



Cote d'Ivoire

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

Laurent Gbagbo became the republic's third elected president in 2000, ending an almost 10-month period of military rule. The election, which excluded two of the major parties, the Democratic Party of Cote d'Ivoire (PDCI) and the Rally for Republicans (RDR), was marred by significant violence and irregularities. The Supreme Court declared Gbagbo the victor with 53 percent of the vote. In September 2002, rebellious exiled military members and co-conspirators in Abidjan simultaneously attacked government ministers and military/security facilities in Abidjan, Bouake, and Korhogo. The failed coup attempt evolved into a rebellion, splitting the country in two and escalating into the country's worst crisis since independence in 1960. Rebel "New Forces" (NF), composed of Patriotic Movement of Cote d'Ivoire (MPCI), Ivoirian Popular Movement of the Greater West (MPIGO), and Movement for Justice and Peace (MPJ), retained control in Bouake, Korhogo, and the northern half of the country.

In January 2003, the political parties signed the French-brokered Linas-Marcoussis Accord ("Marcoussis Accord"), agreeing to a power-sharing national reconciliation government with rebel representatives. President Gbagbo appointed Seydou Diarra as the Prime Minister, and in March, Prime Minister Diarra formed a government of national reconciliation of 41 ministers. In July 2003, the National Armed Forces of Cote d'Ivoire (FANCI) and NF military signed an "End of the War" declaration, pledged their support for President Gbagbo, and vowed to work for the Marcoussis Accord and disarmament, demobilization, and reintegration (DDR). In September 2003, the NF suspended their participation in the national reconciliation government and the reunification committee and boycotted the DDR program, citing security concerns and slow implementation of the Marcoussis Accord. On February 27, U.N. Resolution 1528 approved the U.N. Operation in Cote d'Ivoire (ONUCI) deployment of 6,000 peacekeeping troops, joining the French Licorne force of 4,000. At the end of February, the NF again suspended their participation in the DDR discussions stating that a date for the beginning of the real disarmament phase had not been determined jointly with the NF. Nevertheless, with the participation of U.N. Secretary General Kofi Annan and several African heads of state, President Gbagbo and the leaders of the seven main opposition parties (known as the G7) met in Ghana on July 29 and 30. The parties agreed to enact political reforms required by the Marcoussis Accords by August 31, amend Article 35 of the Constitution concerning eligibility for the presidency by September 30, and begin DDR by October 15.

In November, the Government attacked rebel bases in the north, breaking an 18-month ceasefire and sparking widespread civil unrest that resulted in numerous deaths and injuries. The threat of U.N. sanctions in the wake of the break of the ceasefire provided the impetus for legislative movement on some of the Marcoussis reforms. By December 23, Parliament had approved most of the Marcoussis legislative reforms but some were unacceptable to the opposition. By year's end, the country remained divided and DDR had not commenced. The NF rebels controlled the northern 60 percent of the country, while the Government controlled the slightly smaller but more populous south. The judiciary continued to operate slowly and to lack transparency, and remained subject to financial, executive branch, and other outside influences.

Security forces under the Ministries of Defense and Territorial Administration include the Army, Navy, Air Force, Republican Guard, Presidential security force, and the Gendarmerie, a branch of the armed forces with responsibility for general law enforcement. The police forces are under the jurisdiction of the Ministry of Interior. There were major divisions within the military based on ethnic and political loyalties. Members of the military participated in seminars on human rights. The Government did not always maintain effective control of the security forces. There were numerous credible reports of instances when security forces acted independently of government authority. The Government and NF security officials committed numerous human rights abuses.

The country, which has a population of 16.8 million, was generally poor but had a historically thriving modern sector. The largely market-based economy was heavily dependent on commercial agriculture, characterized by smallholder cash crop production, especially of cocoa and coffee. After assuming power, the Gbagbo Government began repaying international arrears and adhering to a balanced budget, steps that led to the resumption of foreign aid and re-engagement with the Bretton Woods institutions; however, political instability, widespread corruption, and the lack of accountable executive and judicial branches deterred investors. The 2002 rebellion impeded commerce and brought investment to a virtual halt, as political uncertainty and the division of the country disrupted traditional trade arrangements and prompted international financial institutions to suspend their programs in the country. At year's end, the major international financial institutions resumed their consultations with the Government, although no disbursements were being made except World Bank humanitarian-related projects.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. During the year, both the Government and NF committed serious abuses, and there were credible reports of pro-government death squad activity, extrajudicial killings, and disappearances. Security forces frequently resorted to lethal force to combat widespread violent crime and sometimes beat detainees and prisoners. The Government failed to bring perpetrators of most abuses to justice, and members of security forces operated with relative impunity. Prison conditions improved but remained harsh and sometimes life threatening. Arbitrary arrests and detention were common; numerous persons, including opposition members, journalists, and military officers, were detained for long periods without trial. The judiciary did not ensure due process. Police harassment and abuse of noncitizen African immigrants continued. Privacy rights continued to be restricted severely. State-owned media created an atmosphere of patriotism, nationalism, and xenophobia. The Government restricted freedoms of speech, press, assembly, and movement. The targeting of Muslims suspected of rebel ties diminished somewhat during the year. A U.N. International Investigation Committee investigated the violence of March 25-26 and a U.N. Human Rights Investigation Commission conducted an inquiry into human rights abuses committed since 2002. Discrimination and violence against women, abuse of children, and female genital mutilation (FGM) remained serious problems. There were incidents of violent ethnic confrontation; societal discrimination based on ethnicity remained a problem. Child labor as well as reports of forced child labor and trafficking in children and women also persisted.

The NF's human rights record was extremely poor. The rebels in the north summarily executed persons, killed numerous civilians, arbitrarily arrested and detained persons, and conducted arbitrary ad hoc justice. Mass graves were found in rebel-held territory. In Bouake, the NF continued to operate the national television station and aired their leaders' speeches and deliberations. Citizens in the north were usually cut off from news aired in the south, although they were occasionally given access to the national radio and television programs broadcast in the south. Freedom of movement improved somewhat in rebel held territory. There were no reports that rebels forcibly conscripted persons during the year and unlike in previous years, there were fewer reports of the enrollment of children soldiers, and many were released. Rebels and mercenaries committed particularly grave abuses in the western region of the country and in the north.

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 committed extrajudicial killings, some of which were believed to be politically and ethnically motivated (see Section 1.g.). There were credible but unconfirmed reports that government-linked "death squads" and irregular forces (Liberian fighters, Liberian refugees, and civilians with ethnic ties to Liberia) committed extrajudicial killings. Security forces frequently resorted to lethal force to combat widespread crime. Rebel forces in the north also committed numerous extrajudicial killings (see Section 1.g.).

There continued to be numerous reports of pro-government militia groups and some death squads operating in Abidjan during the year. Credible sources described "hit lists" of suspected rebels and rebel sympathizers circulated within secretive, loyalist security forces in Abidjan and other areas under government control.

On March 25 and 26, in Abidjan, government forces used lethal force to suppress a demonstration by opposition parties to protest the Government's lack of progress in implementing the Marcoussis Accords. The G7 held the demonstration despite a presidential ban. During this time, government forces also sought out and attacked opposition supporters in Abidjan who were not at the demonstration. There were many conflicting reports on the number of killed and detained in connection with the march. According to police reports, 37 persons were killed and 205 were rounded up and then released after having been screened. The Ministry of Human Rights reported that 79 persons were killed and 137 wounded. A U.N. Commission of Inquiry reported that more than 100 persons were killed, more than 274 wounded, and 20 missing. The U.N. report characterized the events as a "massacre in which summary executions, torture, disappearances, and arbitrary detention were repeatedly committed by units of the security forces and the parallel forces acting in coordination or in collusion with them." Most of the violence took place in persons' homes in the districts of Abobo, Koumassi, and Anyama, where many northerners and citizens of Mali and Burkina Faso lived. The violence in these areas accounted for 63 percent of the deaths, 35 percent of the wounded, and 40 percent of the disappeared. The U.N. report noted that its figures were not comprehensive, but represented what the Commission was able to gather under difficult circumstances in the time available.

During the March 25 and 26 clashes, 2 police officers were killed and 13 persons were arrested in connection with their deaths and detained at the Abidjan Arrest and Correction Center (MACA). They were visited and interviewed by the U.N. International Investigating team. They were provisionally released by May.

During the year, one journalist was killed (see Section 2.a.).

There were credible reports of more than 50 cases in which security forces used excessive force that resulted in deaths; such cases often occurred when security forces apprehended suspects or tried to extort money from taxi drivers and merchants. In one instance during the year, security forces shot persons while looting (see Section 1.f.). Authorities detained an increased number of police officers for using excessive force during the year.

On January 9, at a routine police check, a truck driver who protested the confiscation of his vehicle's documents was shot and killed by a police officer in charge of regulating traffic. An investigation was opened to establish responsibility; however there were no developments in the investigation by year's end.

The Minister of Human Rights issued a press statement condemning the human rights abuses, but the Government took no other action to punish those responsible.

On March 20, two police officers shot and killed a driver near the market of Yopougon-Wassakara while chasing a suspect. The two officers were arrested and awaits trial at year's end.

On August 7, at the Gesco corridor near Abidjan, a soldier shot and killed a street vendor and seriously injured a bus driver. The soldier tried to force a bus passenger to pay a bribe of \$10 (5,000 CFA francs) and fired at the bus as it drove away. The military prosecutor opened an investigation to establish whether the soldier intended to kill. There were no developments in the investigation by year's end.

On October 4, armed men in fatigues abducted a gardener and three other caretakers from the Abidjan house of opposition RDR party leader Alassane Ouattara. They killed the gardener and severely beat the others. RDR officials claimed that members of the Republican Guard were the perpetrators. The police have opened an investigation, which was ongoing at year's end.

On February 12, police officer Zamble Bi Lizie was sentenced to 8 years' imprisonment for the August 2003 murder of Doumbia Inza, a taxi driver.

In February, police officer Baba was sentence to 5 year's imprisonment and dismissed from the force for the 2002 murder of taxi driver Khalilou Keita. The taxi drivers' union members were pleased because they reported that out of the 27 drivers killed by the police in the past, only 2 police officers had been tried and sentenced.

The investigations into the security force killing of taxi driver Seydou Konere continued at year's end.

The following 2003 cases remained outstanding at year's end: The May police shooting of Zougba Eustache Gogbeu; the July killing of an adult and child by alleged government soldiers in Doloa; the August shooting of farmer Konate Yaya; and the December shooting of 21 persons by police and gendarmes forces during an attempted break in the Ivoirian Television Radio (RTI).

There were no developments in the reported 2002 killings by security forces.

The Ministry of Justice declared the investigation in the 2000 Yopougon massacre was at a standstill for lack of funds.

On February 11, unidentified assailants beat a member of the PDCI National Secretary in charge of security.

On June 23, approximately 50 persons wearing Federation of Ivoirian Students (FESCI), a student group dominated by Ivoirian Popular Front (FPI) supporters, T-shirts broke into the apartment of Ekissi Achy, Secretary general of the Ivoirian Communist Party in Yopougon. They ransacked the apartment and kidnapped Abib Dodo, secretary general of the youth section of the Communist Party. On June 29, Dodo's body was found on Cocody University campus. On the same day in Port Bouet unknown assailants beat Kouame Kouadio, also a member of the Communist Party. The Communist Party accused the FESCI of Dodo's death because Dodo had helped found a new student association, the General Association of School Children and Students of the Country.

In the western part of the country, there were numerous credible reports of atrocities including killings, rapes, and looting, mostly by rebel forces (see Section 1.g.). There were reports of conflict between the native population and Burkinabe farmers, whom the natives expelled from their farms (see Section 5). Verification of all of these reports was difficult because of limited access.

On June 2, violent demonstrations organized by young persons shook the town of Guiglo, in protest against the killing of Karim Fofana, a public transportation bus driver. According to the demonstrators, Fofune was killed by armed militiamen in fatigues who were threatening and harassing persons without any reaction from the local police, military, and administrative authorities.

There were numerous incidents of ethnic violence that resulted in deaths (see Section 5).

b. Disappearances

There were several reports of disappearances during the year. Several members of the opposition, journalists, and ordinary citizens remained missing at year's end. For example, in February, 24 Heures, an independent newspaper reported that five men kidnapped Sylvain Kanga Codaly, a man working for the National Identification Office, in October 2003 for delivering national identity cards to members of the RDR and to noncitizens.

In April, Guy Andre Kieffer, a Franco-Canadian freelance journalist disappeared in Abidjan. Michel Legre, the brother-in-law of the First Lady, was arrested in the case. In spite of the investigation undertaken by the police, French judges, his family, and Canadian authorities, Kieffer was still missing at year's end.

Some persons reported missing later were found in the custody of security forces. In May, newspapers reported that an 18-year-old student who had been reported missing since April 24 was found on May 3. Gendarmes arrested him during a round up for a suspected thief. The gendarmes forced him to work for them although his innocence was quickly established. A friend, an army officer, eventually recognized him and obtained his release.

In May, newspapers also reported that Nadine Victoire Goudard and her children had been missing since September 2003. Her family reported that Goudard was active in politics and had received numerous death threats from unknown persons.

On August 28, Amadou Dagnogo, a journalist for the pro-government newspaper L'Inter disappeared in Bouake, an area held by the NF. NF leaders had publicly threatened Dagnogo weeks before his disappearance.

Several persons were reported missing after the March 25-26 demonstration (see Section 1.a.).

