven other military officers, one naval enlisted man, and one soldier who participated in the coup. Guei initially claimed no interest in retaining power and pledged to rewrite the Constitution, clean up government corruption, and hold fair and transparent elections during the year. In January Guei formed a transitional government made up of CNSP members as well as representatives of five political parties and civil society. In May Guei reshuffled the cabinet, effectively ridding the Government of most members of the Republican Rally (RDR), the party of rival presidential candidate and former Prime Minister Alassane Ouattara. On September 22, Guei again changed the cabinet, eliminating three additional members who were considered sympathetic to the RDR. The Constitutional and Electoral Consultative Commission (CCCE), which was created by the CNSP and included members of all major political parties, nongovernmental organizations (NGO's), and prominent members of civil society, drafted a new constitution; however, Guei made several substantive changes to the text, including inserting controversial language regarding the eligibility requirements to be president, before submitting the draft constitution to a referendum. On July 23 and 24, the citizens overwhelmingly approved the new Constitution in a referendum, and the Constitution was implemented on August 4. On October 26, after a flawed October 22 presidential election, which was marred by significant violence and irregularities, including a suspension of the vote count for several days, the Supreme Court declared Laurent Gbagbo the victor with 53 percent of the vote. Except for the RDR, which decided not to accept ministerial posts, major political parties were represented in the new Government, which was made up of 24 ministers. An election for the National Assembly was held on December 10 and was marred by violence, irregularities, and a very low participation rate. The Ivoirian Popular Front (FPI) won 96 of the 225 seats; the Democratic Party of Cote d'Ivoire (PDCI), the former ruling party, won 77; independent candidates won 17; and 4 other parties won a combined 7 seats. Twenty-eight seats remained unfilled at year's end. To protest the invalidation of the candidacy of party president Alassane Ouattara, the RDR boycotted and disrupted the legislative elections. The judiciary is subject to executive branch and other outside influence.

Security forces include the army, navy, and air force, all under the Ministry of Defense; the Republican Guard, a well-funded presidential security force; the national police (Surete Nationale); and the Gendarmerie, a branch of the armed forces with responsibility for general law enforcement, maintenance of public order, and internal security, including suppression of violent crime. The National Security Council, which was formed in 1996 and coordinated internal and external security policy, was dissolved by the Minister of State for Security in January

following the December 1999 coup. Also in January, General Guei created a special military unit, the P.C. Crise, to assist in reestablishing order, to control crime, and to put an end to abuses committed by the military. In May General Guei officially disbanded the P.C. Crise and other quasi-military groups, including the Kamajors, Cosa Nostra, Cobra, and Red Brigade, that had formed within the military following the coup, and which had come to be known as the "parallel forces." However, some members of these groups continued to act as vigilante forces, and on September 20, the Government announced the formation of a new "P.C. Crise Marine." The civilian Directorate of General Intelligence (DRG) is responsible for countering internal threats. A security staff (L'Etat Major de la Securite) collects and distributes information about crime and coordinates the activities of the security forces in times of crisis. The Special Anticrime Police Brigade (SAVAC) and the Anti-Riot Brigade (BAE) continued their operations. Upon taking office, President Gbagbo combined the Ministries of Interior and Security; however, he decided against altering the structure of the security forces. While the Gbagbo and Guei Governments generally maintained effective control of the security forces, there were instances in which security forces acted independently of government authority, most notably during military mutinies in March and July, and surrounding the presidential and parliamentary elections in October and December respectively. In addition there are major divisions within the military based on ethnic, religious, and political loyalties. Security forces, particularly the "parallel forces," committed numerous human rights abuses.

The economy is largely market-based and heavily dependent on the commercial agricultural sector. Most of the rural population remains dependent on smallholder cash crop production. Principal exports are cocoa, coffee, and wood. In 1999 approximately 56 percent of the adult population was literate, but the rate among women (44 percent) is only two-thirds of the rate among men (66 percent). Recorded gross national product per capita in 1999 was about \$700. After several years of 6 to 7 percent annual economic growth following the 1994 currency devaluation, growth slowed to about 3 percent in 1999 and was an estimated negative 2 to 3 percent during the year. Income remains unevenly distributed, and government expenditures for basic education and health services were far below planned levels. Widespread corruption is rooted in a lack of transparent and accountable governance. The political manipulations of the Guei Government, which resulted in investor and consumer uncertainty, further impeded economic growth. The Guei and Gbagbo Governments only received limited assistance from international financial institutions during the year due to the coup, government corruption, mismanagement, and political unrest following recent elections.

The Government's human rights record was poor, and there were serious problems in a number of areas. Citizens did not fully have the right to change their Government. Members of the security forces committed hundreds of extrajudicial killings. Following a September 18 attack on General Guei's residence, military forces and gendarmes arrested numerous soldiers; 3 or 4 were tortured to death, and 23 others were detained and tortured. The security forces beat and abused detainees and used force to disperse protesters. Prison conditions remained harsh and life threatening. The Government generally failed to bring perpetrators of these abuses to justice. The Government used arbitrary arrest and detention, and prolonged detention remained a problem. Journalists and opposition members, in particular, were detained without trial for long periods. In January the CNSP released from custody all members of the Bedie Government that were arrested following the December 1999 coup; however, former Minister of State for Interior and Decentralization Emile Constant Bombet was detained again for 33 days. By February all of the army officers arrested and detained during and

after the December 1999 coup were released without having been tried. The judiciary did not ensure due process and was subject to executive branch influence, particularly in political cases. Security forces infringed on citizens' privacy rights. The Guei Government restricted freedom of speech, the press, assembly, and movement. Despite some formal restrictions on freedom of association, the Guei and Gbagbo Governments generally respected this right in practice. At least 26 percent of the country's adult population, including many lifelong residents of the country, remained politically disenfranchised noncitizens. Discrimination and violence against women, abuse of children, and female genital mutilation (FGM) remained serious problems. Muslims and practitioners of traditional indigenous religions were subject to discrimination. Violent ethnic tensions persisted, and societal discrimination based on ethnicity remained a problem. Child labor, forced child labor, and trafficking in persons, including children, continued; however, efforts to combat these problems within the country showed some success.

## **RESPECT FOR HUMAN RIGHTS**

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### **a. Political and Other Extrajudicial Killing**

Security forces committed extrajudicial killings, including politically motivated killings. There were reports that government security forces killed three or four suspected coup plotters after an alleged assassination attempt on General Guei on September 18 (see Section 1.b.). For example, Sergeant Sansan Kambire was arrested shortly after the September 17 and 18 attack on General Guei's residence. His corpse was discovered in an Abidjan mortuary 3 days after his arrest. That same month, General Guei's personal guard tortured and killed Chief Sergeant Souleymane Diomande, also known as "La Granade," while he was detained at Akouedo military camp. Soldiers poured acid on Diomande and then beat him to death. Guei's guard also arrested and tortured to death Corporal Abdoudramani Ouattara and an unidentified person from Burkina Faso for the September attack. In October the military prosecutor announced that, at the families' request, an investigation would be conducted into the deaths of the three soldiers; the investigation was ongoing at year's end.

Security forces frequently resorted to lethal force to combat widespread violent crime. The CNSP-created special crime fighting unit, P.C. Crise, and other unofficial quasi-militia forces that sprang up after the 1999 coup committed the majority of these killings. Members of the P.C. Crise, the Kamajors, Cosa Nostra, Cobra, and Red Brigade pursued suspected criminals and frequently executed them immediately after capture; occasionally they publicly displayed the bodies. According to government statements and media reports, the security forces had killed hundreds of criminals by year's end. Such killings by the P.C. Crise ended after Gbagbo assumed the Presidency and formed the P.C. Crise Marine.

On February 6, security forces shot several persons, including students and civil servants, while responding to a problem in a nightclub in Abidjan's Treichville neighborhood; two persons died. During a military mutiny on July 4 and 5, mutineers killed a woman in Abidjan's central business district of Plateau, allegedly because she refused to give up her car during a carjacking. The other reported deaths during this uprising occurred during

clashes between mutineers and forces loyal to the Guei Government, in which 4 soldiers died and 10 civilians were wounded.

On October 16, a police officer shot a Nigerian woman, Confort Egiantey, while she was traveling on a public minibus. The officer was chasing the driver of another minibus that had refused to stop for a police check. The police officer was arrested, and his trial was pending at year's end. According to the Ivoirian Movement for Human Rights (MIDH), during and for several days following the October presidential election, more than 500 persons were killed in clashes with security forces or during clashes with other protesters, by gunshot, drowning, or torture. In addition 860 persons, many of whom were FPI and RDR militants, were injured. Gendarmes also killed some protestors while they were in detention. In December the Malian High Council reported that more than 20 Malians were killed and 10 disappeared during the demonstrations and violence that followed the October presidential elections.

In December there was a press report that security forces had killed at least 10 Nigerians, allegedly for supporting the opposition.

The Gbagbo Government, which took power on October 26, had a mixed record in controlling the security forces. In October after the presidential elections and again in early December in the period prior to the parliamentary elections, gendarmes and police reacted violently against RDR political demonstrations. On October 25, 57 bodies of Muslims were discovered at a site in the Abidjan district of Yopougon. Gendarmes widely are believed to be responsible for these killings. Human Rights Watch (HRW) and other independent investigators published the testimony of alleged survivors who claim gendarmes had dragged them from their homes, marched them along a road where dozens of dead bodies lay, forced them into vans, and then shot dozens of them. Some survivors stated that they lay on the ground pretending to be dead until the gendarmes departed. After taking office, Gbagbo established an inquiry into the massacres at Yopougon; however, by year's end, the Government had not published the findings of its investigation nor had it taken action against members of the security forces responsible for the mass abuse.

Following the November 30 Supreme Court announcement of the disqualification of Alassane Ouattara for legislative elections, thousands of RDR supporters demonstrated in protest of the decision (see Section 3). According to the Government, approximately 13 persons were killed in violent clashes with the military and gendarmes, including a municipal treasury official whose throat was slashed by RDR demonstrators; the RDR estimated that there were 30 killings. MIDH reported that 37 persons had died, most by gunshot, along with several hundred persons injured.

By year's end, the Government had taken no action against the gendarmes and police officers responsible for the deaths and abuses committed against FPI and RDR demonstrations after the October 22 presidential elections and in the period prior to and following the parliamentary elections on December 10.

On December 4, gendarmes shot and killed Kaba Bakary, a 60-year-old Guinean, in front of his family as he was getting ready for Muslim prayers. Reportedly he was shot because he was wearing a Muslim robe, which the gendarmes believed marked him as a supporter of the RDR. No action was taken against the gendarmes by year's end.

On December 6, following RDR demonstrations, some presidential guards arrested RDR President Ouattara's private secretary, Abou Coulibaly, as he was passing President Gbagbo's residence in Cocody. When they found out that he was working for Ouattara, the presidential guards severely beat Coulibaly and took him to the Agban Gendarmerie camp where they continued to beat him. The security forces took him to a local medical clinic where he died from his injuries on December 7.

No action was taken against police personnel responsible for a number of killings during demonstrations that occurred between April and October 1999.

Trials still are pending at year's end against 15 trainee gendarmes arrested in 1999 for beating Camara Yaya to death.

Police have made no arrests in the December 1998 death in police custody of Jean Claude Lama, a 16-year-old street child. The authorities continued to characterize the death as a suicide.

Following the October 22 presidential election and subsequent demonstrations and violence, 18 bodies were found that had washed ashore in Abidjan's lagoon; the bodies had been shot numerous times. At year's end, it remained unknown who was responsible for the killings, and a government investigation into the incident was ongoing.

Ethnic violence between Kroumen and settlers from Burkina Faso in the Southwest resulted in at least 13 deaths in September and another 5 deaths in early October (see Section 1.a.).

## **b. Disappearance**

Following the September 18 alleged assassination attempt on General Guei, government security forces arrested numerous soldiers suspected of involvement in the assassination attempt and in coup plotting (see Section 1.d.). Evidence and the testimonies of 13 of the 23 released soldiers suggest that 3 or 4 of the soldiers that disappeared were tortured and killed (see Section 1.a.).

In the period following the October 22 presidential elections, scores of persons disappeared. Newspapers frequently published the appeals of families who were looking for their children or relatives. There were numerous reports that parents visited hospitals and the morgues looking for their children after failing to find them in any of the gendarmerie camps or at the police school. In November an independent newspaper, *Soir Info*, published an appeal from the chief of San Pedro to President Gbagbo to help him find his son.

In December the Malian High Council reported that more than 20 Malians were killed and 10 disappeared during the demonstrations and violence that followed the October presidential elections. It reported that most of the persons who had disappeared had been arrested by the police.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The new Constitution prohibits cruel and inhuman treatment, humiliating and degrading punishment, torture, physical violence, and other mistreatment; however, in practice security forces regularly beat detainees and prisoners to punish them or to extract confessions and frequently forced detainees to perform degrading and humiliating tasks, such as crawling, eating dirt, doing push-ups while under threat of physical harm, drinking urine or blood, and eating excrement. Jurists' union officials and journalists working for the opposition press reported that police continue to beat suspects to obtain confessions and that suspects are afraid to press charges against the police officers involved. According to local human rights groups, police and gendarmes beat and humiliate detainees or prisoners. Press photographs regularly showed detainees with swollen or bruised faces and bodies. In general government officers who are members of the security forces are not held accountable for abuses.

