

# REPUBLIC OF GUINEA

## @Amnesty International's concerns since April 1984

### 1. Introduction

More than seven years after the death of Guinea's dictatorial first President, Sékou Touré, and 33 years after the country's independence, Guinea continues to lack some of the most basic safeguards to protect fundamental human rights. A new constitution approved by referendum at the end of 1990 permits the government to limit the number of political parties and allows for a transitional period of up to five years before power will be transferred to an elected government. Initially, the government said that the number of political parties would be limited to two. However, in October 1991, it was announced that the law allowing political parties would come into effect on 3 April 1992, preparing the way for elections in the following 12 months, and it seems that an unlimited number of parties will be allowed.

Although the current head of state, General Lansana Conté, who took power in April 1984, ended the horrific pattern of executions, "disappearances" and torture which had marked President Sékou Touré's rule from soon after independence in 1958 until his death in 1984, and promised to promote respect for human rights, the mid-80s were marked by further extrajudicial executions, "disappearances" and torture, with 63 prisoners still unaccounted for. Over the past year opposition political party supporters have been imprisoned and other political prisoners have been tortured. Despite the new constitution's ban on illegal detention and torture, the government has not taken action to prevent these violations of human rights. Since 1984, numerous opportunities to promote the rule of law have been missed, and Guinea today remains a country where a wide range of human rights violations can be committed without those responsible being brought to account.

Within a little over a year of President Lansana Conté's accession to office in April 1984, Amnesty International was raising concerns about new cases of "disappearances" with the military government, the *Comité militaire de redressement national* (CMRN), Military Committee for National Regeneration. In subsequent years, Amnesty International has continued to press for an inquiry into "disappearances" and extrajudicial executions of prisoners arrested in 1984 and 1985, as well as raising other cases involving the torture and detention of prisoners of conscience or political prisoners. Following the referendum at the end of 1990, which endorsed a new constitution to end military rule, the military government was officially dissolved on 16 January 1991 and replaced by a *Conseil transitoire de redressement national*, CTRN, Transitional Council for National Regeneration. The CTRN, which was appointed by

President Lansana Conté and which is largely composed of the same people as the CMRN, is to retain power until elections have taken place, so probably until 1993.

Amnesty International's concerns about violations of human rights in Guinea since April 1984 include the following:

- ! the imprisonment of critics of the government for peacefully exercising their rights to freedom of expression and freedom of association;
- ! the long term detention without trial or before trial of other political prisoners in conditions which afford them no protection against abuses of human rights;
- ! the "disappearance" after an unsuccessful coup attempt in July 1985 of 63 people arrested in 1984 and 1985;
- ! cases of torture and killings by the security forces (possible extrajudicial executions) to which the government has not reacted by either investigating the incidents to establish if violations of human rights occurred, or bringing those responsible to justice.

## **2. Human rights violations during the rule of President Sékou Touré**

The 26 years of President Sékou Touré's rule from 1958 to 1984 were marked by a series of "plots against the revolution" allegedly discovered by the authorities and the detention of thousands of people on charges of "counter-revolutionary" or "fifth column" activities. Although there were undoubtedly some real attempts to overthrow the Guinean government by force, the threat of external intervention was repeatedly invoked to justify the suppression of all forms of internal dissent and to imprison several thousand real or alleged critics of the government, many of whom were executed or died in prison in secrecy and went completely unaccounted for - victims of "disappearance".

The largest waves of arrests occurred in late 1970, early 1971 and 1976. Following an abortive armed attack on Conakry in November 1970 by exiled Guineans and Portuguese colonial forces, both based in neighbouring Guinea-Bissau, some 3,500 people were arrested, including government ministers, provincial governors and most of the high-ranking officers of the Guinean army. In January 1971, some prominent prisoners were tried by officials of the ruling

political party<sup>1</sup>, who decided on their guilt and recommended sentences. Alleged confessions of guilt, known to have been extracted under torture, were broadcast on the radio. Guinea's national assembly was then convened as a Supreme Revolutionary Tribunal and passed judgment, sentencing at least 92 people to death. The accused were neither present at any hearing nor did they have the right to defend themselves. Indeed, no actual trial occurred. Many other prisoners arrested in 1970 and 1971 "disappeared" without their cases even being referred to the National Assembly.

