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Cote d'Ivoire Country Report on Human Rights Practices for 1997

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COTE D'IVOIRE

From independence in 1960 until 1990, President Felix Houphouet-Boigny and his Democratic Party of Cote D'Ivoire (PDCI), then the only legal political party, governed the Republic of Cote D'Ivoire. The PDCI maintained this political dominance following multiparty presidential and legislative elections in 1990. Following Houphouet's death in 1993, National Assembly President Henri Konan Bedie became President by constitutional succession, and served out the remainder of Houphouet's term. Due to concerns about irregularities in the electoral code and voter registration, the major opposition parties boycotted the 1995 presidential election and tried to interfere with the voting process; however, President Bedie won 96 percent of the vote. The major political parties then reached an accord with Bedie, which allowed for full party participation in the 1995 legislative elections. The judiciary, although nominally independent, is subject to executive branch influence.

Security forces include the national police (Surete) and the Gendarmerie, a branch of the armed forces with responsibility for general law enforcement. The Gendarmerie is a national police force charged with maintenance of public order and territorial security. Formed in August 1996, L'Elat Major de la Securite focuses on internal security, specifically violent crime. A National Security Council, formed in July 1996, coordinates security policy, both internal and external. The Special Anticrime Police Brigade (SAVAC) continued its operations. The armed forces traditionally have accepted the primacy of civilian authority. Seven members of the military accused of plotting a coup in 1995 were dismissed from the military and released in December 1996. Security forces including the SAVAC committed numerous human rights abuses.

The economy, largely market based but heavily dependent on the agricultural sector, performed poorly in the 1980's and early 1990's when high population growth combined with weak commodity prices and an overvalued currency led to economic stagnation. Since the 1994 devaluation and the accompanying reforms, the economy has boomed, returning to real gross domestic product growth rates of 6 to 7 percent in 1995, 1996, and 1997. The Government devoted an increasing share of its budget to basic health services and education. It is unclear whether resumed growth and increased spending have created significant reductions in poverty or improvement in social indicators such as mortality or literacy rates. Gross national product per capita in 1996 was about \$730. Principal exports are cocoa, coffee, wood, and, to an increasing extent, petroleum. Most of the rural population remains dependent on smallholder cash crop production.

The Government's human rights record improved although serious human rights abuses remain in some areas. Members of the security forces committed extrajudicial killings, and the security forces beat and abused detainees and used force to disperse protesters. The Government also used arbitrary arrest and detention and failed to bring perpetrators of these abuses to justice. Prison conditions are harsh and life threatening, and prolonged detention is a problem. Leaders of the principal student organization were detained for vari-

ous periods from December 1996 to February 1997. The judiciary does not ensure due process and is subject to executive branch influence, particularly in political cases. The Government limits citizens' rights to change their government and restricts freedom of speech, the press, assembly, and association. Discrimination and violence against women and female genital mutilation (FGM) remain problems. The Government announced a campaign to eliminate FGM in September 1996, but to date it has not taken any action.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated killings by government forces. However, as violent civil crime increased, the security forces frequently resorted to lethal force and committed numerous extrajudicial killings. Credible media reports indicate that the SAVAC continued its shoot-to-kill policy when pursuing criminal suspects. According to a press estimate, SAVAC and the regular police killed 91 persons. The Government did not prosecute SAVAC or police personnel for these killings. In the course of the operations, five police officers also were killed.

In January police action led to a student leaping out of a building; he later died of his injuries (see Section 1.c.). A policeman who led a double life as a gangster was killed while in police custody on February 7, according to an opposition press report.

Dozens of prisoners died in custody as a result of harsh prison conditions (see Section 1.c.).

There was no progress in the August 1996 case in which police shot and killed a truck driver. The Minister of Security stated that the police implicated in the shooting had been questioned and that justice was "following its course." However, to date no one has been arrested or charged.

The committee tasked by President Bedie to investigate killings that occurred during 1995's "active boycott" of the election presented its findings to Bedie in June. The findings have not been made public and Bedie has yet to act on them. These deaths included four protesters, eight demonstrators, and two security force members.

There were no developments in the case of the six detainees who died in prison in 1996. They had been held since the "active boycott" of multiparty elections in October 1995.

b. Disappearance

There were no reports of politically motivated disappearances.

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

Despite legal protection for the rights of persons in custody, police sometimes beat detainees or prisoners as punishment, or to extract confessions, according to local human rights groups. There were no public reports of government officials being tried for these abuses.

Jurists' union officials reported that police continue to beat suspects to obtain their confessions and that suspects are afraid to press charges against the police officers involved. Press photographs regularly show criminal detainees with swollen or bruised faces and bodies.