In December 1998, the Government enacted legislation allowing lawyers to assist their clients during the early stages of detention when abuse is most likely. In spite of this legislation, during the year, police officers and gendarmes continued to mistreat suspects and other persons summoned to police and gendarmerie stations, and on many instances, the security forces did not allow lawyers access to their clients (see Section 1.d.). Police also verbally abused lawyers who tried to assist their clients.

On January 11, in Abidjan's Yopougon neighborhood, members of the police anti-riot brigade stopped a bus and forced the passengers out of the vehicle and beat and kicked several students who were on the bus, including a pregnant law student. Military personnel intervened to stop the beatings. The police explained their actions to their commander by claiming that students on the previous bus that had passed their checkpoint had insulted them. No action was taken against the responsible police officers.

On January 18, members of the military beat citizens and ransacked residences in the city of Daoukro, the home town of former President Bedie, and surrounding villages. Many of the victims were Bedie's relatives or associates. On March 14, members of the military returned to Daoukro to beat citizens, including members of the Bedie family, and confiscated property that Bedie allegedly acquired illegally.

On February 1, police used tear gas to disperse striking workers at the Commune of Cocody City Hall, seriously injuring two of the strikers who were hospitalized as a result of their injuries (see Section 6.a.).

On February 4, "Dozos" (traditional northern hunters), who were hired by the Guei military Government to provide security, tied up and beat a university student after mistaking him for a crime suspect. The Government took no action against the Dozos responsible for the beating.

On February 6, members of the P.C. Crise beat singer Honore Djoman and then transported him to the Akouedo military camp where they continued to beat him. Reportedly the P.C. Crise members were hired to beat Djoman by a person with whom he had a business dispute. On February 7, members of the P.C. Crise severely beat security guard Alain Patrice Dago after being told about a dispute over money that Dago had with an acquaintance.

On February 21, police severely beat nurse Boua Keke after mistaking him for a suspect they were pursuing. No action was taken against the police officers.

On March 25 in Bouake, off-duty P.C. Crise member Salif Keita shot and injured a student, Abou Dramane Coulibaly, whom he believed was going to assault a woman. Following Student Union statements criticizing the P.C. Crise, General Guei intervened within 48 hours to have Coulibaly transferred to an Abidjan hospital. Keita was tried by a military court and sentenced to 12 months in prison.

On March 28, gendarmes in Man mistakenly beat a fellow gendarme after mistaking him for a robbery suspect.

In May members of the military abused a judge who rendered a decision in a labor dispute with which they disagreed (see Section 1.e.).

During the July 4 to 5 military mutiny, soldiers seriously injured more than 10 civilians, including several who suffered gunshot wounds. Thirty-five mutineers were tried; however, they were not tried necessarily for their mistreatment of civilians.

On July 9, gendarmes arrested, beat, and tortured Soumbiala Doumbia, a student, following Doumbia's alleged attempt to kill a rival student leader. The Government took no action against the responsible gendarmes.

On September 25, members of the military beat students from the Federation of High School and University Students of Cote d'Ivoire (FESCI) on the university's Cocody campus; three of the students were injured seriously (see Section 2.a.). No action was taken against any members of the military.

During and immediately following the October presidential elections, security forces killed and injured hundreds of persons (see Sections 1.a. and 3). For example, on October 24, soldiers loyal to General Guei attempted to disperse an FPI demonstration to protest General Guei's decision to remain in power despite his defeat in the presidential election. When police superintendent Tiagnere tried to prevent the soldiers' actions, the soldiers beat him, then drove him to an unknown location in the trunk of a car. He was discovered the following day with a broken leg and broken ribs.

On October 25, 13 of the 27 soldiers arrested for their alleged participation in an attack against General Guei's residence on September 18 stated that they had been tortured during their detention in Akouedo camp. On November 20, *le Patriote*, a pro-RDR newspaper, published an interview granted by 1 of the 27 soldiers. The soldier stated that soldiers loyal to Lieutenant Laurent Yapi Boka and General Guei tortured him and his friends during their detention in Akouedo military camp in late September and early October. He stated that soldiers wrapped them in barbed wire, then stomped on them with their heavy boots, in addition to beating them with iron bars.

In September soldiers tortured to death Sergeant Chief Souleymane Diomande while he was in detention (see Section 1.a.).

On November 26, in the Abidjan district of Adjame-Agban, gendarmes beat and left in a critical state a minibus driver, Mourlaye Bamba, when another driver refused to stop at a police checkpoint. The gendarmes also shot another minibus driver and union leader, Sangouyana Cisse, in the leg while his vehicle was stopped at a red light.

On December 5, gendarmes arrested and beat severely Jean Philippe Kabore, the son of RDR Secretary General Henriette Dagri Diabate, for allegedly transporting arms in his car. Kabore suffered a fractured skull and broken limbs. He was hospitalized for treatment and remained in detention in Abidjan's prison at year's end.

On December 4 and 5, gendarmes and police officers violently dispersed members of the RDR who were demonstrating to protest against the invalidation of Ouattara's candidacy in the presidential and legislative elections, which resulted in numerous injuries (see Sections 1.a., 2.b., and 3).

According to the Ivoirian Association for the Defense of Women's Rights (AIDF), during RDR demonstrations on December 4 and 5, gendarmes raped at least 10 female protestors at the police school. President Gbagbo requested that the Ministry of Interior and Security conduct an investigation. The Ministry concluded that "anti-demonstrators," not gendarmes or police officers, raped three women near the police school, but admitted that the rapes took place in the presence of gendarmes, after they had arrested the women.

On December 5, six police officers that were pursuing RDR demonstrations forced their way into Traore Foussemi's house. They destroyed furniture, beat him with truncheons, and stole all of his money. They also beat Traore's wives and brother-in-law. Reportedly they were beaten because they belonged to the "Dioula" ethnic group, which is represented highly among RDR members.

On December 5, BAE members responding to a fire in a mosque used tear gas and beat Muslims who had gathered to inspect the damage to the mosque (see Sections 1.d., 2.c., and 5).

On December 6, presidential guards beat to death Abou Coulibaby, RDR president Ouattara's private Secretary (see Section 1.a.).

On December 15, the Agence France Presse (AFP) published the testimonies of several persons whom gendarmes tortured during and after the December 4 and 5 RDR demonstrations. The victims withheld their names, but some stated that they were from the north, while others stated that they were from neighboring countries. All claimed that drunken policemen beat them every night with truncheons, whips, and boards with nails, or burnt them. One man stated that the policemen burnt his genitals.

Security forces regularly beat and harassed journalists (see Section 2.a.). For example, on October 26, gendarmes beat Raphael Lakpe, the publisher of the pro-RDR *Le Populaire*, and his bodyguard at the Koumassi Commando Camp (see Section 2.a.). On the same day, gendarmes also severely beat Bakary Nimaga, chief editor of the pro-RDR newspaper *Le Liberal* (see Section 2.a.).

Police frequently used excessive force to disperse demonstrations. On July 31, military riot police used tear gas, rifle butts, and truncheons against demonstrators supporting statements by the French Government on candidate participation in the presidential election (see Section 2.b.). The demonstrators were prevented from gathering at the French Embassy, and many were beaten, forced to do push-ups, eat cement, and crawl through downtown streets in Abidjan. Security forces also beat a journalist covering the event (see Section 2.a.). There were 47 reported injuries, of which 17 were serious. On September 9, gendarmes used tear gas to disperse a crowd gathered in the Abidjan neighborhood of Yopougon to attend an RDR meeting (see Section 2.b.). Upon learning that the meeting had been canceled by the CNSP the previous evening, some of the crowd threw stones at the gendarmes, who responded with tear gas. Police also frequently used violence to restrain and disperse demonstrators.

Police routinely harassed and abused noncitizen Africans (see Section 5). On occasion police entered the homes and businesses of citizens, noncitizens Africans, and other noncitizens, and extorted money from them (see Sections 1.f. and 2.d.). In October and December, foreigners complained publicly that the police often stopped them for identity checks and confiscated their documents to later sell them back to the original owners. They reported that even when their residence permits were valid, police would take them to police stations where they were beaten and detained overnight if they did not pay a bribe to the officers. In December a newspaper quoting some of the hundreds of Nigerians who returned to Nigeria to escape the anti-foreigner violence reported that security forces had tortured Nigerians.

Many unemployed and homeless detainees reported that authorities beat them while they were in detention.

Military and other forces were responsible for numerous robberies, carjackings, widespread looting, and acts of intimidation. These abuses were widespread particularly during the military mutiny of July 4 and 5. Mutineers robbed, looted, destroyed property, and terrified the citizenry. The mutineers targeted the cities of Abidjan, Bouake, Katiola, Korhogo, and Yamoussoukro in particular. Following the July mutiny, the Government arrested 114 soldiers and 6 officers for their actions during the uprising. The Government released 74 of the soldiers after questioning and tried the remaining 40; 35 soldiers were convicted of participating in the mutiny. Four of the six officers were awaiting trial at year's end; charges against the other two officers were dismissed following an investigation.

No action was taken against the two police officers who shot and injured Mombé Roger Zemon, a driver for Sucrivoire, in Abidjan's Yopougon district in 1999. No action was taken against police officers who beat and detained Issa Traore, a 30-year-old member of the Truck Drivers and Truck Owners Trade Union in Abidjan's Adjame district in 1999.

Even though prison deaths have declined, harsh and life-threatening conditions still result in hundreds of fatalities each year. Problems include overcrowding, malnutrition, a high incidence of infectious disease, and lack of treatment facilities and medications. HIV/AIDS, diarrhea, and tuberculosis also reportedly are significant causes of death. In 1999 there were 537 inmate deaths in the nation's prison system, of which 122 deaths occurred at the Abidjan House of Arrest and Corrections (MACA), including 27 deaths of inmates who were trampled on December 23, 1999.

The Director of Penitentiary Administration stated that the death rate at the MACA had dropped by 60 percent since October 1998 and was expected to remain low due to improvements made in 1999 to the sanitation system. Improvements were financed jointly by Doctors Without Borders and the Government. Doctors Without Borders reported that the death rate in prisons had fallen approximately 90 percent from 1997.

During the December 1999 coup, the mutineers released all 6,693 inmates of the MACA. The unforeseen outcome of this action was improved conditions due to less overcrowding; however, by November the MACA population numbered approximately 3,800 inmates. The MACA was designed to hold only 1,500 inmates. On December 31, President Gbagbo announced a presidential pardon for 2,500 prisoners nationwide. It was unclear how many of those pardons went to MACA prisoners.

In July the government newspaper *Fraternite Matin* stated that prison conditions for women especially were difficult. In 1998 the prison separated female and male prisoners and began using female guards for female prisoners and male guards for male prisoners. Female prisoners are housed in a separate building that can hold up to 120 residents, and as of May, there were 78 women detained there. There still are no health facilities for women. There continued to be credible reports of children born in prison or living in prison with their mothers; as of May, there were 13 children living with their mothers in prison. During the year, there were no reports that guards raped female prisoners. Nevertheless, there still were reports that female prisoners engaged in sexual relations with their wardens in exchange for food and more privileges.

Since 1998 the Government has permitted the International Catholic Office for Children (BICE) to improve conditions at the MACA for women and their children. During the year, BICE removed 34 children from the prison and placed them with family members or foster families. BICE also provided female inmates with food, medical care, clothing, soap, and other necessities. BICE constructed a multi-purpose room for pregnant women, mothers, and children.

Juvenile offenders are held separately from adults. At year's end, 170 13-to 18-year olds, including 14 girls, were in detention.

The Government permits access to prisons by local and international NGO's that seek to provide food and medical care to prisoners. In addition to BICE, humanitarian NGO's, including the International Committee of the Red Cross (ICRC), Prisoners Without Borders, and Doctors Without Borders had access to the prisons and visited them during the year to provide food and medical care to prisoners. However, none of these NGO's specifically monitored human rights conditions in the prisons. The Ivoirian Human Rights League (LIDHO), which monitors human rights conditions in prisons, does not have authorization to visit prisons without advance notice. LIDHO usually must write to the prison warden if it wants to visit inmates. Wardens rarely grant approval on the first request. LIDHO stated publicly that they did not visit the MACA during the year because the overcrowding problem temporarily was alleviated and conditions had improved somewhat following the December 1999 release of all inmates in MACA. However, during the year, LIDHO did visit Abidjan's military prison, the MAMA.

After Gbagbo took office, there were no reports that NGO's had difficulty gaining access to prisons.

On October 27, after five days of protests and fighting following the October 22 presidential election, a mass grave containing 57 persons was discovered at Yopougon, northwest of Abidjan. International and local human rights groups immediately called for an inquiry, and President Gbagbo agreed to international investigations.

