

# WOUNDED YOUTH

CARE AND JUSTICE URGENTLY NEEDED FOR THE VICTIMS OF UNLAWFUL USE OF FORCE IN GUINEA

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# GLOSSARY

TERM	DEFINITION
ABLOGUI	<i>Association des blogueurs de Guinée</i> [Guinea Bloggers Association]
ARPT	<i>Autorité de régulation des postes et télécommunications</i> [Post and Telecommunications Regulatory Authority]
BAC	<i>Brigade anti-criminalité</i> [Anti-crime Squad]
ECOWAS	Economic Community of West African States
CMIS	<i>Compagnie Mobile d'Intervention et de Sécurité</i> [Mobile Intervention and Security Company]
CNRD	<i>Comité national du rassemblement pour le développement</i> [National Committee of the Rally for Development]
CNT	<i>Conseil national de transition</i> [National Transitional Council]
DPJ	Direction de la police judiciaire [Criminal Investigation Department]
FNDC	<i>Front national pour la défense de la constitution</i> [National Front for the Defence of the Constitution]
FVG	<i>Forces vives de Guinée</i> [Life Forces of Guinea]
GFS	<i>Groupement des forces spéciales</i> [Special Forces Group]
HAC	<i>Haute Autorité de la Communication</i> [Higher Authority for Communication]
OHCHR	Office of the United Nations High Commissioner for Human Rights
PNDS	<i>Plan national de développement sanitaire</i> [National Health Development Plan]
RTG	<i>Radiodiffusion télévision guinéenne</i> [Guinean Television Broadcasting]
SMIG	<i>Salaires minimum interprofessionnel garanti</i> [Guaranteed Minimum Wage]
SPPG	<i>Syndicat des professionnels de la presse de Guinée</i> [Union of Guinean Press Journalists]
UFDG	<i>Union des forces démocratiques de Guinée</i> [Union of Democratic Forces of Guinea]
UFR	<i>Union des forces républicaines</i> [Union of Republican Forces]

# 1. EXECUTIVE SUMMARY

**“The doctors said that, if he was able to recover a little, he could be evacuated to Dakar. But he was too weak at that point. I can’t forgive the people who did this to my brother. We fought for four years to help him regain his health.”**

Extract from a GuinéeMatin.com interview with Amadou Diallo, brother of Alpha Oumar Diallo, who became a paraplegic after being shot during a protest on 14 October 2019, and died on 5 September 2023.

This report looks at the situation of people seriously injured by the forces of law and order during protests in Guinea since 2019, their emergency and long-term medical care needs, and the impunity of those responsible for excessive or otherwise unlawful use of force under the regimes of Alpha Condé (2010-2021) and then the *Comité national du rassemblement pour le développement* (CNRD). It highlights the responsibility of the Guinean authorities in obstructing the right to freedom of expression and peaceful assembly, the conditions under which law and order are maintained, and the barriers to the victims' right to reparation, healthcare and justice.

Since the major protests in 2019 against President Alpha Condé's desire to change the Constitution to allow him to serve for a third term, the rights to freedom of expression and peaceful assembly have been particularly restricted by the different authorities. Between 2019 and 2021, protests were almost systematically banned. Many members of the *Front national pour la défense de la Constitution* (FNDC), a coalition of political parties and civil society organizations, were arbitrarily detained for calling for protests against the change to the Constitution.

Following the coup d'état of 5 September 2021, in May 2022 the transitional government put in place by the CNRD military decreed a ban on “all protests on the public highway likely to compromise social peace and the proper execution of timetabled activities (...) until the period of the election campaign”. Access to the Internet and, in particular, social media has been regularly cut off or disrupted, the signal of the most popular radio stations jammed or interrupted, access to news websites prevented, and television media removed from broadcasting platforms. Journalists, trade unionists and members of *Forces vives de Guinée* (FVG), a movement favouring a rapid return to constitutional order and opposed to the human rights violations committed by the CNRD, have been arbitrarily detained for exercising their right to freedom of expression.

