



GUINEA (24)

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GUINEA

Guinea is a constitutional republic in which effective power is concentrated in a strong presidency. President Lansana Conte has ruled since 1984, when he led the only successful coup d'etat in the country's history, first as head of a military junta, and since 1994 as a civilian president elected in 1993. Guinea held its first multiparty legislative elections in 1995, delivering more than 60 percent of National Assembly seats to President Conte's Party of Unity and Progress (PUP). The PUP is one seat short of the number required to amend the Constitution. Although the PUP continues to dominate all three branches of government, opposition parties have on occasion persuaded PUP Members of Parliament, including the National Assembly leadership, to vote with the opposition on specific legislative matters. Conte won a second 5-year term in a December 1998 election that was marred by violence and civil unrest before and after election day, widespread and diverse irregularities that tended to favor the incumbent, and the arrest and detention of major opposition candidates during the vote-counting process. Nevertheless, the election was much more transparent and fair than the 1993 election. In the 1998 presidential election, the Government continued to dominate the electoral process and did not create an independent electoral commission as initially demanded by both opposition parties and ruling party dissidents; instead, it struck a compromise with the opposition and formed a High Council for Electoral Affairs, composed of representatives from many parties, but with authority limited to local vote counting and the transmission of results. A disproportionate number of public sector positions, including senior military and cabinet posts, are held by members of the President's own minority ethnic group, the Soussou. The judiciary is subject to executive influence, particularly in politically sensitive cases.

The gendarmerie and the national police share responsibility for internal security and sometimes play an oppressive role in the daily lives of citizens. Members of the elite Presidential Guard are accountable to almost no one except the President. Members of the security forces frequently committed human rights abuses.

About 85 percent of the country's population of 7.1 million engage in subsistence agriculture. Annual recorded per capita gross domestic product (GDP) was about \$540 in 1997. More than 80 percent of export earnings come from mining, particularly bauxite, gold, and diamonds. Other exports include coffee and fruit. There has been modest economic growth in recent years, due in part to substantial assistance from international financial institutions. However, growth continued to be hindered by widespread corruption and limited but increasing transparency in government; in particular, corruption at the port and customs offices hampers effective collection of nonmining receipts.

The Government's human rights record was generally poor; although there were some improvements in a few areas, serious problems remained in many others. The Government's tight and sometimes partisan control of the electoral process, both in the 1998 presidential election and for upcoming local and national legislative elections, its refusal to create an independent electoral oversight mechanism, and its prohibition of nongovernmental broadcast media, reflectively restricted citizens' right to change their government. Major human rights abuses include: Extrajudicial killings; disappearances; use of torture by police and military personnel; police abuse of prisoners and detainees; inhuman prison conditions and frequent deaths due to these conditions and lack of medical care; and prolonged pretrial detention. Members of the security forces committed abuses with impunity. There was arbitrary arrest and detention. The Government failed to ensure access by attorneys to clients in prison, maintained the executive branch's influence over the judicial system and the electoral process and infringed on citizens' privacy rights.

The Government restricted freedom of speech and of the press. The private print press criticized the Government, but the Government continued to monopolize the broadcast media, including radio, the most important medium of mass communication. The Government imposes cumbersome requirements for official recognition on associations, and infringes on freedom of movement. Other major human rights abuses included: Restrictions on freedom of assembly; violence and societal discrimination against women; prostitution and genital mutilation of young girls; ethnic discrimination and interethnic violence; child labor; and vigilante actions by victims or others.

Rebels from Sierra Leone and armed attackers from Liberia committed a number of killings and other abuses, including the burning of homes.

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 fewer killings than the previous year. On October 11, security forces killed two students when using unauthorized lethal force to bring a violent protest over an increase in gasoline and transportation prices under control. During the year there were fewer violent riots and instances of government overreaction, compared with 1998.

In December 1998, a soldier posted at Camp Alpha Yaya near Conakry died of injuries sustained in a beating ordered by his battalion commander, Panival Sama Bangoura, to punish him for having tried to vote outside the camp. Bangoura was reprimanded, and, on June 22, was transferred from the capital to Kankan, where he is chief of the third military region. A woman died of injuries inflicted by members of the security forces during suppression of riots after the soldier's body was returned to his hometown, Labe (see Section 3). Deaths in custody due to inhuman prison conditions and inadequate medical treatment remained frequent (see Section 1.c.).

In 1998 security forces clashed with residents of Conakry's Ratoma section during riots over the Government's destruction of illegally constructed buildings that left 100,000 persons homeless, mostly members of the Puhlar ethnic group (see Section 5). One gendarme and 8 civilians were killed; 40 persons were injured, and 59 were arrested, including 3 members of the National Assembly (see Sections 1.c. and 1.d.). Of those arrested, 24 subsequently were tried and sentenced to prison terms and fines. However, by early 1999, all of the persons imprisoned in connection with these riots had been released.

In late 1998, government officials used excessive force and killed a number of persons both in suppressing opposition party political rallies before the December 14 presidential election and in suppressing antigovernment demonstrations, riots, and interethnic violence in the wake of the election. On November 28, 1998, Jean Traore, subprefect of Banian in the southeastern region, shot and killed one man and wounded two other persons while attempting to disperse a gathering of supporters of the Rally of the Guinean People (RPG), an opposition party. Persons in the crowd then beat and killed Traore. Shortly after the election, members of the security forces reportedly shot and killed two RPG supporters in the largely pro-RPG town of Siguiri.

A mutiny by rebellious soldiers in February 1996 resulted in between 30 and 50 civilian deaths. In the subsequent trial of 30 to 40 alleged mutineers (March-August 1998), all defendants were given a chance to present their responses to government charges and were sentenced in October 1998 (see Section 1.e.). On March 22, 31 soldiers accused of participation in the mutiny were discharged from military service.

