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Guinea

Country Reports on Human Rights Practices - 2001

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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. The country held its first multiparty legislative elections in 1995, delivering more than 60 percent of the National Assembly seats to President Conte's Party of Unity and Progress (PUP). The PUP is one seat short of the supermajority required to amend the Constitution. On November 11, a nationwide referendum was held on constitutional changes to allow the President to run for an unlimited number of terms, and to extend the presidential term from 5 to 7 years. The Government reported 91 percent participation in the referendum, and more than 98 percent of the votes in favor of the changes; however, unbiased observers stated that turnout appeared to be no more than 25 percent. Although the PUP continued to dominate all three branches of Government, opposition parties on occasion have 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. Legislative elections originally scheduled for 1999 were rescheduled for December 27; however, they were postponed again due to logistical and timing issues, and after pressure from the international community. An increasingly disproportionate number of appointed 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 Presidential Guard are accountable to almost no one except the President. There is no effective civilian control of the security forces. Members of the security forces frequently committed serious human rights abuses, although there were fewer reported abuses than in previous years.

Approximately 85 percent of the country's population of 7.6 million engage in subsistence agriculture. Annual recorded per capita gross domestic product was approximately \$595 (GF 866,320) in 1999. More than 80 percent of export earnings come from mining, particularly bauxite, gold, and diamonds. Other exports include coffee and fruit. There had been modest economic growth in recent years, especially between 1996 and 1999, due in part to substantial assistance from international financial institutions and bilateral donors. However, economic performance has lagged since 1999, and government collaboration with international financial institutions and donors was complicated by additional defense spending in response to attacks from Sierra Leone and Liberia by Revolutionary United Front (RUF) rebels and Liberian forces. In addition widespread corruption and limited transparency in the Government blocked efforts at economic and fiscal reform; in particular corruption at the port and customs offices hampered effective collection of nonmining receipts.

The Government's human rights record was 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 the deeply flawed 2000 municipal elections; its refusal to create an independent electoral oversight mechanism; and its prohibition of nongovernmental broadcast media, effectively restricted citizens' right to change their government. Serious human rights abuses include: Extrajudicial killings; disappearances; use of torture, beatings, and rape by police and military personnel; and police abuse of prisoners and detainees. Soldiers, police, and civilian militia groups killed, beat, and raped citizens, as well as refugees from Sierra Leone and Liberia. Security forces used arbitrary arrest and detention. Members of the security forces committed abuses with impunity. Prison conditions were inhuman and, combined with inadequate medical care, life threatening. Prolonged pretrial detention was a problem. 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 press criticized the Government freely, but the Government continued to monopolize the broadcast media, including radio, the most important medium of mass communication. The Government restricted freedom of assembly. The Government imposed cumbersome requirements for official recognition on associations, and infringed on freedom of movement. Violence and societal discrimination against women, prostitution of young girls, female genital mutilation (FGM), ethnic discrimination and interethnic violence, child labor, reports of trafficking of women and children, and vigilante actions by victims or others persisted.

RUF rebels from Sierra Leone and armed attackers from Liberia committed numerous killings, mutilations, abductions, 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. Arbitrary or Unlawful Deprivation of Life

Security forces killed numerous persons during the year, particularly during clashes with RUF rebels in Sierra Leone, and there were reports of deaths in custody due to torture and abuse. There were several violent riots, and on two occasions, security forces shot and killed protesters.

On November 30, bodyguards of the prefet of Koundara shot and killed at least two students who were protesting school conditions. On December 11, in the town of Mali, internal security officials shot and killed two protesting students and injured five others (see Section 1.c.).

Deaths in custody due to inhuman prison conditions and inadequate medical treatment continued to occur (see Section 1.c.). Human Rights Watch confirmed that a refugee, detained along with approximately 3,000 others following a series of cross-border rebel raids in September 2000, died while in detention because of poor prison conditions. Human Rights Watch also reported that up to 24 refugees died while in custody at Forecariah Prison between September 2000 and January (see Sections 1.d. and 2.d.). Refugees stated that they were beaten severely and deprived of food and water for up to 8 days. At least 21 detainees disappeared from the prison, and several detainees reported seeing fresh, shallow graves within the prison grounds. Reportedly Guinean prisoners, acting on orders from prison officials, also killed a number of Sierra Leonean refugees.

Between January and April, the army crossed into northern Sierra Leone on a number of occasions in pursuit of RUF rebels and other attackers from Sierra Leone and Liberia. During these actions, security forces killed a number of civilians and destroyed numerous houses and other structures in RUF-occupied villages; however, no statistics were available at year's end. According to Amnesty International, the army made little or no effort to minimize civilian deaths and injuries when artillery and helicopter gunships attacked five towns and villages in the Kambia District of Sierra Leone. On January 26, a Guinean helicopter gunship attacked the town of Kamakwie, reportedly killing 12 civilians. On February 15, Guinean artillery fire allegedly killed four civilians from one extended family in Sabuya. In a separate incident, a 3-year-old girl reportedly was killed in a Guinean artillery attack on the village in Rokel. On May 18, according to a UNAMSIL commander, a small child was killed in a Guinean artillery attack in the town of Rokupr. On January 30, Liberian Defense Minister Daniel Chea reported that a Guinean helicopter gunship attacked Solumba, a northern border town, killing at least 10 persons; however, there was no independent confirmation of the report. On May 17, Guinean troops shelled a group of RUF rebels at a disarmament site, which killed at least one civilian. Guinean and Sierra Leonean officials determined that the attack was an accident, and the commanding officer was removed immediately from his post. Following the incident, Guinean armed forces ceased cross border operation against the RUF.