Police frequently use violence to restrain demonstrators. Riot police used tear gas and truncheons against protesting students on several occasions in the first half of the year. According to opposition press reports, a student was thrown by police from the second floor of his student apartment building on the night of January 19 after police had disrupted a meeting organized by the student union FESCI. He later died from his injuries. Government press reports stated that the student jumped while trying to escape from police.

Prison conditions are harsh and life threatening. Problems include overcrowding, malnutrition, a high incidence of infectious disease, and lack of treatment facilities and medication. These conditions were responsible for a high prisoner death rate throughout the prison community. According to conflicting press reports, from 24 to 44 prisoners died of cholera. Several journalists released from prison in late 1996 reported that white-collar prisoners are accorded more favorable treatment.

According to the Ivorian Human Rights League (LIDHO), conditions at the main prison of Abidjan remain especially hazardous for women, with violent and nonviolent criminals, as well as minors, housed together. There are no health facilities for women, and reportedly a number of women have given birth at the prison without medical attention. There are credible reports of female prisoners being raped by prison guards.

Local human rights groups have difficulty gaining access to the prison.

LIDHO reports that it was often denied access to the prison.

d.

Arbitrary Arrest, Detention, or Exile

The Government arbitrarily arrests and detains citizens. Under the Code of Penal Procedure, a public prosecutor may order the detention of a suspect for up to 48 hours without bringing charges. A magistrate may order detention up to 4 months but must also provide the Minister of Justice with a written justification for continued detention on a monthly basis. However, the law is often violated. Police have held persons for more than 48 hours without bringing charges. According to a representative of the jurists' union, this practice is common, and often magistrates are not able to verify that those 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 will not flee. The Attorney General on December 31, 1996, referred in public to the long detention periods suffered by prisoners awaiting trial in the country's principal prison, the Meca, listing a total prisoner population of 4,600 of whom 1,741 were detainees who had yet to be tried. Of the detainees, 470 had been detained for more than 2 years, 60 for at least 4 years, and 39 others between 5 and 12 years. Based on these figures, pretrial detainees make up about 35 percent of the prison population. In March 51 new judges assumed office, but at year's end the number of pretrial detainees had not been significantly reduced.

Information provided by one of the lawyers defending active boycott members arrested in 1995 suggests that approximately 147 people are still awaiting trial. Of this group, 100 people have been given provisional liberty until their trial dates, and 47 remain in detention. Eight persons tried this year were convicted; 2 were sentenced to 18-year prison terms. An estimated 474 such persons were arrested originally.

Although prohibited by law, police restrict access to some prisoners. Despite the frequency of arbitrary arrest, there is no accurate total of suspects held.

Twenty-seven students, who had been detained without charge for varying periods since December 1996, were released in February (see also Sections 1.e. and 2.b.). Seven military officers (part of a group of 17

military personnel accused of plotting a coup and jailed without trial since October 1995) were dismissed from the military by a presidential decree and released from jail in December 1996.

The Government does not use forced exile.

e.

Denial of Fair Public Trial

According to the Constitution, the judiciary is independent of the executive branch in ordinary criminal cases. In practice, however, it follows the lead of the executive in national security or politically sensitive cases. There continue to be credible reports that those with ties to the opposition are treated more harshly by the judicial system than those with ties to the Government. Judges serve at the pleasure of the executive, and reports of political pressure on the judiciary are credible.

The formal judicial system is headed by a Supreme Court and includes the Court of Appeals and lower courts.

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 is increasingly superseding these traditional mechanisms. In August 1996, a Grand Mediator was appointed to settle disputes that cannot be resolved by traditional means. This office appears designed to bridge traditional and modern methods of dispute resolution. Thus far it has only been used to settle a succession dispute among the Abron people of Bondoukou.

The law provides for the right to public trial, although key evidence is sometimes given secretly. Those convicted have the right of appeal, and the Appellate Court, in a departure from the norm, overturned on appeal the convictions of several active boycott members in 1996. Several others had their sentences reduced at the same time.

Defendants accused of felonies or capital crimes have the right to legal counsel, and the judicial system provides for court-appointed attorneys for indigent defendants. In practice many defendants cannot afford private counsel, and court-appointed attorneys are not readily available. According to one lawyer, even if a defendant has an attorney, he may not be notified of his trial date until the day before the trial, making it impossible for his lawyer to attend or provide a defense.