Government authorities continued to block efforts by human rights groups and NGO's to investigate political killings that took place in the 1970's under then-President Sekou Toure. However, NGO's representing the victims who died in Camp Boiro, the Conakry

Prison where hundreds of political prisoners and intellectuals were detained or killed under the Toure regime, successfully walled off a cemetery in November 1998 to protect victims' burial plots from urban encroachment.

In December 1998, at the climax of the presidential election campaign, between four and six persons reportedly died during violence in Conakry between members of the Soussou, Puhlar, and Malinke ethnic groups (see Section 3).

Sierra Leonean rebels killed a number of civilians and members of the security forces in crossborder raids during the year, as they had done in 1998. Rebels from Sierra Leone killed two Guineans and seriously wounded eight in an April 19 attack on the border village of Mola, prompting villagers to blame and burn an adjacent refugee camp. On May 13, Sierra Leonean rebels killed two Guineans in the village of Dinde, near Forecariah. On May 25, rebels attacked the village of Tassine, killing four civilians and two soldiers, abducting five persons, and mutilating others. Despite a May 24 cease-fire in Sierra Leone, Sierra Leonean rebels again attacked Mola on May 25; they killed seven civilians and one soldier, cut off the arms or hands of at least five civilians, and abducted others. On September 10, armed attackers from Liberia killed 31 civilians in villages in Macenta prefecture. The Government blamed the Liberian Government for the attack, but the Liberian Government denied responsibility.

Many victims of crime fear that they may never receive justice because of judicial corruption and may resort to exacting their own form of retribution through vigilante violence. Some suspected criminals, notably thieves and rapists, are beaten to death or burned by their victims or others after being soaked with a flammable liquid.

b. Disappearance

Opposition leaders, local NGO's, and the independent press routinely report cases of politically motivated temporary disappearances that usually ended with the eventual release of the prisoners who were held by security forces.

In months after the February 1996 mutiny, hundreds of soldiers and civilians disappeared during neighborhood sweeps conducted by armed members of the security forces, who often were masked to hide their identities. Dozens of soldiers were interrogated and transferred to judicial authorities for legal proceedings related to the mutiny. Prosecutors later released 63 detainees for lack of evidence; the others were sentenced in October 1998 (see Section 1.e.). Baba Sarr, a relative of reported mutiny ringleader Major Gbago Zoumanigui, remains missing since his detention following the mutiny. During the year, many of the persons missing after the 1996 mutiny were in self-imposed exile, according to family members.

Sierra Leonean rebels reportedly abducted a number of civilian hostages during crossborder raids in Faranah in November 1998, and in the villages of Tassine and Mola in May (see Section 1.d.).

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

The Penal Code and the Constitution prohibit torture and cruel, inhuman, or degrading treatment; however, both civilian and military security forces often use torture and beatings to extract confessions and employ other forms of brutality, including holding prisoners incommunicado without charges and under inhuman conditions. Local human rights organizations and former detainees stated that some prisoners are bound and hung by their feet before being beaten. There were no reported judicial proceedings against officers suspected of committing abuses. Many citizens view the security forces as corrupt, ineffective, and even dangerous. Police ignore legal procedures, and extort money from citizens at roadblocks (see Sections 1.f. and 2.d.). Refugees from Liberia and Sierra Leone report that some soldiers demand sex in exchange for entry into the country. There are also reports of sexual assaults on refugees (see Section 2.d.).

Defendants in the Ratoma riots' trial in 1998 reported neglect and torture during their detention at their trial proceedings in 1998 (see Section 1.a.). All since have been released.

Soldiers arrested for the 1996 mutiny reported being tortured at the Kassa prison by military personnel. According to the defendants, police temporarily transferred the soldiers from the Koundara prison to Kassa for interrogation and torture (see Section 1.a.).

Prison conditions are inhuman and life threatening. Family members and friends are responsible for feeding prisoners. Guards often demanded bribes in exchange for letting food through to those incarcerated. Standards of sanitation remained poor, and there were several dozen deaths due to malnutrition and disease. A former inmate held in the central prison in Conakry reported in 1998 being housed with between 60 and 80 prisoners in 1 cell, with 1 toilet and no beds. Prisoners reported threats, beatings, and harassment by guards. There are credible reports from prisoners that female inmates are subject to harassment and sexual assault by guards.

The Organisation Guineenne de Defense des Droits de L'Homme et du Citoyen (OGDH) determined that prisoners in at least one major prison, located in N'Zerekore, suffered more from neglect and lack of resources than from mistreatment. According to the OGDH, the N'Zerekore prison is a converted grain warehouse built in 1932 for 70 prisoners, but it currently houses 120. There is no electricity or running water.

The independent press, a local human rights organization, and a former prisoner reported in previous years that inmates routinely are beaten and subjected to other forms of abuse at the prison in Koundara in the north. Although the Minister of Justice has criticized inhuman prison conditions during televised visits to prison facilities, no concrete action has yet been taken to improve conditions.

The Government permits prison visits by local humanitarian and religious organizations, which offer medical care and food for those in severe need. A former prisoner reported that without this assistance those who do not have families or friends would starve to death.

On November 10, the International Committee of the Red Cross (ICRC) signed a detention accord with the Government for satisfactory access to prisoners. The ICRC, which had been negotiating for the accord over a 2-year period, regarded the agreement as a positive step by the Government.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain persistent threats despite procedural provisions in the Penal Code designed to safeguard detainees. In practice administrative controls over the police are ineffective, and security forces rarely follow the Penal Code.

The Penal Code requires that the Government issue a warrant before an arrest can be made and charge detainees before a magistrate within 72 hours. However, many detainees are incarcerated for longer periods before being charged. After being charged, the accused may be held until the conclusion of the case, including a period of appeal. Release on bail is at the discretion of the magistrate who has jurisdiction. The Constitution proscribes incommunicado detention. The law provides for access by attorneys to their clients, but authorities frequently do not respect this provision.