No action was taken against the security forces who killed six persons, including a university professor, in Conakry in November 2000. There was no investigation into the clashes between security forces, ruling party militants, and opposition party supporters during the 2000 municipal elections, which resulted in the deaths of eight persons and injuries to several others. There was no reported investigation into one case of a prisoner who allegedly was tortured to death in 2000 (see Section 1.c.). Some opposition members believe that his death was linked directly to torture by government authorities at a small military camp on Kassa Island.

No action was taken against the members of the army who bombed or attacked several villages in northern Sierra Leone, including Rosint village, in November and December 2000, which resulted in the deaths of several civilians.

There was no action taken in the October 1999 case in which security forces killed two students while using unauthorized lethal force to bring a violent protest under control; nor in the 1999 case of a woman who died of injuries caused by members of the security forces during their suppression of riots in Labe. There also reportedly was no investigation into the January 1999 death in prison of one of Alpha Conde's codefendants, reportedly because of torture (see Sections 1.c. and 1.e.).

Government authorities continued to block efforts by human rights groups and nongovernmental organizations (NGO's) to investigate political killings that took place in the 1970's under then-President Sekou Toure. Following visits during the year to Camp Boiro, where political prisoners were held during the Sekou Toure regime, human rights groups and NGO's suggested that an intentional lack of maintenance and upkeep is destroying evidence of the camp's former use. During the year, the Government did not allow survivors of Camp Boiro to receive funds intended to transform the camp into a memorial.

RUF rebels from Sierra Leone and armed attackers from Liberia killed hundreds of civilians and members of the security forces in cross-border attacks on Pamelap, Forecariah, Macenta, Guekedou, Yende Milimou, and refugee camps and villages in surrounding areas during the year (see Section 1.f.). Since September 2000, cross-border clashes have resulted in over 1,600 deaths. In December 2000, RUF rebels and Liberian forces attacked Guekedou and Kissidougou; approximately 100 civilians were killed and thousands of persons were displaced (see Section 2.d.). In February the town of Guekedou almost was destroyed during the battle to evict RUF rebels for a second time. Prior to their withdrawal from Guekedou, RUF forces vandalized and destroyed the hospital; prefecture headquarters; water, power, and phone systems; and other government installations. On March 6, RUF rebels and Liberian forces killed 6 persons during an attack on the village of Nongowa on the Liberian border.

Unlike in the previous year, there were no violent clashes between Christian and Muslim villages.

Many victims of crime fear that they may never receive justice because of judicial corruption and at times resorted to exacting their own form of retribution through vigilante violence. Some suspected criminals, notably thieves and rapists, were beaten to death or burned by their victims or others after being soaked with a flammable liquid. On August 27, two criminals reportedly were killed; there were no reports of any punishment for those who killed criminals.

b. Disappearance

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

According to Human Rights Watch published in June, between September and December 2000, at least 21 refugees from Sierra Leone disappeared from Forecariah Prison, where they were being detained. Several detainees reported seeing fresh, shallow graves within the prison grounds (see Sections 1.a. and 1.c.).

There were reports that members of the armed forces abducted Sierra Leone citizens after attacks by RUF rebels and Guinean dissidents. Sierra Leonean newspapers accused Guinean forces of killing the abductees. There also were unconfirmed reports that some RUF soldiers who were taken prisoner and brought to Guinea for interrogation were never heard from again.

Approximately 23 Guineans who were abducted during the December 2000 and March RUF attacks on Guekedou and Nongowa escaped in May after spending months as forced laborers and sex slaves for the RUF. In November 2000, rebels attacked Yagouya and Soumbazaya villages, abducting every person then in the village (see Section 1.a.); by year's end, the abductees had escaped and were repatriated to Guinea.

In the months after the February 1996 mutiny, hundreds of soldiers and civilians disappeared during neighborhood sweeps conducted by armed members of the security forces. Baba Sarr, a relative of reported mutiny ringleader Major Gbago Zoumanigui, remains missing since his detention following the mutiny. Many of those missing after the 1996 mutiny were in self-imposed exile, according to family members.

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 beat and otherwise abused civilians. There also were reports that security forces used torture and beatings to extract confessions and employ other forms of brutality, including holding prisoners incommunicado without charges and under inhuman conditions. In June human rights organizations and former detainees reported that some prisoners in late 2000 were bound and hung by their feet before being beaten. An NGO also reported that army troops amputated the limbs of their RUF prisoners; however, there were no witnesses to confirm these reports, which the Government denied. 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.). Unlike in the previous year, there were no reports that some soldiers demanded sex in exchange for entry into the country; however, there were reports of sexual assaults on refugees.

There also were reports that refugees were beaten and strip searched at roadblocks and while in detention (see Section 1.d.). Human Rights Watch documented the cases of Sierra Leonean refugees who were tortured or beaten to death in 2000 in Forecariah Prison, southeast of Conakry. Refugees stated that they were beaten severely and deprived of food and water for up to 8 days.

On November 3 in Kissidougou, trainees from a military facility beat and detained students mistakenly thought to be protesting the constitutional referendum; 76 persons were hospitalized, and 50 persons were detained briefly.

In late November and December, security forces throughout the country forcibly dispersed students who were protesting against poor school conditions, which resulted in deaths and injuries (see Section 1.a.). In Conakry and other cities, security forces beat and threatened students (see Section 2.b.).

No action was taken against the soldiers, police, and civilian militia groups who detained thousands of refugees from Sierra Leone and Liberia, some of whom they beat and raped after President Conte blamed a series of rebel raids into the country on refugees in September 2000 (see Section 2.d.). There were no reports of any action taken against the security forces who shot, beat, and raped civilians, and pillaged personal property during the June 2000 elections. No action was taken during the year in the case of defendants in the Alpha Conde trial who reported that they were tortured, starved, and neglected during their detention (see Section 1.a. and 1.e.). In January 1999, prison officials reportedly tortured to death warrant officer Guey Keita.