Despite this hostile environment for freedoms, many people have defied the bans to demonstrate their dissatisfaction with the political situation and respect for human rights, including economic and social rights. These protests have been severely repressed. Between 2019 and 2021, under the presidency of Alpha Condé, at least 66 people were killed and hundreds more seriously injured when the army, police and gendarmerie cracked down on protests, mainly against the change to the Constitution and Alpha Condé's re-election for a third term. Since September 2021 and as of the date of publication of this report, under the CNRD transition at least 47 people have been killed and a greater number seriously injured during repression – by these same bodies – of protests calling for a return to constitutional order and respect for human rights, including economic and social rights.

Between September 2022 and March 2024, Amnesty International delegates spoke in person and by telephone to 49 people seriously injured in protests since 2019. The 40 or so face-to-face interviews were conducted largely in the commune of Rátoma, in the neighbourhoods along the Route Le Prince where most of the protests – some of them violent – took place and where the crackdown by the forces of law and order was brutal, even before Alpha Condé came to power in 2010. Most of those injured were young men and children. Of the 47 people killed under the CNRD as of 22 April 2024, more than 75% were aged

under 25, and 40% were minors under the age of 18, according to Amnesty International estimates. Those injured were mainly victims of gunfire and, to a lesser extent, teargas canisters. Several others were deliberately hit by defence and security vehicles.

The organization's delegates also met with seven doctors, four lawyers, five representatives of Guinean human rights organizations and 10 journalists. A total of at least 75 people, including at least 30 women, were involved in drafting this report. In September 2022, an Amnesty International delegation met with the Minister of Justice to discuss the impunity of those defence and security forces allegedly responsible for unlawful killings and injuries due to an unlawful use of force.

This report first presents numerous cases of people seriously injured during protests since 2019 as a result of excessive or otherwise unlawful use of force by the defence and security forces. For example, Elhadj Bailo Diallo, 16 at the time of the incident, was blinded after being hit in the right eye by a teargas canister fired on 22 March 2020 by people he identified as gendarmes. Mamadou Sadjo Baldé was seriously injured in the hip in 2023 after being hit by a vehicle of the defence and security forces. He has undergone three operations and has to wear a catheter because he can no longer urinate normally.

The report goes on to show, through different testimonies, that victims of serious injuries committed by the defence and security forces during protests received delayed medical treatment because these officials prevented or delayed their medical evacuation, particularly under Alpha Condé, in violation of Guinean and international law. Police officers knowingly left victims with serious injuries instead of coming to their aid. Victims have also been arrested and detained without treatment, sometimes for several days, including Thierno Amadou Bah, who was shot during a protest on 22 March 2020, arrested on his way to receive treatment and then detained for three days.

The medical care of those injured has also been problematic. Although international law requires States to guarantee health professionals an environment that facilitates the right to health, several injured people said that the medical staff of public hospitals and private clinics had refused to treat them for fear of reprisals from the authorities, who have constantly sought to play down the repression. Mamadou Bailo Bah, injured in the left arm by a teargas canister on 22 March 2020, said: "The doctors at a private clinic refused to admit us on the pretext that they were not authorized to take in wounded individuals because officers might then turn against them and vandalize the clinic. The security guard closed the door." Furthermore, in some cases, medical staff were unable to treat the injured, citing a lack of space or inadequate facilities to treat their injuries.

Furthermore, while the Guinean authorities are required to guarantee the right to health and reparation for victims of serious human rights violations committed by State agents, access to emergency care for people seriously injured during protests, generally from low-income social backgrounds, has been hampered by the absence of a fund dedicated to caring for victims of human rights violations, and by the refusal of certain health centres to treat victims of unlawful force in the absence of prior payment. Amadou Sadio Diaouné, who was shot on 28 July 2022 by people he identified as gendarmes, reported that "at Ignace Deen Hospital, the doctors refused to help me for financial reasons. It was only after my uncle paid that they took me in."

While the authorities are required to guarantee a principle of affordability in order to protect the right to health, the lack of financial resources on the part of victims and their families has also made it difficult if not impossible for them to obtain the care they need in the short, medium and long term. This may have contributed to a deterioration in the state of health of those injured, leading to serious consequences for them. Ibrahima Sory Cissoko, aged 28 at the time of the incident, was shot in the leg and arm on 23 March 2020 by people he identified as police officers. He said: "I can no longer walk properly and my treatment has stopped due to a lack of financial support." Alpha Oumar Diallo, who became a paraplegic after being shot in the kidneys on 14 October 2019, died on 5 September 2023 after several years of suffering, having been unable to receive adequate care.