On March 11, military troops entered the University of Kankan and arrested 800 students following a student riot that began after 1 student was killed in a car accident. Some of the students were beaten; however, all were released within a few days.

Bar Association attorneys, the independent press, and government sources describe a

parallel system of justice run by unidentified uniformed personnel who conduct midnight arrests, detain suspects, and use torture in secret prisons to obtain confessions before transferring detainees to prosecutors (see Section 1.c.). In previous years, a member of a political opposition party, a soldier, a local human rights organization, and former prisoners all reported that the Government imprisons for political reasons persons considered a threat to state security at Kassa prison, allegedly located in a former French colonial structure on an island off the coast of Conakry. The Government denies the existence of the Kassa Prison and states that prisoners identified as political detainees have been incarcerated for criminal acts and are located in other prisons. In 1998 foreign diplomats visited the military installation on Kassa Island, where they saw nothing that resembled a prison or detention center.

Security forces detain citizens at roadblocks and extort money from them (see Section 2.d.).

On November 15, 1998, at the start of the presidential campaign, the prefects of Mandiana, Kerouane, Macenta, and Nzerekore arrested RPG supporters in those prefectures. On March 16, after a short trial on charges of incitement to violence, 13 RPG members, including 4 National Assembly representatives, were released from detention in Kankan for time served; 36 other RPG supporters detained in Baro were released on March 18.

On December 12, 1998, while suppressing interethnic violence in Conakry (see Section 1.a.), members of the security forces arrested and detained Marcel Cros, a leader of the minority PDA party and close advisor of Alpha Conde, leader of the RPG opposition party, on illegal-weapons charges. After a lengthy investigation, the Government dropped all charges and released Cros on February 10. Cros reported that he was permitted visits from his family and his lawyers while in detention in Conakry's central detention facility and said that he had been treated no worse than other prisoners.

On December 14, 1998 (Election Day), security forces reportedly arrested 30 RPG poll watchers in Boffa and 80 poll watchers of the Union for Progress and Renewal (UPR) opposition party in Gaoual and Koundara prefectures. The opposition poll watchers, some of whom were accused of being mercenaries by the security force members who arrested them, were released the day after the election.

On December 15, 1998, members of the security forces arrested Alpha Conde, the presidential candidate of the RPG opposition party, at the town of Lola on the Liberian border; the Government had closed the border there since December 9, 1998, as an election security measure. The Government detained Conde incommunicado until December 30, 1998, when it charged him with trying to leave the country illegally, resisting arrest, engaging in illegal foreign currency transactions, and training an armed force to overthrow the Government. During the year, foreign officials and diplomats, including the Senegalese Minister of Justice, and several foreign diplomats visited Alpha Conde in detention. Conde's lawyers reported that they had generally free access to their client as well as to the dossier of his case. Conde's doctor, but not his family members, also had access to him. During a July 21-22 visit by French President Jacques Chirac, the Government announced a mid-September trial date for Conde, but, the trial did not begin by year's end.

On December 28, 1998, security forces detained about 20 persons during their suppression of rioting in the town of Labe following the return of the body of a soldier, who had died of injuries suffered during a beating ordered by his commander to punish him for trying to vote outside the military camp where he was posted (see Sections 1.a. and 3).

The Government does not practice forced exile.

e. Denial of Fair Public Trial

The Constitution provides for the judiciary's independence; however, judicial authorities routinely defer to executive authorities and the executive branch in politically sensitive cases. Magistrates are civil servants with no assurance of tenure. Due to corruption and nepotism in the judiciary, relatives of influential members of the Government often are, in effect, above the law. In 1996 the Cabinet stated that it would pursue those who violate the law but avoid punishment due to judicial corruption, including the autonomous Presidential Guard; however, no action has been taken. Judges often do not act independently, and their verdicts are subject to outside interference. Influential persons often intervene on behalf of their relatives to prevent a negative judgment from being carried out.

The judiciary includes courts of first instance, the two Courts of Appeal, and the Supreme Court, the court of final appeal. Since 1988 civilian courts have rendered all judgments involving civilians under the Penal Code. A military tribunal prepares and adjudicates charges against accused military personnel, to whom the Penal Code does not apply. The Government announced in 1996 the creation of a Discipline Council for dealing with civil servants who abuse their positions as government employees, but by year's end, the Council still had not prosecuted any cases.

In 1997 Minister of Justice Maurice Zogbelemou Togba activated a special state security court to try alleged participants in the February 1996 military mutiny. Togba defended the Special Court's legality, citing statutes predating the 1992 Constitution. Members of political opposition parties and the independent press maintained that the Court is unconstitutional, arguing that the Fundamental Law of 1992 superseded related statutes. They also maintained that because the State presents evidence as well as makes final judgment, the Court infringes on the prisoners' due process rights. In October 1998, the special security court concluded its trials of the alleged mutineers. Of the 96 persons over whom the court exercised jurisdiction, 4 never were charged, 13 were released because the time they already had served in detention exceeded their sentences, 2 were released because of illness or immunity, 34 were acquitted, and 43 were sentenced to prison terms ranging from 3 to 20 years. The 20-year sentences were given to members of the armed forces who had fled the country and who were tried in absentia.

The judicial system is plagued by numerous problems, including a shortage of qualified lawyers and magistrates and an outdated and restrictive penal code. The Penal Code provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel, and the right to appeal a judicial decision. Although in principle the Government is responsible for funding legal defense costs in serious criminal cases, in practice it rarely disburses these funds. The attorney for the defense frequently receives no payment.

The Government provided counsel for dozens of soldiers charged in connection with the February 1996 mutiny and the quasi-independent Bar Association started a permanent legal defense fund. Defense lawyers for the soldiers incarcerated in connection with the 1996 mutiny complained that they had difficulty obtaining permission to meet with their clients, that prison guards eavesdropped on their conversations and denied family visits to the detainees, and that the Government reduced their clients' salaries by as much as 60 percent to pay for prison meals.