Between September 2000 and March, RUF rebels from Sierra Leone and Liberian rebels conducted a number of cross-border raids during which they killed, injured, and displaced persons, burned and looted homes, and pillaged crops (see Sections 1.a. and 2.d.).

Unlike in the previous year, there were no reports that vigilante groups beat and robbed refugees during the year. Vigilante groups beat and robbed Liberian nationals in Conakry on several occasions in September 2000. Refugees in the Katkama refugee camp reported at least two instances of sexual assault by vigilantes in 2000. In September 2000, armed gangs attacked the Farmoriah refugee camp near Forecariah, beating the refugees and burning their belongings. Groups of vigilantes in the Guekedou area forced refugees and humanitarian workers to undress and then examined them for tattoos, which are presumed to be identification marks for rebel groups. In one instance in October 2000, a group of vigilantes forced five of the refugees to the police station in Guekedou where they were detained (see Sections 1.d. and 2.d.).

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 (see Section 1.a.). A former inmate held in the central prison in Conakry in 1998 reported being housed with between 60 and 80 prisoners in 1 cell, with a single toilet and no beds. Some prisoners have reported sleeping on their knees because their cells were so small. Prisoners reported threats, beatings, and harassment by guards, and some reported being denied food and a place to lie down.

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 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 was taken to improve conditions by year's end.

There are credible reports from prisoners that female inmates are subject to harassment and sexual assault by guards. Men and women are housed separately, but juveniles generally are housed with adults. Pretrial detainees are not separated from convicted prisoners, and the prison system often is unable to track pretrial detainees after arrest. At times detainees remain in prison for 2 years without trial (see Section 1.d.). Although the Government claims that it does not have political prisoners, prisoners of political importance usually are held in the main prison in Conakry with the general prison population; however, they are housed in separate cells.

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.

Opposition party members alleged that they had not been permitted to visit Alpha Conde in prison prior to his release in May (see Section 1.e.). During the year, Conde's private physician was allowed to visit him twice a week.

In November 1999, the International Committee of the Red Cross (ICRC) signed a detention accord with the Government for satisfactory access to prisoners. The ICRC reported that, for the most part, it had access to prisoners during the year (see Section 4).

d. Arbitrary Arrest, Detention, or Exile

Security forces regularly used arbitrary arrest and detention, 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 Code of Penal Procedure allows only the Gendarmerie to make arrests, but the army, the Presidential Guard (Red Berets), and the state police often detain persons as well. The Penal Code requires that the Government issue a warrant before an arrest can be made and that detainees be charged 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; however, at times it occurs in practice. The law provides for access by attorneys to their clients, but authorities frequently do not respect this provision.

The Penal Code strictly forbids civilians being detained at military camps; however, this provision largely is ignored. For example, the army and Gendarmerie continued to detain refugees during the year. On March 26, members of the army at the Massakoundou refugee camp detained 457 refugees, mostly young men, following reports of possible rebel infiltration at the camp. The refugees were held for 3 days at a military camp in Kissidougou where they were kept under harsh conditions, beaten, and strip searched for tattoos. On June 29, authorities arrested 52 persons reportedly after refugees in the Telikoro refugee camp attacked a group of gendarmes, who did not retaliate, inside the camp. Most were released, but U.N. High Commissioner for Refugees (UNHCR) reported that an undetermined number remain in custody in the Kissidougou prison. At year's end, there were unconfirmed reports that 7 Telikoro detainees still may be held in Kissidougou prison among 68 refugees. In December UNHCR reported that 126 refugees (out of a total refugee population of 192,000) were in detention throughout the country. Human Rights Watch confirmed that refugees died during the year while in detention because of poor prison conditions and abuse (see Sections 1.a., 1.c., and 2.d.).

On November 3 in Kissidougou, trainees from a military facility beat and detained students mistakenly thought to be protesting the constitutional referendum; 50 persons were detained for a short time (see Section 1.c.).

In early November, prior to the November 11 referendum, gendarmes and police arrested and detained for up to 2 weeks more than 50 antireferendum protesters; they later were released without charges (see Section 2.b.). In late November, police arrested and detained more than 60 students who were protesting poor conditions in schools; the students were released within 2 weeks.

Authorities continued to arrest journalists during the year (see Section 2.a.).

Security forces frequently detained persons at roadblocks and extorted money from them (see Section 2.d.).

According to the Rally of the Guinean People (RPG), approximately 20 party members were detained during the year by the prefecture authorities in Beyla, Kerouane, and Macenta on unspecified charges. Twelve of the detainees were brought to Conakry and released shortly thereafter. In 2000 RPG members alleged that authorities arrested and detained an individual who brought food to Alpha Conde; he was accused of threatening national security and was held in solitary confinement for 1 week before being released.

According to Agence France Presse (AFP), Alliance Nationale pour la Democratie leader Antoine Soromou, whose 2-year prison sentence ended in December 2000, threatened a hunger strike to protest his continued detention but did not carry out the threat. On February 8, he was released.

In October 2000, five refugees from the Guekedou refugee camp were detained after vigilantes found tattoos on them (see Section 1.c.). Two refugees eventually were released; however, one still may be in detention in the Guekedou police station, and two were transferred to Conakry and their present location is unknown. In September 2000, after a series of cross-border raids by RUF rebels and mercenaries, police detained approximately 3,000 refugees, although most were released within several days (see Section 2.d.). According to the National Bureau for the Coordination of Refugees, all the refugees detained during the September 2000 events were released by January.