Several persons, including members of opposition parties, who disappeared in 2003 were Bionaho Mathias, a former member of the Union for Democracy and Peace in the country (UDPCI); University of Cocody student activist Mahe Hippolyte; youth RDR activist Mamadou Kone; and RDR activist Ibrahim Bakayoko; Nigerian businessman Garba Amadou Dougourikoye; prominent businessman Herve Pamah Coulibaly; PDCI party members Aboubacar Gbane; and his younger brother Soule Ouattara. There were no developments in these cases at year's end.

Persons reported missing in previous years remained missing at year's end. Many, especially members of the opposition and RDR members in particular, reportedly had elected to remain in hiding to escape death squads and to prevent harassment of their relatives still in the country.

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

The Constitution prohibits such practices; however, in practice security forces often beat detainees and prisoners to punish them or to extract confessions. Police officers forced detainees to perform degrading tasks under threat of physical harm. Police detained persons overnight in police stations where they often beat detainees and forced them to pay bribes (see Sections 1.d., 1.f., and 2.d.). Police also harassed persons of northern origin or with northern names (see Section 1.f.).

There were numerous reports that police and gendarmes continued to harass, beat, extort, and commit other abuses with impunity.

Members of the security forces continued to beat and harass journalists regularly (see Section 2.a.).

There were several incidents during the year in which police used excessive or inappropriate force (see Section 1.a.).

In February, the Ivorian Human Rights Movement (MIDH) reported that on January 29, police tortured, degraded, and robbed 17 drivers who had placed posters on their vehicles about police racketeering.

On March 17, police led a public transport mini-bus "Woro-Woro" driver to a police camp in Williamsville and beat him for refusing to give money to a police officer.

On April 3 and 4, four police officers severely beat a police officer in front of a nightclub in Yamoussoukro. The officer had a disagreement with a nightclub owner who called the police. Although the victim informed the four police officers that he was also a police officer, they noted that he had a northern name and beat him, accusing him of being a member of the RDR.

In May, plainclothes security forces stopped and searched a UDPCI member. Upon discovering a letter from the President of the UDPCI, the security drove him to the Banco forest and severely beat him.

During the year, there were several reports that security forces conducted widespread neighborhood searches during which they beat and robbed residents (see Section 1.f.).

Security forces remained on heightened alert for potential rebel infiltrators or active sympathizers, erected numerous roadblocks, and searched Abidjan neighborhoods, frequently during the nightly curfew. Individuals associated with opposition parties or rebellion leaders or believed to be sympathizers were subjected to increased harassment and abuse (see Sections 1.d. and 1.g.).

Noncitizen Africans, mostly from neighboring countries, complained that they were subject to increased harassment by security

forces, including repeated document checks, increased security force extortion and racketeering, violence, and frequent neighborhood searches (see Sections 1.f. and 2.d.).

Police and security forces occasionally used excessive force to disperse demonstrations, including lethal force (see Section 1.a. and 2.b.).

There were no reported developments in the January 2003 police beating of Adama Kone or the July 2003 police beating of Kouao Heriri Julien Yao N'Cho.

Youth groups who supported President Gbagbo conducted several violent attacks during the year (see Sections 1.a., 2.a., and 2.b.). For example, on March 9, hundreds of Young Patriots and FESCI students assaulted magistrates on the premises of the Palais de Justice in Abidjan to disrupt the presentation ceremony of the new President of the Appellate Court nominated by the Minister of Justice, who was a member of the RDR. Two magistrates were severely beaten while police looked on. The ceremony took place the following day under heavy police protection. In reaction, the three magistrates' unions suspended work until a special police unit was assigned to the protection of the Palais de Justice.

Violent actions and threats against political opposition figures continued during the year. There were numerous reports that opposition leaders received death threats over the telephone and from armed men dressed in fatigues, and that armed men harassed family members. For example, on January 23, after being threatened by armed men, the former deputy mayor of Adjame and his family fled their house.

During the night of November 4, before the beginning of the bombings by the army on the north (see Section 1.g.), the headquarters of the opposition PDCI in Abidjan was vandalized. Youths tried to set ablaze the headquarters of former President Henri Konan Bedie's party. At the same time, the offices of several opposition newspapers were completely ransacked (see Section 2.a.). On November 5 and 6, crowds of young patriots in Abidjan also ransacked and looted the headquarters of the opposition RDR and the houses of the Secretary General of the PDCI, of the son of PDCI President Henri Konan Bedie, and the houses of three RDR Ministers and one NF Minister.

In the rebel-held part of the country, rebel military police operated with impunity in administering justice without legally constituted executive or judicial oversight (see Section 1.g.). The rebels often harassed and abused local citizens with impunity, often on the basis of ethnic background. Although there were fewer reports during the year, there continued to be reports that rebel forces beat persons who supported President Gbagbo and his FPI party. For example, during the year, there were reports that rebel soldiers tortured FPI party members in the zones under their control, regardless of their ethnic background.

There were numerous incidents of ethnic violence during the year, some of which resulted in injuries, especially in the west and the south west (see Section 5).

Conditions were poor and in some cases life threatening in the country's 33 prisons, largely because of inadequate budgets and overcrowding. In May, the main MACA prison housed approximately 6,000 detainees; it was built for 1,500. In the A building, cells built for 20 detainees housed 60. MACA was the country's biggest prison and conditions were notoriously bad, especially for the poor. Wealthy prisoners reportedly could "buy" extra cell space, food, and even staff to wash and iron their clothes. There were credible reports that prisoners frequently brutalized other prisoners for sleeping space and rations; however, there were no reports that guards brutalized prisoners. Doctors Without Borders (MSF) supplemented the prison system's inadequate medical facilities. Several small national and international charities also helped some prisoners. There were press reports of a flourishing drug trade and prostitution in the MACA. The daily food allowance per prisoner in the MACA was \$0.12 (80 CFA francs), the cost of one serving of corn meal mush. In other prisons, the daily allowance was \$0.18 (120 CFA francs). Families frequently supplemented the food ration and at some prisons inmates grew vegetables to feed themselves. The International Committee of the Red Cross (ICRC) helped feed prisoners with no family. During the year, to improve prison conditions, the Government changed the quality of the food served at MACA to rice, yams, and cassava twice a week, and kidneys beans on Sundays.

Unlike in the previous year, there were no reports that prisoners died from malnutrition.

There were two incidents in early November at Abidjan's main jail, MACA, in which prisoners were killed. The first incident was sparked by a lengthy water shortage; prisoners reportedly had not had water for 5 days except for small rations of drinking water. At least 7 prisoners died and 30 were injured in the ensuing riots. U.N. human rights officials said they were investigating the riot and could not give a final death toll yet. Paramilitary police used tear gas and fired in the air to push back the detainees, but several escaped into nearby Banco forest, a large national park in the heart of the city. Shortly after this incident, when civil unrest broke out around Abidjan, some 3,500 prisoners took advantage of the situation to escape from MACA. Security forces trying to stop the escape shot and killed 19 of the prisoners while wounding 66. More than 200 of the escapees have since returned to jail on their own or been arrested.

Men and women were held separately in prisons. Male minors were held separately from adult men, but the physical barriers at the main MACA prison were inadequate to enforce complete separation. Prison conditions for women and children remained particularly difficult. Female prisoners were segregated in a separate building under female guard. There were continued reports that female prisoners engaged in sexual relations with wardens to get food and privileges. There were no health facilities for women. Pregnant prisoners went to hospitals to give birth and then returned to prison with their babies. Some women prisoners

were pregnant before being jailed. The penitentiary accepted no responsibility for the care or feeding of the infants; the women received help from local NGOs. In May, the daily ruling party newspaper, *Notre Voie*, reported that out of the 94 women held in the women's section of MACA, there were 6 female minors.

The 2003 BICE study on youths in prisons revealed that 576 males under 18 were held in the Center for Observation of Minors in Abidjan during the year. BICE also helped conduct physiological tests to determine the age of some inmates who had no identification papers. BICE taught juvenile prisoners trades, such as sewing, carpentry, gardening, house painting, and drawing.

Pretrial detainees were held with convicted prisoners. In May, *Notre Voie* reported that out of 6,000 prisoners held in MACA, 1,876 were pretrial detainees and were held with convicted prisoners.

The Government permitted access to prisons by local and international NGOs including the ICRC, MSF, World Doctors, and International Prisons' Friendship. LIDHO and MIDH did not ask to visit prisons during the year.

The rebels maintained detention centers, and during the year, the ICRC and the ONUCI human rights division local team were granted full access.

There were credible reports that the rebels still killed prisoners, though less frequently due to improved conditions (see Section 1.g.).

In March, the rebel forces in Man released eight army officers under the supervision of the ICRC. In December 2003, the NF released 40 army officers in Korhogo and Bouake under the supervision of ICRC.

d. Arbitrary Arrest and Detention

The Constitution prohibits arbitrary arrest and detention; however, in practice arbitrary arrest and detention remained common.

Police forces include paramilitary rapid intervention units such as the Anti-Riot Brigade and the Republican Security Company, and the plain-clothes investigating unit, Directorate for Territorial Security (DST). A central security staff collected and distributed information about crime and coordinated the activities of the security forces. Security forces frequently resorted to excessive force (see Sections 1.a. and 1.c.).

Poor training and supervision of security forces, the public's fear of pressing charges, and continued impunity of those responsible for committing abuses were problems. There were credible reports of a few disciplinary or legal actions against some police officers for mistreating suspects and arrestees as well as killing persons during the year (see Section 1.a.); while still uneven and inadequate, disciplinary action against police officers increased during the year. Security forces still did not face sanctions for confiscating or destroying noncitizens' identification papers.

During the year, the Military Tribunal of Abidjan tried several police officers. For example, in January, police Master Sergeant Dago Sery Theodore was tried and sentenced to 17 years imprisonment for the murder of French journalist Christian Baldensperger (see Section 2.a.).

In July, a soldier, Sebastien N'Dri, was charged with murdering a French peacekeeper in Yamoussoukro in June and awaited trial.

There were no developments in the April 2003 incident in which two gendarmes were detained for extorting money from merchants or the June 2003 incident in which seven military men beat merchants and stole money and goods from the market.

In January and February, taxi, Woro-Woro, and bus drivers carried out a campaign against racketeering by police officers and gendarmes with support from the Ministry of Transport, the National Assembly, and the MIDH. The Government reduced the number of unofficial checkpoints, and there was a corresponding decrease in the number of shakedown incidents. However, in March following an increase in tension between the Government and the NF, the Council of Ministers recommended an increase in the number of checkpoints on the roads, which led to a rise in the number of unofficial checkpoints and shakedown incidents. There had been no further decrease by year's end.

On August 27, the military Public Prosecutor, Ange Kessy, reported the arrests of a number of police and military personnel charged with racketeering. Kessy urged the victims of racketeering to file complaints. There were no prosecutions by year's end.

During the year, the MIDH launched a national campaign against racketeering.

Under the Code of Penal Procedure, a public prosecutor may order the detention of a suspect for 48 hours without bringing charges, and in special cases, the law permits an additional 48-hour period. According to members of the jurists' union, police often held persons for more than the 48-hour legal limit without bringing charges, and magistrates often were unable to verify that detainees who were not charged were released. A magistrate could order pretrial detention for up to 4 months but also had

to provide the Minister of Justice with a written justification on a monthly basis for continued detention.

The DST was charged with collecting and analyzing information relating to national security. The DST has the authority to hold persons for up to 4 days without charges; however, human rights groups stated there were numerous cases of detentions exceeding the statutory limit.

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 believed that the suspect was not likely to flee.

Although the law prohibits it, police restricted access to some prisoners. There were reports that police and the DST denied detainees access to a lawyer or to their families.

There were many instances during the year in which gendarmes or other security forces arbitrarily arrested persons. National and international human rights groups were unable to give precise figures on detainees because authorities would not allow them to visit military installations where prisoners were held.

Security forces continued to arbitrarily arrest merchants and transporters, often in conjunction with harassment and requests for bribes. There was no further information on several merchants arrested in 2002 who were detained at an unknown location without access to family or counsel.

Police also detained journalists during the year (see Section 2.a.).

During the year, security forces continued to arrest and usually release persons of northern origins, RDR party members and officials, military men from the north, and some individuals thought to be loyal to former junta leader General Guei or close to the rebellion (see Section 2.b.).

On March 18, Karim Ouattara and Zana Lamoussa Ouattara, both security agents at the RDR headquarters, were arrested and taken to an unknown destination. They were released following their party's intervention.

In May, Emmanuel Séhoué Guei, spokesperson of the MPIGO, was arrested in Port Bouet and charged with trafficking counterfeit currency. Following the intervention of the NF and the executive committee of the G7 opposition parties, Guei was released on August 19 without a trial.

On July 16, two members of the RDR were seized in Abobo and transferred to the DST where they were denied contact with their families. They were released by year's end.

On July 23, a gendarme arrested Captain Mamadou Toure, a retired Army officer and RDR deputy Mayor of Bouake, in Adjame and accused him of housing rebels in Bouake. Toure's family and RDR party members informed the ONUCI human rights division of his arrest, and Captain Toure was released on August 5.

On July 24, the drivers of four vehicles were arrested in Saioua in the southwest while they were transporting cocoa and 75 passengers from Daloa to Abidjan. The soldiers alleged that they had a warrant from the President's office. The gendarmerie brigade in Saouia refused to detain the drivers arguing that there were no grounds for their arrest. The soldiers proceeded to take them to Daloa and then to Abidjan, to the President's office. The officers in charge of the security at the presidency and the commanders of the gendarmerie in Abidjan also refused to detain the men. Finally, the men were released at the end of July.