#### **d. Arbitrary Arrest, Detention, or Exile**

The new Constitution prohibits arbitrary arrest and detention; however, in practice arbitrary arrest and detention remained problems. Under the Code of Penal Procedure, a public prosecutor may order the detention of a suspect for only 48 hours without bringing charges. A magistrate may order detention for up to 4 months but also must provide the Minister of Justice with a written justification for continued detention on a monthly basis. However, the law often is violated. Police and the CNSP have held persons for more than 48 hours without bringing charges. According to members of a jurists' union, this practice is common and magistrates often are unable to verify that detainees who are not charged are released.

Defendants do not have the right to a judicial determination of the legality of their detention. A judge may release pretrial detainees on provisional liberty if the judge believes that the suspect is not likely to flee. Inmates continue to suffer long detention periods while awaiting trial in the MACA. On July 7, Ministry of Justice figures indicated that of the 2,975 inmates in the MACA, 1,063 (36 percent) were awaiting trial and 1,912 (64 percent) had been tried and were serving their sentences. In the 32 regional prisons outside of Abidjan, out of 9,059 inmates, only 1,787 (20 percent) were awaiting trial, while 5,275 (80 percent) were serving their sentences. In spite of a 1998 law that limits pretrial detention to 10 months in civil cases and 22 months in criminal cases, some detainees have spent as many as 5 years in detention awaiting trial.

On February 1, members of the military briefly detained the players of the Ivoirian National Soccer Team as they returned from the African Cup of Nations in Ghana. Soldiers transported the team to the Zambakro Military Camp, confiscated the players' cell phones and passports, and detained them for 48 hours. General Guei stated that the team, which had performed disappointingly in the tournament, needed to learn a lesson in patriotism, civics, and sportsmanship. He threatened the players with military service the next time they lacked patriotism.

On February 3, in the town of Toumodi, members of the military fire brigade detained Judge Aka Allou and forced him to release from custody their colleague Kouanda Ismalia. Kouanda had been convicted of breach of trust and was serving his sentence at the time. Following strong protests from two magistrates' unions, the Guei Government intervened and ordered the military firemen to release Judge Allou and return Ismaili to prison.

Between February and June, the Guei Government arrested approximately a dozen former ministers and high government officials considered close to former President Bedie as part of the anti-corruption fight known as "Operation Clean Hands" (see Section 3). For some officials, it was their second time being arrested since the coup. Authorities released all of the former government members by the end of July due to lack of evidence. Among those arrested were former Minister of State for the Interior and eventual PDCI presidential candidate Emile Constant Bombet. Security forces had arrested Bombet following the December 23 overthrow of Bedie

and had detained him for 1 month without charge. He was rearrested in February and held for 33 days for allegedly having organized gatherings that endangered national security and for his alleged involvement in embezzling state funds set aside for organizing presidential and legislative elections in 1995. On September 6, the same day that Bombet was invested as the PDCI presidential candidate, the prosecutor reopened his case for further investigation. At year's end, Bombet was awaiting trial but no longer was in detention.

On July 9, gendarmes arrested and tortured a student leader (see Section 1.c.).

On July 12, gendarmes arrested three members and one suspected member of the RDR on suspicion of involvement in the July 4 and 5 military mutiny. For 6 hours, gendarmes questioned Amadou Gon Coulibaly, Deputy Secretary General of the RDR; Ally Coulibaly, RDR National Secretary for Communication; Amadou Sangafowa, RDR Deputy National Secretary for Organization; and Mamadou Coulibaly, Amadou Gon Coulibaly's uncle, about the mutiny and then released them after 48 hours in detention. The Government never disclosed the evidence linking the four to involvement in the July 4 and 5 events.

On July 21, the CNSP briefly detained and questioned National Islamic Council (CNI) President El Hadj Idriss Kone Koudouss (see Section 2.c.). The CNSP warned Koudouss not to advise Muslims to vote against the Constitution in the July 23 referendum, as they accused him of doing in a previous sermon. The CNSP noted that such types of sermons could be considered inciting violence and rebellion. Koudouss was released after the warning.

On July 28, the military tribunal detained and questioned Professor Morifere Bamba, the former Minister of Health in the transitional regime and leader of the Party for Progress and Socialism (PPS). He was accused of cooperating with the July 4 and 5 mutineers. In August he was released for lack of any evidence.

In August authorities placed Zemogo Fofana, RDR National Secretary for External Relations and mayor of Boundiali, under house arrest. The Government accused Fofana of recruiting mercenaries to overthrow Guei and disrupt presidential elections. Authorities released Fofana within a week and allowed him to return to his home in Boundiali after the October 22 elections.

On August 24, the gendarmes detained and questioned El Hadj Koudouss, four other prominent imams from the CNI, and one Islamic youth leader (see Section 2.c.). The Government accused them of procuring arms, in cooperation with RDR presidential candidate Ouattara, in order to destabilize the country. The gendarmes released all six after questioning. According to the imams, this was the fifth time that leaders of the CNI had been called in for questioning since the coup.

On September 8, members of the security forces arrested Amadou Kone, computer engineer with the National Geographic Information and Teledetection Center. The Government accused him of revealing to the RDR strategic information and endangering national security. This information was the early partial results of the July 23 and 24 referendum, which Kone helped the RDR attain by installing a computerized information system in their offices. Kone was released from custody on September 13, and charges against him were dropped for lack of evidence.

Following the September 18 assassination attempt on General Guei, government security forces arrested numerous soldiers suspected of involvement in the attempt; one of the soldiers remained unaccounted for at year's end (see Sections 1.a. and 1.b.).

On September 24, uniformed men arrested Alphonse Douaty, FPI National Secretary for the Mountains Region, at his home. According to his family, the men who arrested Douaty stated that they were taking him to General Guei who wanted to discuss Douaty's opposition to the General's presidential candidacy. Douaty was released on September 26.

On November 8, police arrested Quartermaster General Lassana Palenfo and Air Force Brigadier General Abdoulaye Coulibaly and charged them with orchestrating an assassination plot against General Guei in September. Their hearing for the attempted assassination began on November 14 and continued at year's end; during the hearing, military prosecutors continued to introduce new evidence in order to keep the two generals incarcerated (see Section 1.e.).

On December 5, police detained an imam who attempted to intervene to prevent beatings by BAE members of Muslims (see Sections 1.c., 2.c., and 5.). The police also entered two mosques and detained persons inside. On December 6, some presidential guards arrested and beat Abou Coulibaly outside of President Gbagbo's residence; he later died from his injuries (see Sections 1.a. and 1.c.).

During the year, members of the military regularly entered businesses unannounced and used threats to force local and expatriate businessmen to accompany them for questioning. The military members claimed to be searching for property that was stolen from the Government during the Bedie regime or looking for evidence of economic crimes; military members extorted payments frequently for these alleged crimes. This abuse decreased under the Gbagbo Government.

Foreigners complained that they were subject to police harassment; in particular that police would take them to police stations where they were beaten and detained overnight if they did not pay a bribe to the officers (see Sections 1.c. and 2.d.).

During and following the December 1999 coup, the mutineers arrested approximately 150 ministers, military officers, and other officials known as supporters of the Bedie Government; however, formal charges were not filed. Many of these officials subsequently were released and rearrested during the next several months following the coup.

During student strikes in May 1999, police arrested student leaders Kouame Kouakou and Drigone Faye in Bouake on charges of inciting violence and destruction of property under the 1992 Antivandalism Law. Charles Ble Goude, the secretary general of FESCI, was arrested on August 17 and also was charged with inciting violence and destruction of property. None of the students were charged with a crime, and all three students were released by October 1999.

In December 1999, the Bedie Government issued a warrant for Ouattara's arrest for the alleged falsification of documents and their use. Newspaper accounts speculated that Bedie ordered the warrant issued to intimidate Ouattara and to prevent him from returning to the country.

Journalists frequently were arrested, detained, or questioned for short periods of time without being charged, as were political party and religious leaders (see Sections 2.a., 2.c., and 3).

Although it is prohibited by law, police restrict access to some prisoners. For example, gendarmes did not allow the lawyers of four RDR suspects arrested on July 12 to speak with their clients during their detention. Despite the frequency of arbitrary arrest, there is no accurate total of suspects held. There have been no reports of lawyer harassment during the year. Police also verbally abused lawyers who tried to assist their clients.

Article 12 of the new Constitution specifically prohibits forced exile; however, the Guei Government prevented former President Bedie's return to the country. General Guei denied a request from the PDCI to allow Bedie's return in August to take part in their convention and possibly the presidential race.

#### **e. Denial of Fair Public Trial**

The new Constitution provides for an independent judiciary; however, in practice the judiciary is subject to executive branch, military, and other outside influences. Although the judiciary is independent in ordinary criminal cases, it follows the lead of the executive in national security or politically sensitive cases. Judges serve at the discretion of the executive, and there were credible reports that they submit to political pressure.

The formal judicial system is headed by a Supreme Court and includes the Court of Appeals and lower courts. In July the Government named a new Supreme Court President and a new Constitutional Chamber to the Supreme Court. The Constitutional Chamber, whose main responsibility is to determine presidential candidate eligibility, was hand-picked by General Guei and was headed by Kone Tia, Guei's former legal advisor. At year's end, Kone Tia remained president of the Supreme Court. The Constitution grants the President of the Republic the power to replace the head of the court once a new parliament is in place, and Gbagbo is expected to do so in early 2001.

Military courts do not try civilians. Although there are no appellate courts within the military court system, persons convicted by a military tribunal may petition the Supreme Court to set aside the tribunal's verdict and order a retrial.

In rural areas, traditional institutions often administer justice at the village level, handling domestic disputes and minor land questions in accordance with customary law. Dispute resolution is by extended debate, with no known instance of resort to physical punishment. The formal court system increasingly is superseding these traditional mechanisms. In 1996 a Grand Mediator was appointed to settle disputes that cannot be resolved by traditional means. The new Constitution specifically provided for the office of Grand Mediator, which is designed to bridge traditional and modern methods of dispute resolution. The President names the Grand Mediator, and Mathieu Ekra has been Grand Mediator since the Bedie Government.

The law provides for the right to public trial, although key evidence sometimes is given secretly. The presumption of innocence and the right of defendants to be present at their trials often are not respected. Those convicted have the right of appeal, although higher courts rarely overturn verdicts. Defendants accused of felonies or capital crimes have the right to legal counsel, and the judicial system provides for court-appointed attorneys; however, no free legal assistance is available, except infrequently when members of the bar provide pro bono advice to defendants for limited time periods. In April the bar began operating a telephone hotline for free legal advice from volunteer attorneys. On November 28, the president of the bar announced that the bar would not continue to provide free legal assistance to poor clients if their transportation and lodging expenses were not furnished by the Government. The bar has 200 members that help give free legal advice. In practice many defendants cannot afford private counsel and court-appointed attorneys are not available readily. In many instances, security forces did not allow lawyers' access to their clients (see Section 1.d.).

Members of the military interfered with court cases and attempted to intimidate judges. They also intervened directly in labor disputes, sometimes arresting and intimidating parties. From May 20 to 22, judges stopped working to protest the treatment they were receiving from members of the military. Since the coup, the military had been attempting to influence court cases and in May verbally harassed and threatened Judge Olivier Kouadio after he rendered a decision in a labor dispute with which the military disagreed (see Section 6.b.). There are no reports of the military attempting to influence court cases under the Gbagbo Government.

On November 8, police arrested CNSP members Quartermaster General Lassana Palenfo and Air Force Brigadier General Abdoulaye Coulibaly and charged them with orchestrating an assassination plot against General Guei in September. Their hearing for the attempted assassination began on November 14 and continued at year's end. During the hearing, military prosecutors continued to introduce new evidence and charges in order to keep the two generals incarcerated; however, there was no trial (see Section 1.d.).

The new Constitution granted immunity to all CNSP members and all participants in the December 1999 coup d'etat for all acts committed in connection with the coup, which implicitly included all criminal activity such as looting, robbery, carjacking, and intimidation that occurred during the coup.

On January 26, the Guei Government granted amnesty for all offenses committed during the September 27 and October 27, 1999 political demonstrations. This amnesty included all of the RDR leaders who had been tried and convicted under the previous regime's antivandalism law, which held leaders of a group responsible for any violence committed by one of its members during a demonstration. All of the RDR prisoners were released from prison on December 24, 1999, by the mutineers leading the December 1999 coup (see Section 1.d.).

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The Code of Penal Procedure specifies that a police official or investigative magistrate may conduct searches of homes without a judicial warrant if there is reason to believe that there is evidence on the premises concerning a crime. The official must have the prosecutor's agreement to retain any evidence seized in the search and is required to have witnesses to the search, which may not take place between 9:00 p.m. and 4:00 a.m. in order to

prevent the police and gendarmes from entering a home in the middle of night under the auspice of a search warrant.