There was no further information on the February 2000 incident in which police detained approximately 30 students who were marching to protest poor conditions in school.

Some police forces took advantage of the Alpha Conde trial, which ended in 2000 (see Section 1.e.), by arresting and detaining their creditors and other enemies, beating them, and then falsely accusing them of complicity with Conde. There were no reports such incidents continued after the trial.

Bar Association attorneys, the independent press, and government sources describe a parallel and covert 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 the Kassa prison, allegedly located in a former French colonial structure on an island off the coast of Conakry. The Government denied the existence of the Kassa Island prison and stated that prisoners identified as political detainees have been incarcerated for criminal acts and are housed in other prisons. In 1998 foreign diplomats visited the military installation on Kassa Island but saw no evidence of a torture facility. Reports of the existence of the Kassa facility continued through 2000; however, there were no new reports during the year. During the trial of Alpha Conde, many of the accused claimed that they were brought to Kassa Island and were tortured for time periods that ranged from a few days to several weeks (see Sections 1.a., 1.c., and 1.e.).

On December 15, 1998, the day after the election, 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 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. In 2000 foreign officials, including the Senegalese Minister of Justice, and several foreign diplomats visited Conde in detention. Conde's lawyers reported that they had generally free access to their client as well as to the case file. Conde's doctor, but not his family members, also had access to him. Conde's trial, originally scheduled for 1999, was postponed until April 2000 and concluded in September 2000; he was released from prison in May (see Section 1.e.).

The Government does not practice forced exile, although several soldiers who fled the country in 1996 after a mutiny attempt remained in self-imposed exile according to their families (see Section 1.b.). There are credible reports that these soldiers were engaged in the armed attacks on the country in conjunction with RUF rebels from Sierra Leone and Liberian forces (see Section 1.a.).

e. Denial of Fair Public Trial

The Constitution provides for the judiciary's independence; however, judicial authorities routinely defer to executive authorities in politically sensitive cases. Magistrates are civil servants with no assurance of tenure. Because of 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

had been taken by year's end. 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 or to affect otherwise the disposition of a case.

The judiciary includes courts of first instance, the two Courts of Appeal, and the Supreme Court, which is 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 2000 the State Security Court was used to try Alpha Conde and his defendants. The State Security Court is comprised of magistrates directly appointed by the President, and the verdict is open only to an appeal on a point of law, not for the reexamination of evidence.

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. In 2000 the Minister of Justice introduced a prisoner tracking system that enabled him to review the cases of pretrial detainees and to follow up on cases that did not reach the courts in an appropriate amount of time; however, the system was ineffective due to a lack of information technology and training.

During the December 1998 presidential elections, the Government ordered the closure of all land borders. On December 15, 1998, presidential candidate Alpha Conde, leader of the RPG, and three others were arrested in Pine, Lola, near the Liberian border. Conde subsequently was charged with illegal use of military force, undermining the authority of the state and the integrity of the national territory, use of violence against a state security officer, wrongful possession and transfer of foreign currency, and an illegal attempt to cross the border. Conde's arrest led to street protests by RPG militants in Conakry, which were suppressed by police, resulting in the arrest and detention of many protesters.

The Government continued its investigation, and it later arrested and charged several civilians and military officers in connection with Conde. In April 2000, Conde and 47 others were brought to trial. At the start of the trial, the presiding judge allowed an international team of lawyers to defend Conde and allowed international observers in the courtroom, over the objections of the Government. However, when the court refused to nullify the case based on Conde's parliamentary immunity, the legal team resigned in protest. The court immediately appointed other lawyers to defend Conde and his codefendants. Conde and one other defendant rejected those lawyers and refused to speak in court. Others accused the prosecution of witness tampering, intimidation, and outright fraud. An international NGO, Commission Internationale de Juristes, sent an observer to the trial who noted several problems with the conduct of the trial. On September 11, 2000, Conde was found guilty; he was sentenced to 5 years in prison. Most of Conde's codefendants were found innocent and released, while all of the others were sentenced to time served. On May 18, President Conte pardoned Alpha Conde and later restored his passport and reportedly all other political and civil rights. On September 25, Conde attended his first parliamentary session since his release.

Many citizens are wary of judicial corruption and instead prefer 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, in accordance with Islamic precepts and customary law (see Section 5).

At year's end, the Government continued to hold an unknown number of political prisoners. These prisoners are individuals incarcerated for allegedly politically motivated acts, such as protests, meetings, and campaigns. However, they were arrested and convicted under criminal laws, such as those applying to creating disorder, inciting violence, and corruption. Some of these individuals received disproportionately harsh sentences because of their political affiliation. Members of political opposition parties and a local human rights organization claimed 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. Police and the military frequently detained persons at nighttime roadblocks for purposes of security but also to extort money or goods (see Section 2.d.).

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

During the year, authorities relocated thousands of refugees from border areas to camps in the country's

interior; the relocation was voluntary (see Section 2.d.).

In July police in Conakry closed the offices of the Union of Republic Forces (UFR), whose leader vocally opposed the Government's campaign to extend the President's term in office (see Section 3).

In September 2000, after a series of cross-border raids, police and civilian militias looted houses, stole property, and destroyed property belonging to Sierra Leonean and Liberian refugees. In 2000 Governor Mbemba Bangoura reportedly told mayors of different communes within Conakry to conduct house to house searches for weapons. There were no reports of similar incidents during the year.

During the year, the army crossed into northern Sierra Leone on several occasions and destroyed numerous houses and other structures (see Section 1.a.).