Many citizens are wary of judicial corruption and prefer instead to rely on traditional systems of justice at the village or urban neighborhood level. Litigants present their civil cases before a village chief, a neighborhood leader, or a council of wise men. The dividing line between the formal and informal justice systems is vague, and authorities may refer a case from the formal to the traditional system to ensure compliance by all parties. Similarly, if a case cannot be resolved to the satisfaction of all parties in the traditional system, it may be referred to the formal system for adjudication. The traditional system discriminates against women in that evidence given by women carries less weight (see Section 5).

Vigilante action by victims or others sometimes resulted in the beating to death of suspected criminals (see Section 1.a.).

At year's end, the Government held an unknown number of political prisoners. Such prisoners are individuals incarcerated for allegedly politically motivated acts, such as protests, meetings, and campaigns; but arrested and convicted under criminal laws such as those applying to creating disorder, inciting violence, and corruption. Some of these individuals consequently received disproportionately harsh punishment due to their political affiliation. Members of political opposition parties and a local human rights organization state that dozens of persons also are being detained or have disappeared for political reasons (see Sections 1.b. and 1.d.).

The Government denies holding any political prisoners.

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

The Constitution provides for the inviolability of the home, and judicial search warrants are required by law; however, police frequently ignore these procedures. Police and paramilitary police often ignore legal procedures in the pursuit of criminals. Private citizens frequently are detained at nighttime roadblocks set up by police and the military for purposes of security and extortion (see Section 2.d.).

It is believed widely that security officials monitor mail and telephone calls. Local businesses, including foreign companies, often complain of intimidation and harassment by public officials and authorities.

Sierra Leonean rebels burned homes, stole livestock and other goods, and took civilian hostages, during numerous crossborder raids in 1999 and 1998. Attackers from Liberia burned homes in Guinean villages on September 10 (see Section 1.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression, subject to certain limitations; however, despite government statements in support of free speech and a free press, the Government employs a broad range of restrictions on these rights. The Government prohibits what it considers seditious talk or chants in public, has established defamation and slander as criminal offenses, and prohibits communications that personally insult the President, or incite violence, discrimination, or hatred, or that disturb the public peace. Opposition members of the National Assembly arrested in connection with the Ratoma riots were detained and convicted under these laws in 1998.

The Government publishes an official newspaper, Horoya, and operates the official television and radio (ORTG) stations. Reporters for the official press, who are government employees, practice self-censorship in order to protect their jobs. Several younger broadcast journalists reported critically about the Government and posed critical questions at official press conferences.

While the only daily newspaper L'Horoya is owned and operated by the state, there is a vocal private press that is critical of the President and the Government. For example, the weekly satirical newspaper Le Lynx publishes front-page cartoons lampooning the President and senior government officials. Five private newspapers (Le Lynx, La Lance, L'Oeil, L'Independant, and L'Independant Plus) publish weekly in Conakry, and up to 10 other publications appear sporadically, although hampered by technical and financial difficulties. One newspaper, L'Espoir, is affiliated with the governing political party, and several other newspapers are affiliated with opposition parties. Other newspapers offer

news and criticism of both the Government and the opposition.

In contrast to 1998 and 1997, the Government did not detain or expel journalists during the year.

The Government owns and operates all domestic broadcast media including radio, which serves as the most important means of informing the public. Many citizens listen regularly to foreign-origin short-wave radio, and access to foreign television satellite broadcasts is growing. The Government does not restrict access to or distribution of foreign television programming via satellite or cable, although relatively few citizens can afford these services.

The country has had full Internet access since 1997. At year's end, there were three domestic service providers, two strictly private and one affiliated with SOTELGUI, a private telephone company that holds a monopoly on international telephone lines. The Government did not restrict Internet access. Storefront operations offering Internet access were common throughout downtown Conakry. However, a lack of reliable telephone lines inhibited home Internet access, even for the few who could afford it.

The state-owned media are not impartial; they provide extensive and almost invariably favorable coverage of the Government and ruling party, while providing little coverage of opposition party activities. The state-owned broadcast media monopoly did not give opposition candidates equal coverage or allow them equal access during the 1998 presidential election campaign (see Section 3).

Political tracts occasionally circulate in Conakry and other urban areas. Some tracts support the Government, while others specifically criticize senior officials. Foreign publications, some of which criticize the Government, often are available.

The Ministry of National Education and Scientific Research exercises limited control over academic freedom through its influence on faculty hiring and control over the curriculum. In general teachers are not subject to classroom censorship.

b. Freedom of Peaceful Assembly and Association

The law restricts freedom of assembly, and the Government exercises its power to thwart unwanted political activity. The Penal Code bans any meeting that has an ethnic or racial character or any gathering "whose nature threatens national unity." The Government requires notification 72 hours prior to public gatherings, otherwise the events are considered illegal.

The Government bans all street marches except funerals. The law allows local authorities to cancel a demonstration or meeting if they believe that it poses a threat to public order. They may hold event organizers criminally liable if violence or destruction of property ensues.

On October 11, students protested in street demonstrations increased gasoline prices and transport fares and threw rocks at taxis and minibuses. In suppressing the violent demonstration, security forces shot and killed two students.

During the July 21-22 visit of French President Chirac, large crowds lined the streets of Conakry, many holding "Free Alpha" placards in support of jailed opposition party leader Alpha Conde. The demonstration remained peaceful, and security forces did not intervene.

In 1998 prior to the December presidential elections, security forces clashed with political party demonstrators on several occasions. In November and December 1998, ruling party supporters and government officials repeatedly attempted to prevent opposition party meetings in the capital and several provincial towns (see Section 1.a.). During the week

following the 1998 presidential election, security forces in Conakry repeatedly used force to break up demonstrations protesting the Government's conduct of the election. Some of these demonstrations were already violent before security forces intervened; some were not.