The high cost of care has also weighed heavily on the daily lives of those families who have been able to afford some of their treatment. After injuring his leg in May 2023, Amara Sylla and his family spent around GNF 45 million (around €4,800) on surgery and other treatment. As a comparison, the monthly guaranteed minimum wage (SMIG) is GNF 550,000 (around €60).

In addition to problems of accessing healthcare, in contravention of national provisions, the African Charter on Human and Peoples' Rights and the International Covenant on Economic, Social and Cultural Rights, ratified by Guinea, victims of serious injuries during protests are also confronted by the impunity for unlawful use of force by defence and security forces. The very small number of legal proceedings – and among them the even smaller number of effective proceedings – mean that these individuals are unable to obtain justice or the compensation that would enable them to cover their health costs.

Against a backdrop of limited judicial independence and weak political will, this report shows that there have been few convictions of members of the defence and security forces for unlawful killings or other cases of unlawful use of force since 2019. Several legal proceedings have been announced or initiated by the CNRD – notably against former president Alpha Condé and 27 others for "wilful attacks on human life, in particular murder, assassination and complicity in murder and assassination" committed in the context of the joint referendum and presidential elections in 2020 – but little public information is available on their progress, and they relate mainly to cases of murder. The survivors are therefore generally deprived of justice and reparation.

This impunity is further reinforced by a lack of complaints from the victims or their families, due to little confidence in the justice system, a fear of reprisals or a lack of financial resources. Ibrahima Diallo, who was shot in the neck in 2020 and has not filed a complaint, asked: "How can you file a complaint against a government that has no principles?" Elhadj Alpha Diallo, who

received a head injury from a teargas canister on 22 March 2020, said that “no-one will have the courage to file a complaint due to the risk of immediate arrest.”

In such a context, in which the rights to freedom of expression and peaceful assembly are violated, and where protests are suppressed with bloodshed, where the seriously injured are denied access to medical care or left to their fate, and where impunity is the rule for members of the defence and security forces responsible for an unlawful use of force, Amnesty International makes the following recommendations to the Guinean authorities:

- Guarantee the rights to freedom of expression and peaceful assembly, in accordance with the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples’ Rights;
- Repeal the decision of 13 May 2022 prohibiting “all protests on the public highway likely to compromise social peace and the proper execution of timetabled activities (...) until the period of the election campaign”;
- Amend the law of 4 June 2015 on maintaining public order, which prohibits “any unarmed gathering that could result in a breach of the peace”, to ensure that the concept of “gathering” is not defined too vaguely and that any restrictions are in line with international human rights law, pursuant to Comment 37 of the UN Human Rights Committee;
- Immediately end the arbitrary arrest and detention of people who are merely exercising their rights, including the right to freedom of expression or peaceful assembly;
- Immediately and unconditionally release all persons arbitrarily detained;
- Refrain from total or partial Internet black-outs, in compliance with international standards on freedom of expression;
- Prohibit the deployment of hooded elements of the defence and security forces and unmarked vehicles during protests; ensure that all officers deployed openly during meetings wear visible individual identification marks such as their name or service number, in accordance with the Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa of the African Commission on Human and Peoples' Rights (ACHPR);
- Deploy the military to maintain law and order only in exceptional circumstances and only if they have been trained and equipped to maintain law and order while respecting human rights;
- Ensure strict compliance with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the ACHPR’s Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa. In particular:
  - Use force only if other means have had no effect or have not achieved the desired result;
  - Use firearms only if there is an imminent threat of death or serious injury and only when less harmful means are not available, and without endangering those persons who do not present such a threat;
- Ensure that contingency plans are put in place with the Ministry of Security and Civil Protection to provide for rapid medical care for anyone injured at a protest; in particular, provide for clear and precise communication protocols between law enforcement officials and medical service providers in the context of a protest;
- In accordance with the right to effective remedy under international human rights law, consider establishing a national compensation fund for victims of human rights violations, including those who have been seriously injured during protests as a result of excessive or otherwise unlawful use of force in order to ensure that they have access to the emergency healthcare and long-term medical and psychological support they need;
- Ensure that emergency care for people seriously injured at protests is not conditional upon prior payment of medical expenses;
- Ensure that medical kits are available in the country's main public and private health facilities, particularly in Conakry, so that people seriously injured during protests can be treated immediately without prior payment;
- Ensure that doctors and medical staff are able to work in a safe environment, free from intimidation and threats;
- Combat impunity for human rights violations, including the unlawful use of force during protests, and ensure access to justice and adequate reparation for victims and their families;
- Expedite the prosecutions that are ongoing against 27 people, including former president Alpha Condé, for various alleged offences, including “wilful attacks on human life, in particular murder, assassination and complicity in murder and assassination”, and other prosecutions of people alleged to have used excessive or otherwise unlawful force during protests; Ensure that the families of victims are able to take part as civil parties in these proceedings; Guarantee regular and transparent public information on progress in these proceedings; Prosecute those suspected of criminal responsibility for human rights violations in fair trials before competent, independent and impartial courts; and grant adequate reparation to the victims;
- Ensure the application of the law on legal aid and the law on the protection of victims, witnesses and other people at risk.