In practice police sometimes used a general search warrant without a name or address. On occasion police have entered the homes of noncitizen Africans (or apprehended them at large), taken them to local police stations, and extorted small amounts of money for alleged minor offenses. In the months following the December coup, soldiers frequently extorted money from citizens and foreigners and sold their services to private individuals, in some instances beating or abusing others on behalf of those citizens (see Section 1.c.). On February 23, General Guei reprimanded three members of the military, Sargent Albert Ble Ibo, Kouadio Paul Oura, and Konan Alla, who had been using their positions to enter homes and extort money from residents, to a military court to face sanctions. On February 15, another soldier, Mathurin Kouakou, and a police officer, Sargent Jean-Claude Ano, were removed from their posts and reprimanded for similar acts; in March they were convicted of extortion and given a suspended sentence of 2 months imprisonment and fined \$43 (FCFA 30,000).

In January and March, members of the military beat citizens and ransacked homes in Daoukro, the hometown of former President Bedie, and in surrounding villages (see Section 1.c.).

On March 20, three soldiers searched the offices of Attorney Mathurin Dirabou without a warrant. The soldiers entered the office, pulled all of the lawyer's files from his drawers, and left without questioning anyone. Dirabou, who at the time was handling former Minister of State for the Interior Emile Constant Bombet's defense for alleged embezzlement, noted that a similar search had occurred on a previous occasion. Following a protest by the Abidjan Bar, the three soldiers apologized to Dirabou and stated that their actions were unrelated to the attorney's defense of Bombet but were motivated personally due to a relative's dispute with Dirabou.

Police and gendarmes searched 17 mosques for arms prior to the October 22 presidential election.

On August 27, approximately 25 gendarmes searched a mosque in Abidjan's Riviera 2 neighborhood, which is headed by one of the leaders of the NIC, Imam Sekou Sylla. Gendarmes also mistakenly searched the house of one of the imam's neighbors. The gendarmes had intended to search the imam's home, allegedly to look for arms that they suspected the Muslim community was hiding for the RDR. The gendarmes did not have warrants to conduct the search.

On the night of August 28, gendarmes in the western town of Zouan-Hounien searched the home of Mouatapha Diably, the RDR Coordinator for the Department of Danane. Diably also was accused of storing arms for the RDR; the gendarmes did not have a warrant for the search.

Following the September 18 alleged assassination attempt at General Guei's home in Abidjan (see Section 1.a.), gendarmes searched the homes of numerous members of the military who were suspected of taking part in or plotting the attack. This included the homes of the Minister of State for Security, General Lassana Palenfo, and the Minister of State for Transport, General Abdoulaye Coulibaly. The search of Palenfo's home occurred while he was out of the country attending the Olympic Games in Sydney. The RDR party headquarters in the Adjame

district of Abidjan also were searched and ransacked. The evidentiary basis for the searches was unclear and had not been made public by year's end.

On September 26, security forces searched the home of Zemogo Fofana, the RDR's National Secretary for External Relations, in the northern city of Boundiali. Although the purpose of the search was unclear, it is believed that the security forces were searching for arms. Military, police, and gendarmes also searched the residence of Kassoum Coulibaly in the northern city of Korhogo, allegedly looking for arms. Coulibaly, a former deputy from Korhogo, is considered to be close to General Guei.

In September and October, gendarmes and members of the military made frequent visits, sometimes heavily armed and in armored vehicles or in boats, to the residence of RDR presidential candidate Alassane Ouattara, whose house is located on the Ebrie Lagoon. Despite at least one attempt, the security forces never entered Ouattara's home; however, their frequent presence restricted the family's movement and observers believe it was intended to intimidate Ouattara and his family. Hundreds of RDR supporters began full-time protection of the house after the visits began.

On December 5, six police officers that were pursuing RDR demonstrators forced their way into Traore Fousseni's house. They destroyed furniture, beat him with truncheons, and stole all of his money (see Section 1.c.).

Security forces reportedly monitored some private telephone conversations, but the extent of the practice was unknown. For example, on May 12, General Guei claimed to have a copy of a taped telephone conversation between RDR Deputy Secretary Amadou Gon Coulibaly and a student union member, which Guei claimed revealed the RDR's intention to endanger national security. Government authorities monitored letters and parcels at the post office for potential criminal activity; they are believed widely to monitor private correspondence, although no evidence of this has been produced. The Guei Government used students as informants at the University of Abidjan (see Section 2.a.); however, there were no reports the Gbagbo Government used students as informants.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The new Constitution provides for freedom of expression, and private newspapers frequently criticize government policies; however, the Guei Government imposed significant restrictions on this right. At times the Guei Government enforced these restrictions by inflicting physical harm upon, threatening, and arresting journalists, and ransacking media offices. Journalists continued to practice self-censorship.

The two government-owned daily newspapers, *Fraternite Matin* and *Ivoir Soir*, offer little criticism of government policy. There are a number of private newspapers: 17 daily, 30 weekly, 5 bimonthly, and 10 monthly. While these newspapers voice their disapproval of government or presidential actions frequently and sometimes loudly, the Government does not tolerate what it considers insults or attacks on the honor of the

country's highest officials. A law enacted in 1991, soon after the Government first allowed substantial numbers of private newspapers to operate, authorizes the State to initiate criminal libel prosecutions against persons who insult the President, the Prime Minister, foreign chiefs of state or government or their diplomatic representatives, defame institutions of the State, or undermine the reputation of the nation. In addition the State may criminalize a civil libel suit at its discretion and at the request of the plaintiff. Criminal libel is punishable by 3 months to 2 years in prison. The Guei Government used this law against a number of journalists during the year.

General Guei's initial transition Government included highly respected journalist and former television anchorman Levy Niamkey as Communications Minister. In October 1999, the Bedie Government had suspended Niamkey from his anchor duties due to a dispute over the content of his news reports, and eventually he resigned in protest. Observers viewed the CNSP's naming of Niamkey positively; however, in May Guei replaced Niamkey with CNSP member and Navy Lieutenant Henri Cesar Sama, who had no qualifications for the job other than loyalty to the General. The Guei Government then named Niamkey director of the television portion of the government broadcasting organization, Radiodiffusion Television Ivoirienne (RTI); however, he was fired in September after trying to provide equal access to television for all political parties.

At the beginning of the year, the media was free to express their views in support of whichever candidate or policy they supported; however, in the latter half of the year, the Government and General Guei used threats, arrests, and beatings of journalists in order to control the press.

On February 11, General Guei's guards summoned Tape Koulou, publisher of the staunchly pro-Bedie daily *Le National*, to the presidency. After waiting more than 8 hours, Koulou met with Chief Sergeant Ibrahima B. (I.B.) Coulibaly, a member of the presidential guard, who told him to stop writing about opposition leader Ouattara. On March 24, approximately 10 soldiers led by Corporal Issa Toure attacked the offices of *Le National* after it ran a story critical of General Guei. The soldiers fired shots several times into the office ceiling, destroyed furniture, threatened the journalists, and forced them to do push-ups. On June 23, police detained and questioned Asse Alefe, the Director of Publication for *Le National*, and one journalist concerning a story questioning the Ivoirian heritage of CNSP member and Minister of Communication Sama. The two journalists were detained for 1 day before being released. On June 27, following rumors of a coup on June 24, the Director of the Cabinet for the Ministry of the Interior again questioned Asse Alefe, and his assistant, Traore Bouraima, for several hours on their role in the coup rumors. The Director of Cabinet accused them of spreading false information because they had reported coup rumors on June 22. The public prosecutor's office also questioned the two who were released but told to remain available to the courts. On June 28, the CNSP issued a statement concerning the incident, stating that while the Government supports press freedom, there are limits to that freedom. The release added that the articles in *Le National* threatened state security.

On May 9, communication advisors for General Guei summoned to the presidency Honore Sepe and Christian Kara, two journalists from the pro-RDR daily *Le Liberal*, in order to reproach them for writing stories on the probable presidential candidacy of General Guei and its negative effect on the transition. On July 6, members of the military detained *Le Liberal* publication director Kone Yoro and two of his employees, Emmanuel Tanoh and Ibrahim Diamonde, and took them to the Ministry of Communication for questioning. Minister Sama

warned the journalists about the content of their articles following the July 4 and 5 mutiny before releasing them from custody. On August 2, gendarmes arrested Yoro and Le Liberal journalist Kara Khristian for the defamation of General Guei in an article published the previous day concerning a check signed by the General, which the newspaper indicated would be used to finance Guei's presidential campaign. Gendarmes detained the two journalists for 2 days.

On May 10, soldiers briefly detained and questioned Patrice Pohe, the publisher of the pro-RDR newspaper La Reference, and Kone Satigui, a journalist, at National Armed Forces Headquarters. The soldiers warned the journalists against publishing anti-CNSP articles. On May 16, five members of the military destroyed computer equipment at the offices of La Reference and detained Pohe and three other journalists at the presidency, where they kicked the journalists and forced them to do push-ups. The four were released after several hours. In June in response to criticism from several NGO's regarding these incidents, General Guei asked the military to stop mistreating journalists. On August 26, military men claiming to be presidential security again arrested Pohe and questioned and threatened him for several hours. Pohe claimed he was arrested because of his support of opposition leader Ouattara.

On June 28, a court sentenced Sidibe Pate, a Burkina Faso traveler who was staying at a hotel in Divo where he was overheard making negative comments about General Guei, to 12 months in prison for insulting the head of state. On July 31, security forces beat British Broadcasting Corporation (BBC) journalist Mohamed Fofana Dara while he was covering a demonstration at the French Embassy (see Section 2.b.). The military and gendarmes, who forcibly dispersed the demonstration, continued to strike Fofana after he identified himself and showed his press identification (see Section 1.c.).

On August 31, the public prosecutor had gendarmes detain Notre Voie journalist Freedom Neruda and publisher Eugene Allou and bring them in for questioning. During a press conference on August 13, Neruda had warned citizens that they should not allow General Guei to build up his hometown as previous Presidents Houphouet-Boigny and Bedie had done with their birthplaces. Gendarmes released the journalists after 1 day of questioning but warned them not to leave the country.

On September 8, members of the military severely beat Joachim Buegre, a journalist and the political affairs editor for the Abidjan daily Le Jour. The beating occurred immediately following a meeting between Buegre and General Guei, during which Guei warned Buegre about an article that had appeared in Le Jour the previous day that called into question Guei's parentage and his eligibility to participate in the October presidential election. After forcing Buegre to show them where he lived, the soldiers beat him and left him on the side of an Abidjan road near the presidency. Buegre remained hospitalized for several days after the incident. In response private newspapers did not publish on September 21, and on September 22, journalists marched from the headquarters of the journalists' union to the presidency. Immediately after the march, General Guei met with the journalists and told them to concentrate on constructive criticism rather than on news that was false or could divide the country. Minister Sama also warned the media to stop publishing stories about the military, on the grounds that such articles created divisions in the military. On September 9, a presidential press aide called two journalists from the daily Le Patriote to the presidency to discuss that newspaper's running of the same story for

which Le Jour journalist Beugre was beaten. The press aide questioned the journalists, who then were released unharmed several days after their initial detention.

On October 24 in the Abidjan district of Plateau, the military arrested Franck Andersen Kouassi, a journalist and the deputy chief editor of Le Jour, and Yacouba Gbane, a journalist at Le Jour, while they were covering an event. The military beat and verbally abused them and confiscated their equipment. After several days in detention, they were released without being charged.

On October 26, at the beginning of an RDR protest demonstration to demand new presidential elections, a group of 50 FPI members detained Raphael Lakpe, the publisher of Le Populaire, a pro-RDR newspaper. They then handed Lakpe over to gendarmes who took Lakpe and his bodyguard to the Koumassi Camp Commando where the gendarmes beat them with their belts, made them swim in dirty water, and insulted them for supporting Ouattara.

On October 26, 20 FPI members severely beat Bakary Nimaga, the chief editor of the pro-RDR newspaper Le Liberal as he was going to work. They then handed Nimaga over to a group of gendarmes. The gendarmes took him to Abidjan's Riviera III suburb where they made him swim in a gutter, then took him through the neighborhoods of Anono, Blockhaus, and Cocody, where they stopped to beat him in front of onlookers. The gendarmes eventually took Nimaga to the Agban Gendarmerie camp, where they threatened him and used pieces of wood, truncheons, and iron sticks to beat him. The gendarmes continued to beat Nimaga after breaking his arm. Following the intervention of some other officers, Nimaga was released from the Agban Gendarmerie camp that evening with a broken arm, and wounds on his back, thighs, and ears. Nimaga stated that while he was being beaten, he saw approximately 40 gendarmes beating more than 100 persons including 2 elderly men.

On October 26, gendarmes also destroyed the equipment and the headquarters of Le Liberal.

On November 6, the National Observatory for the Freedom of the Press (OLPED) held a press conference to criticize the rough military treatment of Franck Andersen Kouassi and Yacouba Gbane, and the beatings of Bakary Nimaga and Raphael Lakpe by gendarmes. The OLPED also criticized the gendarmes' destruction of the headquarters of Le Liberal and the destruction of another newspaper, La Reference, by a crowd of demonstrators on October 25.