Freedom of association is protected by law; however, the Government imposes, cumbersome requirements to obtain official recognition. Political parties must provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution before the Government recognizes them. There are approximately 46 legally recognized political parties; deputies of 9 different parties are represented in the National Assembly.

c. Freedom of Religion

The Constitution provides for freedom of religion and permits religious communities to govern themselves without state interference, and the Government generally respects these rights in practice. The quasi-governmental National Islamic League (NIL) represents the country's Muslims, who make up 85 percent of the population. The Government requires that all recognized Christian churches join the Association of Churches and Missions in order to benefit from certain government privileges, such as tax benefits and energy subsidies. Missionary groups are required to make a declaration of their aims and activities to the Ministry of Interior or to the National Islamic League.

The NIL states that it supports peaceful coexistence with other religious denominations and actively attempts to facilitate dialog to eliminate ethnic and religious tensions. Although the Government and the NIL have spoken out against the proliferation of Shi'a fundamentalist sects, which they alleged were "generating confusion and deviation" within Guinean Islam, they have not restricted these groups. Foreign missionaries and church-affiliated relief agencies operate freely.

Government support of the powerful, semi-official NIL has led some non-Muslims to complain that the Government uses its influence to favor Muslims over non-Muslims, although non-Muslims are represented in the Cabinet, administrative bureaucracy, and the armed forces. Conversions of senior officials to Islam, such as that of the Defense Minister, are ascribed to the NIL's efforts to influence the religious beliefs of senior government leaders. The Government refrains from appointing non-Muslims to important administrative positions in certain parts of the country, in deference to the particularly strong social dominance of Islam in these regions.

In April for the first time, the Government required government ministers to take an oath on either the Koran or the Bible, which provoked criticism from those who saw the gesture as incompatible with the secular nature of the State.

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

The Constitution provides citizens with the right to travel freely within the country and to change their place of residence and work; however, authorities infringe on these rights in some respects. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints. Travelers face harassment by police and at military roadblocks, particularly late at night. The private press and local NGO's reported that travelers often are pressured to pay bribes to allow passage. Government officials state that the corruption is being perpetrated by a few rogue soldiers; however, abuse at official checkpoints is systematic.

Although the Government permits foreign travel for its citizens, it retains the authority to limit it for political reasons.

From December 9 to December 20, 1998, the Government closed all land borders by

decree as a security measure related to the presidential election. Following an August 13 release into Guinea of humanitarian workers held hostage in Kolahun, Liberia, by a dissident group, the Government closed its border with Liberia (see Section 1.d.) As of year's end, the border remained officially closed.

The Government cooperates fully with the U.N. High Commissioner for Refugees (UNHCR), the World Food Program, other humanitarian organizations, and donor countries to assist refugees. The Government provides first asylum in accordance with U.N. and Organization of African Unity conventions. On June 19, the UNHCR released the results of its census, stating that approximately 480,000 Liberian and Sierra Leonean refugees were registered with UNHCR for assistance by the international community. The Government claims that many more refugees are present in the urban areas of the country. Refugees account for half or more of the populations of the forest region cities of N'Zerekore, Gueckedou, and Macenta. According to the UNHCR, more than 200,000 Sierra Leoneans entered Guinea since January 1998 and are mostly in the Forest region.

The Government has provided school buildings, access to local medical facilities, and land for farming to assist those designated as refugees. However, relief organizations report that some local authorities have demanded portions of donated fuel and food from delivery convoys. The security forces' closure of a road in the forest region in June and July 1998, in response to a crossborder raid by Sierra Leonean rebels, briefly prevented the UNHCR and NGO's from delivering supplies to refugees near the border.

The Government generally has been hospitable toward refugees. Reports that police and border patrol guards demanded bribes before allowing refugees into the country and that some border officers demanded sex from women who lacked money to pay bribes, have become rare, an improvement over previous recent years.

International NGO's stated that refugees are subject to arbitrary arrests, but they conclude that the harassment is not targeted specifically at refugees. The UNHCR reports that detainees, who often are held for having insufficient identification or being suspected rebels, are charged before a magistrate within 72 hours as required by law. UNHCR officials reported being denied access to refugees that security forces suspected of being rebels. Security forces arrested suspected rebels at the border as they tried to enter the country.

There were no reports of the forced return of persons with a valid claim to refugee status to a country where they feared persecution, although authorities in some instances turned suspected rebels over to the Government of Sierra Leone. In tense periods following the crossborder attacks on Guinean villages (Section 1.a.), the authorities were aggressive in checking identification, temporarily detaining persons for questioning, and transporting refugees from urban areas (particularly Conakry) to refugee camps. At most other times, refugees have had freedom of movement similar to that of citizens. In a September 16 meeting Guinean President Conte, Sierra Leonean President Kabbah, and Liberian President Taylor, announced an agreement to share lists of names of dissidents. Following the announcement, numerous Liberian refugees reported that they feared expulsion from the country. At year's end, there were no reports of expulsions.

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

Although the 1990 Constitution provides for a popularly elected President and National Assembly, the ability of citizens effectively to exercise this provision is restricted. The Government's tight and sometimes partisan control of the electoral process and lack of an independent electoral oversight mechanism call into serious doubt the ability of citizens to change their government peacefully.

Although opposition political parties have been legal since 1991, the Government has continued to dominate the electoral process; General Conte has remained President, and his PUP party has retained a majority in the National Assembly. The Government

controlled the first multiparty presidential election in 1993 and the first multiparty legislative elections in 1995, limiting the opposition to a subordinate role.