# 2. METHODOLOGY

This report on the situation of people seriously injured by the security forces during protests in Guinea since 2019, their needs in terms of access to emergency and longer-term medical care, impunity for those responsible for excessive or otherwise unlawful use of force, and the responsibility of the state in this regard, is the result of interviews and research conducted in the country by Amnesty International delegates between September 2022 and February 2024, and interviews and research conducted remotely in 2023 and 2024. The period covered extends from 2019 to 2024, with 2019 marking the starting point of the crackdown on the major protests against the change to the Constitution sought by President Alpha Condé.

Amnesty International delegates spoke in person and by telephone to 49 people injured during protests, including two women. The face-to-face interviews were conducted mainly in the commune of Ratoma, one of the five communes in the Conakry region where the crackdown on protests has been focused for several years. The interviews were conducted in French and Fulani. In accordance with Amnesty International's rules, the anonymity of some interviewees has been protected, either at their request or because the organization felt that publishing their names would pose a risk to their safety.

The delegates also met with five doctors, four lawyers and 10 journalists. A total of at least 75 people, including at least 30 women, were involved in the drafting of this report. Hundreds of articles from online news sites, academic research, press releases, reports and statements from the authorities were also consulted.

In September 2022, during a visit to Conakry, an Amnesty International delegation met with the Minister of Justice to discuss the impunity of members of the defence and security forces allegedly responsible for unlawful killings and injuries due to an unlawful use of force.

On 20 March 2024, Amnesty International sent requests for information to the Minister of Justice and Human Rights, the Minister of Defence, the Minister of Security and Civil Protection, and the Minister of Health and Public Hygiene concerning their responsibilities and tasks in relation to the issues raised in this report. A request for information was also sent to the President of the Guinean Red Cross on 6 March 2024 regarding medical evacuations.

On 18 April 2024, the organization sent a letter to the four ministers noted above, as well as to the Prime Minister, offering the possibility of a right of reply to the main findings contained in this report.

As of 6 May, no response to the requests for information had been received; as of [[xxx, no response to the offers of a right of reply had been received]].

# 3. BACKGROUND: BRUTAL CRACKDOWN ON PROTESTS

**“Justice will be the compass that guides every Guinean citizen”**

Extract from a speech by Mamadi Doumbouya at the *Palais du Peuple* on 6 September 2021.

## 3.1 PROTESTS STIFLED UNDER ALPHA CONDÉ



 ↑ Screenshot of Mamadi Doumbouya's statement to Guinea Radio and Television Broadcasting (RTG) during the coup of 5 September 2021.