Because literacy rates are very low, and because newspapers and television are relatively expensive, radio is the most important medium of mass communication. The government-owned broadcast media company, RTI, owns two major radio stations; only the primary government radio station is broadcast nationwide. Neither station offers criticism of the Government. There also are four major private domestic radio stations: Radio France Internationale (RFI), the BBC, Africa Number One, and Radio Nostalgie. They broadcast on FM in Abidjan only, except for RFI, which in 1998 signed an agreement with RTI to allow it to broadcast via relay antennas to the north and center of the country. The RFI and BBC stations only broadcast internationally produced programming. The Africa Number One station, which is 51 percent domestically owned, broadcasts 6 hours a day of domestically produced programming; the rest of the time it broadcasts programming from Africa

Number One's headquarters in Libreville, Gabon. Radio Nostalgie is 51 percent owned by Radio Nostalgie France. The RFI, BBC, and Africa Number One stations all broadcast news and political commentary about the country. The private stations have complete control over their editorial content. However, only Radio Nostalgie frequently was critical of the Government in its editorials.

On July 4, during the military mutiny, gendarmes closed Radio Nostalgie. General Guei questioned Hamed Bakayoko, the station director, and Yves Zogbo, Jr., the program director. Bakayoko was considered an ally of Ouattara, and his station was considered pro-RDR by the authorities. Following the October 22 presidential election, RFI and BBC FM broadcasts were jammed for over a week.

Radio station license applications are adjudicated by a commission under the Ministry of Information, which has accepted applications and awarded licenses only once, in 1993. On that occasion, the commission denied 7 of 12 applications on a variety of grounds, including, in one case, affiliation with a major opposition political party.

In 1998 the Government authorized 43 community radio stations with very limited broadcast strength, no foreign-language programming, no advertisements, and public announcements limited to the local area. While the number of authorized community stations now stands at 52, only 26 stations were broadcasting at year's end. On August 1, Edmond Zeghehi Bouazo, President of the National Council of Audiovisual Communication, met with the promoters of community and commercial radio stations to remind them of programming restrictions and the prohibition on political content in programming. In 1999 Roman Catholic Church groups began to operate four community radio stations: Radio Espoir in Abidjan, Radio Paix Sanwi in Aboisso, Radio Notre Dame in Yamoussoukro, and Radio Dix-Huit Montagnes in Man. Although the Muslim associations received a broadcast license in 1999, no Muslim station had begun broadcasting by year's end.

There are two television stations that broadcast domestically produced programs. Both are owned and operated by the Government. Only one broadcasts nationwide. Neither station criticizes the Government. The only private television station, Canal Horizon, is foreign owned and broadcasts no domestically produced programs. The Government has not accepted any applications to establish a privately owned domestic television station.

On July 6, members of the military stopped journalist Frank Kouassi while he was filming a segment for the television program "Point Media," forced him into a vehicle, and transported him to the Abgan Gendarme Camp for questioning. Captain Fabien Coulibaly questioned Kouassi on the events of the July 4 and 5 mutiny and on his relations with Ouattara before releasing him the same day.

The National Council of Audiovisual Communication (NCAC), established in 1991 and formally organized in 1995, is responsible for regulating media access during the 2-week formal political campaign period and for resolving complaints about unfair media access. Following the December 1999 coup, the previously PDCI-dominated NCAC was taken over by the military Government. Because domestic television is controlled by the state, the NCAC is unable to fulfill its mandate at times. On October 9, Edmond Zeghehi Bouazo, president of the NCAC, announced that each of the five candidates in the October 24 presidential elections would be granted 5 minutes per day on the radio as well as on television from October 9 to October 21. All of the radio channels

broadcasted the messages of the candidates simultaneously. However, during the campaign, the FPI complained that Guei was granted more than the allotted 5 minutes on television daily; he and his wife's activities were broadcast at length.

The Government does not restrict access to or distribution of electronic media. There are 12 domestic Internet service providers, of which 4 are major providers; the first began operations in 1996. All 12 are privately owned and relatively expensive. The licensing requirements imposed by the government telecommunications regulatory body, ATCI, reportedly are not unduly restrictive.

The Government continued to exercise considerable influence over the official media's program content, news coverage, and other matters, using these media to promote government policies. Much of the news programming during the year was devoted to the activities of the President, the Government, the PDCI, and pro-Guei groups. After Gbagbo took office, he indicated that the media would no longer be pressured to devote programming to his and the Government's activities.

In June Minister of Communication Sama stopped the airing of RDR announcements publicizing a tour of the country by Ouattara. Sama claimed the spots featured "Nazi music" and forced the RDR to modify the advertisements. By the time the spots were cleared, it was too late to provide publicity for the tour and the announcement aired only once.

Beginning in August, when the presidential campaign began, government television provided almost exclusive coverage of General Guei's activities and excluded coverage of the other candidates and their activities. While the political parties and print journalists complained about this practice, the content of the programming did not change; only occasionally it provided time to other candidates.

International journalists were subject to government harassment and intimidation during the year. Following the September 18 assassination attempt on his life, General Guei criticized RFI for reporting "lies" after it suggested that Guei had orchestrated the assassination plot. Prior to the December legislative elections, government authorities accused international journalists, such as RFI, of distorting the socio-political situation and threatened them with brutality if they did not report more news favorable to the government. Following the December legislative election, unidentified callers threatened Bruno Minas of RFI. Minas claims that he was threatened because he reported that RDR supporters were victims of government harassment and abuse; subsequently he was forced to leave the country for his own safety. Correspondents of AFP, the French daily *Le Monde*, and the BBC's Africa Bureau (BBC-Africa) also were forced to leave the country for their safety.

There is no known law specifically concerning academic freedom, although academics have cited laws of French origin concerning the operations of universities to support their claims of academic freedom. In practice the Government tolerates much academic freedom; however, it inhibits political expression through its proprietary control of most educational facilities, even at the post-secondary level. In April 1999, the president of the University of Cocody banned all meetings and sit-ins on the campus; 2 days later the Council of Ministers ratified and extended the President's action, banning all FESCI activities throughout the country. Following the December 1999 coup, the Guei Government allowed FESCI to resume operations. However, in

September members of the military beat students from FESCI on the university's Cocody campus. Three of the students, all of whom were alleged to belong to a branch of FESCI that supports the RDR, were injured seriously.

Unlike in the previous year, students at universities and secondary schools did not stage demonstrations and protests about educational problems, due to a decision by the student organizations to allow General Guei time to organize elections, and to a split within the organizations along political party lines. These splits in the student ranks led to violent confrontations between students and numerous injuries (see Section 1.c.). There were numerous student protests at the end of the year (see Section 2.b.).

Many prominent scholars active in opposition politics have retained their positions at state educational facilities; however, some teachers and professors suggest that they have been transferred or fear that they may be transferred to less desirable positions because of their political activities. According to student union statements, government security forces continued to use students as informants to monitor political activities at the University of Abidjan.

## **b. Freedom of Peaceful Assembly and Association**

The new Constitution allows for freedom of assembly; however, the Government restricted this right in practice. Until August 18, groups that wished to hold demonstrations or rallies were required by law to submit a notice of their intent to do so to the Ministry of Security or the Ministry of Interior 48 hours before the proposed event. No law expressly authorizes the Government to ban public meetings or events for which advance notice has been given in the required manner. Nevertheless, the Guei Government often denied the opposition permission to meet in public outdoor locations. On August 18, the Minister of Security and the Minister of the Interior further tightened the restrictions on public demonstrations. Groups were required to have authorization from both Ministries to hold a demonstration, and the authorization must be requested in writing 3 days in advance of the event. Even if authorization is granted, it later can be revoked. Gbagbo's Government retained the restrictions on public demonstrations; authorization still must be requested in writing 3 days in advance.

For extended periods during the year, the Guei Government banned mass events and political meetings. On February 22, the Government issued a ban on political mass meetings and demonstrations until further notice. The ban was lifted in May after publication of the new constitutional text and electoral code. Initially parties and organizations abided by these bans to allow the transitional military regime an opportunity to organize. However, as the year progressed, opposition parties and other groups attempted to hold demonstrations. The Guei Government often refused to permit these demonstrations and sometimes prevented them by force. Nevertheless, during and after the presidential and legislative elections, several mass events and political meetings took place.

On July 28, the Ministry of the Interior forbade Ouattara and the RDR from holding a press conference announcing their party platform for the upcoming elections. Officials stated that the official opening of the presidential campaign had not yet begun, and thus a political meeting could not take place; however, the FPI

and the PDCI were allowed to hold installation ceremonies for their presidential candidates at that time. In September the RDR was allowed to hold their installation ceremony for Ouattara.

In August and early September, the major political parties and General Guei generally ignored the new electoral code's ban on campaigning until 15 days before the election, which was scheduled for September 17. However, on September 7, following the postponement of the presidential election until October 22, Minister of the Interior Grena Mouassi banned all election meetings until the official opening of the campaign; the definition of meeting changed several times. For example, groups who supported Guei's candidacy were allowed to meet, assemble, and put up public posters.

On August 24, the Guei Government refused to allow female members of a coalition of opposition groups known as the Forum to march in protest of General Guei's presidential candidacy. The Minister of Security Palenfo stated that the refusal was due to security concerns because another group was scheduled to demonstrate at the same time; however, observers believe that General Guei had forbidden any marches against his candidacy.

After the alleged assassination attempt on General Guei on September 18 (see Sections 1.a., 1.b., 1.d., and 1.e.), the Interior Minister extended the ban on demonstrations and political activity to include all meetings and gatherings except for meetings of party leaders at party headquarters.

Police repeatedly used excessive violence to break up demonstrations and gatherings. On July 31, gendarmes and military forces forcibly prevented a rally in support of French policy for inclusive elections in front of the French Embassy. Security forces beat and abused rally participants and a journalist and dispersed the crowd using rifle butts and tear gas (see Sections 1.c. and 2.a.). The majority of protesters at the demonstration were RDR supporters. On July 28 and 29, the Guei Government allowed and even encouraged demonstrations by its supporters against the French position. On September 9, gendarmes used tear gas to disperse a crowd of RDR supporters in Abidjan (see Section 1.c.). The supporters had gathered to attend an RDR meeting, not knowing that the CNSP had declared the meeting illegal the previous evening and had cancelled the event.

Police forcibly disrupted some demonstrations surrounding the October presidential elections and killed or injured hundreds of persons (see Sections 1.a. and 1.c.). When Gbagbo was inaugurated on October 26, gendarmes loyal to the new president violently suppressed RDR street demonstrations held to demand new presidential elections.

Following the November 30 Supreme Court announcement of the disqualification of Ouattara for legislative elections, thousands of RDR supporters demonstrated in protest of the decision (see Section 3). According to MIDH, 37 persons were killed during clashes with the military and gendarmes, including 19 by gunshot and 2 by torture; several hundred persons were injured; 840 were rounded-up and detained; and several disappeared and still were not found by year's end (see Sections 1.a., 1.b., 1.c., and 1.d.).

On April 26, the military Government repealed the 1992 Antivandalism Law that held organizers of a march or demonstration responsible if any of the participants engaged in violence. The LIDHO, a leading civil rights

NGO, and all major opposition parties criticized the law as unduly vague and as one that imposed punishment on some persons for the crimes of others.

The new Constitution provides for freedom of association and allows the formation of political parties, and the Government generally respects this right in practice.

The new Constitution states that all parties must respect the laws of the Republic, including the requirement that all organizations be registered before commencing activities. In order to obtain registration, political parties must provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution. Before the December 1999 coup, there were 102 legally recognized political parties, of which 3 were represented in the National Assembly. At year's end, there were 106 parties; following the coup, some parties splintered or were formed to support the candidacy of General Guei. There were no reports that the Guei Government denied registration to any group, nor were there reports that the Gbagbo Government denied registration to any group.

The new Constitution also prohibits the formation of political parties along ethnic or religious lines.

### **c. Freedom of Religion**

The new Constitution provides for freedom of religion, and both the Guei Government and the Gbagbo Government generally respected this right in practice. There is no state religion; however, for historical as well as ethnic reasons, the Government informally favors Christianity, in particular the Roman Catholic Church. Catholic Church leaders had a much stronger voice in government affairs than their Islamic counterparts, which led to feelings of disenfranchisement among the Muslim population. After assuming power following the coup, General Guei indicated that one of the goals of the transition Government was to end this favoritism and put all of the major religious faiths on an equal footing. In practice the Guei Government did not take steps to bring this about. In November the Gbagbo Government announced steps to bring religious groups into the national dialogue and included religious representatives on a national commission to promote reconciliation.

The Government establishes requirements for religious groups under a 1939 French law. All religious groups wishing to operate in the country must submit to the Ministry of the Interior a file including the group's by-laws, the names of the founding members, the date of founding (or date that the founder received the revelation of his or her calling), the minutes of the general assembly, the names of members of the administrative board, and other information. The Interior Ministry investigates the backgrounds of the founding members to ascertain that the group has no politically subversive purpose. However, in practice the Government's regulation of religious groups generally has not been unduly restrictive since 1990, when the Government legalized opposition political parties. Although nontraditional religious groups, like all public secular associations, are required to register with the Government, no penalties are imposed on a group that fails to register. In practice registration can bring advantages of public recognition, invitation to official ceremonies and events, publicity, gifts, and school subsidies. No religious group has complained of arbitrary registration procedures or recognition. The Government does not register traditional indigenous religious groups.