In 1976 President Sékou Touré announced that an attempt on his life by a young member of the Peuhl<sup>2</sup> ethnic group had been foiled and within three months some 500 Peuhl were arrested. Again, confessions made under torture were broadcast and published in Guinea. A group of government officials was convened as a Revolutionary Tribunal and resolved, in advance, that all prisoners convicted of involvement in the "Peuhl conspiracy" would be sentenced to death. However, no trial proceedings are believed to have taken place, and no publicity was given to any sentences.

In late 1980, the last 16 surviving prisoners from the thousands who had been detained since 1976, or even, in some cases, since 1969, were released from Conakry's notorious Camp Boiro prison. According to eye-witness accounts, it was clear that hundreds of others had died as a result of secret and extrajudicial executions, or through the "*diète noire*" ("black diet" - total deprivation of food and water until death), or as a result of other forms of torture, such as beatings and electric shocks.

Despite repeated requests for information about individual prisoners by Amnesty International and other organizations, the fate of the "disappeared" prisoners was still unknown when President Sékou Touré died in March 1984. The new government announced that an official inquiry would be established into the matter, but this never published any findings and the fate of the prisoners remains unknown.

### **3. Human rights violations under the government of President Lansana Conté - the recurrence of "disappearances" in the mid-1980s**

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<sup>1</sup> Guinea was a one party state until April 1984, when the *Parti démocratique de Guinée*, Democratic Party of Guinea, was disbanded.

<sup>2</sup> Guinea's third largest ethnic group, also known as Fula or Fulani.

When Colonel Lansana Conté took power on 3 April 1984, some 60 or more former officials and relatives of President Sékou Touré were arrested and detained in Kindia, a town located 100 kilometres inland from Conakry, while investigations were conducted by a National Commission of Inquiry to establish responsibility for the massive human rights violations and apparently large-scale financial misappropriation which occurred during Sékou Touré's rule. In April 1985, on the first anniversary of the coup which brought him to power, President Conté reconfirmed that some of the Kindia detainees would be tried for alleged human rights offences. More than 30 were released by May 1985 after apparently being exonerated by the commission of inquiry.

On 4 July 1985, when President Conté was temporarily out of the country, there was an attempted coup in Conakry, apparently led by Diarra Traoré, who had been appointed Prime Minister shortly after the military took power in 1984 and was then Minister of State for National Education. The attempt was put down by troops loyal to President Conté. Diarra Traoré was captured and shown on television being brutally assaulted. Unofficial sources reported that in the days following the coup attempt some 200 people were arrested for their alleged involvement. Most observers agreed that the failed coup represented an attempt by members of the Malinké ethnic group, to which both Diarra Traoré and Sékou Touré belonged, to seize power back from the Soussou ethnic group, to which President Conté belongs. Among those arrested, many were Malinké.

On his return to Conakry, President Conté held a public rally at which he reportedly declared that the authorities would severely punish those responsible for the coup attempt. He suggested that prisoners held at Kindia were shortly to die, stating that human rights organisations should intervene without delay or else it would be too late.

Amnesty International immediately called for human rights to be respected and asked to send a delegation to Conakry to discuss the importance of fair trials for those accused of involvement in the coup attempt, and to emphasise its opposition to the death penalty. The organization noted that President Conté had described himself as a committed opponent of the death penalty during an Amnesty International visit to Guinea in October 1984. In the event, it was not possible for an Amnesty International delegation to visit Conakry promptly, because of difficulties preventing travel to the country and contact with the government.

