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## U.S. Department of State

### Benin Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

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#### BENIN

The Republic of Benin is a constitutional democracy headed by President Mathieu Kerekou, who was inaugurated on April 4 after elections generally viewed as free and fair. President Kerekou, who ruled Benin as a Socialist military dictator from 1972-1989, succeeded his democratically elected predecessor, and continued the civilian, democratic rule begun in the 1990-1991 constitutional process that ended his previous reign. There are 18 political parties represented in the unicameral, 83-member National Assembly; no party or political grouping commands a majority of seats. The Government respects the constitutional provision for an independent judiciary; however, the judiciary is inefficient and susceptible to corruption.

The civilian-controlled security forces consist of the armed forces, headed by a Minister Delegate for Defense Matters in the office of the President and the police force under the Interior Minister. The two Ministers also share authority over the gendarmerie, which exercises police functions in rural areas. The armed forces continued to play an apolitical role in government affairs despite concerns about morale within its ranks and its ethnic imbalance.

An extremely poor country with average yearly per capita income below \$450, the economy is based largely on subsistence agriculture, cotton production, regional trade (including transshipment of goods neighboring countries), and small-scale offshore oil production. The port of Cotonou serves as a major conduit for goods entering neighboring Nigeria legally and illegally. The new Administration continued, and in some cases stepped up, the austerity program begun by its predecessor; privatized state-owned enterprises; reduced fiscal expenditures; and deregulated trade. In spite of its bloated and inefficient

bureaucracy, high debt servicing costs, and widespread unemployment, Benin's economic recovery continues under liberal economic policies instituted since the return to democracy. Inflation in 1996 was less than 3 percent with real growth estimated at between 5 and 6 percent.

The Government generally respected the human rights of its citizens. The major human rights problems continued to be the failure by police forces to curtail acts of vigilantism and mob justice; serious administrative delays in processing ordinary criminal cases with attendant denial of timely, fair trials; judicial corruption; harsh and unhealthy prison conditions; societal discrimination and violence against women and the abuse of children. The practice of female genital mutilation (FGM), is also a problem. The Constitutional Court demonstrated independence in a high profile challenge to the presidential elections and the prosecution of an army officer accused of threatening state security.

## **RESPECT FOR HUMAN RIGHTS**

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

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

There were no reports of political or other extrajudicial killings by government officials. However, a rising crime rate and a lack of police responsiveness led to more reports of mob justice. Vigilantism reportedly resulted in several cases of suspected criminals being killed or severely injured, particularly thieves caught in the act. Although a number of these incidents took place in urban areas and were publicized in the press, the Government apparently made no concerted attempt to investigate or prosecute anyone involved. Some press accounts suggested that the police deliberately ignored vigilante attacks.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The Constitution prohibits such practices and there were no reports that officials employed them. The Government continued to make payments to victims of torture under the military regime which ruled from 1972 to 1989.

Prison conditions continue to be extremely harsh. Extensive overcrowding and lack of proper sanitation and medical facilities pose a risk to prisoners' health. The prison diet is seriously inadequate with malnutrition and disease common. Prisoners are allowed to meet with visitors.

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

The Constitution prohibits arbitrary arrest, detention or exile, however, at times the authorities arbitrarily arrested and detained persons. The Constitution prohibits detention for more than 48 hours without a hearing by a magistrate whose order is required for continued detention. However, there were credible reports that authorities exceeded this 48-hour limit in many cases, sometimes by as long as a week, using the accepted practice of holding a person without specified time limit "at the disposition of" the public prosecutor's office before presenting the case to a magistrate. Approximately

75 percent of prisoners are pretrial detainees. Arbitrary arrest is not routine but does occur occasionally.

In a highly publicized case, Colonel Maurice Kouandete was arrested for political reasons prior to the presidential election, allegedly for plotting against the security of the State. The Constitutional Court ruled that his detention was unconstitutional. He was not released, however, until President Kerekou took office on April 4.

On July 31, in his first address to the nation since taking office, President Kerekou announced that he would pardon certain categories of prisoners convicted between August 1, 1995, and June 15, 1996. All such prisoners were released by year's end.

The Constitution prohibits forced exile of citizens. Many citizens who went into exile prior to the establishment of democratic rule have returned.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary and the Government generally respects this provision in practice. However, the executive has important powers in regard to the judiciary.

The President appoints career magistrates as judges in civil courts, and the Constitution gives the Ministry of Justice administrative authority over judges, including the power to transfer them. Inadequate facilities, poorly-trained staff, and overcrowded dockets result in slow administration of justice. The low salaries of magis