RUF rebels from Sierra Leone and Liberian forces killed civilians, burned homes, pillaged crops, looted food supplies and other goods, and took civilian hostages during numerous cross-border raids (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 broadly restricts 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, that incite violence, discrimination, or hatred, or that disturb the public peace. Sanctions may include fines, revocation of press cards, imprisonment, and banishment. In December 1999, two journalists who published an article about a financial scandal involving two highly placed ministers were arrested under these laws; they were released within 6 months. In May Tibou Camara, the editor of *L'Observateur*, was arrested after being tried in absentia and convicted of defamation against the permanent secretary of the Ministry of Tourism. Camara was released 1 month later on the orders of the President.

In July police in Conakry closed the offices of the UFR party, whose leader vocally opposed the Government's campaign to extend the President's term in office (see Section 3).

The Government publishes an official newspaper, *Horoya*, and operates the official television and radio (ORTG) stations. 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. For example, the Government and the PUP have used the state-owned media to campaign for constitutional changes to allow a third term for President Conte (see Section 3). In response to strong political pressure and in order to protect their jobs, journalists for the official press practice self-censorship and avoid reporting on politically controversial issues. However, several younger broadcast journalists for the official press reported critically about the Government and posed critical questions at official press conferences.

While the only daily newspaper, *Horoya*, is owned and operated by the Government, there is a vocal private press that is critical of the President and the Government. For example, the weekly satirical newspaper *Le Lynx* published front-page cartoons lampooning the President and senior government officials. Seven private newspapers (*Le Lynx*, *La Lance*, *L'Oeil*, *Le Democrat*, *L'Independant*, *La Nouvelle Tribune*, and *L'Observateur*) publish weekly in Conakry, and up to 10 other publications appear sporadically, although they are hampered by technical and financial difficulties stemming from paper and ink taxes. *Le Lynx* and *La Lance*, under the same management, also are connected to the Internet and have web sites. 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. However, because the literacy rate is only approximately 35 percent and the price of newspapers is beyond the reach of the average citizen, the effect of the print media is limited. Despite the limited reach of the print media, the Government still occasionally criticized and harassed print journalists whom it considers threatening.

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, although the Government delayed the distribution of a February 2000 issue of *L'Intelligent/Jeune Afrique* for several days, while preparing a rebuttal to an article "Guinee C'est L'enfer" ("Guinea is Hell"), which criticized conditions in the prisons and focused on the Alpha Conde case (see Section 1.e.).

In February authorities arrested, tried, and convicted journalist Aboubacar Sankoh of the 'Nouvel Observateur' for libel after he published an article criticizing a government minister; he was released after serving 28 days in prison.

Unlike in the previous year, the Government did not close any newspapers.

In July 2000, authorities arrested a journalist after he published an article about the electric company Sogel. He later was released, but his trial still was pending at year's end.

The Government owns and operates all domestic broadcast media including radio, which serves as the most

important source of information for the public. It is estimated that every household in the country has at least one radio. While in theory the law allows private electronic media, the Government has held up proposals for private radio and television stations, on the grounds of national security and stability. Many citizens listen regularly to foreign-origin short-wave radio because of a lack of confidence in the state media; 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, entire neighborhoods are gaining access to foreign programming by stringing a network of cables to a single satellite dish. Unlike in the previous year, the National Council of Communication did not suspend the accreditation of any foreign radio correspondents for biased reporting.

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

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.

In November and December throughout the country, security forces used tear gas and batons to disperse student protests (see Sections 1.a. and 1.c.).

b. Freedom of Peaceful Assembly and Association

The law restricts freedom of assembly, and the Government exercises its power to restrict 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. In December 2000, the Governor of Conakry announced that written permission from his office was required for all public meetings of all associations, NGO's, groups, cooperatives, and political parties. Police and gendarmes dispersed several unauthorized demonstrations during the year.

On February 6 and 7, riot police used batons to disperse a crowd of students who were protesting violently transport prices; no deaths or serious injuries were reported.

In November antireferendum protesters were refused the right to protest on the grounds that the referendum was an administrative rather than a political action (see Section 3). Police and gendarmes used tear gas and batons to disperse antireferendum protesters who demonstrated for the 10 days prior to the vote. More than 50 persons were arrested.

In November and December throughout the country, security forces used tear gas and batons to disperse student protests (see Sections 1.a. and 1.c.).

No action was taken against security forces who killed six persons, including a university professor, who were meeting to plan a demonstration against the Government's policy in the forest region in late November or early December 2000 (see Section 1.a.).

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 were approximately 46 legally recognized political parties; deputies of 9 different parties were 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 government-sponsored National Islamic League (NIL) represents the country's Sunni Muslim majority, 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; recognition reportedly is easy to obtain. Missionary groups are required to make a declaration of their aims and activities to the Ministry of Interior or to the NIL. Foreign missionaries and church-affiliated relief agencies operate freely.

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 on the grounds that they "generate confusion and deviation" within the country's Islamic family, they have not restricted these groups.

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.

There have been no recent reports that government officials have obstructed or limited missionary activities of Jehovah's witnesses, who had reported isolated instances of harassment in the past.

Despite claims of separation of church and state, in July 2000 the Government announced that it would finance the renovation of Conakry's grand mosque, the mosque at which President Conte worships; however, the renovations did not begin by year's end.

There were no reports that the Government required government ministers to take an oath on either the Koran or the Bible, a requirement that provoked criticism when it was imposed, apparently for the only time in April 1999.