On 19 July 1985 the authorities denied reports that any of those detained had been executed, and stated that those involved in the coup attempt would receive fair trials. The authorities also announced a commission of inquiry to establish responsibility for the failed coup, without indicating whether government officials or legal officers were to take part. In mid-August 1985, this was reported to have completed its investigations, but these were not made public. Two new courts were then established, the *Cour de sûreté de l'état*, State Security Court, and the *Tribunal militaire*, Military Tribunal, to try civilians and soldiers respectively who were accused of offences against the security of the state, such as involvement in a coup plot.

Neither allowed those convicted any right of appeal to a higher court. However, there was to be no further news about any trials for almost two years.

Despite government denials, rumours persisted that a number of extrajudicial executions had been carried out in the days or weeks following the coup attempt. In particular, it was reported that some 22 prisoners, including associates of former President Sékou Touré, who had been detained since April 1984 at Kindia prison, had been extrajudicially executed on 8 July 1985. Serious allegations of torture of detainees arrested following the coup attempt were also made. In November 1985 a French medical team, which was providing medical treatment to former prisoners tortured while Sékou Touré was in power, withdrew from Guinea in protest after they had learned of new cases of torture. They alleged that detainees held at Alpha Yaya military camp in Conakry, in particular, were subject to torture, beatings and other ill-treatment, including the "*diète noire*" (deprivation of all food and water) which had been so extensively used during Sékou Touré's rule.

Despite these protests and numerous inquiries from relatives, human rights organizations and others about the fate of prisoners arrested in April 1984 and July 1985, the government maintained throughout 1986 that no violations of human rights had occurred. Then, at the beginning of May 1987, the government announced the outcome of a series of trials which it said had been held in secret, at unspecified dates, before the State Security Court and the Military Tribunal. It reported that 341 people had been tried, of whom 201 had been convicted. Those tried were said to have included both former government officials and relatives of former President Sékou Touré arrested in 1984, and soldiers and civilians arrested after the coup attempt in July 1985. The identities of the 72 civilians convicted by the State Security Court were disclosed, but the government withheld the names of 129 military and police personnel convicted by the Military Tribunal, divulging only their ranks. No details were given about the charges against those tried and it was not even clear if all had been tried in connection with the coup attempt, or indeed whether some had faced specific charges at all.

The government announced that 58 of those convicted had been sentenced to death - 29 civilians and 29 military personnel. Twenty-one of them were sentenced *in absentia* and 37 were ostensibly in custody at the time of the trials. A total of 140 people had apparently been acquitted and released, although it was not possible for Amnesty International to obtain independent confirmation of these releases.

Many aspects of the trials which the government revealed in May 1987 evidently contravened international norms and in June 1987 two Amnesty International representatives visited Conakry to seek further details. They obtained information about the State Security Court trials but could learn virtually nothing new about the military trials. The representatives established that trials before the State Security Court had taken place in secret between July and

September 1986. The hearings evidently took the form of trials before a legally-constituted court, but were in most other respects a mockery of justice. In particular:

- ! the defendants were not present in court at the time they were tried and were not even told that they were being tried;
- ! they were represented in court by three legal counsel who at no time contacted their clients, either before or during the trials;
- ! most of the evidence presented to the court consisted of self-incriminating statements allegedly made by the defendants after their arrest; the court did not attempt to establish the circumstances in which the statements were made, although many of them seemed to have been made as a result of torture and other forms of duress;
- ! even when the secret hearings were over, the defendants were not told that they had been tried.

Amnesty International delegates were denied access to basic trial documents, such as the indictments and judgments, and were unable to learn on what charges any defendant had been convicted, or to obtain further information about the identity of the 129 military and police personnel convicted, including the 29 who had been sentenced to death. In November 1987, Amnesty International addressed a memorandum to the government of Guinea raising concerns about the unfairness of these trials and the secrecy surrounding them, and calling for a thorough review of trial procedures, including allegations that testimonies gathered under torture had been used to justify the conviction of prisoners, and implementation of safeguards to prevent secret detention, torture and "disappearances".

In late December 1987, the government announced that a further 67 political prisoners were being released. These included Sékou Touré's widow, Andrée Touré, who had been sentenced to eight years' imprisonment.