There were no reports of political prisoners in civilian or military jails at year's end. However, three student leaders belonging to the banned student organization FESCI were convicted under a controversial law holding organizers of demonstrations criminally liable for any damages caused during demonstrations. They were jailed from January 7 until February 27 before being released by order of the President.

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 p.m. and 4 a.m. In practice police have sometimes used a general search warrant without a name or address. On occasion

police have entered homes of non-Ivorian Africans (or apprehended them at large), taken them to local police stations, and extorted small amounts of money for alleged minor offenses.

Security forces reportedly monitored some private telephone conversations, but the extent of the practice is unknown. Letters and parcels are monitored at the post office for potential criminal activity, but there is no evidence that private written correspondence is monitored by authorities.

The Government demolished a major Abidjan shanty town in September and relocated its residents to the city's outskirts. New, government-built housing costs half a month's salary for those earning the lowest minimum wage. The Government claimed the relocation will save lives regularly lost when heavy rains collapsed shanty houses; opposition media said that the relocations have caused suffering, loss of livelihood, and death.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of expression and independent newspapers frequently criticize government policies, the Government imposes restrictions. The two government-owned daily newspapers offer little criticism of government policy, while government-owned radio and television only infrequently report any discontent with government policy. Moreover, while independent newspapers (8 daily, several weekly), opposition leaders, and student groups voice their disapproval of governmental or presidential actions frequently and sometimes loudly, it is a crime, punishable by 3 months to 2 years in prison, to offend the President, the Prime Minister, foreign chiefs of state or government, or their diplomatic representatives, or to defame institutions of the State. Moreover, a 1991 press law created a commission to enforce laws against publishing material "undermining the reputation of the nation or defaming institutions of the State." Consequently, self-censorship is an ongoing concern of Ivorian journalists, but it has not led to the suppression of regular criticism of the President and government policies.

A journalist was detained in the city of Man on July 9 for reporting on a case of theft involving a subprefect. He was released on August 4.

The Government owns both television channels and two major radio stations; only the primary government radio and television stations are broadcast nationwide. There are also four radio stations not controlled by the Government (British Broadcasting Corporation, Radio France International, Africa Number 1, and a private commercial radio station concentrating on entertainment, Radio Nostalgie). There is also a private television subscription service, Canal Plus Horizon. While the independent stations have complete control over their editorial content, the Government continues to exercise considerable influence over official media program content, news coverage, and other matters, using these media to promote government policies. Much of the news programming is devoted to the activities of the President, the Government, the PDCI, and pro-Bedie groups.

Many prominent scholars are active in opposition politics and are not known to have suffered professionally, although some teachers and professors suggest that they have been transferred because of their political activities. According to press reports and student union statements, students continue to be used as informants at the University of Abidjan.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly. In practice, however, this freedom is restricted when the Government perceives a danger to public order, as it did during the October 1995 elections, when it used lethal force to control antigovernment demonstrations, which it had banned by decree.

Groups that wish to hold demonstrations or rallies are required to submit a notice of their intent to do so to the Ministry of Security or Interior 48 hours before the proposed event. The Government sometimes denied the opposition permission to meet in public outdoor venues. Following opposition demonstrations in September 1995, the Government announced that "all marches and sit-ins would be banned for a 3-month period in all streets and public places." The decree was selectively applied; only opposition events were affected by the ban. Penalties for infraction ranged from no action to 12 months' imprisonment. Although the decree has not been canceled formally, no opposition events were banned in 1997.

Police occasionally prohibit gatherings to prevent the expression of controversial views. A controversial "anti-vandalism" law passed by the National Assembly in 1992 holds organizers of a march or demonstration criminally responsible if any of the participants engage in violence or damage to property. The LEDHO and all major opposition parties condemned the law as unduly vague and as one that imposed collective punishment for the crimes of a few but have not attempted to challenge the constitutionality of the law.

The Constitution states that people are free to organize associations, and the implementing law states that organizations must register, but does not require any authorization. Consequently, opposition parties assert that the Constitution permits private associations to form, and since the Constitution does not mention registration, requiring associations to register is unconstitutional. The Government rejects this interpretation and requires all organizations to register before commencing activities. There were no reports in the past 5 years of denial of registration.

The law prohibits the formation of political parties along ethnic or religious lines. The 1991 ban on the previously registered student union FESCI was lifted during the September 30-October 9 national conference on the student crisis. During the years it was banned, FESCI contended the action was illegal and was active in demonstrations, ceremonies, and political conventions. In 1994 and again early this year (see Sections 1.d. and 1.e.), the Government arrested or detained FESCI members without charge.