The regime led by Alpha Condé for over 10 years (from 21 December 2010 to 5 September 2021) was marked by serious human rights violations, particularly from 2019 on when the President and his supporters sought to amend the Constitution to allow the Head of State to stand for a third term. The majority of peaceful gatherings organized to oppose the government's plans were banned by the authorities, in violation of international human rights law. In March and October 2020, banned protests to mark the constitutional referendum and then the presidential election were bloodily put down.<sup>1</sup>

There were at least 70 arbitrary arrests/detentions or incommunicado detentions of those denouncing the government's authoritarian excesses, including more than 15 leaders and members of the National Front for Defence of the Constitution

<sup>1</sup> Amnesty International, Guinea: Marching to their Death. The urgent need of justice for the victims of Guinea's crackdown on demonstrations (Index: AFR 29/2937/2020), 1 October 2020, <https://www.amnesty.org/en/documents/afr29/2937/2020/en/>

(*Front national de défense de la Constitution/FNDC*),<sup>2</sup> a coalition of civil society organizations and political parties opposed to the reform of the Constitution. In January and February 2021, four people, including three activists or supporters of the opposition party Union of Democratic Forces of Guinea (*Union des forces démocratiques de Guinée/UFDG*) died while in pre-trial detention at Conakry Central Prison.<sup>3</sup> On 28 January 2021, Oumar Sylla, one of the FNDC's leaders, was sentenced to 11 months in prison after four months of arbitrary detention, for “taking part in a prohibited gathering likely to disturb the public order”.<sup>4</sup> These violations have been documented in several Amnesty International studies, including the report “Marching to their Death”, published on 1 October 2020,<sup>5</sup> and several press releases.<sup>6</sup>

On 5 September 2021, the Special Forces Group (*Groupement des forces spéciales/GFS*) led by Lieutenant-Colonel Mamadi Doumbouya, overthrew President Alpha Condé after fighting in Kaloum, the centre of the capital, Conakry, including within the presidential palace. The military perpetrators of the coup d'état, members of the National Committee of the Rally for Development (*Comité national du rassemblement pour le développement/CNRD*), justified their action that evening in a statement broadcast by the Guinean public broadcaster (*Radiodiffusion Télévision Guinéenne/RTG*):

**“The trampling of citizens' rights, the disrespect for democratic principles, the excessive politicization of the public administration, financial mismanagement, poverty and endemic corruption have led the Guinean army, through the National Committee of the Rally for Development, to assume its responsibilities towards the sovereign people of Guinea as a whole.”**

Mamadi Doumbouya, 5 September 2021.

Dozens of people who had been arbitrarily detained were released on 7 September 2021 on the orders of the CNRD.<sup>7</sup> On 26 September 2021, following “inclusive national consultations”, Mamadi Doumbouya enacted a “transition charter”, which gives pride of place to defending human rights. “Strengthening the independence of the judiciary and combating impunity” and “promoting and protecting human rights and public freedoms” thus figure among the nine “Transition missions” set out in the Charter.<sup>8</sup>

**“Aware of the need to sustainably build the fundamentals of a stable democratic Republic together, united in its diversity and respectful of Human Rights and public freedoms.”**

Extract from the Preamble to the Transition Charter.

On 21 October 2022, the Economic Community of West African States (ECOWAS) and the Guinean authorities signed an agreement for a 24-month transition in 10 stages, which was to lead to a return to constitutional order in December 2024. The government was dissolved on 19 February 2024,<sup>9</sup> a new prime minister was appointed on 27 February, and the members of the new government were appointed by presidential decree on 13 March.

In March 2024, the new prime minister, Amadou Oury Bah, announced that the deadlines agreed with ECOWAS could not be met and suggested that the transition would now end in 2025, following a constitutional referendum in 2024.<sup>10</sup> Article 46 of the Charter states that: “Neither the President nor members of the National Committee of the Rally for Development may stand as candidates in either the national or local elections that will be organized to mark the end of the Transition.”<sup>11</sup>

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<sup>2</sup> Amnesty International, Guinea: Marching to their Death. The urgent need of justice for the victims of Guinea's crackdown on demonstrations (Index: AFR 29/2937/2020), 1 October 2020, <https://www.amnesty.org/en/documents/afr29/2937/2020/en/>

<sup>3</sup> Amnesty International, “Guinea. Deaths in detention and prison sentence for opposition members”, 2 February 2021, <https://www.amnesty.org/en/latest/news/2021/02/guinea-deaths-in-detention-and-prison-sentence/>

<sup>4</sup> Amnesty International, “Guinée. Après sept mois de détention arbitraire, le militant Oumar Sylla doit être libéré” [After seven months of arbitrary detention, activist Oumar Sylla must be released], 29 April 2021, <https://www.amnesty.org/fr/latest/news/2021/04/guinee-apres-sept-mois-de-detention-arbitraire-le-militant-oumar-sylla/> (in French)