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 infringed on these rights in some areas. 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. Security forces frequently detained persons at roadblocks and extorted money from them (see Section 2.d.). The private press and local NGO's reported that travelers often are pressured to pay bribes to allow passage. Government officials state that a few rogue soldiers are corrupt; however, abuse at official checkpoints is systemic. The Government did not close any roads during the year; however, it did require armed escorts in early spring and early summer due to cross border attacks and violence in the region.

Although the Government permits its citizens to travel abroad, it limits such travel for political reasons. However, unlike in the previous year, there were no reports that passports were confiscated or that persons were not given diplomatic passports because they were opposition party members.

In June the Government closed the border with Liberia and reportedly expelled approximately 100 refugees. Following protests by foreign diplomats, the Government reopened the border to refugees by the end of June. At year's end, the border remained closed officially; however, the Government continued to accept refugees.

The Government has closed its border with Sierra Leone intermittently since September 2000, primarily in response to direct attacks from Sierra Leone. The border remained officially closed during the year; however, unlike in the previous year, there were no reports of refugees waiting to cross the border from Sierra Leone.

There are approximately 100,000 to 200,000 internally displaced persons (IDP's) in the country as a result of the border attacks by RUF rebels from Sierra Leone and Liberian forces. The Government estimated that this number is more than 209,000; however, the UNCHR believed that the number was approximately 100,000.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the 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. The UNHCR stated that as of May 2000, approximately 192,000 Liberian and Sierra Leonean refugees were resident in the country. According to the UNHCR, more than 200,000 Sierra Leoneans entered Guinea since January 1998 and are mostly in the forest region. More than 56,000 refugees returned voluntarily to Sierra Leone during the year, approximately 30,000 by ship and 26,000 overland. The Government has claimed that many more refugees are present in the urban areas of the country, and that the number of refugees in the country is closer to 1 million. Refugees account for half or more of the populations of the forest region cities of N'Zerekore, Kissidougou, and Macenta. By year's end, all of the Guinea-Bissau refugees had departed.

In past years, the Government has provided school buildings, access to local medical facilities, and land for farming to assist those designated as refugees. However, relief organizations reported that some local authorities have demanded portions of donated fuel and food from delivery convoys. In October 2000, instability in the southern border areas where most refugees lived prompted the Government and the UNHCR to call for assistance in moving refugees away from the border. For example, on March 9, RUF rebels from Sierra Leone attacked the town of Nongoa and destroyed 6 refugee camps. Between March and June, more than 65,000 refugees were relocated to camps in the country's interior. Operations to move Liberian refugees away from the border began in August and continued at year's end; it was expected that up to 19,000 refugees will be relocated by March 2002. In May Massakoundou camp was closed.

In previous years, the Government generally was hospitable toward refugees; however, as cross-border raids by RUF rebels from Sierra Leone and Liberian forces intensified, the Government increasingly became less tolerant toward refugees. There was credible evidence that RUF forces used refugees as informants and disguised themselves as refugees to prepare for attacks on the country. For example, in September 2000,

after a series of rebel raids into the country, President Conte, in a radio address, accused Liberian and Sierra Leonean refugees living in the country of fomenting war against the Government. Soldiers, police, and civilian militia groups rounded up thousands of refugees, some of whom they beat and raped (see Section 1.c.). Approximately 3,000 refugees were detained, although most were released by the end of 2000 (see Section 1.d.). Human Rights Watch confirmed that several refugees died while in detention (see Sections 1.a. and 1.c.).

Reports have stopped that police and border patrol guards demanded bribes before allowing refugees into the country or that some border officers demanded sex from women who lacked money to pay bribes. However, there were some reports that refugees were forced to pay bribes to leave refugee camps guarded by the armed forces and then were forced to pay bribes to get past many of the checkpoints. Security forces arrested suspected rebels at the border as they tried to enter the country. Security forces, searching for tattoos identifying rebels, strip-searched refugees in public during the year (see Sections 1.c. and 1.d.).

Unlike in the previous year, there were no reports that vigilantes attacked refugees (see Section 1.c.).

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 to exercise this provision effectively 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, despite opposition demands, the Government continued to refuse to establish a national election commission independent of the Government. 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. Nonetheless, 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, President Conte was elected to a second 5-year term, receiving 56 percent of the 2.7 million votes cast, while Bah Mamadou of the Union pour la Nouvelle Republique 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 round between the two leading candidates.

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 which 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. There was frequent and widespread violence between PUP and opposition party supporters, as well as violent interethnic clashes with political overtones in Conakry during the election campaign (see Section 5).

Opposition candidates suffered from inferior access both to state election funds and to coverage by the state-monopolized domestic broadcast media, although the Government nominally 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 often were 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; 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 President Conte.

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 several areas.

Members of the PUP continue to hold 60 seats in the unicameral National Assembly, 1 short of the supermajority required to amend the Constitution. Legislative elections originally scheduled for 1999 were rescheduled for December 27; however, they were postponed again due to logistical and timing issues, and after pressure from the international community. The legality of the National Assembly is questioned by some as their terms expired of their terms in 2000. Nonetheless, members of the National Assembly met in April and conducted normal business.

Municipal elections took place in June 2000; President Conte's ruling PUP party claimed victory in 32 of 38 municipalities. The announcement of the results was delayed for several days in the wake of post-election violence. Security forces reportedly were present in the interior municipalities of Mamou and Kankan, and there were reports that soldiers beat citizens. The Government claimed that the elections were free and transparent, but the opposition disagreed strongly and claimed credibly that the Government and the ruling party engaged in massive "obstruction, fraud, and intimidation" (see Sections 1.d. and 2.d.). Opposition figures alleged that the Government manipulated the voting by facilitating multiple ballot-casting by ruling party regulars and denying voting cards to opposition party supporters. President Conte made inflammatory and partisan speeches in June and July 2000, threatening opposition leaders with arrest and claiming to rule the country by "divine right." These statements were considered widely as attempts to intimidate his opponents. During the elections, the Government closed some roads in Conakry, ostensibly to prevent election fraud; however, in practice it prevented many voters living outside the district in which they were registered from reaching their polling stations and voting (see Section 2.d.). Candidates of a new party led by former Prime Minister Sidya Toure were denied access to the electoral process.

