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Guinea

Submission to the UN Universal Periodic Review

**Eighth session of the UPR Working Group of the
Human Rights Council**

May 2010



Executive summary

In this submission, Amnesty International provides information under sections B, C and D, as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*.¹

- Under section B, Amnesty International notes rights protected in Guinea's Constitution and treaties to which Guinea is a party.
- Section C highlights Amnesty International's concerns in relation to serious human rights violations committed by the security forces, including extrajudicial executions and excessive use of force; torture and ill-treatment; violence against women; arbitrary arrest; restrictions on the right to freedom of expression, and the death penalty.
- In section D, Amnesty International makes a number of recommendations for action by the government to address the areas of concern.

¹ Contained in Human Rights Council Decision 6/102, Follow-up to Human Rights Council resolution 5/1, section I adopted 27 September 2007.

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B. Normative and institutional framework of the State

The Constitution in force in Guinea is that of 1990 as amended in 2001, which contains some limited rights considered as inviolable and inalienable:

- The right to life and the prohibition of torture and ill treatment (article 6)
- The right to freedom of expression (article 7)
- The equality of men and women under the law (article 8)
- The guarantee against arbitrary arrest and for fair trial (article 9)
- The right to association, assembly and demonstration (Article 10)
- The right to health and physical well-being (Article 15)

The preamble of the Constitution reaffirms Guinea's commitment to fundamental human rights and obligations as contained in the UN Charter, the Universal Declaration on Human Rights, the African Union Charter and the African Charter on Human and Peoples' Rights. Guinea ratified the International Covenant on Civil and Political Rights in 1978, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1989, and the African Charter on Human and Peoples' Rights in 1982. Guinea is also a party to the Rome Statute of the International Criminal Court.

C. Promotion and protection of human rights on the ground

Commissions of Inquiry

In May 2007, the authorities established a National Commission of Inquiry "charged with conducting investigations into grave human rights violations and offences committed during the strikes of June 2006 and January-February 2007" when more than 130 people were killed by the security forces. However, the Commission of Inquiry did not conduct any investigations and one year later, the President of the Commission accused the government of freezing financial support to the Commission. In a statement to the Third Committee of the UN General Assembly in October 2008, the Special Rapporteur on extra-judicial, summary or arbitrary executions regretted that nothing had happened since the establishment of the Commission of Inquiry. He expressed concern that its funding had not been assured and that no witness protection mechanism had been put in place. He stated that the situation had all the hallmarks of a Commission being used solely to distract attention and to promote impunity.²

In October 2009, the UN Secretary-General established an International Commission of Inquiry to shed light on the events of September 2009 when grave human rights violations, including rape, were committed by the security forces. The Peace and Security Council of the African Union in conjunction with the Economic

² Statement by Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions, 63rd session of the General Assembly, Third Committee, 24 October 2008.

Community of the West African States (ECOWAS) endorsed the decision. Also in October 2009, the office of the International Criminal Court launched a preliminary examination of the September 2009 violence to determine whether the alleged crimes fell within the court's jurisdiction.

Excessive use of force and extrajudicial killings by the security forces

Excessive and deliberate use of force is the standard response of the Guinean authorities whenever their authority is challenged in the streets or in public gatherings. On several occasions over the four year reporting period, the security forces have carried out extrajudicial executions and used excessive force against demonstrators or others, and by shooting those fleeing in the back. These violations have been committed with impunity.

On several occasions in 2006, the security forces reportedly used excessive force against peaceful demonstrators and students in different cities.

In February 2006, at least two people were killed and several injured in Gueckedou, in the southeast part of the country, when police clashed with demonstrators protesting the appointment of a mayor belonging to the Progress and Unity Party (*Parti de l'unité et du progrès*, PUP), the ruling party.