<sup>5</sup> Amnesty International, Guinea: Marching to their Death. The urgent need of justice for the victims of Guinea's crackdown on demonstrations (Index: AFR 29/2937/2020), 1 October 2020, <https://www.amnesty.org/en/documents/afr29/2937/2020/en/>

<sup>6</sup> See for example “Guinea. Witness testimony, videos and satellite imagery confirm the defence and security forces fired live bullet at protesters, 25 October 2020, <https://www.amnesty.org/en/latest/news/2020/10/guinee-images-satellites-tirs-balles-reelles-par-les-forces-de-defense-2/>

<sup>7</sup> Le Monde, “En Guinée, premières libérations de dizaines de détenus du régime déchu” [In Guinea, first releases of dozens of detainees of the deposed regime], 7 September 2021, [https://www.lemonde.fr/afrique/article/2021/09/07/en-guinee-premieres-liberations-de-dizaines-de-detenus-du-regime-dechu\\_6093791\\_3212.html](https://www.lemonde.fr/afrique/article/2021/09/07/en-guinee-premieres-liberations-de-dizaines-de-detenus-du-regime-dechu_6093791_3212.html) (in French)

<sup>8</sup> Transition Charter, Heading 1, Chapter 2, 27 September 2021.

<sup>9</sup> RTG news on 19 February 2024, <https://www.youtube.com/watch?v=mF70sIt-Eq8>

<sup>10</sup> Rfi, “Guinée: ‘Nous devons travailler à une décrispation politique’, annonce le Premier ministre Bah Oury” [Guinea: ‘We must work to bring about a political détente’, announces Prime Minister Bah Oury], 12 March 2024, <https://www.rfi.fr/fr/podcasts/le-grand-invite/C3%A9-afrique/20240312-guin%C3%A9-nous-devons-travailler-%C3%A0-une-d%C3%A9crispation-politique-annonce-le-premier-ministre-bah-oury> (in French)

<sup>11</sup> Transition Charter, Heading 2, Chapter 1, 27 September 2021.

## 3.2 VIOLATIONS CONTINUED AND EXPANDED BY THE CNRD



 ↑ Photo taken on 28 September 2002 in Conakry. © Amnesty International

### 3.2.1 VIOLATIONS OF THE RIGHT TO PEACEFUL ASSEMBLY

Despite promises to protect human rights, the CNRD rapidly scaled up the number of violations, particularly of civil and political rights. An initial ban on “demonstrations of support of any kind whatsoever” was ruled on 11 September 2021,<sup>12</sup> followed by another announced on 13 May 2022 on “all protests on the public highway likely to compromise social peace and the proper execution of timetabled activities, (...) until the period of the election campaign”.<sup>13</sup>

On 30 May 2022, the Office of the United Nations High Commissioner for Human Rights (OHCHR) called for an “immediate restoration of the right to freedom of peaceful assembly”.<sup>14</sup> The CNRD reacted the next day by stating that: “The CNRD and its President repeat that no march shall be authorized unless the necessary guarantees are in place.”<sup>15</sup>

When requests for peaceful assemblies were formally made by organizers, bans were often imposed by municipal authorities, citing the CNRD ban. For example, the Mayor of the Commune of Matoto (Conakry) wrote to the national coordinator of the FNDC on 26 July 2022 to inform him of the ban on a peaceful march planned for 28 July, on the basis of the bans imposed by the CNRD and in order to “help maintain a climate of peace and social tranquillity (...)”.<sup>16</sup> On March 2023, the Mayor of the same commune wrote to Life Forces of Guinea (*Forces Vives de Guinée*/FVG), an alliance of political parties and civil society organizations, to “remind them that the administrative measures banning marches (...) remain in force. Such a demonstration cannot therefore be organized in the Commune of Matoto.”<sup>17</sup>

A number of people have also been arbitrarily arrested and detained for taking part in or calling for peaceful rallies. These have included executives of the FNDC and the Union of Republican Forces (*Union des forces républicaines*/UFR), arrested on 30

<sup>12</sup> Mosaiqueguinee, “Guinée : le CNRD réitère l'interdiction des manifestations de soutien en sa faveur” [Guinea: CNRD repeats ban on demonstrations of support towards it], <https://mosaiqueguinee.com/guinee-le-cnr-d-reitere-linterdiction-des-manifestations-de-soutien-en-sa-faveur/> (in French)

<sup>13</sup> Presidency of the Republic, National Committee of the Rally for Development, Press Release No. 012/CNRD/2022, 13 May 2022.