When the victorious PUP councils could not agree on who should be appointed to leadership positions, President Conte named several mayors himself, in a move that observers criticized widely as unconstitutional and irregular.

Since June the Government and ruling party have been campaigning to amend the Constitution's mandated limit of two 5-year presidential terms. This campaign has included the use of government-controlled media and official events in order to create the impression that there is widespread popular support for the amendment (see Section 2.a.).

On November 11, a nationwide referendum was held on constitutional changes to allow the President to run for an unlimited number of terms, and to extend the presidential term from 5 to 7 years. The Government reported 91 percent participation in the referendum, and more than 98 percent of the votes in favor of the changes; however, unbiased observers stated that turnout appeared to be no more than 25 percent.

The President continued 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.

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.

The percentage of women in government and politics does not correspond to their percentage of the population. Four women hold seats in the 26-member Cabinet: the Minister of Foreign Affairs, the Minister of Commerce, the Minister of Tourism, and the Minister of Social Affairs and Promotion of Women. There are 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

There are a number of local NGO's primarily interested in human rights problems. Government officials are generally cooperative and responsive to their views; however, some local organizations allege that government officials try to intimidate them, and that they often meet resistance when trying to investigate abuses or engage in civil education. Various government officials have blocked private efforts to memorialize victims of the Sekou Toure regime that ruled the country from independence until 1984. Following a series of cross-border raids by rebels, several NGO's suspended activities due to insecurity.

In November 1999, the ICRC signed a detention accord with the Government for full access to prisoners. In January 2000, the ICRC suspended its prison visits because it was denied access to some prisoners, including Alpha Conde; however, the ICRC reported that by the end of 2000 it had again gained access to prisoners, including Alpha Conde.

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

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

Domestic 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. The social stigma attached to rape prevents most victims from reporting it. In particular marital rape goes unreported, because most women and men view it as the husband's right. Several local NGO's are working to increase public awareness of the nature of these crimes and promote increased reporting. The Government has not pursued vigorously criminal investigations of alleged sexual crimes.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is very widespread. It is practiced widely 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. 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 women and girls subjected to FGM, estimating the figure to be between 65 and 75 percent. A 1999 Demographic Health Survey estimates that more than 99 percent of females undergo FGM. 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 associated with the practice. However, infibulation, the most dangerous form of FGM, still is performed in the forest region, but less frequently than in previous years. 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 it 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. As a result, government ministers, health officials, and the media have discussed FGM more frequently; however, there were no statistics to determine the success of the program.

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. During the year, CPTAFE held large public ceremonies 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 the practice is quite lucrative.

There were reports that women were trafficked for the sex trade and illegal labor (see Section 6.f.).

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 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 throughout society. For example, in February 2000, President Conte remarked in a speech that there were too many women in the customs service, and then he gave instructions to recruit only men for the customs service. Women also 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 acknowledged that polygyny is a common practice. 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; however, in practice women receive less pay than men in most equally demanding jobs.

In May 2000, the Government instituted a working plan to analyze the situation of women and children in the country. The program involves workshops and training for security and judicial personnel, as well as the education community. The Government continued to hold workshops during the year.

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; however, the Government did not spend the allocated funds. There is a Minister of Youth and a Cabinet Minister, appointed by the President, charged with defending women's and children's rights, and a permanent committee dedicated to defending the rights of the child, with members chosen from different ministries, NGO's, and other sectors.

The Government provides free, compulsory primary school education for 8 years; however, enrollment rates are low due to school fees and lax enforcement of the laws mandating school attendance. Approximately 51 percent of all eligible students are enrolled in primary school, including 66 percent of eligible boys compared with only 37 percent of eligible girls. Girls often are taken out of school and sent to work to help pay for their brothers' educational expenses. In 1999 the Government spent less than 6 percent of the national budget on education and training programs.

FGM is performed commonly on girls (see Section 5, Women).

The CPTAFE, in conjunction with the Government, local journalists, and international NGO's, 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 when prostitution of minors is brought to its attention, and it does not monitor actively child or adult prostitution. There were reports that girls were trafficked for prostitution and other labor (see Section 6.f.).

Child labor remains a problem (see Section 6.d.).

Persons with Disabilities

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

Religious Minorities

Relations between the various religions are generally amicable; however, in some parts of the country, Islam's dominance is such that there is strong social pressure that discourages non-Muslims from practicing their religion openly.

In January 2000, violent clashes between Christian and Muslim villages in the forest region left 30 persons dead. According to both the Secretary General of the Islamic League and the Archbishop of Conakry, the tensions were due primarily to a long-running land dispute and were not based on religion. The conflict eased after a visit by the Minister of Territorial Administration and Decentralization, but the region remained tense. Instigators of the event were arrested, and tried in July. Six persons were convicted and sentenced to death.

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 (approximately 40 percent of the population), the Malinke (approximately 30 percent), and the Soussou (approximately 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 the Government. Widespread societal ethnic discrimination by members of all major ethnic groups is evident in the private sector hiring and buying patterns, in urban neighborhoods that tend to be segregated ethnically, and in the relatively low levels 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.