In August 2003, more than 20 persons, including some opposition members, were arrested for collaborating with NF leader Sergeant Ibrahim Coulibaly ("IB") in an alleged coup attempt. RDR officials accused the FPI of fabricating the coup plot as a ruse to arrest political opponents. The last two remaining in detention, Youssouf Ouattara and Anliou Sylla, were provisionally released on July 28.

Local and international human rights organizations continued to report that security forces frequently made arrests without warrants and frequently held persons beyond the statutory limits without bringing charges. There were credible reports that the police and gendarmes detained persons in various military camps in Abidjan. Few of these detainees entered the civil justice system. There also were credible reports of forced confessions.

Human Rights Watch (HRW) and Amnesty International (AI) reported that authorities made numerous arrests based on calls to a government hotline that denounced persons for unproven sympathies with the rebels or "suspicious" activity.

Many inmates continued to suffer long detention periods in the MACA and other prisons while awaiting trial. A magistrate reported in May that more than 1,876 of the 6,000 detainees (31 percent) in the MACA prison were awaiting trial (see Section 1.c.). Despite the legal limit of 10 months of pretrial detention in civil cases and 22 months in criminal cases, some detainees were held in detention for many years awaiting trial.

AI and other human rights organizations reported that in rebel-controlled territory, the NF also arbitrarily arrested, mistreated, and detained many persons thought to be loyal to President Gbagbo or Sergeant Ibrahim Coulibaly.

On June 20 and 21, following the attempted murder of MPCJ Secretary General Guillaume Soro by rebels close to IB, hundreds of rebels and civilians suspected of being close to IB were arrested in Bouake and in Korhogo. They were all released on July 9, after the visit of the ONUCI investigation team.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary was subject to executive branch, military, and other outside influences. Although the judiciary was independent in ordinary criminal cases, it followed the lead of the executive in national security or politically sensitive cases. There were also credible reports that judges submitted to financial influence. The judiciary was slow and inefficient.

On February 9, three members of the student group FESCI, were tried and convicted of assault and extortion of funds. The prison director released the students from MACA on February 16 upon the instructions given to him by the public prosecutor without informing the Minister of Justice, an RDR member. The Minister of Justice and the union of magistrates denounced their release and demanded that the students return; however, the students remained free at year's end.

The formal judicial system is headed by a Supreme Court and includes the Court of Appeals, lower courts, and a Constitutional Council. The Constitution grants the President the power to replace the head of the Court after a new parliament is convened. In August 2003, President Gbagbo appointed the seven members of the Constitutional Council, without consultation with the Government. President Gbagbo tasked the Council with, among other things, the determination of candidate eligibility in presidential and legislative elections, the announcement of final election results, the conduct of referendum, and the constitutionality of legislation. Gbagbo named three advisors to the Constitutional Council for 3-year terms, three other advisors to 6-year terms, and a president. At year's end, Tia Kone remained president of the Supreme Court.

The law provides for the right to public trial, although key evidence sometimes was given secretly. The Government did not always respect the presumption of innocence. Those convicted have the right of appeal, and although higher courts rarely overturned verdicts, it has occurred. Defendants accused of felonies or capital crimes have the right to legal counsel. The judicial system provides for court-appointed attorneys; however, no free legal assistance was available, except infrequently when members of the bar provided pro bono advice to defendants for limited periods.

In rural areas, traditional institutions often administered justice at the village level, handling domestic disputes and minor land questions in accordance with customary law. Dispute resolution was by extended debate, with no known instance of resort to physical punishment. The formal court system increasingly was superseding these traditional mechanisms. The Constitution specifically provides for a Grand Mediator to bridge traditional and modern methods of dispute resolution. The President appoints the Grand Mediator, who since his nomination by the Bedie government has been Mathieu Ekra.

Military courts did not try civilians. Although there were 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.

There were no reports of political prisoners. HRW and AI have said that political leaders detained after the September 2002 coup attempt were held primarily because of their opposition political views rather than hard evidence of involvement in the the coup should be considered political prisoners. The last of these detained political leaders were released in mid-2003.

There was little available information on the judicial system used by the NF in the northern and western regions; however, there were several credible reports that rebels have executed suspected looters or members of rival factions on the spot without detention or trial in Korhogo and in Bouake in June.

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

The law provides for these rights; however, the events of 2002 triggered a widespread suspension of privacy rights. Officials must have warrants to conduct searches, must have the prosecutor's agreement to retain any evidence seized in the search, and are required to have witnesses to the search, which may take place at any time; however, in practice police sometimes used a general search warrant without a name or address. Police frequently entered the homes of northern citizens and noncitizen Africans (or apprehended them at large), took them to local police stations, and extorted small amounts of money for alleged minor offenses. Unlike in previous years, there were no reports that police searched the homes of journalists.

There were credible reports that security forces continued to search opposition party officials' residences allegedly seeking weapons without search warrants. During the year, security forces continued to conduct neighborhood searches where they would enter several homes at the same time, usually at night looking for arms.

In January and July several gendarmes and police in military vehicles entered Anyama, a suburb of Abidjan inhabited by northerners and citizens from Mali, Burkina Faso, and Guinea and looted and searched houses, beat and threatened residents,

confiscated and destroyed identity documents, and stole money from residents. One resident was shot to death and others severely beaten. The Minister of Human Rights issued a press statement condemning the human rights abuses, but the Government took no other action to punish those responsible.

No action was taken against security forces who forcibly entered residences in previous years.

Security forces reportedly monitored private telephone conversations, but the extent of the practice was unknown. The Government admitted that it listened to fixed line and cellular telephone calls. Authorities monitored letters and parcels at the post office for potential criminal activity, and they were believed to monitor private correspondence, although there was no evidence of this. Members of the Government reportedly continued to use students as informants.

Unlike previous years, security forces did not enter and destroy shantytowns near military installations in Abidjan in search of alleged arms and rebels. However, tens of thousands of persons remained displaced at year's end, and continued to live in inadequate social centers, were taken into the already crowded homes of friends or relatives, or left the country.

There were numerous reports that rebels confiscated property and vehicles of those suspected to be loyal to President Gbagbo or of persons who had abandoned their houses following the rebellion. In addition, there were credible reports that NF military looted and occupied several missionary houses in Bouna, Tiebessou, and Bouake.

After 2002 rebellion, in the northern towns of Bouake and Katiola, rebels monitored parcels for potential threats to their position; it was unknown if this practice continued.

There were corroborated reports that the rebels forcibly conscripted locals to join their ranks. Those who refused reportedly disappeared. Many of the conscripts were youth or children, although there also were reports that many volunteered to join the rebels.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts

There were numerous reports that pro-government death squads operated during the year.

On November 4, the army carried out "Operation Dignity" and mounted surprise attacks on Bouake, stronghold of the NF and the largest city in the north, thus shattering an 18-month ceasefire. The Government cut off electricity and water supplies to the north the day before the attacks. They remained off for about a week.

In Abidjan, loyalist mobs attacked unarmed U.N. personnel and burned two of their vehicles. Crowds also attacked the offices of at least three opposition newspapers, as well as the headquarters of the two main opposition parties and the homes of several senior opposition party members (see Sections 1.c. and 2.a.). On November 6, Licorne peacekeeping troops destroyed most of the air force on the ground in retaliation for a bombing of the French military base in Bouake, which left nine French peacekeepers and one foreign citizen dead. Serious unrest began in Abidjan and hate messages broadcast on state radio and television by the leaders of the FPI and the leaders of the Young Patriots fomented anti-French feeling. Thousands of irate citizens took to the streets, attacked homes, businesses, and schools of French citizens, other expatriates, and some citizens in Abidjan and elsewhere. More than 8,000 French and several thousand non-French expatriates fled the country.

French troops moved into the city to secure major junctions, the bridges, the airport as well as the Hotel du Golf and the Hotel Ivoire where many French persons and opposition leaders and ministers had taken refuge. The French troops fired on several occasions, killing over 57 civilians and military personnel and injuring more than 1,300. In the rebel-controlled north, according to the NF, more than 80 civilians were killed during the bombings in November.

The collaboration of government forces and irregular forces created a climate of fear and impunity. However, there were no reported executions of suspected rebels and rebel sympathizers by security forces during the year. Abidjan police and security forces in search of rebel sympathizers, infiltrators, and arms caches continued to use lethal force in neighborhood sweeps against citizens with northern origins and African immigrants (see Section 1.a and 1.f.).

There were no developments in the following 2003 security force killings: The January killing of Mamadou Ganame; the February killing of well-known television sitcom actor and RDR activist, Yerefe Camara; the February killing of Mory Fanny Crisse, an Islamic preacher; and the April killing of former student leader Maurovlaye Kener.

There were no developments in the cases of security force killings after September 2002: Commander Aboubacar Dosso, aide-de-camp to RDR leader Ouattara; Adama Cisse, head of the RDR party in M'Bahiakro; Seydou and Lanzeni Coulibaly, related to RDR Deputy Secretary General Amadou Gon Coulibaly; Emile Tehe, president of the RDR-aligned Ivoirian Popular Movement party; and Benoit Dakoury-Tabley, medical doctor and brother of Louis Dakoury-Tabley, one of the political leaders of the rebel MPCF, now NF.

There was no action taken regarding the death of former military junta leader General Robert Guei, his wife Rose, a son, his aide-de-camp Captain Fabien Coulibaly, several army guards, and others in 2002. AI and HRW concluded that the deaths of

Guei and his family were extrajudicial killings.

There were no results released from the Government's investigation into the 2002 security force killings of more than 100 noncombatants in Daloa in evident reprisal against northerners living in the town and those suspected of assisting rebels. The Government publicly denied its involvement. The results also were not released in the Government's investigation into the 2002 death of 50 political party members and citizens.

There were no investigations of the mass graves found in 2002.

A U.N. Human Rights Investigation Commission conducted an inquiry into human rights abuses committed since September 2002; however, the report had not yet been published.

Unlike in the previous year, there were no reports that the Government used gunship helicopters in attacks; however, a number of civilians were killed when the Government used aircraft to bomb rebel targets in the north in November.

There were credible reports describing serious abuses committed by armed forces working in complicity or in coordination with youth groups in the central and western parts of the country. HRW reported that in many attacks on civilians by paramilitary groups in Daloa, Duekoue, Guiglo, and Monoko-Zohi, local villagers from ethnic groups close to the Government provided names of foreigners, RDR members, northerners, and other alleged rebel supporters to the security forces.

Self-defense committees manned checkpoints with the assent of security forces and conducted summary executions of Burkinabe and other northerners accused of being rebels.

On January 5, unidentified armed men in the village of Kahin, in Bongolo shot and killed three adults and killed three children with machetes, according to a French army spokesman. On January 7 in the same area, two foreign workers were killed and a third seriously injured. Authorities suspected the same group of unidentified men armed with rifles and machetes in both attacks. The victims included workers from neighboring Burkina Faso and Guinea.

There were fewer reports that Liberian fighters were involved in attacks during the year. Most left the country in 2003. There was no investigation into the numerous abuses committed by Liberian fighters in 2003, including mass killings, rapes, and torture.

Rebel groups were also responsible for numerous indiscriminate killings. Several human rights organizations described numerous extrajudicial killings by rebels, particularly by the western rebel group MPIGO. The rebels in the west targeted, beat, and sometimes killed gendarmes, government officials, and suspected FPI sympathizers, and committed sexual violence against girls and women, including rape and sexual slavery. However, the frequency of such incidents declined compared with previous years and most of the Liberian mercenaries who were involved in these incidents in previous years returned home during the year.

On February 9, unidentified assailants dragged Adama Coulibaly, a rebel warlord in the city of Korhogo, out of a nightclub and shot and killed him.

There were 2 civilians among the 20 persons killed in clashes between unidentified gunmen and Ivoirian and French soldiers near the village of Maminigui, Gohitafla on June 6 and 7. French peacekeepers captured 22 assailants and handed them over to the gendarmerie station at Bouafle.

On June 20-21, following a murder attempt against the leader of the MPCJ Guillaume Soro, Soro's supporters began fighting with supporters IB. At least 11 persons were killed and 20 injured in clashes near Bouake and Korhogo. ONUCI said in a statement in August that the U.N. investigation "discovered and confirmed the existence of 3 mass graves containing at least 99 persons. Some of these persons were killed by bullets and others died from asphyxiation." According to the preliminary findings of a U.N. investigation, a number of persons were summarily executed, some held in detention in the Korhogo Territorial Company (CTK) prison, and some were held in detention in two containers. Some of the released prisoners stated that approximately 60 prisoners died from suffocation in 1 of the containers. On July 1, the local rebel authorities opened the civil prison upon the arrival of the U.N. investigating team and transferred 39 prisoners there previously held in detention at the CTK prison. On July 9, all the prisoners were released.

During the year, following the outbreak of the leadership struggle between Guillaume Soro and Sergeant Coulibaly for the control of the rebellion, there were numerous reports of killings and atrocities committed against the rebels and on civilians suspected of supporting either side in Korhogo and in Bouake.

There was no investigation into the numerous abuses committed by rebels in 2003, including summary executions, killings, rape, beatings, and looting. There was no further investigation into the mass graves discovered.

No action has been taken against rebels who committed abuses in 2002. In 2002, rebels targeted and killed Interior Minister Emile Boga Doudou and attempted to kill then-Defense Minister Lida Kouassi. Rebels also killed Colonel Yode, Director of the Army Engineers in Abidjan; Dally Oble, Commander in Korhogo; and Dago Loula, Commander in Bouake. No government or NF

investigation was conducted in the 2002 executions of 60 gendarmes and 50 of their sons in Bouake, who were detained before their executions and whose bodies were found in mass graves.