In June 2006, unarmed students protesting in major cities, including Labé and Conakry, clashed with security forces that used excessive force against them. More than 10 students were killed and the authorities blamed opposition parties for "orchestrating and manipulating" the student movement. The protests began when students learned that there was no one to supervise exams after trade unions called for a nationwide strike to protest increases in prices of basic commodities, including rice and gas. The Minister of Internal Affairs put the official death toll at 11 while, according to hospital sources, 18 people had been killed and more than 80 injured. Despite national and international pressure, there has been no independent inquiry into these incidents and as a result impunity remains the norm for Guinean security forces who commit serious human rights violations.

In January and February 2007, more than 135 people, the majority of them unarmed, were killed as a result of excessive use of force by members of the security forces against peaceful and unarmed demonstrators calling for a better living condition and for the departure of the late President Lansana Conté.

In October 2008, the security forces used excessive force against demonstrators in and around Conakry and in Boké who were protesting against the high cost of basic commodities, including rice. At least five people were killed and around 20 injured after the security forces clamped down on demonstrations. Subsequently, security forces extra judicially executed one of the suspected organizers of demonstrations in Boké. Karamba Dramé, president of a youth group in Khoréra, near Boké, was shot dead in Khoréra by soldiers wearing red berets. They had come especially from Conakry, after they had identified him through his mobile phone.

In August 2009, one person was killed and two seriously wounded when the security forces broke up demonstrations in Kamsar. The demonstrators were protesting against water and electricity shortages.

On 28 September 2009, over 150 people died and more than 1500 were injured when the security forces crushed a peaceful demonstration in Conakry. Thousands of demonstrators assembled in a stadium in response to a call by the "Living Forces", (*forces vives*, a forum of political parties, trade unions and civil society organizations), to show their opposition to the candidacy of the head of the junta, Captain Moussa Dadis Camara, in the presidential elections planned for January 2010. The junta had banned the demonstration on the previous evening, but the opposition had maintained its rallying cry.

Torture and ill-treatment

Over the past four years, Amnesty International has documented cases of systematic and widespread torture and ill-treatment throughout the country, committed by members of the police and the *gendarmerie* against prisoners of conscience, demonstrators and common law detainees. No inquiry is known to have taken place in these cases.

A member of the Union of the Guinean Youth was arrested on two occasions in February 2007 where he was beaten with rifle butts. During his second arrest, he was subjected to a form of torture known as the “Chinese torture”: the security forces handcuffed both his arms behind his back and while his arms were crossed, they walked on him and kicked him in the chest. The police tied both his elbows behind his back, inserted a baton between his arms, and pulled on it at regular intervals to increase the pain.

During a visit to the country in April 2007, an Amnesty International delegation met 23 prisoners held on death row in Conakry civil prison (*la maison centrale*) and Kindia high security prison (east of Conakry). Most of the prisoners mentioned that they had been tortured or ill-treated at the time of their arrests and during the first days of detention. Several had visible marks of beatings or of having their arms tied with ropes for prolonged periods of time.

In September and October 2008, shortly after the demonstrations in Conakry and Boké, more than 10 people were arrested and held for a few days without charge. During their detention in Boké, the detainees were held in a tiny cell, surrounded by excrement and urine, and lashed with rubber straps by soldiers. The detainees were forced to count, and if they made a mistake, to resume at zero. Aboubakar Fofana, a student, fell into a coma as a result of the lashings and was admitted to hospital in Boké.

On September 28, 2009, the day of the demonstration against the candidacy of Captain Moussa Dadis Camara, the body of a woman arrested by the security forces was returned to her family; it showed signs of sexual violence as well as burn marks from an iron.

Violence against women

Since 2007, Amnesty International has documented several cases of violence against women, including rape by security forces.

During the 2007 demonstrations, several women were raped by soldiers or by masked men in military uniform. During a mission in 2007, Amnesty International gathered the testimony of a 32-year-old unmarried woman who was raped by soldiers at her home in February 2007.

During and after the demonstration of September 28, 2009, a number of women were publicly raped and beaten by soldiers, including “Red Berets” - the Presidential Guard. The soldiers ripped the skirts off the women, leaving them naked. They hit them with truncheons and Kalashnikovs. Soldiers were seen throwing women on to the ground and publicly raping them. A naked woman was raped by a soldier with his truncheon and a soldier poured beer on another woman he had just raped. Soldiers were photographed removing the women’s clothes.