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. Approximately 160,000 workers were reported as unionized, although inadequate labor statistics make it difficult to estimate the exact percentage of workers in unions. Approximately 52,000 are government workers and are automatically members of the government union. The rest are engaged in private, mixed, and informal sectors. The largest independent union, Union Syndicale des Travailleurs de Guinee (USTG), claims 64,000 members, 18,000 of whom are women.

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. The Labor Code requires elected worker representatives for any enterprise employing 25 or more salaried workers.

There are several trade unions and labor confederations; the National Confederation of Guinean Workers (CNTG) remains the largest confederation. CNTG is an umbrella organization for 16 individual unions of government employees, and each of the 16 individual unions is tied to a government ministry. The CNTG is funded indirectly by the Government, 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 (USTG).

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," which include hospitals, radio and television, army, and police, communications, and transport services.

Strikes are met with intimidation from security forces and, as a result, often do not make it out of the organizational stage. In July the Government did not interfere in a 1-day strike by bank and insurance workers, who were protesting a court decision. In a 1999 speech to workers at the Coyah water plant, President Conte spoke of the willingness of many unemployed workers to take the places of those who strike.

The Government continues to subsidize CNTG representatives to the International Labor Organization (ILO) conferences, by paying their travel and lodging expenses. Other independent unions must provide their own funding to attend ILO conferences.

Unions affiliate freely with international labor groups.

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. However, at regional and prefecture levels, unionized labor faces stiff opposition from government officials. Union officials are selected on the basis of nepotism and patronage, rather than through a hierarchy of competence; these individuals are not sensitized to the rights of workers, and often view unions as an enemy of the Government. As a result, union activities in the interior of the country face harassment and interference from many governors and prefects. Union activities in Conakry face less harassment and interference. 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, including forced and bonded labor by children; however, there were reports that women and girls were trafficked for forced labor and the sex trade (see Section 6.f.).

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. In 1997 the Ministry of Planning estimated 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. Overall approximately 48 percent of children under age 15 were employed, accounting for approximately 20 percent of the total working population and 26 percent of agricultural workers. 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. Girls as young as age 14 engage in prostitution (see Section 5). The Government has spoken out against child labor, but lacks the resources, enforcement mechanism, and the legislative will to combat the problem. As a result, child laborers do not have access to education or health care; they suffer from chronic malnutrition, traumatic stress, and depression.

Many young Muslims are sent to live with a Koranic master; in return for instruction in Arabic, Islam, the Koran, the children work for the teacher. Children often are sent from rural areas to Conakry to live with family members while they attend school. However, if the host family is unwilling or unable to pay school fees, the children sell water or shine shoes on the streets, and the host family takes the money in exchange for their room and board.

In September the Government ratified the ILO Convention 182 on the worst forms of child labor. The worst forms of child labor can be found in the artisanal mining sector where children haul granite and sand for little or no money.

The Government prohibits forced and bonded child labor; however, there were reports that girls were trafficked (see Section 6.f.).

e. Acceptable Conditions of Work

The Labor Code provides for the establishment by decree of a minimum hourly wage; however, the Government promotes no standard wage. Prevailing wages often were inadequate to provide a decent standard of living for a worker and family. There also are 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 on 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 cover even 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 poor working conditions without result. Sodefa, a joint venture of the Guinean and Chinese Governments, was criticized for inhuman working conditions, but when workers tried to protest in 2000, security forces forcibly dispersed them; there were no reports of severe injuries or deaths.

The law applies to all workers in the country, regardless of nationality; however, the law does not define whether it applies to persons working in the country illegally.

f. Trafficking in Persons

The law prohibits trafficking in persons and carries a penalty of 5 to 10 years imprisonment and confiscation of any money or property received as a result of trafficking activities; however, some NGO's report that women and children are trafficked within the country, as well as internationally, for the sex trade and illegal labor. Accurate statistics are difficult to obtain, because victims do not report the crime due to fear for their personal safety.

Trafficking in persons from rural areas to urban centers is increasingly recognized as a problem in the country. Many young Muslims are sent to live with a Koranic master; in return for instruction in Arabic, Islam, the Koran, the children work for the teacher. Children often are sent from rural areas to Conakry to live with family members while they attend school. However, if the host family is unwilling or unable to pay school fees, the children sell water or shine shoes on the streets, and the host family takes the money in exchange for their room and board.

In February the Children's Protection Division and UNICEF reported that trafficking of children is a problem among the Sierra Leonean and Liberian refugee populations in the prefectures of Guekedou, Macenta, N'Zerekore, and Forecariah; girls are exploited for domestic labor, and boys are exploited as street sellers and agricultural workers. The International Rescue Committee and UNICEF reported that children living in foster families often do not receive adequate food, shelter and clothing, and are compelled to work in the streets, sometimes as prostitutes, for their subsistence.

Twenty-three Guineans who were abducted during the December 2000 and March attacks on Guekedou and Nongowa escaped in May after spending months as forced laborers and sex slaves for the RUF. In late July, authorities arrested 51 Nigerians in Conakry for trafficking in persons. The authorities released 33 young girls, who were destined for Europe, to the Nigerian Embassy. The remaining 17 were adult males who are to be prosecuted by a special tribunal for trafficking in persons.

The law prohibits the exploitation of vulnerable persons for unpaid or underpaid labor, which carries a penalty of 6 months to 5 years imprisonment and a fine of approximately \$25 (36,400) to \$150 (GF 218,400). Submitting a vulnerable or dependent person to inhumane working or living conditions carries a sentence of 1 month to five years imprisonment and a fine of approximately \$25 to \$250 (GF 364,000).

Several government agencies, particularly the Ministry of Social Affairs and the Promotion of Women and Children, are involved in antitrafficking efforts.

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