On July 11, a newspaper reported that Kouassi Kouame, a bus driver from Bouake, had been missing since the beginning of the rebellion in 2002. The rebels reportedly arrested the driver along with pro-government gendarmes.

French peacekeepers were also killed and injured during the year. For example, on June 25, a French soldier, Kevin Ziolkowski was shot in the back as he was patrolling with colleagues in a military vehicle in Yamoussoukro. The soldier accused of shooting him was still awaiting trial at year's end (see Section 1.d.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, and the Government restricted these rights in practice. The 2002 rebellion triggered significant self-censorship and a deterioration of press freedom. However, there were private newspapers that frequently criticized government policy. Members of the security forces continued to harass and beat journalists. Outspoken members of the press continued to receive death threats and suffer physical intimidation from groups aligned with the ruling FPI party. The "Young Patriots," supporters of President Gbagbo, continued to destroy opposition newspapers and threaten vendors in several regions. Journalists continued to practice self-censorship.

On March 19, PDCI Deputy Secretary General Maurice Kacou Guikahue and Vice President of the PDCI youth group Jan Claude Atse received a summons from the gendarmerie research brigade for allegedly stating "one should shorten President Gbagbo's term in office" during a political rally. President Gbagbo instructed the Minister of Justice to initiate legal action against Guikahue for making the statement. No further actions were taken by year's end.

The media played a critical role in inflaming tensions, even before the 2002 rebellion. In 2003, the U.N. Special Humanitarian Envoy and Agence France Press criticized the media for sending "messages of hatred" and creating a climate of hostility. During the November 4-10 events, state radio and television repeatedly broadcast hate messages aimed at the French. The Young Patriots urged citizens to mobilize in the streets.

The National Press Commission was meant to enforce regulations relating to the creation, ownership, and freedom of the press. The only remaining government-owned daily newspaper, *Fraternite Matin*, which had the greatest circulation of any daily, rarely criticized government policy. There were a number of private newspapers. Newspapers often ceased publication and were supplanted by others due to strong competition, a limited audience, and financial constraints. Many newspapers were politicized, sometimes resorting to fabricated stories to defame political opponents. The law requires the "right of response" in the same newspaper, thus newspapers often printed articles in opposition to an earlier article. In December, a new press law passed the National Assembly that established new rules for the creation of newspapers, including an investigation of the good morality of the promoter, a duly registered rental contract or property ownership title, and the first and last names, as well as the parents' names of the printing company legal representative.

Because of low literacy rates, radio was the most important medium of mass communication. Newspapers and television were relatively expensive. The government-owned broadcast media company, RTI, owned two major radio stations; only the primary government radio station broadcast nationwide. Neither station offered criticism of the Government; both government-owned stations frequently criticized opposition parties and persons critical of the Government. There were approximately 50 community radio stations authorized under government regulations. They had limited broadcast range and were allowed no foreign language programming, no advertising, and only public announcements limited to the local area. Some of the stations did not broadcast for lack of resources. The private radio stations, except for Radio Nostalgie, had complete control over their editorial content. The Government monitored Radio Nostalgie closely because the major shareholders of the company were close to RDR president Ouattara. National broadcast regulations forbade the transmission of any political commentary.

Four major private international radio stations operated: Radio France Internationale (RFI), the British Broadcasting Company (BBC), Africa No. 1, and Radio Nostalgie, which was considered a local station. These stations broadcast in Abidjan only, except for RFI, which broadcast to the north and center of the country. The RFI, BBC, and Africa No. 1 stations all broadcast news and political commentary about the country.

In accordance with a U.N. Resolution, the ONUCI undertook actions to start operating a radio channel in the country. On July 19, the Government granted ONUCI one of RTI's frequencies to broadcast in Abidjan, and on August 10, the station began broadcasting. In December, ONUCI radio started to broadcast in Daloa in the south west and Bouake in the center.

On March 25, the day of the march organized by the G7 opposition parties (see Section 1.a.), the programs of all the international radios were cut off for several days on the FM band in Abidjan without explanation. Agence France-Presse quoted an RFI spokesperson stated that the transmitter cutoff was not due to technical reasons but was "probably deliberate," given the "tension" in the city.

In May the National Audio-Visual Communication Council sanctioned RFI by forbidding it to broadcast its programs for 1 day, due to a broadcast that the U.N. blamed the Government for the violence during the protest on March 25 and 26. The next day RFI resumed normal broadcasting. From November 4 to 24, BBC, RFI, and Africa No. 1 were prevented from broadcasting from Abidjan due to sabotage of their equipment.

The Government owned and operated two television stations (RTI 1 and RTI 2) that broadcast domestically produced programs. Only one broadcast nationwide. Neither station criticized the Government, but they frequently criticized the opposition or persons who opposed the government's actions, including foreign countries and foreign governments. However, criticism of the opposition was reduced when President Gbagbo reinstated Minister of State and Minister of Communication Guillaume Soro in office in August. From November to year's end, the criticisms resurfaced when the Presidency replaced the official director general of the two television and radio stations with an FPI journalist to "manage their information relating to the November crisis."

There were two satellite television broadcasters: One French (Canal Horizon/TV5), and one South African (DS TV). They did not broadcast domestically produced programs. During the year, the Government did not receive or accept any applications to establish privately owned domestic television stations.

On January 22, a military court found police Master Sergeant Dago Sery Theodore guilty of the October 2003 murder of French journalist Christian Baldensperger, a RFI reporter and French citizen who wrote under the name "Jean Helene." Theodore was sentenced to 17 years imprisonment. Sery appealed the judgment, and the appeal was pending at year's end.

On November 7, French Licorne forces in Duekoue, in the West, killed Antoine Masse, an English teacher and correspondent of Le Courrier d'Abidjan, a private daily newspaper close to President Gbagbo, as he was standing with villagers who were blocking the road to prevent passage of the French soldiers.

There were several reports that security forces beat and harassed journalists. For example, on January 16, Minister of Vocational Education Youssouf Soumahoro detained and confiscated equipment from two journalists for the private daily Le Courrier d'Abidjan who were covering a student demonstration in which students invaded Soumahoro's office. Reporters Without Borders insisted that the Minister return the seized equipment. The equipment was later returned.

On January 31, presidential guards severely beat a photographer in Yamoussoukro when they learned that he was working for the opposition newspaper Le Patriote and two other journalists who attempted to come to his aid. On February 16, President Gbagbo ordered the release of the photographer; however, he was not released immediately.

During the March 25 and 26 protest, the Committee to Protect Journalists (CPJ) reported that several journalists and media workers were harassed. For example, police arrested and beat journalist Dembele Al Seni and reporter and photographer Agbola Mesmer, both working for the private pro-opposition daily Le Patriote. They were later released. Republican Guard detained and beat Kady Sidibe, a photographer working for Le Patriote, while Sidibe covered a demonstration in Treichville, in southern Abidjan.

Gendarmes brutally attacked Guira Safi, Soumahoro Vamara, and Kone Malick, respectively copy editor, driver, and webmaster for the private pro-opposition daily Le Liberal Nouveau, at a roadblock during an interrogation.

Presidential guards threatened Habiba Dembele, a reporter for the state-owned television station TV2, and Drame Lancine, a TV2 cameraman, with death for filming the arrest of protestors.

Police arrested journalist Laurent Banga and his cameraman, Joseph Konan. They were detained for several hours before being released without charge.

On March 30, the CPJ wrote to President Gbagbo to complain about the attacks against journalists by security forces and the censoring of news outlets during the March 25 and 26 events. The CPJ encouraged the Government to take measures to ensure that journalists can safely report on problems of public concern.

The Young Patriots continued to destroy independent and opposition newspapers in several regions of the country and to threaten newspaper vendors. In July, Edipresse, the national newspaper distributing company, stopped sending any newspapers to Gagnoa, President Gbagbo's home region, because the Young Patriots were forcibly preventing pro-opposition newspapers (Le Patriote (pro-RDR), Le Liberal (pro-RDR), Le Front (pro-RDR), Le Jour (independent), 24 Heures (independent), and le Nouveau Reveil (pro-PDCI) from being sold in that region, by attacking the vehicles and the drivers transporting those newspapers and by removing them from newsstands. A few weeks later Edipress resumed sending newspapers to Gagnoa.

The Young Patriot campaign to block distribution of pro-opposition newspapers increased and spread throughout government-held territory. Then in November, following the collapse of a ceasefire agreement between government and rebel forces, gangs of youth militias reportedly linked to the ruling FPI party attacked the offices of opposition media. On November 4, more than 100 armed youths attacked the offices of opposition newspapers Le Patriote, 24 Heures, Le Nouveau Reveil, and Le Liberal Nouveau, looting and destroying equipment and documents. These newspapers ceased publishing for several weeks because

of the damage to their premises and equipment. The Media Foundation of West Africa and, RSF noted that on 26 October, unidentified individuals had threatened vendors in Abidjan, warning them not to carry copies of these newspapers.

On November 19, the Minister of Human Rights Victorine Wodie denounced these actions.

After the November 4 events, Edipresse stopped distributing eight opposition newspapers in government-held territory citing security concerns--the four whose offices had been attacked and also Le Front, Ivoire Matin, Le Journal des Journeaux, and Le Jour Plus. On December 2, a court order compelled Edipresse to start distributing opposition newspapers again.

Several journalists continued to receive threats during the year from unknown persons. For example, on June 11, following the publication in *Fraternite Matin* of an article very critical of President Gbagbo and the Government, the author received telephone death threats.

There also were several reports during the year that foreign journalists were subjected to government harassment and intimidation. For example, in April, Guy Andre Kieffer, a Franco-Canadian journalist working for the French-based newspaper *La Lettre du Continent*, has been missing since April 16 (see Section 1.b.). Baudelaire Mieux, a local journalist working for the Associated Press and a friend of Kieffer's started to receive threatening telephone calls. Mieux left the country.

Since the killing of Jean Helene in 2003 and the disappearance of Guy-Andre Kieffer on April 16, many western journalists concerned about their security relocated to other parts of West Africa. France 2 channel transferred to Dakar and RFI closed its office in Abidjan.

No action was taken against members of the security forces or youth groups loyal to President Gbagbo who beat and harassed journalists during the year, in 2003, or in 2002.

The Government exercised considerable influence over the official media's program content and news coverage, using them to promote government policies and criticize the opposition. Much of the news programming during the year was devoted to the activities of the President and government officials. Minister of Communications Soro frequently complained that the Government has not freely accorded television airtime to opposition party members, including himself.

Following the 2002 rebellion, the Government gradually reduced press freedoms in the name of patriotism and national unity. On June 8, FPI Acting Minister of Communication Alphonse Douati, issued an administrative notice announcing censorship of the state media to "ensure the protection of state interests and safeguard republican institutions." The notice indicated that in dealing with the information relating to the attacks on the positions of the FANCI in Gohitafla, in the center west, and in Ity in the west, the treatment of the certain issues must be submitted for approval to the cabinet of the Minister: Any defense and security information concerning the attack in June; any statement made by the political parties on the subject, as well as the statements made by the rebel movements; any live intervention, statement, or debate, relating to the security of the State; and the guide program drawn up at the end of the editorial staff meeting, when it includes subjects dealing with the security of the State. To enforce these measures, the notice announced the designation of two journalists at the radio and at the television stations to prevent the broadcasting of news likely to endanger the security of the country. Following this notice, all news reporting from government-owned media solely reflected the viewpoint of the ruling party.

The law authorizes the Government to initiate criminal libel prosecutions against officials. In addition, the State may criminalize a civil libel suit at its discretion or at the request of the plaintiff. Criminal libel was punishable by from 3 months to 2 years in prison.

On March 31, Gaston Bony, publisher of a private newspaper, *le Venin*, and main speaker on the community radio station in Agboville, the *Agneby Voice*, was tried and sentenced to 6 months' imprisonment and fined \$930 (500,000 CFA francs) in a libel suit. His newspaper had published an article that the Mayor of Agboville had embezzled \$5,570 (3 million CFA francs) of the radio station's grant.

While there was still self-censorship in the press, some newspapers were significantly more critical of presidential and government actions than in the previous year. Independent daily newspapers and opposition party dailies frequently examined and called into question the government's policies and decisions.

In rebel-held territory, rebels broadcast from Bouake and aired their own programming, which included radio shows that were heard in towns and villages around Bouake and, according to some reports, in the political capital, Yamoussoukro. In the western part of the country, MJP rebels also broadcast on a local radio station around Man. At year's end, the NF were occasionally allowing the broadcast of government television or radio programs in their zones. The NF also allowed distribution of all pro-government papers and most independent newspapers in their territory.

In the rebel-held zones, rebel forces also beat, harassed, and sometimes killed journalists. On February 11, while traveling in Vavoua to report on the redeployment of the administration in the zones under rebel control, rebel forces arrested a *Fraternite Matin* correspondent. He was held prisoner for 5 hours and prevented from traveling by the warlord Kone Zakaria.

On February 14, two regional correspondents of *Fraternite Matin*, Youssouf Sylla and Diallo Mohamed stated that they were

leaving Bouake due to daily telephone death threats.

In rebel-controlled Bouake, the correspondent of independent daily l'Inter disappeared from August to October. He later reported that in August rebels detained and tortured him for 5 days, and then he went into hiding until October because of continued threats from the rebels (see Section 1.b.).

There were no developments in the 2003 arrest of journalist Zabnl Kovkovgnon.

The Government did not restrict access to or distribution of other electronic media.