<sup>14</sup> News.un.org, “Guinée: l'ONU demande la levée immédiate de l'interdiction des manifestations” [Guinea: UN calls for immediate lifting of ban on protests], 30 May 2022, <https://news.un.org/fr/story/2022/05/1120872> (in French)

<sup>15</sup> RTG, Le Journal de 20h30, 31 May 2022, <https://www.youtube.com/watch?v=vdK0eaUfrs>

<sup>16</sup> Commune of Matoto, Ref: letter 167/MATD/VC/CMATOT/2022, 26 July 2022.

<sup>17</sup> Commune of Matoto, Ref: letter 172/MATD/VC/CMATOT/2023, 6 March 2023.

July 2022 and 24 January 2023,<sup>18</sup> and released on 12 October 2022 and 10 May 2023; 13 journalists arrested on 16 October 2023 and charged with “participating in an illegal gathering on the public highway”;<sup>19</sup> Sékou Jamal Pendessa, Secretary General of the Guinean Union of Press Journalists (*Syndicat des professionnels de la presse de Guinée/SPPG*), arrested on 19 January 2024 and charged the following day with, among other things, “unlawful participation in a meeting in a public place, unlawful participation in an unlawful assembly, complicity, undermining and threatening public order”. After more than one month in pre-trial detention, on 23 February he was sentenced to six months' imprisonment, three of them suspended, and a fine of GNF 500,000 (around €60) by the Dixinn Court of First Instance. Sékou Jamal Pendessa was sentenced on 28 February by the Conakry Court of Appeal to one month in prison and two further months suspended, plus a fine of GNF 500,000. Having already spent a month in detention, the trade unionist emerged from court free. On 12 March, his lawyers filed an appeal with the Court of Cassation.

Finally, on at least two occasions, on 16 February 2023<sup>20</sup> and 17 January 2024,<sup>21</sup> the Minister of Territorial Administration, Mory Condé, threatened political parties and civil society organizations that defied the bans on protests with the suspension or withdrawal of their licences, something that is also in violation of the right to freedom of association.

Despite this ongoing violation of the right to peaceful assembly, several rallies in support of the Head of State were not banned, as in Conakry and Kankan in August<sup>22</sup> and September 2023.<sup>23</sup> In addition, the authorities allowed some protests to take place in response to socio-economic demands, or did not disperse them by force, as in Kaloum on 1 February 2024<sup>24</sup> and Yimbaya (Conakry) on 19 February 2024.<sup>25</sup> On the other hand, several spontaneous or banned protests, sometimes violent, were brutally put down (see section 3.3).



### **THE DISSOLUTION OF THE FNDC, “A SERIOUS INFRINGEMENT OF THE RIGHT TO FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY”**

On 6 August 2022, the Minister of Territorial Administration and Decentralization dissolved the FNDC by decree on the grounds that this “de facto movement has always been known for violence against individuals, the degradation and destruction of public and private property, and acts of incitement to hatred or discrimination against individuals on the grounds of their origin or ideology”.<sup>26</sup>

The United Nations High Commissioner for Human Rights wrote to President Mamadi Doumbouya on 15 August 2022 stating that this decision constituted “a serious violation of the right to freedom of association and peaceful assembly”,<sup>27</sup> and asking him to “overturn this decision”, something that did not happen.