The country's second multiparty presidential election, was held on December 14, 1998, under a somewhat improved electoral process; however, the campaign was limited by the Constitution to the 30 days up to 2 days before the election, and the Government continued to refuse to establish a national election commission independent of the Government, which opposition leaders demanded. In September 1998, the Government and the CODEM, an umbrella group of opposition parties formed in 1995, agreed to establish a Superior Council for Electoral Affairs (SCEA) and local vote counting commissions, composed of CODEM as well as government and ruling party representatives, with oversight authority over local vote counting and transmission of local results to Conakry. However, the Government retained exclusive control of all registration and election procedures up to and including the casting of votes, as well as of the national tabulation of election results.

According to the Government's tabulation of results, General Conte was elected to a second 5-year term as President, receiving 56 percent of the 2.7 million votes cast, while Bah Mamadou of the UNR received 25 percent and Alpha Conde of the RPG received 17 percent. Had no candidate received a majority of votes cast, the Constitution would have required a second election between the two leading candidates.

The election was much more transparent and fair than the 1993 presidential election. Observers from various organizations affiliated chiefly with developing countries issued a statement that found no fault with the election-day vote-casting process; however, observers from European and other credible foreign organizations did not endorse that statement, which was issued before the election results were announced and did not address the registration, campaigning, and vote-counting processes.

The 1998 presidential election was marred by violence and disruption of opposition campaigning before the polling, by civil unrest after the polling, by widespread and diverse irregularities that tended to favor the incumbent, and by the arrest and detention of major opposition candidates during the vote-counting process.

There were credible reports during the 1998 election campaign that ruling party supporters and government officials used force to prevent or disrupt opposition party meetings in Conakry and in provincial towns during the campaign. In one such incident, a government official shot and killed a man and wounded two other persons in a confrontation at an RPG party meeting; the official then was attacked and killed by the crowd (see Sections 1.a. and 2.b.).

Violence between PUP and opposition party supporters, as well as violent interethnic clashes with political overtones in Conakry, was frequent and widespread during the election campaign (see Section 5). On December 12, 1998, for example, between four and six persons were killed, following a large pro-Conte PUP rally, as mobs with different ethnic and political affiliations fought, and a proopposition mob looted a marketplace before being dispersed by the security forces (see Section 1.a.).

Opposition candidates suffered from inferior access both to state election funds and to coverage by the state-monopolized domestic broadcast media, although the Government allotted each candidate an equal amount of television and radio broadcast time each day throughout the 1998 campaign.

On election day, international observers noted a shortage of ballots for opposition candidates in some districts of Conakry, but an abundance of ballots for President Conte. There were no charges of widespread, systematic obstruction of pollwatchers, but opposition pollwatchers were often absent from heavily pro-Conte areas, suggesting at least selective obstruction. Opposition party officials charged that security forces arrested and detained over 100 opposition pollwatchers on election day (see Section 1.d.);

manipulated voting procedures in some areas; and overlooked irregularities in voter registration and in ballot-counting procedures.

Members of the armed forces were required to vote on the premises of the military installations to which they were posted and were subject to strong pressures to vote for General Conte. Approximately 200 soldiers assigned to Camp Alpha Yaya in Conakry attempted to vote outside the camp, and many were beaten severely by order of their battalion commander, Panival Sama Bangoura; one soldier died of injuries sustained in this beating (see Section 1.a.).

The Government postponed the announcement of its tabulation of the election results from December 16 to December 17, 1998. During the interim, there was violence and looting in Conakry, PUP and opposition supporters clashed violently in Mamou, and members of the security forces shot and killed two RPG supporters in Siguiri (see Section 1.a.). On December 15, 1998, members of the security forces arrested RPG presidential candidate Alpha Conde (see Sections 1.d. and 2.d.). From December 17 until December 20, 1998, gendarmes were posted to confine two other presidential candidates to house arrest.

On December 28, 1998, antigovernment violence occurred in Labe, the hometown of the soldier who had been beaten and killed for trying to vote outside the army camp to which he was posted, after his body was returned to the town. A crowd burned the local office of the ruling PUP party and a vehicle belonging to the state-owned broadcast media monopoly and damaged a house owned by a PUP officer. In suppressing this violence, members of the security forces arrested about 20 persons and killed 1 woman (see Sections 1.a. and 1.d.).

Members of the PUP continued to hold 60 seats in the unicameral National Assembly, 1 short of the supermajority required to amend the Constitution.

The President continues to hold the power to appoint the governors, prefects, and their deputies to administer regions and subregions respectively. Most of these officials are members of the PUP or of parties allied with it. However, reorganization of these offices in August 1998 reflected a growing sense of accountability to the public by government officials regarding the performance of their official duties. The prefects and governors who retained their jobs or received promotions were those who had been rated as above average administrators by the Minister of the Interior in an open letter in the private press. All the prefects and governors who lost their jobs had received an unsatisfactory rating.

However, opposition party officials and the independent press continued to charge that the Government used public funds to build its electoral base within traditional opposition strongholds in anticipation of the 1998 presidential elections.

Although initially scheduled for December, local and communal elections were postponed, perhaps to coincide with June 2000 legislative elections. Local governments generally have limited autonomy. Although they have some financial resources with which to fund local programs, most of their funds are controlled by the central Government. However, local government staff members, such as deputy prefects, are hired and can be fired by local authorities and are not considered central government employees.

Women are underrepresented in the Government. Only 2 women hold seats in the 26-member Cabinet, in the low-profile Ministry of Social Affairs and Promotion of Women, and the Ministry of Youth, Sports, and Culture. There are only 9 female deputies in the 114-member National Assembly. There are few women at senior levels below minister, and there are no women in the senior ranks of the armed forces. Women also play a minor role in the leadership of the major political parties.

The Cabinet and armed forces leadership includes representatives of all major ethnic groups. However, a disproportionate number of senior military officers are Soussou, the

President's ethnic group.