The Government limited academic freedom through its proprietary control of most educational facilities, even at the post-secondary level. A presidential decree required authorization for all meetings on campuses.

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

Members of the pro-Gbagbo FESCI undertook a number of violent actions to further their political goals, particularly to disrupt the work of officials appointed by opposition ministers and to intimidate other students (see Section 1.c.). On January 14, FESCI students protested against the Minister of Technical Education's, a New Forces member, decision to replace the Directors of the vocational and technical schools. The students harassed and beat the new Director, and destroyed administrative documents.

On January 16, approximately 100 FESCI students forced their way into the Minister of Technical Education's office and destroyed it. Several of the Minister's aides were injured. French and U.N. peacekeepers stopped the students and assisted the Minister. Approximately, 30 demonstrators were arrested.

On May 18, FESCI members forced their way into the French International Mermoz high school, attacking the students and a teacher. The school guards and the police succeeded in dispersing the FESCI students. Following the incident, the French Embassy closed French schools in Abidjan for several days.

On June 7, during the payment of students' scholarships on the University of Cocody campus, members of FESCI demanded that members of National Trade Union of Health Science Students (SYNESS) pay \$28-47 (15,000–25,000 CFA francs) from their scholarships to FESCI. When they refused, the members of FESCI responsible for collecting dues violently attacked the leaders of SYNESS. FESCI members then ransacked the rooms of the health science students, blocked their access to the schools and hospitals for training, and threatened to kill SYNESS leaders if they protested. On June 14, the Secretary General of SYNESS wrote a letter to the Government and to various foreign Embassies, requesting protection during the payment of scholarships and compensation for the physical and material damages; however, no further action was taken by year's end.

b. Freedom of Peaceful Assembly and Association

The Constitution allows for freedom of assembly; however, the Government sometimes restricted this right in practice. Groups that wished to hold demonstrations or rallies were required by law to submit a written notice of their intent to the Ministry of Security or the Ministry of Interior 3 days before the proposed event. No law expressly authorizes the Government to ban public meetings or events for which advance notice has been given in the required manner. In practice, the Government prohibited specific events deemed prejudicial to the public order; even if authorization was granted, it later could be revoked.

There were numerous demonstrations during the year. There were few instances of police forcibly dispersing demonstrations, when the demonstrators supported the ruling party; generally they allowed the demonstrations to proceed. However, security forces on occasion used excessive force to disperse demonstrators.

In March, a day after the G7 parties announced their decision to organize a march at the plaza of the Republic, President Gbagbo issued presidential decree banning all demonstrations in the capital from March 11 until April 30. He also signed a decree mobilizing the military to deploy forces throughout the city, citing fears that opposition groups were "plotting a coup." Commanders of the armed forces decreed that the area around the presidential palace would be considered a "red zone" in which demonstrators would be considered "enemy fighters and treated as such without warning."

On March 25, the Government used lethal force to suppress a march held by opposition parties and also sought out and killed opposition supporters who did participate in the demonstration (see Section 1.a.).

On June 8, the Young Patriots attacked French citizens and ONUCI peacekeepers in Abidjan, damaging 30 U.N. vehicles. In addition, the demonstrators looted and destroyed several vehicles and wounded about 40 French citizens. The demonstrators accused ONUCI and French peacekeepers of conspiring with rebels who earlier attacked positions of the armed forces in the central western region of the country. Authorities strongly condemned the demonstrations, which forced the closure of all French schools in the country. There were no reports of arrests.

No action was taken against security forces who used excessive force to disperse demonstrations in previous years.

Unlike in the previous year, there were no demonstrations held by persons with disabilities during the year.

On June 16, the gendarmerie of Sinfra arrested three local leaders of the RDR's Youth Section in Konifla for holding a meeting. Two of the persons arrested were released shortly after their arrest. However, Adama Fofana, the local secretary general, was kept in detention, and released on June 18, following the announcement of his arrest in newspapers.

In NF-controlled territory, there were numerous demonstrations throughout the year, usually organized by the MPCJ and in support of the NF and against President Gbagbo.

The Constitution provides for freedom of association and the Government generally respected this right in practice. The Government allowed the formation of political parties, trade unions, professional associations, and student and religious groups, all of which were numerous.

All parties and NGOs must register with the Ministry of Interior before commencing activities. To obtain registration, political parties had to provide information on their founding members and produce internal statutes and political platforms or goals consistent with the Constitution. There were no reports that the Government denied registration to any group, but processing rarely was expeditious. There were more than 100 legally recognized political parties, 7 of which were represented in the National Assembly (see Section 3). The Constitution prohibits the formation of political parties along ethnic or religious lines; however, in practice ethnicity and religion were key factors in some parties' membership (see Sections 2.c. and 5).

Loyalists of President Gbagbo's FPI party had youth patriot groups with thousands of members in Abidjan neighborhoods and in towns and cities throughout southern, central, and western regions. The common factors with these groups were that they were linked to President Gbagbo and the FPI, were anti-French, anti-"foreigner" and anti-Marcoussis Accord. Gendarme and army officers led some groups in physical training. Belligerent patriot groups rallied in neighborhoods, called for "armed resistance" and harassed and intimidated residents and merchants. There were persistent reports that some patriot groups had arms or had ready access to arms. The Presidency sponsored some of these groups, tolerated others, but did not have complete control over some of them.

There continued to be reports that presidency-supported militias harassed and assaulted peasant farmers, many of whom were migrants from other West African countries. According to HRW, most of the militia members are Bete (the ethnic group of President Gbagbo) or members of groups related to Bete.

On August 15, members of the Patriotic Grouping for Peace (GPP), an organization banned by the Government at a Council of Ministers meeting in October 2003 for its violent activities, invaded the Marie Therese Institute, a state women's vocational training school in Abidjan and turned it into a military training camp for young hardline supporters of President Gbagbo. On occasions, members of the GPP also bullied and extorted funds from the numerous vendors working in the neighborhood, accusing them of being infiltrated by rebels. In spite of requests made by the Minister of Family, Women, and Children in charge of the Marie Therese Institute, the Minister of Security or the Government did not take any action to expel the members of the GPP from the school, and at year's end, GPP members continued their activities in Abidjan's Adjame district.

c. Freedom of Religion

The Constitution provides for freedom of religion and the Government generally respected that right. However, after 2002, the Government targeted persons perceived to be perpetrators or supporters of the rebellion, who often were Muslim. Strong efforts by religious and civil society groups have helped prevent the crisis from becoming a religious conflict. The targeting of Muslims suspected of rebel ties diminished somewhat during the year.

There was no state religion; however, for historical as well as ethnic reasons, the Government informally favored Christianity, in particular the Roman Catholic Church. Catholic Church leaders had a stronger voice in government affairs than their Islamic counterparts, which led to feelings of disenfranchisement among some Muslims. The Government restructured the cabinet after the Marcoussis Accord, and at least 12 of the 41 ministers, along with the Prime Minister, are Muslims.

Unlike in the previous year, there were no reports that security forces killed Muslim leaders.

Following the conflict in 2002 and during the year, there were credible reports of military and security forces committing abuses, including reprisal killings, against presumed rebel sympathizers, which included many Muslims (see Section 1.g.). Unlike during the previous years, there were no reports that government forces and unknown assailants linked to the Government detained and questioned Muslim leaders. There were no reports that persons were beat or detained solely on religious grounds.

The law requires religious groups desiring to operate in the country to register; however, registration was granted routinely.

Although nontraditional religious groups, like all public secular associations, were required to register with the Government, no penalties were imposed on groups that failed to register.

Members of the country's largely Christianized or Islamic urban elites, which effectively controlled the State, generally were disinclined to accord to traditional indigenous religions the social status accorded to Christianity and Islam.

Some Muslims believed that their religious or ethnic affiliation made them targets of discrimination by the Government with regard to both employment and the renewal of national identity cards. As northern Muslims shared names, style of dress, and customs with several of the country's predominantly Muslim neighboring countries, they sometimes were accused wrongly of attempting to obtain nationality cards illegally to vote or otherwise take advantage of citizenship. This created a hardship for a disproportionate number of Muslim citizens.

There have been several reports of violence and increased Christian/Muslim tensions, generally in the north and west regions.

Relations between Muslims and Christians, specifically Catholics, improved during the year. In January, to celebrate the New Year, leaders of all major religious groups and the Minister of Religion met within the Forum of Religious Groups, an NGO-inspired, interdenominational gathering. In April an interfaith memorial service was held in Abidjan to mourn those killed during the March 25 and 26 demonstrations. Religious leaders continued to attend each other's main religious celebrations, setting an example of reconciliation for their respective communities.

There were some societal discrimination against Muslims and followers of traditional indigenous religions (animists).

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

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

The Constitution does not provide specifically for these rights, and the Government restricted freedom of movement during the year. The Government generally did not restrict internal travel; however, security forces and water, forestry, and customs officials frequently erected and operated roadblocks on major roads, where they demanded that motorists or passengers produce identity and vehicle papers and regularly extorted small amounts of money or goods for contrived or minor infractions. Extortion was particularly high for those intending to travel north from government-controlled areas to NF territory.

During the year, security forces or local civilian "self defense committees" erected numerous roadblocks and harassed and extorted travelers, commercial traffic and truckers, foreigners, refugees, and others; however, there were fewer such reports by year's end (see Sections 1.a. and 1.d.). Uniformed forces and civilian committees demanded payment at each roadblock, sometimes reportedly beat and detained those who could not pay.

Persons living under NF authority regularly faced harassment and extortion when trying to travel between towns, and to the government-controlled south. Local military authorities regularly sold passes required of travelers. Security and defense forces also victimized northerners when they tried to cross into the zone under government control. Due to the closure of banks in the north at the onset of the crisis, northerners were forced to cross into the south and back to conduct all banking business, including collecting remittances (upon which many northerners depend). Government workers in the north must also travel into the south to collect their salaries. The cost of either paying the way through the various barricades or hiring a money runner to do so was substantial.

There were cases during the year when members of the opposition were victims of police harassment at the airport. There were also cases when foreigners were prevented from traveling between the north and the south.

On April 18, Adama Tounkara, RDR Mayor of Abobo, was arrested but not detained after his arrival at Port Bouet airport in Abidjan. An officer informed him that the police superintendent of the airport wanted to keep his computer. The airport police superintendent confirmed having received instructions from the Director General of the DST via the Chief of Staff of the Minister of Security. The Minister of Agriculture, who was traveling with Mayor Tounkara, instructed the officials to let Mr. Tounkara leave the airport with his computer.

On May 18, President Gbagbo required government ministers to get his approval for travel out of the country. On May 23, the PDCI Minister of Industry and Promotion of the Private Sector, Ahoussou Kouadio, was held briefly at Port Bouet airport by a police officer who informed him that he had received orders from the President not to let him leave the country. The police officer also informed the Minister that he had received instructions from the Director General of the Police to seize his passport. Although the Minister was carrying a mission order signed by the Secretary General of the Government on behalf of President Gbagbo, he had to cancel his trip.

On May 29, seven buses coming from Burkina Faso destined for Guiglo were stopped in Duekoue and sent back. The buses were carrying Burkinabe and Malian passengers. Security forces at the checkpoint in Duekoue told the passengers that citizens of Burkina Faso and Mali were not authorized to travel in the zone under government control.

On June 9, at a checkpoint in Tiebissou in the zone under government control, FANCI forces stopped 20 buses carrying approximately 1,500 passengers from Mali and Burkina Faso. Many of them were residents of Cote d'Ivoire who were going back to Divo, Meagui, or Gagnoa where they had cocoa plantations. The group was held for several days. Some returned to

their countries of origin, and some were successful in crossing into government territory. On June 17, the NF wrote to the Presidents of Mali and Burkina Faso to inform them that according to NGOs, in 9 days the FANCI had sent back 1,907 Burkinabe and 139 Malian passengers, in violation of the African Charter on the Freedom of Movement of People and Goods.

The Marcoussis Accord required that a revised citizen Identification and Naturalization Law be enacted within 6 months to settle citizenship and naturalization questions. At year's end, an identification and naturalization law had been passed but in a form unacceptable to the opposition. The Marcoussis Accord also declared that the residence permit program for foreign residents should be replaced. The residence permit program for foreigners had not been replaced by year's end.

The Constitution specifically prohibits forced exile, and no persons were exiled forcibly during the year. However, due to the numerous death threats that they received at the outbreak of the rebellion, and that they kept receiving after each major event, several members of the RDR, including the President of the party, former Prime Minister Alassane Ouattara, as well as members of other opposition parties were still in exile in Europe or in neighboring African countries.

During the year, there were still large numbers of internally displaced persons (IDPs) in the country, a direct result of the crisis that began in 2002. Rebel forces and forces loyal to the Government did not generally target civilians, but the fighting forced many persons to flee the zones of conflict, and others simply felt uncomfortable in the side of the divided country that they found themselves in initially. The U.N. Office for the Coordination of Humanitarian Affairs (OCHA) estimated that as many as 1 million persons were displaced initially, of whom perhaps half (300,000 Burkinabe, 150,000 Malians, and 50,000 Guineans) were foreign residents who left by early 2003 but have been returning or attempting to return to their former communities of origin in northern and western parts of the country. Local authorities has blocked some who have tried to go back to their villages and fields in government-held territory, claiming that it would be unsafe to do so because of "security concerns." Road blocks and toll collection points have made it difficult for civilians to move in both sides of the country.