The Catholic Church began to operate community radio stations in 1998, and on April 21, 1999, the Government authorized Muslims to operate a similar station; however, no Muslim radio station had begun operations by year's end (see Section 2.a.).

The Government does not prohibit links to foreign co-religionists but informally discourages connections with politically radical fundamentalist movements, such as Islamic groups based in Iran and Libya.

Some Muslims believe that their religious or ethnic affiliation makes them targets of discrimination by the Government with regard to both employment and the renewal of national identity cards (see Section 5). Due to the tense political situation in the country and the ethnic divisions along which political party lines are drawn, northern Muslims sometimes are scrutinized more closely in the identity card process. As these northern Muslims share names, style of dress, and customs with several of the country's predominantly Muslim neighboring countries, they sometimes are accused wrongly of attempting to obtain nationality cards illegally in order to vote. This creates a hardship for a disproportionate number of Muslims.

In May the Guei Government warned the imam leaders of the Muslim community, whom Guei believed to be supporters of Ouattara, to refrain from political discourse in their sermons. The Guei Government claimed the imams had been jeopardizing security with sermons that were too charged politically. In May, June, and July during travels to various regions in the country, General Guei continually asked imams and other Muslim leaders to stay out of politics. For example, on July 21, the CNSP briefly detained and questioned CNI President El Hadj Idriss Kone Koudouss; the CNSP warned him not to advise Muslims to vote against the new Constitution in his July 23 sermon.

Security forces and the Government summoned Islamic leaders for questioning on several occasions and searched their homes based on suspicions that these leaders were plotting civil unrest during the year (see Section 1.d.). Muslims say that such acts by the Government are an attempt to make the Muslim community a "scapegoat" for the country's problems.

On December 5 after youths set fire to a mosque in Abidjan's Abobo district, the BAE used tear gas and beat Muslims who had gathered to inspect the damage (see Section 5). When imam Bassama Sylla attempted to intervene, the police stripped him and detained him (see Section 1.d.). Police also entered at least two other mosques in Abobo that day and detained persons inside.

In December 1999, the new military regime requested that the Islamic Superior Council, an organization of imams that was seen as politically active and supportive of the previous regime, disband. The president of the council, Moustapha Diaby, did not oppose this demand, and the council ceased its operations. In March the Government allowed the council to resume its activities.

In April local governments closed some Harrist churches to prevent an escalation of intrareligious violence (see Section 5). The Bingerville church had been closed in April 1999 following an appeals court decision, but a decision from the judicial chamber of the Supreme Court reopened it in December 1999.

In July the Government allowed Felix Tchotche Mel, a Harrist preacher, to reopen his church in Bingerville.

#### **d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation**

The new Constitution does not provide specifically for these rights, and both the Guei and Gbagbo Governments on occasion restricted these rights in practice. The Government generally does not restrict internal travel. However, police, gendarmes, and water, forestry, and customs officials commonly erect and operate roadblocks on major roads, where they demand that passing motorists or passengers produce identity and vehicle papers and regularly extort small amounts of money or goods for contrived or minor infractions. The Guei and Gbagbo governments imposed curfews six times during the year during periods of political upheaval.

Citizens normally may travel abroad and emigrate freely and have the right of voluntary repatriation. However, the Government severely restricted political party leaders from traveling outside of the country.

On May 16, the CNSP announced in a communique that all overseas travel by political party leaders must be approved by the CNSP. The CNSP justified this action by saying it would allow it to "better manage" the period leading up to the July 23 referendum. On May 23, the CNSP refused to allow the FPI Secretary General, Abou Drahamane Sangare, to go to Algeria for the Socialist Forces Front Congress. Authorities also prevented Morifere Bamba, the leader of the Party for Progress and Socialism (PPS), from leaving the country. On July 25, after the referendum, the CNSP announced that the requirement to seek CNSP authorization to travel outside the country was no longer in force; however, on July 27, airport security forces prevented Ouattara from boarding a flight to Paris. On July 29, the CNSP reinstated restrictions on political party leaders leaving the country.

On September 23, General Guei refused to grant political party leaders permission to leave the country to attend the special summit of African leaders on Cote d'Ivoire, citing the pre-election travel ban. General Guei did not attend the event but sent Prime Minister Seydou Diarra and Foreign Minister Charles Gomis to represent the Government. President Gbagbo lifted the international travel ban shortly after taking office.

On February 23, airport police prevented Tape Koulou, Publication Director for the pro-Bedie daily newspaper *Le National*, from boarding a flight to France. The airport police who prevented the boarding stated that they were directed to do so by higher authorities.

There are no known cases of revocation of citizenship. The citizenship issue was debated extensively during the year; many citizens challenged the legitimacy of other voters' claims to citizenship. The public debate over Ouattara's citizenship continued at year's end. On November 30, the Supreme Court's Constitutional Chamber declared him ineligible for the legislative seat in his ancestral home of Kong (see Section 3.). Following that decision, thousands of RDR supporters demonstrated in Abidjan and northern cities (see Sections 1.a., 1.c., and 2.b.).

The country has not enacted legislation to provide refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The only domestic statute in force is the 1990 immigration law, which includes refugees without specifying a separate legal status for

them. Nevertheless, the Government respects the right to first asylum and does not deny recognition to refugees, either by law or custom. There were approximately 120,000 refugees in the country at year's end, at least 100,000 of whom are Liberian. Following the end of the Liberian civil war, an estimated 150,000 to 200,000 refugees returned to Liberia either under U.N. auspices or independently. The remaining refugees were from Sierra Leone and the Great Lakes region, including Rwanda and Burundi.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) in health, education, and food distribution programs for refugees. In January International Rescue Committee (IRC) staff identified sanitation problems and severe overcrowding in schools at the Nicla Camp.

On December 23, the Nigerian Government announced that it had begun repatriating its citizens who were subjected to repeated harassment by Ivoirian authorities (see Section 1.c.). Approximately 300 Nigerians stated that Ivoirian authorities regularly tore up their identity cards and stole goods. The Nigerians also accused the police of encouraging groups of youths to steal for them. Police would take them to police stations where they were beaten and detained overnight if they did not pay a bribe to the officers.

There were no reports that persons who had a valid claim to asylum or refugee status were repatriated involuntarily to a country where they feared persecution.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

The new Constitution provides for the right of citizens to change their government peacefully through democratic means; however, presidential elections held on October 22 were marred by significant violence and irregularities, including a suspension of the vote count for several days.

The presidential elections followed several postponements and a controversial Supreme Court decision on October 6 disqualifying 14 of the 19 candidates, including all of the PDCI and RDR candidates. The new Constitution includes language that is considered more restrictive than the Electoral Code of the previous Constitution on the subject of parentage and eligibility requirements for candidates. Ouattara was excluded from running in the Presidential and the National Assembly elections following the Supreme Court's October 6 and November 30 rulings that he had not demonstrated conclusively that he was of Ivoirian parentage. Furthermore the Court maintained that Ouattara had considered himself a citizen of Upper Volta (Burkina Faso) earlier in his career. PDCI candidate and former Minister of State for Interior and Decentralization Emile Constant Bombet was disqualified because he faced outstanding charges of abuse of office from when he was Minister. Former President Bedie was disqualified for not submitting a proper medical certificate.

Following the Supreme Court decision, most international election observers decided not to participate in the election. As a result, there were only 75 observers nationwide, 29 of whom were EU observers who originally were there assessing the overall security situation. The nationwide participation rate was 33 percent, and some polling places, especially in the North, closed early because of the lack of voters. Preliminary results showed that Gbagbo was leading by a significant margin. However, during the afternoon of October 23, soldiers and gendarmes entered the National Elections Commission (CNE) to stop the count. They expelled journalists and

disrupted television and radio broadcasting. On October 24, Daniel Cheick Bamba, an Interior Ministry and CNE official, announced on national radio and television that CNE had been dissolved and declared General Guei the victor with 56 percent of the vote. Thousands of Gbagbo supporters began protesting almost immediately, demanding a proper vote count. Mass demonstrations continued until October 26 and resulted in numerous deaths and injuries (see Sections 1.a. and 1.c.). In the early afternoon on October 25, national radio and television reported that Guei had stepped down.

When Gbagbo was inaugurated on October 26, gendarmes loyal to the new president violently suppressed RDR street demonstrations held to demand new presidential elections.

On December 4 and 5, gendarmes and police officers violently dispersed members of the RDR who were demonstrating to protest against the invalidation of Ouattara's candidacy in the legislative elections (see Sections 1.a., 1.c., and 2.b.).

The National Assembly election took place on December 10 and was marred by violence, irregularities, and a very low participation rate. The FPI won 96 out of 225 seats in the National Assembly; the PDCI, the former ruling party, won 77 seats; independent candidates won 17 seats; and 4 other parties won 7 seats. Largely because of the RDR boycott of the elections to protest against the invalidation of Ouattara's candidacy, the participation rate in the legislative election was only 33.12 percent. In addition the election could not take place in 26 electoral districts in the north because RDR activists disrupted polling places, burned ballots, and threatened the security of elections officials.

Before the adoption of the new electoral code, the number of registered voters in districts of the National Assembly, each of which elects one representative, varied by as much as a factor of 10; these inequalities systematically favored the ruling party. In August the Guei Government announced a fairer redistribution of constituencies. Before the December legislative elections, the Gbagbo Government completed the redistribution of electoral constituencies in line with the 1998 national census.

The Constitution was drafted by the CNSP-created Constitutional and Electoral Consultative Commission (CCCE), which was made up of members of major political parties and civil society; however, the CNSP made changes to the CCCE's text prior to submitting the draft Constitution to a referendum. The Constitution was adopted in a referendum held on July 23 and 24 by 86 percent of those voting, the Constitution of the Second Republic was implemented formally on August 4. The referendum was supervised by a quasi-independent commission that included representatives from some government ministries, civil society, and political parties.

The new Constitution and Electoral Code provide for legislative elections every 5 years and presidential elections every 5 years by a single and secret ballot. The new Constitution also continued the tradition of a strong presidency.

General Guei and the CNSP dominated the governing of the country for most of the year, even though a largely civilian cabinet was put in place in January. General Guei changed the make-up of this cabinet four times

during the year. The National Assembly remained suspended until the December elections, but the Supreme Court continued to function.

Upon assuming power in October, Gbagbo sought to include representatives from all political parties in his government. Except for the Republican Rally (RDR), which decided not to accept ministerial posts, most major political parties were represented in the new Government, which is made up of 24 ministers including the Prime Minister. Nineteen ministers are members of the FPI; three ministers are members of the PDCI, the former ruling party, and two ministers are members of the PIT, a minor left-wing party.

Citizens' ability to elect sub-national governments is limited. The State remains highly centralized. Sub-national government entities exist on several levels, and include 19 regions, 58 departments, 230 sub-prefectures, and 196 communities. However, at all levels except for communities, which are headed by mayors elected for 5-year terms, and traditional chieftaincies, which are headed by elected chiefs, all sub-national government officials are appointed by the central Government. Sub-national governments generally must rely on the central Government for much of their revenue, but mayors have autonomy to hire and fire community administrative personnel.

Although there are no legal impediments to women assuming political leadership roles, women are underrepresented in government and politics. Women held 3 of the 26 ministerial positions in the Guei transition Government, and Gbagbo's cabinet includes 5 women. There are three women on the Supreme Court. At year's end, there were 17 women in the National Assembly. In January 1999, Henriette Dagri Diabate was elected to the post of Secretary General of the opposition RDR; she became the first woman to lead a political party.

There are no legal impediments to the exercise of political rights by any of the more than 60 ethnic groups in the country. General Guei increased the number of governmental posts filled by members of his ethnic group, the Yacouba, and other western ethnic groups. The Baoule, to which both former Presidents Houphouet-Boigny and Bedie belonged, and other Akan ethnic groups that have tended to support the PDCI, were overrepresented previously in both mid-level and low-level appointed positions throughout the public sector.

However, President Gbagbo sought improved ethnic and regional balance in the Government by including members from seven different ethnic groups. Nine members of Gbagbo's first cabinet were from the Krou group in the western provinces from which Gbagbo comes. There were three ministers from the North (Mande and Senoufo). The remainder mostly were from the center and the east (Baoule). Three Ministers in Gbagbo's Cabinet were Muslims.

#### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Both the Guei Government and the Gbagbo Government allowed inquiry and reporting by human rights NGO's. The LIDHO, a domestic human rights NGO formed in 1987 and recognized by the Government in 1990, investigated alleged violations of human rights actively and issued press releases and reports, some critical of the Government. Other local NGO's also monitored government human rights abuses and published

press releases critical of the Government's record. For example, the MIDH investigated the December demonstrations following Ouattara's disqualification from legislative elections (see Sections 1.a., 1.c., 2.b., and 3). The MIDH stated that the Government had been accommodating to their investigation.

The Government cooperated with international inquiries into its human rights practices. Following a visit by Amnesty International Secretary General Pierre Sane in May, General Guei formally disbanded the "parallel forces" upon Sane's advice. President Gbagbo invited several international human rights groups, including HRW and the International Federation of Human Rights, to conduct independent investigations into the mass grave at Yopougon (see Section 1.a.).