Almost one year later, in October 1988, the government announced the release of 39 political prisoners. Government sources claimed that these were the last prisoners still held among those convicted at secret trials and the only political prisoners remaining in Guinea. However, of the 72 civilians and 129 military and police personnel convicted at the secret trials, this left 63 prisoners unaccounted for - 18 civilians and 45 military and police personnel. Of the remainder, 21 were tried *in absentia*, some were freed when their sentences were announced publicly in May 1987, and 67 were released in December 1987 or January 1988. Two others, Diarra Traoré and Siaka Touré, were acknowledged by the government to have died in detention; in December 1987, President Conté said that Diarra Traoré, the alleged leader of the July 1985 coup attempt, and a number of others arrested in July 1985, had gone on hunger-strike and "virtually committed suicide" soon after their arrest. He offered no evidence to support this claim. As the few names revealed referred to military personnel, and the government had never announced the identity of any soldiers who had been tried, it was not possible to confirm what

was widely suspected - that those who had died in mid-1985 were nevertheless among the cases tried a year later!

In February 1990, the government announced an amnesty for all those convicted of political offences. In practice, this appeared to apply only to prisoners convicted at secret trials in 1986 and did not result in the release of any of the 63 who were still unaccounted for. The amnesty allowed some convicted *in absentia* in 1986 to return to Guinea. The government has still not clarified the fate of the 63 prisoners arrested but never freed.

In addition to failing to account for the 63, the government has also failed to take action to prevent "disappearances" and extrajudicial executions from recurring in Guinea. Amnesty International has repeatedly proposed to President Lansana Conté a series of measures which would help prevent secret detention, torture and "disappearances". These measures have not been incorporated into the new constitution and the government has not responded to any of the numerous recommendations made by Amnesty International since 1985, most of which are summarised in Chapter 5 below. Despite the ratification by Guinea in 1989 of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, no investigations have been carried out into past allegations of torture and "disappearances".

#### **4. Human Rights Violations under the government of President Lansana Conté - other abuses**

##### **4.1 Persecution of Supporters of Opposition Groups**

The ban on any activities by political parties has been in force since the army, led by Lansana Conté, took power in 1984. In practice, however, as Sékou Touré's Guinea was a one-party state from 1958, no opposition parties have been tolerated there for the past 33 years. Both before and after 1984, a number of Guinean political parties have been created outside the country and have recruited members among expatriate Guineans, mainly in neighbouring countries and in France. The *Rassemblement du peuple guinéen* (RPG), Guinean People's Rally, is the main party which has tried openly to establish itself in Guinea. The authorities have resisted these efforts by arresting RPG organizers, labelling them as government opponents and accusing the RPG of possessing weapons and planning to use violence. It is not clear if any evidence at all exists to substantiate these accusations, but in many cases they appear to have been groundless.

The first arrests of alleged RPG members were reported to Amnesty International in 1988. Jean Sefa Camara and Joseph Soumah (known as Aïto) were arrested in January 1988 and tried by an ordinary criminal court in Conakry in February 1990. Few details emerged about their trial but they were apparently accused of undergoing military training abroad as a prelude

to organizing violent opposition to the government in Guinea. They were sentenced to three and five years' imprisonment respectively. Both have now been released.

Hamadi Kenema was arrested in April 1989 and detained for three weeks on suspicion of being a leader of the RPG. He had previously been held for a few days in both February and May 1988.

Mohamed Ali Bangoura, a newspaper distributor, was arrested in November 1989 on suspicion of being an RPG member. Police had found a copy of *Malanyi* (Unity), the party newspaper, in his possession. At least five other suspected RPG members were subsequently detained in Conakry, including Bernard Bangoura, who worked at PHARMAGUINEE, a state-owned company distributing medicines, and Togba Traoré, a bank official. All those detained were reportedly tortured. Most were released within a few days, but two were kept for more than a month in police custody without charge or trial and without being referred to a judicial authority.