There are perhaps as many as half a million IDPs who in many cases fled from the NF held north to the government-held south. This exodus was particularly evident in the country's second largest city, Bouake, where a pre-crisis population of over 500,000 was estimated at only 300,000. Many of these displaced persons were living with family and friends in Abidjan and other large towns. At year's end, there were still approximately 300,000 IDPs in the country. Most of the IDPs were in urban areas but were in smaller towns. These IDPs were invisible, but have placed heavy burdens on host communities, especially given the prolonged nature of the crisis. Government assistance, especially in the north where civil servants and infrastructure were not in place, did not meet the needs of these IDPs. International and local NGOs were working to fill the gap.

There is a specific group of IDPs who were resident in the two "official" IDP camps located near Guiglo. These are the 4,000 Burkinabe who fled the fighting near Bolequin, west of Guiglo. Due to the ethnic tensions between the local Guere population and these persons of Burkinabe descent (many were born in the country but never sought or received citizenship), these IDPs have been unable to return to their villages or fields. The international community, with the approval of the Government, provides assistance to these IDPs, but little or no effort has been made to solve the underlying ethnic tensions, based mainly on land tenure issues, that prevent them from going home. It was generally acknowledged that the conditions in the camp are poor compared with the 8,000 Liberian refugees in the nearby Nicla refugee camp ("Peacetown"), since the refugee camp is maintained according to stricter U.N. High Commissioner for Refugees (UNHCR) standards for housing, water, sanitation, health services, education, etc.

Article 12 of the Constitution provides for the granting of asylum or refugee status to persons in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established procedures for providing such protections. The Government provided protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee and asylum status. A new law that went into effect on May 3 provides asylum seekers or refugees with legal status, including the right to work. The Government also cooperated with the UNHCR and other humanitarian organizations in assisting refugees, and maintained an office charged with assisting refugees and other stateless persons. According to the director of this office, during the year the Government granted refugee status to approximately 80 individuals and continued to work on determination of the status of the 50,000 Liberians who arrived in the west of the country in May 2003.

The Government also provided temporary protection for individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol. There were an estimated 67,000 refugees in the country, the vast majority of whom were Liberians. During the year, the Government continued to admit new Liberian refugees, and before the November bombings there were about 70,000 Liberian refugees. Approximately 1,000 Liberians went back to Liberia along with 10,000 Ivoirians in the wake of the attacks.

Various West African governments complained about the harassment their citizens faced in the country. The U.N. and other international organizations documented abuses against foreigners in Abidjan that included arbitrary arrest, beating, and theft of money and valuables. These complaints diminished during the year, and there were no large-scale of departures by foreigners due to harassment.

Although the Government maintained a policy of according refugee status, individual security officers often did not honor identity documents issued to refugees by the UNHCR. There were frequent reports that security officers stopped refugees to ask for identity documents. When the refugee produced only a UNHCR document, the security officers often also demanded money. There also were credible reports that security forces destroyed refugees' identity documents, arbitrarily detained, and

occasionally beat refugees. The identity card law included provision for the issuance of identity cards to refugees; according to the director of the government office for assisting refugees and stateless persons, the Government has started the process of issuing these cards.

During the year, the Government continued to repatriate citizens who took refuge in Mali after the rebel takeover of the north.

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

The Constitution provides for the right of citizens to change their government peacefully through democratic means; however, significant violence and irregularities marred presidential and legislative elections held in 2000. The Constitution and Electoral Code provide for presidential elections and legislative elections every 5 years by a single and secret ballot. The Constitution, which was formally implemented in 2000, also continues the tradition of a strong presidency.

The 2000 presidential elections followed several postponements and a controversial Supreme Court decision disqualifying 14 of the 19 candidates, including all of the PDCI and RDR candidates. RDR leader Ouattara was excluded from running in the presidential and legislative elections following the Supreme Court's ruling that he had not demonstrated conclusively that he was of Ivorian parentage. The Constitution includes language that is considered more restrictive than the Electoral Code on questions of parentage and eligibility requirements for candidates. Furthermore, the Court maintained that Ouattara had considered himself a citizen of Upper Volta (Burkina Faso) earlier in his career. The Court also disqualified Emile Constant Bombet, PDCI candidate and former Interior Minister, because of pending charges of abuse of office when he was Minister, and former President Bedie, who also was president of the PDCI party, because he did not submit the required medical certificate.

As a result of the Supreme Court decision, most international election observers declined to monitor the election. The nationwide participation rate was 33 percent, and some polling places, especially in the north, closed early because of the lack of voters. Preliminary results showed that Gbagbo was leading by a significant margin. However, on October 24, 2000, Daniel Cheick Bamba, an Interior Ministry and National Elections Commission (CNE) official, announced on national radio and television that the CNE had been dissolved and declared General Guei the victor with 56 percent of the vote. Thousands of Gbagbo supporters protested, demanding a full vote count. Mass demonstrations resulted in numerous deaths and injuries, and on October 25, 2000, national radio and television reported that General Guei had stepped down.

The 2000 National Assembly election was marred by violence, irregularities, and a very low participation rate. Largely because of the RDR boycott of the elections to protest the invalidation of Ouattara's candidacy, the participation rate in the legislative election was only 33 percent. In addition, the election could not take place in 26 electoral districts in the north because RDR activists disrupted polling places, burned ballots, and threatened the security of election officials.

Following the legislative by-elections in 2001, 223 of the 225 seats of the National Assembly were filled: The FPI won 96 seats, the PDCI 94 seats, the Ivorian Worker's Party (PIT) 4 seats, very small parties 2 seats, independent candidates 22 seats, and the RDR (in spite of its boycott of all of the legislative elections) 5 seats. The two seats from Kong, where Ouattara planned to run, remained unfilled as the RDR, the only party running in that electoral district, boycotted the elections.

Citizens' ability to elect subnational governments was limited. The State remained highly centralized. At the level of the region (regional prefect), the department (prefect), and the district (sub-prefect), the Government appointed office holders. Other departmental and community officials, including mayors, were elected, as were some traditional chieftains. Subnational governments relied on the central government for most of their revenues, but mayors had autonomy to hire and fire community administrative personnel.

In 2002, the country held its first departmental (provincial) elections. Voters selected 58 departmental councils to oversee local infrastructure development and maintenance as well as economic and social development plans and projects. The elections were fraught with poorly administered distribution of voter cards, widespread voter intimidation, and other irregularities.

Following the Marcoussis Accord in January 2003, President Gbagbo and Prime Minister Diarra formed a reconciliation government with ministers from all major political parties and the three ex-rebel parties. Of the 41 portfolios, the FPI maintained 10 ministerial posts; the PDCI, RDR, and MPC 7 posts each; UDPCI and PIT 2 posts each; and MPJ, Movement of Forces for the Future, Democratic and Citizen Union, and MPIGO 1 post each. The Ministers of Defense and Security, named in September 2003 after several months of deadlocked negotiations, were neutral and not formally associated with any political party.

In April 2003, President Gbagbo issued a decree listing the powers and duties of the new Prime Minister. The 16 duties include: Disarmament; the reestablishment of the territorial integrity of the country; the liberation of prisoners of war; the reformulation of defense and security forces; an amnesty for all those detained or exiled for actions against the state; the reestablishment of normal economic, social, and administrative functions; the reform of the naturalization process; the preparation of the organizational framework for the conduct of future elections; the regulation and promotion of a free and neutral media; the reinsertion of military units previously demobilized; and application of laws related to human rights.

On August 9, as mandated by Accra III, President Gbagbo issued another decree regarding the duties of the Prime Minister, which included: Definition of the national reconciliation policy in accordance with Marcoussis Accord, translation of policy on a

national reconstruction program, coordination of relations with development and financing agencies, assurance of implementation of the Government's policy on DDR, and preparation of a schedule for free and fair elections. This decree was meant to legalize the Prime Minister's abilities to carry out the Marcoussis Accord free of interference from the President.

In December, the National Assembly also made changes to the Nationality Code and adopted a Special Law on Naturalization, legislation that was envisioned by the Marcoussis Accord to resolve the dispute over which persons born in Cote d'Ivoire of foreign parents before 1972 should be entitled to citizenship, and to simplify procedures to obtain citizenship for this group and for foreigners married to citizens. The legislation that was eventually passed resolved the citizenship question for those born before 1960, but not for those born between 1960 and 1972.

The youth wings of political parties were allowed to organize and were active. The youth wing of the governing FPI party (JFPI) was a less of a political force than in previous years. JFPI activity was ongoing; however, youth patriot groups conducted most activities during the year (see Section 2.b.). Many of the members of the JFPI were likely members of some of these patriot groups. During the year, militia groups such as the Young Patriots and the GPP drew large crowds at demonstrations in Abidjan and elsewhere (see Section 2.b.). The youth wings of the PDCI and RDR kept a low profile, especially after the killings of 120 members of the opposition at the G7 March 24-25 demonstration that was violently repressed by the defense and security forces (see Section 1.a.), but staged some low profile activities during the year.

Government corruption and lack of transparency remained a serious problem during the year. It was common for judges open to financial influence to distort the merits of a case. Corruption has the greatest impact on judicial proceedings, contract awards, customs, and tax issues.

Women held 19 of 225 seats in the National Assembly. The first vice president of the National Assembly was a woman. Women held 7 of the 41 ministerial positions in the cabinet. Of the 41 Supreme Court justices, 4 were women. Henriette Dagri Diabate served as Secretary General of the RDR, the party's second ranking position, and was also the Minister of Justice.

Following the Marcoussis Accord, at least 12 of the 41 ministers were Muslim, along with the Prime Minister. In the National Assembly, 44 out of 223 Members of Parliament were Muslim.

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

A number of domestic and international human rights groups, including LIDHO, MIDH, Justice Action, and the Committee of Victims of Cote d'Ivoire, generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The Government occasionally met with some of these groups. During the year, members of MIDH received death threats on several occasions.

During the year, LIDHO, MIDH, and other human rights groups gathered evidence and testimony on events. They also frequently published letters and statements in certain independent local daily newspapers that publish them, often criticized state security forces. MIDH officials stated that they were constantly threatened and that two members went into hiding for several months after receiving death threats following MIDH's reporting on French radio RFI of government actions during the March 25 and 26 events. Subsequently, in December, the president of MIDH went into hiding after MIDH released a report on the November events that criticized the actions of pro government demonstrators. Authorities said they would investigate the incident, but there were no reports of an investigation or arrests in the 2003 ransacking of MIDH's offices at year's end.

There were no reports that the Government suppressed international human rights groups or denied them visas; however, on occasion the Government has restricted their access to certain areas that the Government deemed sensitive and often denigrated their work.

During the year, the Government regularly permitted access to the World Food Program (WFP), the ICRC, and other international humanitarian organizations. Eleven U.N. agencies, including the International Labor Organization (ILO) and the World Health Organization (WHO), were resident and active throughout the year.

Local newspapers covered reports by several international human rights organizations that were critical of both the Government's and the rebels' human rights records.

In April, a U.N. International Investigation Committee came to the country to look into the violence of March 25 and 26. In July, a five-member independent commission appointed by the U.N. began a 2-month investigation into human rights violations committed since the 2002 rebellion, throughout the country. In July, a special U.N. team confirmed the existence of mass graves in Korhogo (see Section 1.g.).

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution and the law prohibit discrimination based on race, ethnicity, national origin, sex, or religion; however, in practice women occupied a subordinate role in society. Ethnic discrimination and division were problems.

In February, Mr. Doudou Diene, Special Rapporteur of the U.N. Human Rights Commission on Racism, Racial Discrimination, Xenophobia, and Intolerance carried out a 12-day investigation in the country. After visiting several parts of the country and meeting with political parties; the Government; the New Forces; and the representatives of ethnic, religious, and spiritual communities, Mr. Doudou Diene said that the country did not have a tradition of xenophobia but was entering a xenophobic dynamic.

Women

Representatives of the Ivorian Association for the Defense of Women (AIDF) and other NGOs active in the field of the protection of women or the promotion of non-violence stated that spousal abuse (usually wife beating) occurred frequently and often led to divorce. Female victims of domestic violence suffered severe social stigma and as a result often did not discuss domestic violence. The courts and police viewed domestic violence as a family problem unless serious bodily harm was inflicted, or the victim lodged a complaint, in which case they could initiate criminal proceedings. However, a victim's own parents often urged withdrawal of a complaint because of the shame that affected the entire family. The Government did not collect statistics on rape or other physical abuse of women. The Civil Code prohibits, and provides criminal penalties for, forced or early marriage and sexual harassment, but contains nothing about spousal abuse, and the Government had no clear policy regarding spousal abuse.

During the year, women's advocacy groups continued to protest the indifference of authorities to female victims of violence. The groups also reported that victims of rape or domestic violence often were ignored when they attempted to bring the violence to the attention of the police. AIDF and the Republican Sisters, another women's NGO, continued to seek justice on behalf of rape victims but had made no progress by year's end. AIDF ran a house for battered girls and wives, which reportedly received approximately 18 battered women per week in 2003. MIDH provided legal, medical, and psychological assistance to battered women.

During the year, the Ministry of Women, Family, and Children's Affairs undertook to convince the mayors of the 10 districts of Abidjan to open and maintain permanent psychological assistance centers in the city halls for battered women and children. The Ministry also tried to get the mayors of eight large towns to open similar centers. By year's end, the Minister of Women, Family, and Children had been able to open up three centers in the districts of Yopougon, Treichville, and Abobo.