## **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The new Constitution and the law prohibit discrimination based on race, ethnicity, national origin, sex, or religion; however, in practice women occupy a subordinate role in society. Societal ethnic discrimination and division are problems.

### **Women**

Representatives of the Ivoirian Association for the Defense of Women (AIDF) state that spousal abuse (usually wife beating) occurs frequently and often leads to divorce. A July 1998 AIDF survey found that many women refused to discuss their experience of domestic violence; of women who completed the AIDF interview process, nearly 90 percent had been beaten or struck on at least one occasion. Doctors state that they rarely see the victims of domestic violence. A severe social stigma is attached to such violence, and neighbors often intervene in a domestic quarrel to protect a woman who is the known object of physical abuse. The courts and police view domestic violence as a family problem unless serious bodily harm is inflicted, or the victim lodges a complaint, in which case they may initiate criminal proceedings. The Government does not collect statistics on rape or other physical abuse of women. The Government has no clear policy regarding spousal abuse beyond what is contained in the civil code. In December 1998, the National Assembly enacted the Law Concerning Crimes against Women, which forbids and provides criminal penalties for forced or early marriage and sexual harassment, but says nothing about spousal abuse.

Women's advocacy groups have protested the indifference of authorities to female victims of violence and called attention to domestic violence and female genital mutilation (FGM). The groups also reported that women who are the victims of rape or domestic violence often are ignored when they attempt to bring the violence to the attention of the police. In July 1999, the AIDF launched a petition drive to pressure the authorities to enact and enforce laws against domestic violence, especially spousal abuse; 18,000 petitions were collected by the end of 1999. The AIDF also is active in opposing forced marriage and advancing the rights of female domestic workers. On July 17, AIDF established a national committee with members of national and international institutions in Abidjan to fight violence against women. The committee's objective is to define programs and actions to reduce social inequalities and to make recommendations on combating violence against women. One month after establishing the committee, the Minister of Women's Affairs and Family, Constance Yai, held a workshop on developing strategies to fight violence against women.

The new Constitution and the law prohibit discrimination on the basis of sex; however, women occupy a subordinate role in society. Government policy encourages full participation by women in social and economic life; however, there is considerable informal resistance among employers to hiring women, whom they consider less dependable because of their potential pregnancy. Women are underrepresented in some professions and in the managerial sector as a whole. Some women also encounter difficulty in obtaining loans, as they cannot meet the lending criteria mandated by banks. These criteria include such elements as title to a house and production of profitable cash crops, specifically coffee and cocoa. Women in the formal sector are paid on an equal scale with men. In rural areas, women and men divide the labor, with men clearing the land and attending to cash crops like cocoa and coffee, while women grow vegetables and other staples and perform most menial household tasks.

## Children

Primary education is compulsory, but this requirement is not enforced effectively. Primary education is free but usually ends at age 13. Poverty causes many children to leave the formal school system when they are between the ages of 12 and 14 if they fail secondary school entrance exams. Students who pass entrance exams may elect to go to free public secondary schools. Secondary school entrance is restricted by the difficulty of the exam, which changes each year, and the state's ability to provide sufficient spaces for all who would like to attend. Many children leave school after only a few years. According to UNICEF statistics, 79 percent of males and 58 percent of females of primary school age reportedly were enrolled in the period between 1990 and 1996; more recent statistics were not available.

There is a parental preference for educating boys rather than girls, which is noticeable throughout the country but is more pronounced in rural areas; however, the primary school enrollment rate for girls is increasing in the northern part of the country. The Minister of National Education stated that almost one-third of the primary and secondary school dropout rate of 66 percent was attributable to pregnancies, and that many of the sexual partners of female students were teachers, to whom girls sometimes granted sexual favors in return for good grades or money. In January 1998, in an effort to combat low enrollment rates for girls, the Government instituted new measures against the statutory rape of students by teachers.

The penalty for statutory rape or attempted rape of either a girl or a boy aged 15 years or younger is a 1- to 3-year prison sentence and a fine of \$140 to 1,400 (FCFA 100,000 to 1,000,000).

There are large populations of street children in the cities. *Fraternite Matin*, the government daily newspaper, reported in April that the number of street children in the country is 200,000, of which 50,000 are in Abidjan. Some children are employed as domestics and are subject to sexual abuse, harassment, and other forms of mistreatment by their employers, according to the AIDF and press reports (see Section 6.d.).

In September 1998, an Abidjan daily newspaper reported allegations by a 14-year-old boy that he had been sodomized repeatedly over many months by a network of pedophiles that included former Minister of Economic Infrastructure Ezan Akele and a foreign ambassador. Leading human rights organizations, including

the LIDHO, demanded that the alleged pedophiles not be shielded from prosecution. In January 1999, judges released six of the eight accused in this matter on provisional liberty, and the trial court dismissed the suit in March 1999. The boy's parents have appealed the dismissal, and the appeal still was pending at year's end.

According to an UNICEF study, approximately 15,000 Malian children were trafficked and sold into indentured servitude on Ivoirian plantations in 1999, and observers believe that the rate of trafficking remained approximately the same during the year (see Sections 6.c., 6.d., and 6.f.).

The Ministries of Public Health and of Employment, Public Service, and Social Security seek to safeguard the welfare of children, and the Government also has encouraged the formation of NGO's such as the Abidjan Legal Center for the Defense of Children. In 1996 the Government announced a series of measures aimed at reducing the population of street children. These steps include holding parents legally and financially responsible for their abandoned children and the development of training centers where children can learn a trade; however, this is not abided to in practice. One of these centers opened in Dabou in July 1999.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is a serious problem. Until 1998 there was no law that specifically prohibited FGM, which was considered illegal only as a violation of general laws prohibiting crimes against persons. However, the December 1998 Law Concerning Crimes against Women specifically forbids FGM and makes those who perform it subject to criminal penalties of imprisonment for up to 5 years and a fine of roughly \$650 to \$3,500 (360,000 to 2 million FCFA francs); double penalties apply for medical practitioners. FGM is practiced particularly among the rural populations in the north and west and to a lesser extent in the center. The procedure usually is performed on young girls or at puberty as part of a rite of passage; it is done almost always outside modern medical facilities, and techniques and hygiene do not meet modern medical standards.

According to the World Health Organization and the AIDF, as many as 60 percent of women have undergone FGM. Since the law on FGM was enacted in December 1998, six girls in Abidjan's Port Bouet district were mutilated, and police and social workers neither acted to prevent the mutilation nor to arrest the girls' parents. In response the Minister of Solidarity and the Promotion of Women organized numerous seminars and informational meetings on FGM concentrating on regions where it is practiced widely. The seminars targeted police, administrative authorities, and traditional political and religious leaders.

As a result of the active campaign against FGM undertaken by the Government and NGO's, several excisors were arrested in the north for performing excisions. In prior years, arrests were made only following the death of the FGM victim. On May 6, two excisors from Guinea were arrested in Abobo and imprisoned following the death of a young Burkinabe girl who had been excised. On July 12, police arrested two Ivoirian women in the northern city of Kongasso and detained them in Seguella for practicing FGM on girls between the ages of 10 and 14.

Women's advocacy organizations continued to sponsor campaigns against FGM, forced marriage, marriage of minors, patterns of inheritance that exclude women, and other practices considered harmful to women and girls. Children regularly are trafficked into the country from neighboring countries and sold into forced labor (see Sections 6.c., 6.d., and 6.f.).

## **People With Disabilities**

In October 1998, the National Assembly enacted a law that requires the State to educate and train disabled persons, to hire them or help them find jobs, to design houses and public facilities for wheelchair access, and to adapt machines, tools, and work spaces for access and use by the disabled. The law covers individuals with physical, mental, visual, auditory, and cerebral motor disabilities. The Government is working to put these regulations into effect; however, the law had not been implemented fully by year's end. Wheelchair accessible facilities for the disabled are not common, and there are few training and job assistance programs for the disabled.

Laws also exist that prohibit the abandonment of the mentally or physically disabled and enjoin acts of violence directed at them.

Traditional practices, beliefs, and superstitions vary, but infanticide in cases of serious birth disabilities is less common than in the past. Disabled adults are not specific targets of abuse, but they encounter serious difficulties in competing with non-disabled workers. The Government supports special schools, associations, and artisans' cooperatives for the disabled, but physically disabled persons still beg on urban streets and in commercial zones.

## **Religious Minorities**

Relations between the various religious communities generally are amicable; however, there is some societal discrimination against Muslims and followers of traditional indigenous religions.

The country's Islamic communities are subject to a great deal of societal discrimination. Some non-Muslims have opposed construction of mosques, such as the new mosque in Abidjan's Plateau district, because the Islamic duty to give alms daily may attract beggars to neighborhoods containing mosques. Some non-Muslims also object to having to hear the muezzins' calls to prayer. Some persons consider all Muslims as foreigners, fundamentalists, or terrorists. Muslim citizens often are treated as foreigners by their fellow citizens, including government officials, because most Muslims are members of northern ethnic groups that also are found in other African countries from which there has been substantial immigration into the country. Muslims also frequently were discriminated against because of ethnic origin or political leanings. Many Muslims are northerners and tended to support the presidential candidacy of Ouattara.

During the October demonstrations, FPI militants burned several mosques in the Abidjan's Yopougon district in retaliation, for RDR militants burning churches (see Sections 1.a., 1.c., and 3). On October 26 and again in early December, rival political groups burned a number of churches and mosques across the country. On December 5, youths set fire to a mosque in Abidjan's Abobo district.

Followers of traditional indigenous religions are subject to societal discrimination. Many leaders of religions such as Christianity or Islam look down on practitioners of traditional indigenous religions as pagans, practitioners of black magic, or human sacrifice. Some Christians or Muslims refuse to associate with

practitioners of traditional indigenous religions. The practices of traditional indigenous religions often are shrouded by secrecy, and include exclusive initiation rites, oaths of silence, and taboos against writing down orally transmitted history. However, there have been no reports of human sacrifice in the country since well before independence. Although the purported practice of black magic or witchcraft continues to be feared widely, it generally is discouraged by traditional indigenous religions, aspects of which commonly purport to offer protection from witchcraft. Traditional indigenous religions commonly involve belief in one supreme deity as well as lesser deities or spirits that are to be praised or appeased, some of whom in some religions may be believed to inhabit or otherwise be associated with particular places, natural objects, or man-made images. However, many practitioners of traditional indigenous religions are unaware of societal discrimination and have not complained.

Conflicts between and within religious groups have surfaced occasionally. Members of the Limoudim of Rabbi Jesus, a small Christian group of unknown origin, have criticized and sometimes attacked other Christian groups, allegedly for failing to follow the teachings of Jesus. In January 1998, a conflict over land erupted between Catholics and Assembly of God members in Abidjan's Yopougon district. The same area was the scene of a land conflict between Baptists and their neighbors in August 1998; however, there were no reports of such conflicts during the year.

The Celestial Christians are divided because of a leadership struggle, as are the Harrists, who have fought on occasion. In March due to the internal struggle in the Harrist Church, clergy leader Barthelemy Akre Yasse struck from the church rolls Harrist National Committee president Felix Tchotche Mel for insubordination. This battle for church leadership at the national level led to violent confrontations between church members at the local level. In April local governments, in order to prevent further violence, closed some Harrist churches (see Section 2.c.).

Prior to the December 1999 coup, the Islamic leadership was fractured by disagreement between factions, two of which (the Superior Islamic Council and the Ouamma Islamic Front) were allied with the former ruling party, and two of which (the National Islamic Council and the Islamic Confederation for the Development of Cote d'Ivoire) were unaligned politically and had sought to create Islamic organizations that enjoy the same freedom from unofficial state oversight and guidance that Catholic organizations long have enjoyed. Following the December 1999 coup, the organizations began to work together.

### **National/Racial/Ethnic Minorities**

The country's population of approximately 15.3 million (1998 Census) is ethnically diverse. The citizenry--not including the large noncitizen part of the population--is made up of five major families of ethnic groups. The Akan family made up more than 42 percent of the citizenry; the largest Akan ethnic group, and the largest ethnic group in the country, is the Baoule. Approximately 18 percent of citizens belong to the Northern Mande family, of which the Malinke are the largest group. Approximately 11 percent of citizens belong to the Krou family, of which the Bete are the largest group. The Voltaic family accounts for another 18 percent of the population, and the Senoufou are the largest Voltaic group. Approximately 10 percent belong to the Southern

Mande family, of which the Yacouba are the largest group. Major ethnic groups generally have their own primary languages and their non-urban populations tend to be concentrated regionally.

At least 26 percent of the population is foreign, of which 95 percent are other Africans. Most of the Africans are from neighboring countries such as Mali and Burkina Faso and may not claim citizenship legally. Birth in Ivorian national territory does not confer citizenship. The ethnic composition of the whole population, including these noncitizens, is quite different from that of the citizenry alone.

All ethnic groups sometimes practice societal discrimination on the basis of ethnicity. Urban neighborhoods still have identifiable ethnic characteristics, and major political parties tend to have identifiable ethnic and regional bases, although interethnic marriage increasingly is common in urban areas.