A group of women who were undergoing medical care after being raped in public were arrested and detained for five days during which time they were drugged and raped by the security forces.

Arbitrary arrests

Journalists, members of the opposition, demonstrators as well as members of the security forces regularly face arbitrary detentions in very dire conditions.

In 2007, during the general strike, dozens of people, including demonstrators and employees of a private radio station, were arrested for short periods of time by the security forces. In July 2007, Sidibé Keita, a

member of an opposition party, was arrested and held for over a month. He was subsequently released without charge or trial. In December 2007, Komara Lansana, a member of the executive bureau of the Rally of the Guinean People (*Rassemblement du peuple de Guinée*, RPG) was held for more than five days at the presidential palace where he was reportedly tortured and hung upside-down from the ceiling.

In January 2009, at least twelve soldiers, including military officers, were arrested and held without charge in the Alpha Yahya military barracks in Conakry. Most of them had worked for the late President Lansana Conté. They were allowed some family visits, but had no access to a lawyer. In August 2009, eleven of them were transferred during the night to another place of detention on the island of Kassa, west of Conakry. During the transfer, the men were only wearing underwear and were tied up with ropes. As of 2 November 2009, the men are still detained although it is not known why they are being held and they are not allowed family visits.

In the hours and days following the brutal repression of the demonstration on 28 September 2009, security forces comprising members of the Autonomous Battalion of Airborne Troops (*Bataillon autonome des troupes aéroportées* (BATA) and the Presidential Guard (known as “Red Berets”) combed several districts of the capital, Conakry, including Bomboli, Hamdalaye, Mapoto and Enco 5, the inhabitants of which are known for their opposition to the ruling junta. On 29 September 2009, the security forces raided Bomboli and arrested people in their homes and on the street. Some of them were beaten and placed in the boots of vehicles by the soldiers. The total number of men and women arrested on that occasion is not known.

Restrictions on the right to freedom of expression

Journalists regularly face politically motivated intimidation and harassment, as well as arbitrary detention and imprisonment. There are also restrictions on freedom of speech and of the press, particularly when the authorities are being criticized.

In January 2007, the Minister of Information ordered all private and community radio stations not to broadcast any material on the general strike. The following month, the presidential guards arrested two people working for the radio station *FM Liberté* and looted the broadcasting centre. The soldiers accused the radio station of doing interviews which were critical of the late President Conté. The same month, two radio stations, *Familia FM* and *Radio Soleil*, stopped broadcasting, reportedly after receiving anonymous threats. In August 2007, a court in Conakry handed down suspended prison sentences to two private newspaper directors in connection with articles alleging corruption by a former government minister.

In August 2008, Lansana Babara Camara, a journalist with *La Guinée actuelle*, a privately owned newspaper, was assaulted by a member of the Autonomous Presidential Security Battalion while inquiring about a visit by the late President Conté. The following month, Facely Traoré, a reporter for *Familia FM*, was arrested and briefly held in the Criminal Investigation Department of the police.

In 2009, threat and intimidation of private radios have continued and some of them now impose a self-censorship and play music rather than reporting to avoid being raided. In August 2009, Diarougba Balde, journalist at the Kibarou website, was arrested while covering a demonstration against the junta. He was released a few hours later. On September 28, Moctar Bah and Amadou Diallo, correspondent for RFI and the BBC, were threatened and roughed by the security forces while covering the rally against the candidacy of Captain Moussa Dadis Camara. Soldiers forced them to their knees in front of dead bodies. Their personal belongings were confiscated and their working equipment, including microphones and telephones, were smashed.

In October 2009, journalists gathered under a tree near the presidential palace to follow mediation talks to address the political situation were threatened with death by members of the “Red Berets”.