During the year, the National Committee in charge of Fighting against Violence against Women and Children of the Ministry of Women, Family and Children's Affairs continued to receive women and child victims of violence. According to an employee of the Ministry, the National Committee received approximately 10 victims every week. Most of them were battered women from the populous districts of Yopougon, Abobo and Adjame. Some of the victims were young girls from Dabou or Port Bouet, trying to escape FGM or forced marriage, and some were young maids who were victims of abuses. The National Committee of the Ministry had a hotline for social and psychological assistance. The Committee helped women to stay with relatives and informed the husbands of the legal actions that may be taken for wife beating. If the husband agrees to stop spousal abuse, the wife returned home, and a Committee member monitored the situation through frequent visits. Young girls who feared becoming a victim of FGM or forced marriage or maids who were victims of abuse may appeal to the Committee, which then arranged for the victim to stay in a center run by an NGO such as the BICE or in one of the district social centers run by the Ministry of Solidarity and Social Security. By threatening the parents with legal action, the Committee usually succeeded in stopping the abuse and in improving the child's situation.

FGM was a serious problem. The law specifically forbids FGM and imposes on those who perform it criminal penalties of imprisonment for up to 5 years and a fine of approximately \$690 to \$3,800 (360,000 to 2 million CFA francs); double penalties apply to medical practitioners. In August, the National Committee in charge of Fighting against Violence against Women and Children had arrested an FGM practitioner who was preparing to perform FGM on four girls in Yopougon Km 7, in Abidjan. The legal counsel of the Ministry initiated legal action against the practitioner by referring the matter to court; there was no update on the case at year's end. In August, the Committee had another FGM practitioner arrested in Port Bouet, Abidjan.

FGM was practiced most frequently among rural populations in the north and west and to a lesser extent in the center and south. The procedure usually was performed on young girls or at puberty as a rite of passage, with techniques and hygiene that did not meet modern medical standards. According to WHO and the AIDF, as many as 60 percent of women have undergone FGM. Many families in cities went back to their villages to have their daughters circumcised. The practice was declining in popularity, but persisted in many places. In July, the National Committee for the Fight Against Harmful Traditional Practices adopted more efficient strategies to combat FGM including raising the awareness of traditional chiefs, the creation of a permanent executive board, and the training of victims who could in turn sensitize the families of potential victims. In July, the Madinani Theater Company continued its sensitization campaign in Abidjan through plays.

During the year, the Djiguiba Foundation of Imam Cisse Djiguiba, Iman of the Plateau Mosque, Director of the Moslem radio, and Al Bayane, continued a sensitization campaign against AIDS, FGM and forced marriage, through public conferences held in Abidjan, Yamoussoukro and Dabou. On September 8, the Cisse Djuguiba Foundation held a training seminar in Abidjan for members of civil society that featured prominent gynecologists. In addition to the sensitization campaigns, when asked, members of the Djiguiba Foundation visited families to help family heads understand that FGM and forced marriages were not Muslim practices. According to a Djiguiba Foundation member, in many cases, the Djiguiba Foundation succeeded in stopping the procedure. In mosques in Abidjan, imams have started to ask young brides if they agreed to get married before performing weddings.

In July, a newspaper reported that a young woman name Nman Toure had disappeared in May 2003 from her home in Tiassale, in the south. Her father reportedly wanted to force her to marry an older cousin.

Prostitution is not illegal as long as it occurs between consenting adults in private. Soliciting and pandering are both illegal and the police sometimes enforced the law. Women from nearby countries sometimes were trafficked into the country, including for prostitution (see Section 5, Trafficking).

The Constitution and the law prohibit discrimination on the basis of sex; however, women occupied a subordinate role in society. Government policy encouraged full participation by women in social and economic life; however, there was considerable informal resistance among employers to hiring women, whom they considered less dependable because of their potential for pregnancy. Some women also encountered difficulty in obtaining loans, as they could not meet the lending criteria established by banks such as a title to a house and production of a profitable cash crop, specifically coffee and cocoa. Women in the formal sector usually were paid at the same rate as men (see Section 6.e.); however, because the tax code did not recognize women as heads of households, female workers frequently paid income tax at a higher rate than their male counterparts. In rural areas, women and men divided the labor, with men clearing the land and attending to cash crops such as cocoa and coffee, while women grew vegetables and other staples and performed most household tasks.

Women's advocacy organizations continued to sponsor campaigns against forced marriage, marriage of minors, patterns of inheritance that excluded women, and other practices considered harmful to women and girls. Women's organizations also campaigned during the year against the legal texts and procedures that discriminated against women. During the year, the Coalition of Women Leaders continued its efforts to promote greater participation of women in decision-making. In July, the Coalition went to the Accra III conference to try to influence decisions on resolution of the crisis.

Children

The Ministries of Public Health and of Employment, Public Service, and Social Security sought to safeguard the welfare of children, and the Government also encouraged the formation of NGOs such as the Abidjan Legal Center for the Defense of Children.

The Government strongly encouraged children to attend school; however, primary education was not compulsory. Primary education was tuition free but usually ended at age 13. In principle, students do not have to pay for books or fees; however, in practice some still must do so. In addition, they must pay for some school supplies, including photocopying paper. In at least one school, students had to bring their own bench to sit on. Poverty caused many children to leave the formal school system when they were between the ages of 12 and 14. Research in 2002 showed that 67 percent of children 6 to 17 years old attend school: Boys 73 percent, girls 61 percent. The WFP has worked with the Government to establish a countrywide system of school canteens that provided lunches for \$.04 (25 CFA francs).

Secondary school entrance was restricted by the difficulty of the exam, which changed each year, and the Government's inability to provide sufficient spaces for all who wished to attend. A student who fails the secondary school entrance exams does not qualify for free secondary education, and many families cannot afford to pay for schooling. Parental preference for educating boys rather than girls persisted, particularly in rural areas. The Minister of National Education stated that almost one-third of the female primary and secondary school dropout rate of 66 percent was attributable to pregnancies.

Many of the sexual partners of female students were teachers, to whom girls sometimes granted sexual favors in return for good grades or money. The penalty for statutory rape or attempted rape of either a girl or a boy aged 15 years or younger was a 1- to 3-year prison sentence and a fine of \$190 to \$1,900 (100,000 to 1 million CFA francs).

The Ministry of Health operated a nationwide network of clinics for children, infants, and prenatal care staffed with nurses and doctors who served the local residents, whether citizens or noncitizens, free or at low cost. The Health Ministry also conducted a nationwide vaccination program for measles, yellow fever, meningitis, and other diseases and publicized "well baby" contests. Rotary Clubs sponsored a polio vaccination campaign throughout the country. There were no reported differences in the treatment of boys and girls.

In a study released in March 2003, the NGO SOS Sexual Violence surveyed 500 schoolchildren in Abidjan and its suburbs and reported that 27 percent of children had been victims of sexual abuse; 74 percent of the victims were girls and 26 percent boys. Approximately 33 percent had been raped, 15 percent had been the victims of attempted rape; 42 percent had been fondled, and 11 percent were victims of sexual harassment. When the sexual abuse occurred in the family, 54 percent of the assailants were male cousins, 11 percent were female cousins, 5 percent were guardians, and 3 percent were the brothers and sisters.

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

There were reports of trafficking in children (see Section 5, Trafficking).

A knowledgeable U.N. representative reported that in government-held territory, it was common for pro-government militias to recruit children, both on a voluntary and a forced basis.

Child labor remained a problem (see Sections 5, Trafficking and 6.d.).

There were large populations of street children in the cities. In 2002, the government newspaper, *Fraternite Matin*, reported 215,000 street children in the country, of whom 50,000 were in Abidjan. According to numerous credible reports, some children were employed as domestics and were subject to sexual abuse, harassment, and other mistreatment by their employers (see Section 6.d.). No new figures of the number of street children were available for the year, but according to the BICE, the number of street children decreased because the streets were no longer safe. Since the outbreak of the 2002 rebellion the crime rate has increased due to the numerous arms circulating in the country. However, the number of children and more specifically, the number of young girls working in the streets, has increased. Because of the political military crisis, many families, including many displaced families, have become poor and relied on their children who work as street vendors to bring money home. A forum of 15 NGOs worked with approximately 8,000 street children in training centers, similar to halfway houses. The NGOs paid the children a small subsistence sum while teaching them vocational and budgeting skills. The Ministry reported that many street children were reluctant to stay in training centers where they earned no money and were subject to strict discipline.

In the NF-controlled north and west, many schools continued to operate in 2003 despite the Ministry of Education's opposition to funding schools in rebel-held territory zones. UNESCO and UNICEF called on the Government to keep the schools open to reduce youth inactivity and curb their recruitment into rebel forces. In February, following pressure from school children's parents, the NF and international organizations such as UNICEF and UNESCO, the Ministry of Education finally agreed to send inspectors to assess the courses delivered by the volunteers under the supervision of the state teachers who had remained in rebel-controlled territory. The Minister of Education allowed exams to be held in the rebel-held territory and validated the 2003 school year.

During the year, the school year started late in the center and in the north, because many teachers refused to go back to their posts as they feared for their security and their homes had been destroyed. In September, the National Committee in charge of the Redeployment of the Administration in rebel-controlled territory announced that the redeployment of the administration had been completed in the west and that the Government planned to carry out the same operation in the north. The administrative buildings were being repaired and the teachers and other civil servants had started to return when the bombings on the center and the north occurred on November 4-6. As a result, many civil servants again left the rebel-controlled zones and the exams to validate the 2004 school year had not yet been held by year's end.

UNICEF has reported that in the NF-controlled territory, most hospitals have been closed for 2 years, there were very few doctors and nurses, and virtually no routine vaccinations. Fifteen cases of polio have been reported during the year, and the November bombings forced the Ministry of Health to twice postpone the national polio immunization campaign targeted at 5.1 million children. A nationwide measles vaccination campaign for 8.8 million children was also postponed.

There were credible reports that the rebel forces that controlled the north and the west used child soldiers. NGOs reported that in the west, rebel forces were actively recruiting child soldiers from refugee camps and other areas. In the north, many rebel soldiers volunteered at ages 15 or younger. In September, the local representatives of UNICEF and U.N. OCHA, visited Bouake in rebel-controlled territory, informed the special representative of the U.N. Secretary-General in the country that the situation of child soldiers in Bouake was improving, and 752 children were being cared for by the "Children's House," a local organization, with the assistance of the local office of the WFP.

Trafficking in Persons

The law does not prohibit trafficking in persons, and although the Government continued its anti-trafficking efforts, trafficking in persons remained a problem. The Government did not prosecute traffickers during the year. With the continuing crisis, the Government, U.N. agencies, and international humanitarian agencies concentrated on child soldiers and children displaced because of the war, and it was difficult to distinguish trafficked children. The country was a source and destination country for trafficking in women and children from Mali, Burkina Faso, Ghana, Togo, and Benin for the purpose of forced commercial agriculture and domestic servitude.

After 2002, minimal law enforcement continued in government-held territory. The military fronts that divided the country inhibited northern workers from reaching the cocoa, coffee, and other rich agricultural zones in the south where labor demand was high.

There was no good overall estimate of the number of children intercepted or repatriated during the year.

The Government cooperated with neighboring countries, international organizations, and NGOs to combat trafficking in persons. The Ministries of Employment and of Family, Women, and Children's Affairs continued working with Malian authorities to prevent cross-border child trafficking and to repatriate Malian children from the country. They actively sought international funding for their work. The Government also continued to work with the Governments of Burkina Faso, Togo, and Benin on an anti-trafficking in children and repatriation multilateral accord. A national committee for the fight against child trafficking, which included representatives from numerous government ministries; representatives from several national and international organizations and NGOs, such as UNICEF, ILO, Save the Children, REFAMP-CI (network of women ministers and parliamentarians); and the BICE continued its work during the year.

The full extent and nature of the problem was unknown in spite efforts carried out during the year to document the trafficking of

persons in the country. However, there have been changes in the direction and extent of trafficking since 2002. The Ghanaian-Ivoirian border near Aboisso was more frequently used for trafficking persons than in previous years. The primary reason for the increased traffic at this border was that the borders with other countries (Mali, Liberia, Burkina Faso, Guinea) were closed for several months after the onset of the conflict.

The country's cities and farms provided ample opportunities for traffickers, especially of children and women. The informal labor sectors were not regulated under existing labor laws, so domestics, most nonindustrial farm laborers, and those who worked in the country's wide network of street shops and restaurants remained outside most government protection. Internal trafficking of girls aged 9 to 15 sent from all parts of the country to work as household domestics in Abidjan, and elsewhere in the more prosperous south, remained a problem.

The regular trafficking of children into the country from neighboring countries to work in the informal sector in exchange for finder's fees generally was accepted. Children were trafficked into the country from Mali, Burkina Faso, Ghana, Togo, Benin, and Mauritania for indentured or domestic servitude, farm labor, and sexual exploitation.

Women principally were trafficked to the country from Nigeria, Ghana, and Liberia. A local NGO estimated that 58 percent of the female prostitutes in Abidjan were not citizens and reported that a small number of Ivoirian women were trafficked to Europe and the Middle East for prostitution.

Women and children were trafficked from the country to African, European, and Middle Eastern countries.

The controversy over child labor in the cocoa sector in the country continued, and the ILO, the Institute of Tropical Agriculture, and the Chocolate Manufacturers' Association financed studies to document the problem. The survey research, released in 2002, revealed that most children who were working in the cocoa sector worked on the family's farm (approximately 70 percent) or beside their parents. Of the 625,000 working children, 96.7 percent had a kinship relation to the farmer. Others, most frequently the children of extended family members or persons well known to them, indicated their or their family's agreement to leave their respective countries to work on farms in the country to earn money or in search of a better life.