In August 1990, 22 supporters of the RPG were arrested for allegedly distributing *Malanyi*. Most were released uncharged a few weeks later, but three were brought to trial in Conakry in November 1990, before a criminal court whose procedures did not satisfy international fair trial standards. They were charged with distributing a newspaper without indicating the names of the authors or publishers (an offence under Guinean law). All three were convicted. However, two who received three-month sentences and who appeared to be prisoners of conscience were released immediately in view of the time they had already spent in custody. The third, who had previously been convicted *in absentia* at a secret trial in 1986 and had returned to Guinea following the February 1990 amnesty, was also convicted of a separate offence - using a false identity card - and received an 18-month prison term which was reduced to one year on appeal. He is now free.

Alpha Condé, the RPG's Secretary General, who had been living abroad in France and in the Côte d'Ivoire at the time that other members of his party were being arrested, announced publicly that he was returning home in May 1991. He arrived at Conakry airport on 17 May 1991 and was welcomed by a large crowd. He was not arrested. However, five other RPG members were arrested on 19 May and held overnight after they had helped to organize a public meeting at which Alpha Condé was due to address the crowd. The meeting was dispersed by the security forces and a journalist and photographer from the French news agency, *Agence France Presse* (AFP), were also arrested. The Minister of Interior reportedly stated that as no political party had yet been recognized in Guinea, no party had the right to organize meetings. This announcement effectively confirmed that the ban on all party political activities imposed in 1984 was still in force.

On 19 June 1991, some 60 RPG members or sympathizers were arrested at Alpha Condé's house in Conakry. Malick Condé, brother of Alpha Condé, and nine others of them were kept in custody and were brought to trial on 29 June before an ordinary criminal court. Malick Condé was charged with illegal possession of arms<sup>3</sup> while the others were charged with harbouring criminals, destroying public goods and failing to obey lawfully-given orders<sup>4</sup>. They were defended by a group of lawyers and were all except Malick Condé were acquitted. The remaining defendant was found guilty and ordered to pay a fine. Their lawyers saw this as an important step towards establishing the rule of law in Guinea in political cases. However, it remains clear that the government is unwilling to allow freedom of expression, association or assembly to its political opponents. After the arrests on 19 June, Alpha Condé sought refuge in the Senegalese Embassy in Conakry and subsequently left the country by a Senegalese aircraft on 10 July.

More recently, Togba Traoré, who had been detained in November 1989 on account of his support for the RPG, was rearrested in October 1991 on two separate occasions. Once again, he was only detained for a few days on each occasion. However, although not charged, his imprisonment was again due to his links with the RPG.

#### **4.2 Ill-treatment in custody of refugees and other prisoners**

Detainees, including those suspected of both political and ordinary criminal offences, are frequently subjected to ill-treatment or torture soon after their arrest. Those arrested after the failed coup attempt in July 1985 were tortured to obtain confessions to be later used as evidence against them. More recent cases are detailed below. All the incidents have taken place while the detainees have been detained by the security forces for interrogation without being referred to a judicial authority (known in French as *garde à vue* detention and supposed to last only a few days): such detainees were held incommunicado without access to relatives, lawyers or doctors in contravention of Guinean law and international human rights standards. In no case reported to Amnesty International has anyone suspected of responsibility for acts of torture been referred to the Procuracy for prosecution.

In January 1988, 50 students were arrested by police after two simultaneous demonstrations in Conakry by students and others complaining about price rises and living conditions. During the protests, one person was reportedly killed. Those arrested were released after a few days but nine students were redetained shortly afterwards and held without charge

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<sup>3</sup> "détention illégale d'armes et de munitions"

<sup>4</sup> "recel de malfaiteurs, dégradation des biens publics et rébellion"

for more than one month until 15 February, when they were released. The cases of the nine, who included Moustapha Diallo and Mamadou Maréna, were not referred to the Procuracy for further investigation and possible prosecution and those detained appear to have been held primarily because they were regarded as leaders of the student community and had been demanding improvements in their living conditions, rather than on account of their conduct during the demonstrations. While in custody, they were reportedly beaten and subjected to mock executions.