According to credible media reports, there were violent confrontations between police and students on January 19, January 21, February 5, February 27, May 16, May 20, June 20, and June 23. To disperse the students, police used tear gas, clubs, and, in some cases according to opposition press, live ammunition.

Three student leaders who were convicted on January 7 under the "anti-vandalism" law and laws against disturbing the public order were pardoned by the President on February 27. Twenty-seven other students, including the FESCI leader, were also released on that day. These students had not been formally charged but had been detained for varying periods of time since December 1996 (see Sections 1.d. and 1.e.).

C.

Freedom of Religion

The Constitution provides for freedom of religion, and there are no known impediments to religious expression. There is no dominant religion, and no faith is officially favored. The Government permits the open practice of religion, and there are no restrictions on religious ceremonies or teaching. Nevertheless, some Muslims feel that their religious or ethnic affiliation makes them targets of discrimination by the Government with regard to high governmental positions and national identity documentation.

Naive Muslims are frequently subject to petty harassment as part of general pressure against Muslims from neighboring countries and, despite being a plurality of the population, are a definite minority at all levels of government.

d. Freedom of Movement Within the Country, Foreign Travel,

Emigration, and Repatriation

The law provides for these rights, and the Government respects them in practice. While the Government does not generally restrict internal travel, uniformed police regularly extort small amounts of money or goods for contrived or minor infractions by motorists or passengers on public conveyances. Citizens normally may travel abroad and emigrate freely and have the right of voluntary repatriation. There are no known cases of revocation of citizenship.

Cote D'Ivoire is a signatory to the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol; it has signed but not ratified the Organization of African Unity convention governing the specific aspects of refugee problems in Africa. The right to first asylum is recognized by law and custom. Following a census in March, the estimated number of Liberian refugees dropped from 305,000 to 210,000.

The Government cooperates with the United Nations High Commissioner for Refugees in health, education, and food distribution programs for refugees. It initially agreed in principle to permit Liberian refugees to cast absentee ballots in that country's elections but later rejected the idea. However, several thousand refugees reportedly returned to Liberia to vote in the July 19 elections, then reentered Cote D'Ivoire without incident.

There were no cases of forced repatriation. Despite the 1997 Liberian cease-fire and democratic elections, the Government has indicated that it does not expect massive near-term repatriation to occur and does not plan to pressure refugees to depart before they are ready to do so.

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

Although the Constitution provides citizens with the right to change their government peacefully through democratic means, the Government limited this right in practice. The opposition complained that the Government used the 1994 Electoral Code to place formidable obstacles in the paths of political rivals. The *Rassemblement des Republicains* believed that Alassane Ouattara, a leading opposition rival to Bedie, had been unfairly excluded from entering the presidential race due to the Electoral Code's parentage, residency, and citizenship requirements. The opposition also complained of faulty voter registration procedures and of unfair restrictions on demonstrations after the Government issued a 3-month ban on marches and sit-ins in September 1995 in an attempt to ensure public order (see Section 2.b.)

Under a multiparty system adopted in 1990, elections are held every 5 years by secret ballot. All citizens over 21 years of age can vote, and political parties are legally free to organize.

A presidential election was held in 1995. The major opposition parties boycotted the election due to the Electoral Code's candidacy requirements and voter registration irregularities. The opposition defied the national laws regarding law and order and called for "active boycott" of the polls during the presidential election. Members of the opposition blocked polling places from access by voters and prevented delivery of election materials to the polls. Only the ruling PDCI and a single small opposition party, the PIT, fielded presidential candidates. President Bedie won 96 percent of the votes cast.

Afterward, the major political parties reached an accord that ensured full party participation in the 1995 legislative elections. These elections were, however, suspended in 3 of the 175 districts due to government concern over Bete-Baoule ethnic violence and voters displaced as a result of the active boycott. Election results from another three districts were declared invalid by the Constitutional Council. Elections in these six districts and two other open seats were held on December 29, 1996, and proceeded in an orderly, transparent manner.

While there are no legal impediments to women assuming political leadership roles, only 14 of the 169 deputies elected to the National Assembly are women. Women hold 3 of the 17 leadership positions in the Assembly, and there are 3 women in the 29-member presidential Cabinet. Three members of the Supreme Court are women. There are no impediments to the exercise of political rights by any of the over 60 ethnic groups.

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

The IIDHO, formed in 1987 and recognized by the Government in July 1990, has actively investigated alleged violations of human rights and issued press releases and reports, some critical of the Government. Other groups such as the International Movement of Democratic Women (MIFED) have held seminars and published press releases critical of government abuses of human rights. In 1996 the Ministry of Family and Women's Affairs and the Ministry of Communication took part in several NGO-sponsored campaigns to fight female genital mutilation and violence against women, including domestics.