The research suggested that perhaps 5,000 to 10,000 children were trafficked to or within the country to work full or part time in the cocoa sector. It also showed an estimated 5,100 children employed as full-time permanent workers, approximately 3,000 of whom were from Burkina Faso. The survey found another 12,000 children working part time on cocoa farms who had no family ties with the farmer. The research showed that approximately 109,000 child laborers worked in hazardous conditions on cocoa farms in the country in what the study described as the worst forms of child labor. The studies estimated that 59 percent were from Burkina Faso, 24 percent were citizens, and the others were from Mali or other countries to the north. During the year, compared with previous years, there were significantly fewer reports of children from neighboring countries being imported for fieldwork on plantations under abusive conditions.

The Government and the ILO continued to implement their "West African Project Against Abusive Child Labor in Commercial Agriculture" (WACAP), with some interruptions due to security concerns. WACAP was expected to eventually include 30 pilot projects reaching 6,000 displaced children in the country. The projects aimed to increase farmers' awareness, improve schooling for children, and provide better social services to families. In Abogville, in the heart of the cocoa zone, Winrock International continued its project "Alternatives to Child Labor through Improved Education."

Persons with Disabilities

The law requires the Government to educate and train persons with physical, mental, visual, auditory, and cerebral motor disabilities, to hire them or help them find jobs, to design houses and public facilities for wheelchair access, and to adapt machines, tools, and work spaces for access and use by persons with disabilities; however, wheelchair accessible facilities for persons with disabilities were not common, and there were few training and job assistance programs for persons with disabilities. Following the Marcoussis Accord in January 2003, the Ministry of Solidarity, Social Security, and the Handicapped was created. A Federation of the Handicapped was established, headed by an advisor to that Minister. During the year, the Government allocated approximately \$200,000 (10 million CFA francs) to the Federation principally to make buildings more accessible to persons with disabilities. In 1996 the Government announced a program to recruit persons with disabilities for government service; however, by year's end, only 135 had been recruited. The last recruitment was in 2003; there were none during the year.

The law also prohibits the abandonment of persons with mental or physical disabilities and acts of violence directed at them. Adults with disabilities were not specific targets of abuse, but they encountered serious difficulties in employment and education. The Government supported special schools, associations, and artisans' cooperatives for persons with disabilities, but many persons with physical disabilities begged on urban streets and in commercial zones. Persons with mental disabilities often lived in the streets.

Unlike in the previous years, there were no demonstrations by person with disabilities.

Traditional practices, beliefs, and superstitions varied, but infanticide in cases of serious birth defects was less common than in previous years. Many parents no longer believed that children with disabilities were sorcerers or the signs of a curse.

National/Racial/Ethnic Minorities

The country's population was ethnically diverse. Citizens born in the country derived from five major families of ethnic groups. The Akan family comprised more than 42 percent; the largest Akan ethnic group, and the largest ethnic group in the country, was the Baoule. Approximately 18 percent of citizens belonged to the northern Mande family, of which the Malinke were the largest group. Approximately 11 percent of citizens belonged to the Krou family, of which the Bete were the largest group. The Voltaic family accounted for 18 percent of the population, and the Senoufo were the largest Voltaic group. Approximately 10 percent belonged to the southern Mande family, of which the Yacouba were the largest group. Major ethnic groups generally had their own primary languages, and their nonurban populations tended to be concentrated regionally.

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

At least 26 percent of the population was foreign, and of that group, 95 percent were other Africans. There were more than 5 million West African immigrants living in the country. Most of the Africans were from neighboring countries, with half from Burkina Faso. Birth in the country did not automatically confer citizenship. Outdated or inadequate land ownership laws resulted in conflicts with an ethnic and anti-foreigner aspect.

Some ethnic groups included many noncitizens, while other ethnic groups included few noncitizens. There were societal and political tensions between these two sets of ethnic groups. This cleavage corresponded to some extent to regional differences. Members of northern ethnic groups that were found in neighboring countries as well as in the country often were required to document their citizenship, whereas members of formerly or presently politically powerful ethnic groups of the west, south, and center reportedly were not required to do so. Police routinely abused and harassed noncitizen Africans residing in the country (see Section 1.f.). Official harassment reflected the frequently encountered belief that foreigners were responsible for high crime rates, as well as a concern for identity card fraud. Harassment of northerners increased markedly after the 2002 rebellion. The victims of the March 25-26 violence in Abidjan included foreigners as well as northerners.

The Government razed some shantytowns where many poor West African immigrants and citizens lived, rendering tens of thousands persons homeless (see Section 1.f.).

Following the violence in January and February 2003 after the signing of the Marcoussis Accord, many private French citizens left the country. Approximately 350,000 Burkinabe returned to Burkina Faso. The French and the Burkinabe who remained in the country kept a low profile as attacks against them continued during the year (see Section 2.b.).

Since the outbreak of the armed rebellion in 2002, clashes have regularly occurred between the native Guere populations and the Burkinabe and have led to the death of at least 10 persons on both sides. The native populations accused the Burkinabe of being assailants and the rebels' accomplices. However, according to French military sources, the repeated attacks against the non natives (citizens and foreigners alike) were only aimed at stealing the latter's crops or money. An independent newspaper reported that Burkinabe immigrants working with the MPCJ rebels killed 21 Guere farmers from the village of Bloody during the period from January 5 to 10.

In February, young men of the Guere ethnic group in Duekoue, in a zone under government control beat to death three Burkinabe men and seriously injured a fourth. French and FANCI soldiers deployed to prevent clashes between the two communities.

In December, 18 persons were reported killed and 7 injured by gunfire or machete in an outbreak of violence between villagers from President Laurent Gbagbo's Bete ethnic group and settlers from other parts of the country and West Africa near the southern town of Gagnoa. These clashes generally were over land rights and the buying of cocoa beans.

Ethnic tensions led to fighting and deaths, especially in the western areas of the country. During the year, We and Yacouba ethnic groups in the west continued fighting, and hundreds reportedly were killed. In the West and in Duekoue in particular there were violent clashes between the native We population and members of the foreign community, particularly Burkinabe farmers.

During the year, Minister of National Reconciliation Sebastian Dano Djedje and civil society members organized activities aimed at promoting peace between the native We ethnic group and the foreign community living in the west by using traditional methods of settling conflicts.

From July 21 to 25, the Collective of Civil Society for Peace traveled to the west to try to help reconcile the We populations and the Burkinabe in of Duekoue.

Incitement to Acts of Discrimination

During the November 4-10 events, state radio and television repeatedly broadcast hate messages aimed at the French (see Section 1.g.).

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Labor Code grant all citizens, except members of the police and military services, the right to form or join unions, and workers exercised these rights in practice. Registration of a new union required 3 months and was granted routinely.

Only a small percentage of the workforce was organized, and most laborers worked in the informal sector that included small farms, small roadside and street side shops, and urban workshops. However, large industrial farms and some trades were organized. There was an agricultural workers union.

b. The Right to Organize and Bargain Collectively

The law protects persons working in the formal sector (approximately 1.5 million workers or 15 percent of the workforce) from employer interference in their right to organize and administer unions, and this was observed in practice. The Constitution provides for collective bargaining, and the Labor Code grants all citizens, except members of the police and military services, the right to bargain collectively. Collective bargaining agreements were in effect in many major business enterprises and sectors of the civil service. In most cases in which wages were not established in direct negotiations between unions and employers, the Ministry of Employment and Civil Service established salaries by job categories (see Section 6.e.). There are no export processing zones.

The Constitution and statutes provide for the right to strike, and workers generally exercised this right in practice. However, the Labor Code requires a protracted series of negotiations and a 6-day notification period before a strike may take place, making legal strikes difficult to organize. Workers in the private and government sectors continued to strike over working conditions and terms of employment, and the Government generally tolerated the strikes, which rarely resulted in violence. There were several strikes during the year.

A 2003 ministerial decree declared that chief court clerks must share among all judicial system workers, including judges, the fees they traditionally collected and kept. Previously they shared the fees only with other court clerks (greffiers). Staff members of the Ministry of Justice shared all the fees. Some members of the National Union of Court Clerks of Cote d'Ivoire (UNAGCI) argued that the fees were not properly collected and accounted for and on May 3 undertook to evict the state treasurers to collect the fees themselves. On May 26, Mr. Roger Dacoury, President of the UNAGCI and nine of his colleagues were convicted of violence on the police officers who tried to secure the Court House on May 12 and sentenced to 6 months' imprisonment. Their colleagues went on strike to protest their imprisonment. Following negotiations between the Minister of Justice's office and the court clerks' trade unions, court clerks agreed to resume work in all the jurisdictions. In return, in accordance with the commitments made, the Ministry of Justice released all the court clerks arrested and jailed at MACA.

In July 3, workers on the construction site of the Members of Parliament's house in Yamoussoukro went on strike to protest against their employers, the District of Yamoussoukro and the Chinese contractor for alleged failure to honor commitments as to salaries and working conditions. In addition to stopping to work, the workers also used violence against the managers of the construction company employing them and against the Chinese technical management staff. Following the mediation of the local authorities and of the Minister of Relationships with Institutions, a compromise was found and a new contract was signed.

The Labor Ministry arbitrated scores of labor conflicts in 2002 in spite of the social and political crisis. Employees could appeal decisions made by labor inspectors to labor courts.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports such practices occurred (see Sections 5, Trafficking and 6.d.).

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

There were laws against the exploitation of children in the work place; however, child labor remained a problem. In most instances, the legal minimum working age is 14; however, the Ministry of Employment and Civil Service enforced this provision effectively only in the civil service and in large multinational companies. Labor law limits the hours of young workers, defined as those under the age of 18. However, children often worked on family farms, and some children routinely acted as vendors, shoe shiners, errand boys, domestic helpers, street restaurant vendors, and car watchers and washers in the informal sector in cities. Some girls begin work as domestic workers as early as 9 years of age, often within their extended family. There were reliable reports of children laboring in "sweatshop" conditions in small workshops. Children also worked in family operated artisanal gold and diamond mines.

In April 2003, the Ministry of Solidarity, Social Security, and the Handicapped completed a child labor study. The study was designed to cover all economic sectors across the entire country, but the political crisis confined the research to the southern

half of the country. Regardless of school attendance, 28 percent of all children worked, with 20 percent working full time. About 23 percent of the children aged 10 to 14 and 55 percent of the children aged 5 to 17 carried out an "economic activity." Most children worked in agriculture, but some also worked in small business, tailor and beauty shops, street restaurants, and manufacturing and repair shops in the informal sector. Child work varied inversely with school attendance.

Approximately 109,000 child laborers worked in hazardous conditions on cocoa farms in what has been described as the worst forms of child labor (see Section 5, Trafficking.); some of these children were forced or indentured workers but 70 percent worked on family farms or with their parents.

During the year, with the help of the ILO, the Government initiated a pilot program to certify that cocoa was produced free of child labor. This program is to be joined with a mechanism to ensure that children in cocoa producing areas attend school. The country still has failed to elaborate a judicial framework for tackling the problem, including enactment of laws specifically for use against child labor.

The Association of Domestic Worker Placement in Cote d'Ivoire (ACPGM-CI), an association to legalize their agencies and eliminate all agencies that refuse to comply with the law or that try to exploit young girls' continued to work. ACPGM-CI worked under the auspices of BICE, which along with other NGOs, campaigned against child trafficking, child labor, and sexual abuse of children in the country.

In March, the Government created a National Management Committee for the International Program for the Elimination of Child Labor of the International Bureau of Labor. The Committee falls under the Ministry of Labor and Civil Service and advises on policies for activities aimed at suppression of child labor and to integrate IPEC activities in other national efforts to fight child labor.

e. Acceptable Conditions of Work

The Government administratively determined monthly minimum wage rates, which last were adjusted in 1996. Minimum wages varied according to occupation, with the lowest set at approximately \$70 (36,000 CFA francs) per month for the industrial sector; this wage did not provide a decent standard of living for a worker and family. A slightly higher minimum wage rate applied for construction workers. The Government enforced the minimum wage rates only for salaried workers employed by the Government or registered with the social security office.

Labor federations attempted to fight for just treatment under the law for workers when companies failed to meet minimum salary requirements or discriminated between classes of workers, such as local and foreign workers. For example, the sanitary services company ASH continued to pay wages as low as \$23 (12,000 CFA francs) a month to female employees who swept the streets of Abidjan. According to their labor federation, labor inspectors continued to ignore this violation of the law. The shipbuilding company Carena continued to discriminate between European engineers who were paid on average \$15,600 (8 million CFA francs) a month and their African colleagues who received approximately \$1,500 (800,000 CFA francs) a month. Government labor and employment authorities did not take action in these cases.

On July 8, the employees of the oil firm Exxon-Mobil ended a 2-week strike over severance pay packages following the layoff of 25 workers, reported the government newspaper, *Fraternite Matin*. The workers reportedly considered the severance pay low compared with what their colleagues in Cameroon and Tunisia received. Following negotiations, the company agreed to reassess the package.

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

Working conditions did not improve during the year and in some cases declined. Government labor inspectors could order employers to improve substandard conditions, and a labor court could levy fines if the employer failed to comply with the Labor Code. However, in the large informal sector of the economy, the Government enforced occupational health and safety regulations erratically, if at all. The practice of some labor inspectors accepting bribes was a continuing problem, and observers believed that it was widespread. Workers in the formal sector had the right to remove themselves from dangerous work situations without jeopardy to continued employment by utilizing the Ministry of Labor's inspection system to document dangerous working conditions. However, workers in the informal sector ordinarily could not absent themselves from such labor without risking the loss of their employment.

Several million foreign workers, mostly from neighboring countries, typically worked in the informal labor sector, where labor laws did not apply.