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

Local NGO's primarily interested in human rights issues include: The Guinean Organization for the Defense of Human Rights; the Guinean Human Rights Association; the Children of the Victims of Camp Boiro; S.O.S. Burial Grounds; the Association of Victims of Repression; Humanitarian Assistance for Prisons; Defense of Prisoners' Rights; Women Jurists for Human Rights; the Committee for the Defense of Civic Rights; and the Coordinating Committee on Traditional Practices Affecting Women's and Children's Health. Government officials are generally cooperative and responsive to their views. Various officials have blocked private efforts to memorialize victims of the Sekou Toure regime that ruled Guinea from independence until 1984.

In 1998 the International Committee of the Red Cross (ICRC) conducted a seminar on human rights in conjunction with the Ministry of Security for members of the security forces and civil servants.

A human rights office within the Ministry of Defense, International Humanitarian Rights, has conducted over 100 human rights seminars since 1994 to teach military personnel about human rights recognized by international and regional agreements.

On November 10, the ICRC signed a detention accord with the Government for full access to prisoners. The ICRC, which had been negotiating for the accord over a 2-year period, described the agreement as a positive step by the Government.

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

The Constitution states that all persons are equal before the law regardless of gender, race, ethnicity, language, beliefs, political opinions, philosophy, or creed; however, the Government does not enforce these provisions uniformly.

Women

Violence against women is common, although estimates differ as to the extent of the problem. Wife beating is a criminal offense and constitutes grounds for divorce under civil law. However, police rarely intervene in domestic disputes.

Although the Government has made regular statements in the media against sexual harassment, women working in the formal sector in urban areas complain of frequent sexual harassment. The social stigma attached to rape prevents most victims from reporting it. The Government has not pursued vigorously criminal investigations of alleged sexual crimes.

The Constitution provides for equal treatment of men and women, and the Ministry of Social Affairs and Women's Promotion works to advance such equality. However, women face discrimination, particularly in rural areas where opportunities are limited by custom, and the demands of child-rearing and subsistence farming. Women are not denied access to land, credit, or businesses, but inheritance laws also favor male heirs over females. Government officials acknowledge that polygyny is practiced commonly, although it is prohibited by law. Divorce laws generally tend to favor men in awarding custody and dividing communal assets. Legal evidence given by women carries less weight than that given by men (see Section 1.e.). The Government has affirmed the principle of equal pay for equal work, but in practice women receive less pay than men in most equally demanding jobs.

Children

The Constitution provides that the Government has a particular obligation to protect and nurture the nation's youth, and the Government allocates a significant percentage of the budget to primary education. The President appoints a Minister of Youth and a cabinet minister to defend women's and children's rights. The Government provides free, compulsory primary school education for 8 years. Approximately 50 percent of all eligible students are enrolled in primary school, including 66 percent of eligible boys but only 35 percent of eligible girls. The Government spent 25 percent of its national operating budget on education in 1997.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is very widespread. It is widely practiced in all regions and among all religious and ethnic groups. FGM is illegal under the Penal Code, and senior officials and both the official and private press have spoken against the practice; however, there have been no prosecutions for violations of the Code. FGM is performed on girls and women between the ages of 4 and 70, but exact figures on this procedure are difficult to establish due to its private nature. The Coordinating Committee on Traditional Practices Affecting Women's and Children's Health (CPTAFE), a local NGO dedicated to eradicating FGM and ritual scarring, cited a recent decline in the percentage of females subjected to FGM, estimating the figure to be between 65 and 75 percent. Expert estimates vary between 65 and 90 percent. The lower figure, if accurate, would represent a decline over recent years due to education of the population by women's rights groups about the health risks involved with the practice. However, infibulation, the most dangerous form of FGM, still is performed in the forest region. Despite diseases resulting from crude and unsanitary surgical instruments and deaths resulting from the practice, the tradition continues, seriously affecting many women's lives. FGM also increases the risk of HIV infection since unsterilized instruments are shared among participants.

The Government has made efforts to educate health workers on the dangers of this procedure and supports the CPTAFE's efforts. The CPTAFE reports high rates of infant mortality and maternal mortality due to FGM. In March 1997, working in collaboration with the World Health Organization, the Government initiated a 20-year strategy to eradicate FGM.

A growing number of men and women oppose FGM. Urban, educated families are opting increasingly to perform only a slight symbolic incision on a girl's genitals rather than the complete procedure. In November the CPTAFE held a large public ceremony celebrating the "laying down of the excision knife" in which some traditional practitioners of FGM pledged to discontinue the practice. However, most of those who perform FGM oppose its eradication since it is quite lucrative for them.

The CPTAFE, in conjunction with the Government, local journalists, and international NGO's, also is promoting an education campaign to discourage underage marriage. Although such marriages are prohibited by law, parents contract marriages for girls as young as 11 years of age in the forest region.

Prostitution exists in the informal economic sector and employs girls as young as 14 years of age. The Government does not take action even if prostitution of minors is brought to its attention and does not monitor actively child or adult prostitution.

People with Disabilities

The Constitution provides that all persons are equal before the law. There are no special constitutional provisions for the disabled. The Government has not mandated accessibility for the disabled, and few disabled persons work, although some develop opportunities in the informal sector.

National/Racial/Ethnic Minorities

The country's population is ethnically and regionally diverse. No single ethnic group constitutes a majority nationwide. The largest ethnic groups are the Puhlar, also called Peuhl or Fulani (about 40 percent of the population), the Malinke (about 30 percent), and the Soussou (about 20 percent). Each group speaks a distinct primary language and is concentrated in a distinct region: The Soussou in lower Guinea; the Puhlar in middle Guinea; and the Malinke in upper Guinea.

While the Constitution and the Penal Code prohibit racial or ethnic discrimination, ethnic identification is strong. Mutual suspicion affects relations across ethnic lines, in and out of government. Widespread societal ethnic discrimination by members of all major ethnic groups is evident in private sector hiring and buying patterns, in urban neighborhoods that tend to be segregated ethnically, and in the relative paucity of interethnic marriage, even in cities. The proportion of public sector positions occupied by Soussous, particularly at senior levels, is perceived widely as exceeding their share of the national population.