Some ethnic groups include many noncitizens, and their share of the electorate would be increased by enfranchising noncitizens. Other ethnic groups include few noncitizens, and their share of the electorate would be decreased by enfranchising noncitizens. There are societal and political tensions between these two sets of ethnic groups. This cleavage corresponds to some extent to regional differences; ethnic groups that include many non-citizens are found chiefly in the north. Members of northern ethnic groups that are found in neighboring countries as well as in the country often are required to document their citizenship, whereas members of historically or currently politically powerful ethnic groups of the south and west reportedly do not have this problem. Police routinely abuse and harass noncitizen Africans residing in the country (see Section 1.c.). Official harassment reflects the frequently encountered conviction that foreigners are responsible for high crime rates, as well as concern for Ivorian national identity and identity card fraud.

The new Constitution includes a restrictive presidential eligibility clause that not only limits presidential candidates to those who can prove that both parents were born in the country, but also states that a candidate can never have benefited from the use of another nationality.

Election law changes in 1999 also limited presidential candidates to those who could prove that both parents were born in the country. Because of this restriction, Ouattara was considered ineligible for both presidential and legislative elections during the year.

Differences between members of ethnic groups are a major source of political tensions and since 1997 have erupted repeatedly into violence. Many members of the Baoule group, which long has inhabited the east-central region, have settled in towns and on previously uncultivated land in other areas, especially in more westerly regions. In the past, the Government generally has viewed use of land as conferring de facto ownership of land. However, in December 1998, the National Assembly enacted the new Land Use Law, which establishes that land title does not transfer from the traditional owner to the user simply by virtue of use.

General Guei initially included many members of the previously disenfranchised northern and western ethnic groups in the transition Government, but over the course of the year he excluded northerners from the power structure. Guei filled an increasing number of government positions with members of his ethnic group, the Yacouba, and he brought a number of southern PDCI officials back into the Government. During the Bedie

regime, members of the Baoule ethnic group dominated the PDCI and held disproportionate numbers of positions in the public sector, including the security forces, the civil service, and state-owned businesses (see Section 3). Gbagbo's cabinet, which took office on October 27, included three Muslims and three northerners, most significantly the Minister of State for Foreign Affairs.

Tensions continued in the southwest between Kroumen and settlers from Burkina Faso, many of whom were born in the region or have lived in the region for up to 30 years. The most significant violence began in late August, then continued in September and October. In August and September, fighting in the villages of Trahe and Heke (Grand Bereby) resulted in at least 13 deaths. In October fighting in Trahe and Heke resulted in another five deaths. Fighting between August and October drove approximately 2,500 persons from their homes, including citizen Baoules and Kroumen who were caught in the battles. In November 1999, approximately 12,000 Burkinabe were forced to return to Burkina Faso as a result of land battles. Although some of those who left had returned by year's end, the majority remained in Burkina Faso. There were no further reports of violence between native Kroumen and settlers and migrant laborers from Burkina Faso during the year.

## **Section 6 Worker Rights**

### **a. The Right of Association**

The new Constitution and the Labor Code grant all citizens, except members of the police and military services, the right to form or join unions. Registration of a new union requires 3 months. For almost 30 years, the government-sponsored labor confederation, the General Union of Workers of Cote d'Ivoire (UGTCI), dominated most union activity. The UGTCI's hold on the labor movement loosened in 1991 when several formerly UGTCI-affiliated unions broke away and became independent. In 1992 a total of 11 formerly independent unions joined to form the Federation of Autonomous Trade Unions of Cote d'Ivoire. There also are two other registered labor federations not affiliated with the Government, including the Dignite labor federation. Unions legally are free to join federations other than the UGTCI, although in the past the Government pressured unions to join UGTCI.

The right to strike is provided by the new Constitution, and by statute. The Labor Code requires a protracted series of negotiations and a 6-day notification period before a strike may take place, making legal strikes difficult to organize. In the aftermath of the December 1999 coup, the CNSP and the Labor Ministry arbitrated more than 80 labor-related conflicts. Employees working for Solibra, Tropical Rubber, Cote d'Ivoire Blohorn, and PISAM Hospital, complained about severe problems including being underpaid, working in dangerous job conditions, and lack of safety concerns.

On February 1, police used tear gas to disperse striking workers at the Commune of Cocody City Hall (see Section 1.c.).

Public and private school teachers went on strike several times during the year to protest lack of pay raises and perceived government apathy to their demands. Public teachers, especially those hired under a 1991 law that

cut starting salaries in half, demanded that the new Government fulfill promises made during the Bedie regime to raise salaries and improve benefits. Guei accepted most of their demands and agreed to implement the wage increases in 2001. President Gbagbo repeated these promises.

In March private teachers also organized a series of strikes to protest nonpayment of salaries. In November six private school teachers went on a hunger strike to protest that their pay was not competitive with their public school counterparts. In December the Government offered to give the six private school teachers \$7,000 (500,000 FCFA) each.

In February the union of employees of the company Blohorn-Unilever attempted to negotiate a reduction in the substantial difference in salary between foreign workers (especially European) and those hired locally. Complaining of what workers called "Salary Apartheid," union leaders called a 72-hour strike after talks failed. The strike ended when management promised to "look into the issue;" however, no improvements had been made by year's end.

In August security guards assigned to a sub-prefecture in Abidjan and radio technicians in the Ministry of the Interior and Decentralization went on strike over lack of benefits and a set salary of \$90 (62,000 FCFA) a month for workers regardless of work experience and length of service. Instead of negotiating with the workers, Interior Minister Grena Mouassi replaced them.

Minibus owners and drivers union went on strike for 1 day on November 27 in response to gendarmes' abuse of some minibus drivers (see Section 1.c.). Truck drivers went on strike for 48 hours in November and obtained the arrest of the gendarme who had shot at a colleague. The gendarme's trial started November 28 but had not been completed by year's end.

Unions are free to join international bodies.

## **b. The Right to Organize and Bargain Collectively**

The new Constitution provides for collective bargaining, and the Labor Code grants all citizens, except members of the police and military services, the right to bargain collectively. Collective bargaining agreements in effect are in many major business enterprises and sectors of the civil service. In most cases in which wages are not established in direct negotiations between unions and employers, salaries are set by job categories by the Ministry of Employment and Civil Service. Labor inspectors have the responsibility to enforce a law that prohibits antiunion discrimination. There have been no known prosecutions or convictions under this law, nor have there been reports of anti-union discrimination.

Members of the military intervened directly in labor disputes, sometimes arresting and intimidating parties (see Section 1.e.).

There were no export processing zones.

### **c. Prohibition of Forced or Compulsory Labor**

Forced labor is prohibited by law; however, the International Labor Organization's Committee of Experts in its 1996 annual report questioned a decree that places certain categories of prisoners at the disposal of private enterprises for work assignments without their apparent consent. Legislation exists allowing inmates to work outside of prison walls; however, because of a lack of funds to hire warden guards to supervise the inmates, the law often is not invoked. In April the NGO Doctors without Borders funded a project in which inmates were hired to improve the sanitation system in their prison. Although it did not finance the project, the Government did permit the prisoners to receive a salary for their work.

The law prohibits forced and bonded child labor; however, the Government did not acknowledge the problem until recently and does not enforce this prohibition effectively (see Section 6.d.). Children regularly are trafficked into the country from neighboring countries and sold into forced labor (see Section 6.f.).

### **d. Status of Child Labor Practices and Minimum Age for Employment**

In most instances, the legal minimum working age is 14; however, the Ministry of Employment and Civil Service enforces this provision effectively only in the civil service and in large multinational companies. Labor law limits the hours of young workers, defined as those under the age of 18. However, children often work on family farms, and some children routinely act as vendors, shoe shiners, errand boys, car watchers, and washers of car windows in the informal sector in cities. There are reliable reports of some use of children in "sweatshop" conditions in small workshops. Children also work in family-operated artisanal gold and diamond mines. Primary education is mandatory but far from universally enforced, particularly in rural areas (see Section 5). Since 1998 the Government has tried to develop special technical and vocational programs for those expelled from school at an early age. Some technical and vocational programs began operations in March and April; at year's end, it was not clear if they would be successful.

Although the Government prohibits forced and bonded child labor, it does not enforce this prohibition effectively. Children regularly are trafficked into the country from neighboring countries and sold into forced labor. There was widespread abuse of foreign children for forced labor on agricultural plantations (see Section 6.f.).

### **e. Acceptable Conditions of Work**

The Government administratively determines monthly minimum wage rates, which last were adjusted in 1996. President Gbagbo promised an overall pay raise, as did General Guei; however, no such raises had been granted by year's end. A slightly higher minimum wage rate applies for construction workers. The Government enforces the minimum wage rates only for salaried workers employed by the Government or registered with the social security office. Minimum wages vary according to occupation, with the lowest set at approximately \$52 (36,607 FCFA) per month for the industrial sector, which is insufficient to provide a decent standard of living for a worker and family. The majority of the labor force works in agriculture or in the informal sector where the

minimum wage does not apply. According to a Labor Ministry survey, workers in the agricultural and fishing sector receive an average of \$1040 (726,453 FCFA) a year.

Through the Ministry of Employment and the Civil Service, the Government enforces a comprehensive Labor Code that governs the terms and conditions of service for wage earners and salaried workers and provides for occupational safety and health standards. Those employed in the formal sector generally are protected against unjust compensation, excessive hours, and arbitrary discharge from employment. The standard legal workweek is 40 hours. The law requires overtime payment on a graduated scale for additional hours. The Labor Code provides for at least one 24-hour rest period per week.

Government labor inspectors can order employers to improve substandard conditions, and a labor court can levy fines if the employer fails to comply with the Labor Code. However, in the large informal sector of the economy involving both urban and rural workers, the Government's occupational health and safety regulations are enforced erratically, if at all. The practice of labor inspectors accepting bribes is a growing problem, and observers believe that it is widespread. Workers in the formal sector have the right under the Labor Code to remove themselves from dangerous work situations without jeopardy to continued employment by utilizing the Ministry of Labor's inspection system to document dangerous working conditions. However, workers in the informal sector ordinarily cannot remove themselves from such labor without risking the loss of their employment.

Labor federations such as Dignite are working to provide some relief to workers when companies fail to meet minimum salary requirements. For example, the sanitary services company ASH continues to pay wages as low as \$15.50 (12,000 FCFA) a month to female employees who work sweeping the streets of Abidjan. According to Dignite, labor inspectors continue to ignore this clear violation of the law. The shipbuilding company Carena discriminates between European engineers who are paid \$11,400 (8 million FCFA) a month, compared with their African colleagues who receive \$114 (80,000 FCFA) a month. Government labor and employment authorities have not responded to these problems.

#### **f. Trafficking in Persons**

The law does not prohibit trafficking in persons, and there were credible reports that it occurs. Since the mid 1990's, media reports have exposed the widespread practice of importing and indenturing Malian boys for field work on Ivoirian plantations under abusive conditions. For example, children recruited by Malians in the border town of Sikasso are promised easy and lucrative jobs in Cote d'Ivoire, transported across the border, and then sold to other Malians who disperse them throughout the plantations of the central region. These children are forced to work under grueling conditions in the fields and locked at night in crowded sheds, with their clothing confiscated. The Governments of Mali and Cote d'Ivoire confirmed these reports in a joint February press conference with UNICEF. The Government of Mali and UNICEF took steps to halt this trafficking and repatriate the children in Mali; more than 270 Malian children were returned to their families during the year. The extent of this practice is difficult to estimate because many Malian adults also worked on Ivoirian plantations in the same area under difficult conditions.

On February 18, Ivoirian authorities working with the Malian Consul in Bouake repatriated 19 Malian men and children who were working as forced labor on a plantation in the western region of Bangolo. The youngest was 13 years-of-age, although 14 of them were under the age of 20. The police filed criminal charges against the farm owner and the traffickers in February, but at year's end, their trial had not begun.

In August the Governments of Cote d'Ivoire and Mali signed the Bouake agreement, which recognized the need to be more active in repatriating Malian children from Cote d'Ivoire. It is estimated that some 15,000 Malian children work on Ivoirian cocoa and coffee plantations. Many are under 12 years-of-age, sold into indentured servitude for \$140 (100,000 FCFA), and work 12-hour days for \$135 to \$189 (95,000 to 125,000 FCFA) per year. In September authorities intercepted 26 young Malian children and 13 suspected traffickers led by Somboro Moussa on their way to Bouake; the children were repatriated in mid-September. During the year, more than 270 Malian children have been repatriated from Cote d'Ivoire; however, despite the Bouake accord, child trafficking remained a problem. In November the Minister of Employment announced that it plans to continue working with Malian authorities to repatriate child laborers.

Children also are trafficked into the country from countries other than Mali. During the year, there were reports of children, some as young as 6 years-of-age, coming from Benin to work as agricultural laborers and maids. Burkina Faso, Ghana, and Togo are other sources of child labor. The Government discussed a labor agreement with the Government of Togo but had not signed an accord by year's end.

[End.]

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