The death penalty

There has been no execution in Guinea since 2001. However, death sentences continue to be handed down and in November 2008, the Prosecutor General declared that the Penal Code provides for the death penalty for several crimes and this punishment will be carried out as provided by Guinean law. In December 2008, Guinea abstained in the vote on the UN General Assembly resolution calling for a worldwide moratorium on executions.

As of October 2009, more than 26 persons remain on death row in Conakry and Kindia high security prisons.

D. Identification of achievements, best practice, challenges and constraints

Amnesty International calls on the government:

- To give clear instructions to the security forces to always act in compliance with international human rights law, in particular, the right to life and the total prohibition of torture and other ill-treatment;
- To take effective steps to ensure that the security forces act in accordance with international instruments, including the UN Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, in order to uphold the right to life and physical integrity;
- To suspend from duty anyone reasonably suspected of having committed offences under international law or other human rights abuses, or of having participated in such offences, until the allegations against them can be independently and impartially investigated;
- To establish an independent selection and verification mechanism to ensure that no-one reasonably suspected of having committed offences under international law or other human rights abuses, or of having participated in such offences, can be engaged in the army until the allegations against them have been independently and impartially investigated;
- To review without delay the methods used to maintain order at demonstrations so that, in future, the security forces use only means that comply with international human rights standards to contain protest movements;
- To bring to justice anyone suspected of having committed extrajudicial executions, torture, ill-treatment, rape and other grave human rights violations, in accordance with international standards of fairness;
- To uphold the right to freedom of expression and assembly, in particular in the context of future electoral campaigns;
- To ensure that the victims of human rights violations and their families can obtain full reparation in the form of restitution, compensation, satisfaction, rehabilitation and guarantees of non-repetition;
- To submit forthwith the outstanding reports that Guinea is obliged to present to the Human Rights Committee and the Committee against Torture concerning application of the International Covenant on Civil and Political Rights and the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, respectively;
- To submit forthwith the outstanding reports that Guinea is obliged to present to the African Commission on Human and Peoples' Rights concerning the application of the African Charter;

- To ratify the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- To invite the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions to visit Guinea;
- To impose an immediate moratorium on executions, commute all death sentences and progressively reduce the number of crimes punishable by death with a view to the abolition of the death penalty.

Annex: Amnesty International documents for further reference³

Excessive use of force

Press Release - Guinea: The killings must stop immediately (Index: AFR 29/001/2007), 26 January 2007.

Press Release - Guinea: Fundamental freedoms must not be jeopardized by the state of siege (Index: AFR 29/002/2007), 14 February 2007.

Press Release - Guinea: Security forces still a threat (Index: AFR 29/004/2007), 27 June 2007.

Report - Guinea: "Soldiers were shooting everywhere" (Index: AFR 29/003/2007), 27 June 2007.

Public statement - Guinea: Excessive use of force and torture following demonstrations against the high cost of living (Index: AFR 29/001/2008), 20 November 2008.

Press release - Guinea: Details of violence emerge; Amnesty calls for international commission of inquiry, 30 September 2009.

News - International inquiry needed into violence by Guinea security forces, 1 October 2009.

Press release - Guinea: Call for suspension of military and police weapons transfers, 8 October 2009.

Public statement - Guinée: Quel sort pour les civils et militaires dont on est sans nouvelles? (Index: AFR 29/006/2009), 15 October 2009.

Detention

Urgent Action - Guinea: Twelve detained soldiers threatened (Index: AFR 29/001/2009), 29 July 2009.

Urgent Action - Guinea: Soldiers held in unlawful place of detention (Index: AFR 29/002/2009), 4 August 2009.

Urgent Action - One soldier released, 11 still incommunicado (Index: AFR 29/003/2009), 18 August 2009.

Urgent Action - Guinea: Soldier detained incommunicado in Guinea: Mamadou Korkea Damba (Index: AFR 29/004/2009), 21 September 2009.

Urgent Action - Guinea: One more soldier released (Index: AFR 29/005/2009), 28 September 2009.

³ These documents are available on Amnesty International's website: <http://www.amnesty.org/en/region/guinea>