At the end of October 1989, 17-year-old Issaka Condé (known as "Membra") died in police custody at Labé, 360 kilometres north of Conakry, apparently as a result of torture. He had been arrested for damaging the headlamp of a motorcycle. Soon after his death was made known, his relatives and other protesters were involved in a violent demonstration outside the police station. Army troops called in to restore order opened fire on the demonstrators, reportedly killing six. Government officials from Conakry were sent to Labé, but it was not clear if they were to carry out an investigation into the circumstances of Issaka Condé's death or the subsequent killings. There is no indication that any action has been taken against those suspected of involvement in the torture.

In July 1990, 34 people who normally lived in Liberia, including both Guinean and Liberian nationals, were arrested at Macenta, a town in Guinea's Nzérékoré Region. They had evidently crossed the border into Guinea to escape the conflict in Liberia. The 10 women among them were released uncharged after five days, but the 24 men were all kept in detention. Eighteen of them were released uncharged in October and one other was reportedly released in November. All the men were apparently detained on suspicion of being supporters of the Liberian rebel leader, Charles Taylor, whose forces had killed a number of Guineans living in Liberia and to whom the Guinean authorities were opposed.

While in detention in Macenta prison, the 24 men reportedly had their hands tied behind their backs and were beaten. They were moved from Macenta to Alpha Yaya military barracks in Conakry and later to security police custody. They were held in harsh conditions and reportedly kept naked: one of them was said to have died in custody in October 1990 as a result of this treatment. Following the releases in October and November, at least four of those remaining in custody appeared before a court in Conakry in December. They were charged with endangering the security of the state, illegal possession of weapons, looting and other offences. Just one of them was convicted and sentenced to five years in prison while the three others were acquitted and apparently set free; one other person was sentenced *in absentia* to 20 years' imprisonment. No action was taken about their ill-treatment in detention.

### **4.3 Killings of Demonstrators**

The security forces have on several occasions used firearms to control demonstrations; the circumstances in which they have been used appear to contravene United Nations principles which severely restrict the use of lethal force to and say it should only be used when lives are in danger. It seems that unnecessary force, sometimes resulting in the death of demonstrators, and arrests have been used to break up demonstrations and deter people from exercising their right to freedom of expression.

In January 1988, during protests at the arrest of some 50 students who had been demonstrating (see page 10 above), one person was reportedly killed. No official investigation was carried out into the circumstances of his death.

Further arrests occurred after student demonstrations in November and December 1990, in which at least five people were killed, including Sékou Traoré, a Conakry University student. He was shot dead when security forces fired on students marching to the presidential palace. Dozens of other students were said to have been injured. At least four student leaders were then arrested: they were released uncharged after a few days. When a further demonstration was planned to protest at these killings, a foreign journalist and four members of a non-governmental human rights group, the *Organisation guinéenne des droits de l'homme*, Guinean Human Rights Organisation, were arrested. They were initially accused of holding an unauthorized demonstration, but were released uncharged after a few days. The government issued a public apology for the deaths of the students and said an inquiry would be held, but, like most others, its outcome remains unknown.

## **5. Recommendations to the Government of Guinea**

Recommendations made to the Government of Guinea in an Amnesty International memorandum in November 1987 remain unimplemented. Evidently, it is very important that trials procedures be developed so that even in times of political crisis, those perceived as enemies of the government can receive a proper trial. Some progress has been made in this direction since the beginning of 1990, but it is far from clear that the grossly unfair "trials" of the 1970s and 1980s could not reoccur. Amnesty International is repeating its recommendations that the trial procedures followed before the *Cour de sûreté de l'Etat* should be thoroughly reviewed, in particular the secrecy of the trials and allegations that testimonies gathered under torture were the main evidence accepted by this court to convict people who were not even present at the time of the trial, nor informed that it was taking place.