The ruling PUP party, although generally supported by Soussous, has transcended ethnic boundaries more effectively than the major opposition parties, which have readily identifiable ethnic and regional bases; the UNR's main base is the Puhlar, while the RPG's main base is the Malinke. Soussou preeminence in the public sector and Malinke migration into the traditional homelands of smaller ethnic groups in the Forest region have been major sources of political tensions that sometimes have erupted into violence. In June 1998, President Conte fired the non-Soussou Secretary-General of Labor and Public Services as well as several non-Soussou directors in his department, replacing them with members of his ethnic group, the Soussou.

Both the February-March 1998 riots in protest of demolitions in Conakry's Ratoma neighborhood of mainly Puhlar population (see Section 1.a.) and the December 1998 riots in Conakry (see Section 3) were as much incidents of interethnic violence between Soussous and Puhlar, as they were incidents of political violence between the Government and opposition party supporters. The soldier beaten to death by order of his commander for having tried to vote outside his army post in the presidential election and many participants in the antigovernment violence that occurred in that soldier's hometown of Labe in December 1998 were members of the Puhlar ethnic group (see Sections 1.a. and 3).

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of employees to form independent labor unions and prohibits discrimination based on union affiliation. Only an estimated 5 percent of the work force is unionized. Most union members are employees of the Government, national utilities (electric, water, and telephone companies), or foreign-controlled companies.

The Labor Code states that all workers, except military and paramilitary personnel, have the right to create and participate in organizations that defend and develop their individual and collective rights as workers. It requires elected worker representatives for any enterprise employing 25 or more salaried workers.

The National Confederation of Guinean Workers (CNTG) was the sole trade union before the Labor Code was enacted. Although there are now other trade unions and labor confederations, the CNTG remains the largest confederation.

The CNTG is funded indirectly by the State, although dissident members seek to increase the Confederation's freedom from government control. Independent unions and confederations have gained popularity, such as the Free Union of Teachers and

Researchers of Guinea, the Professional Union Federation for Education, and the National Organization for Free Trade Unions of Guinea. Several dissident groups within the CNTG left the Confederation in 1996 citing corruption among its leadership. These groups joined with some independent unions to form the United Syndicates of Guinean Workers.

The Labor Code grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike. It prohibits strikes in sectors providing "essential services" (hospitals, radio and television, army, and police).

After a nationwide public-school teachers' strike immobilized the education sector for 2 weeks beginning in April 1997, in August 1997 President Conte granted an 8 percent pay raise for all state employees, including teachers, who also received the right to claim seniority benefits for any past training or internships.

Unions may affiliate freely with international labor groups. The Government continues to designate the CNTG to represent workers in the International Labor Organization conference.

b. The Right to Organize and Bargain Collectively

Under the Labor Code, representative workers' unions or union groups may organize in the workplace and negotiate with employers or employer organizations. The law protects the right to bargain collectively concerning wages and salaries without government interference. Work rules and work hours are established by the employer in consultation with union delegates. The Code also prohibits antiunion discrimination. Union delegates represent individual and collective claims and grievances with management. Individual workers threatened with dismissal or other sanctions have the right to a hearing before management with a union representative present and, if necessary, to take the complaint to the Conakry Labor Court, which convenes weekly to hear such cases. In the interior, civil courts hear labor cases.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Labor Code specifically forbids forced or compulsory labor, and there is no evidence of its practice. The Labor Code specifically forbids forced and bonded labor by children, and the Government enforces this prohibition effectively.

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

According to the Labor Code, the minimum age for employment is 16 years. Apprentices may start to work at 14 years of age. Workers and apprentices under the age of 18 are not permitted to work at night, for more than 12 consecutive hours, or on Sundays. The Labor Code also stipulates that the Minister of Labor and Social Affairs must maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice enforcement by ministry inspectors is limited to large firms in the modern sector of the economy. The Ministry of Planning estimated in 1997 that in rural areas, approximately 66 percent of children between the ages of 7 and 14 were employed; the rate jumped to 91 percent in the 15 to 19 age group. In urban areas, approximately 19 percent of children between the ages of 7 and 14 were employed; the rate jumped to 50 percent for children between the ages of 15 and 19. Child labor in factories is not a prevalent problem because of the low level of manufacturing. Working children are found mostly in the informal sector areas of subsistence farming, petty commerce, and small-scale mining.

The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work

The Labor Code of 1988 provides for the establishment by decree of a minimum hourly wage; however the Government has not done so. Prevailing wages were often inadequate to provide a decent standard of living for a worker and family. There are also provisions in the Code for overtime and night wages, which are fixed percentages of the regular wage.

According to the Labor Code, regular work is not to exceed 10-hour days or 48-hour weeks, and there is to be a period of at least 24 consecutive hours of rest each week, usually Sunday. Every salaried worker has the legal right to an annual paid vacation, accumulated at the rate of at least 2 workdays per month of work. In practice the authorities enforce these rules only in the relatively small modern urban sector.

The Labor Code contains provisions of a general nature regarding occupational safety and health, but the Government has not elaborated a set of practical workplace health and safety standards. Moreover, it has not issued any of the ministerial orders laying out the specific requirements for certain occupations and for certain methods of work that are called for in the Labor Code. The Ministry of Labor and Social Affairs is responsible for enforcing labor standards, and its inspectors are empowered to suspend work immediately in situations hazardous to health. However, enforcement remained more a goal than a reality. Labor inspectors acknowledge that they cannot even cover Conakry, much less the entire country, with their small staff and meager budget.

Under the Labor Code, workers have the right to refuse to work under unsafe conditions without penalty. Nevertheless, many workers fear retaliation should they refuse to work under unsafe conditions. Employees in high-risk professions, such as night guards, drivers, and police, have protested conditions without result.

Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked in, to, or from the country.

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