Foreign government funding allowed Gerdes, a local NGO, to train the presidents of voting bureaus. The Observatoire National des Elections (ONE), an umbrella group of local NGO's, received official sanction and government cooperation for observing the December 29, 1996 elections.

The Government has cooperated with international inquiries into its human rights practices.

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

Discrimination based on race, ethnicity, national origin, sex, or religion is prohibited by law, but in practice women occupy a subordinate role in society. In other respects, the Government enforces these provisions.

Women

Representatives of the Ivorian Association for the Defense of Women (AIDF) and other women's organizations state that spousal abuse (usually wife beating)--while not widespread--does occur and often leads to divorce. Doctors state that they rarely see the victims of wife beating. A severe social stigma is attached to such violence, and neighbors often intervene in a domestic quarrel to protect a woman who is the object of physical abuse. The courts and police view such 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 AIDF and the MIFED have protested the indifference of authorities to female victims of violence and called attention to domestic violence and FGM. The groups also reported that women who are the subject of rape or domestic violence are often ignored when they attempt to bring the violence to the attention of the police. The Government does not collect statistics on the rape or other physical abuse of women. AIDF is also active in opposing forced marriage and advancing the rights of female domestic workers. The Government has no clear cut policy regarding spouse abuse beyond the strictures against violence in the Civil Code.

The President convened a day of consultations on the status of women on February 22. On March 10, he ordered the release of Fanta Keita, a 14-year old girl, who had killed her husband after being forced into marriage and subsequently raped repeatedly by him. The case had been a rallying cry for the AIDF in the struggle against forced marriage and marriage of minors (which are formally banned under existing law but still occur).

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 mental household tasks. Government policy encourages full participation by women in social and economic life, but there is considerable informal resistance among employers in hiring women, whom they consider less dependable by virtue of 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. However, women in the formal sector are paid on an equal scale with men.

Children

Primary education is compulsory, but this requirement is not effectively enforced. Many children leave school after only a few years. There is a parental preference for educating boys, which is noticeable throughout the country but more pronounced in rural areas, especially in the north. According to an International Monetary Fund report, giving statistics for 1987-1992, 81 percent of males and 58 percent of females attend primary schools. A 1996 United Nations Development Program report states that in 1993 combined primary, secondary, and tertiary school enrollment was 31.1 percent of females and 47.5 percent of males.

The Ministries of Social Affairs and of Health and Social Protection seek to safeguard the welfare of children, and the Government has also encouraged the formation of NGO's such as the Abidjan Legal Center for the Defense of Children. In September 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 abandoned children can learn a trade. In January 200 children from Dabou were designated for training in such a center, created from 8 buildings renovated by the Government, but by year's end training had not begun. Some children are employed as domestics and are subject to sexual abuse, harassment, and other forms of mistreatment by their employers, according to AIDF and press reports.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is a serious problem. There is no legislation that specifically prohibits FGM, and it is considered illegal only as a violation of general laws prohibiting crimes against persons. It is practiced particularly among the rural population in the north and west. The procedure is usually performed on young girls or at puberty as part of a rite of passage; it is always done outside modern medical facilities. According to the World Health Organization, as many as 60 percent of women have undergone FGM.

The AIDF continues to pursue a campaign, begun in May 1996, against FGM, dowry, forced marriage and marriage of minors, patterns of inheritance, and other practices that it considers harmful to women and girls. The NGO president enlisted President Bedie's support for the campaign and the Minister of Communications has continued to lend personal support by attending and speaking at seminars. In September 1996, the Ministry of the Family and Women's Affairs announced a campaign against FGM, but new laws prohibiting FGM, which have been in preparation since that date, have yet to be presented for a vote. Meanwhile, traditional authorities continued to uphold the practice.

People With Disabilities

There are no laws mandating accessibility for the disabled. Laws exist prohibiting the abandonment of the mentally or physically disabled, as well as enjoining acts of violence directed at them. Traditional practices, beliefs, and superstitions vary, but infanticide in cases of serious birth disabilities is less commonplace than in the past. Disabled adults are not the specific targets of abuse, but it is difficult for them to compete with able-bodied workers in the tight job market. The Government supports special schools, associations, and artisans' cooperatives for the disabled.

National/Racial/Ethnic Minorities

Among both Ivoirians and non-Ivoirians, it is a widely-held perception that police routinely abuse and harass non-Ivoirian Africans residing in the country (who represent one-third of the total population). This activity reflects the Ivorian conclusion that foreigners are responsible for high local crime rates and the concern over