In October 1989, Guinea ratified the *United Nations' Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Amnesty International welcomes this move towards eradicating the use of torture, but is urging the government of Guinea to take steps to implement all the articles of the Convention to prevent the use of torture, which has continued since the Convention's ratification. In particular, Amnesty International is urging the government of Guinea to take the following steps.

- ! Officially condemn the use of torture and make it clear to all law-enforcement personnel that torture will not be tolerated under any circumstances.
- ! Limit incommunicado detention, as it is often during this period when detainees are completely at the mercy of their interrogators and guards that torture takes place. In order to prevent torture, it is vital that all prisoners be brought before a judicial authority promptly after being taken into custody, and that relatives, lawyers and doctors have prompt and regular access to them (these are in any case recognized as basic human rights).
- ! End secret detention which was used extensively following the 1985 coup attempt. All prisoners should be held in publicly recognized places of imprisonment and accurate information about their whereabouts should be made available to relatives and lawyers.
- ! The authorities should organize independent, impartial and effective investigations into all complaints and reports of torture. Those found responsible as a result of such investigations should be brought to justice.

In addition to these specific measures against torture, Amnesty International is also urging the Guinean authorities to reform detention procedures in order to ensure that international standards for the protection of prisoners are upheld, notably the *United Nations Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment*, adopted by the UN General Assembly in December 1988. Amnesty International is particularly concerned that the government of Guinea implement the safeguards embodied in the following principles.

### **1. Importance of courts or the Procuracy supervising all cases of detention**

The following principles require that all detainees are referred to court or to a judicial authority within a short time of their arrest and that detainees have the right to challenge the lawfulness of their detention. They are intended to prevent the security forces themselves imprisoning suspects on their own authority, as is often the case in Guinea.

- ! Principle 4 states: "Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be the subject to the effective control of, a judicial or other authority."

In contrast with this principle, in many cases in Guinea detainees are held in "*garde à vue*" detention for weeks or months without having their cases referred to the Procuracy or courts.

! Principle 11 is divided into three parts:

- "1. A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law.
- "2. A detained person and his counsel, if any, shall receive prompt and full communication of any order of detention, together with the reasons therefor.
- "3. A judicial or other authority shall be empowered to review as appropriate the continuance of detention."

! Principle 32 states:

- "1. A detained person or his counsel shall be entitled at any time to take proceedings according to domestic law before a judicial or other authority to challenge the lawfulness of his detention in order to obtain his release without delay, if it is unlawful.
- "2. The proceedings referred to in paragraph 1 shall be simple and expeditious and at no cost for detained persons without adequate means. The detaining authority shall produce without unreasonable delay the detained person before the reviewing authority."

## **2. Ensuring that all detained or imprisoned persons are aware of their rights**

This principle requires that all detainees should be informed of their rights shortly after arrest and is intended, among others, to protect detainees against ill-treatment. Another of the principles requires that the failure of the authorities to comply with principle 13 by informing detainees of their rights when obtaining evidence should be taken into account when the courts or others have to decide which evidence is admissible against an accused person.

- ! Principle 13 states: "Any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively, with information on and an explanation of his rights and how to avail himself of such rights."

**3. Ensuring that an inquiry is made into all cases involving a detainee's death or "disappearance"**

This principle details the steps to be taken when someone dies or "disappears" in custody. It is intended to ensure that responsibility for the death or "disappearance" is established as a step towards preventing further incidents. The independent investigation, which is required, would also indicate to those dealing with prisoners that no such abuses will be tolerated. In the past, "disappearances" in Guinea have not been properly investigated.

- ! Principle 34 states:

"Whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either on its own motion or at the instance of a member of the family of such a person or any person who has knowledge of the case. When circumstances so warrant, such an inquiry shall be held on the same procedural basis whenever the death or disappearance occurs shortly after the termination of the detention or imprisonment. The findings of such inquiry or a report thereon shall be made available upon request, unless doing so would jeopardise an ongoing criminal investigation."