<sup>18</sup> Amnesty International, “Guinée: Amnesty International demande la libération de Mamadou Billo Bah et des autres détenus du FNDC” [Guinea: Amnesty International calls for the release of Mamadou Billo Bah and other FNDC detainees], 25 January 2023, <https://www.amnesty.org/fr/latest/news/2023/01/guinee-amnesty-international-demande-la-liberation-de-mamadou-billo-bah-et-des-autres-detenus-du-fndc/> (in French)

<sup>19</sup> Amnesty International, “Guinea: Amnesty International calls for charges to be dropped against 13 journalists who took part in a peaceful rally”, 18 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/guinee-les-charges-contre-13-journalistes-avant-participe-a-un-rassemblement-pacifique-doivent-etre-abandonnees/>

<sup>20</sup> Ministry of Territorial Administration and Decentralization, Declaration, 16 February 2023.

<sup>21</sup> Guinee360, “Troubles à l'ordre public : Mory Condé menace de retirer les agréments de certains partis politiques” [Disruption of the public order. Mory Condé threatens to withdraw the authorizations of certain political parties], 18 January 2024, <https://www.guinee360.com/18/01/2024/troubles-a-lordre-public-mory-conde-menace-de-retirer-les-agrements-de-certains-partis-politiques/> (in French)

<sup>22</sup> Presidency of Guinea, Publication on social media X: « Le Président Mamadi Doumbouya accueilli en héros » [President Mamadi Doumbouya welcomed in hero], 23 September 2023, [https://twitter.com/Presidence\\_gn/status/1705710140656103701](https://twitter.com/Presidence_gn/status/1705710140656103701) (in French)

<sup>23</sup> Guineenews.org, “Kankan: autorités et jeunes bravent l'interdiction de manifester en faveur du colonel Doumbouya” [Kankan: authorities and youths brave the ban on protests in support of Col. Doumbouya], 13 August 2023, <https://guineenews.org/kankan-autorites-et-jeunes-bravent-linterdiction-de-manifester-en-faveur-du-colonel-doumbouya/> (in French)

<sup>24</sup> Guineematin, “Manifestation à Kaloum: Les populations ont peur de leur situation après l'explosion », explique le chef de quartier de Coronthie” [Protest in Kaloum: People are afraid of what will happen to them after the outburst, explains the head of Coronthie district], 1 February 2024, <https://guineematin.com/2024/02/01/manifestation-a-kaloum-les-populations-ont-peur-de-leur-situation-apres-lexplosion-explique-le-chef-de-quartier-de-conronthie/> (in French)

<sup>25</sup> Guineematin, “Yimbaya (Conakry): plusieurs femmes dans la rue pour dénoncer la cherté de la vie, le manque d'électricité...” [Yimbaya (Conakry): several women take to the streets to protest the high cost of living and lack of electricity], 19 February 2024, <https://guineematin.com/2024/02/19/yimbaya-conakry-plusieurs-femmes-dans-la-rue-pour-denoncer-la-cherte-de-la-vie-le-manque-delectricite/> (in French)

<sup>26</sup> Ministry of Territorial Administration and Decentralization, Order A/2022/1910/MATD/CAB/SGG on the dissolution of a de facto group, 6 August 2022.

<sup>27</sup> Letter from Michelle Bachelet to Mamadi Doumbouya, 15 August 2022.

## 3.2.2 VIOLATIONS OF THE RIGHT TO FREEDOM OF EXPRESSION

Access to social media and news websites has been restricted or blocked, the signal of several radio stations has been interrupted or disrupted, and the country's main media groups have been removed from broadcasting platforms, in violation of the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds.<sup>28</sup>

Restrictions to accessing the Internet were first noted in May 2023 by the Guinea Bloggers Association (*Association des blogueurs de Guinée/Ablogui*) and the specialist organizations Netblocks and Ooni, at a time when the FVG had been calling for protests on 17 May to denounce the CNRD's handling of the transition. Further restrictions were then imposed for three months, from 24 November 2023 to 23 February 2024.<sup>29</sup> The Minister of Post, Telecommunications and the Digital Economy, Ousmane Gaoual Diallo, who is also the government spokesperson, attributed the Internet black-out to the malfunctioning of an "undersea cable" on 18 May 2023, before later citing security and financial reasons.<sup>30</sup>

The signal of FIM FM, one of the most popular radio stations in the country, has been jammed since 24 November 2023, following a dozen other jamming operations occurring since 19 May 2023. No action has been taken in relation to the written and verbal appeals sent by the radio's management to the Post and Telecommunications Supervisory Authority (*Autorité de régulation des postes et télécommunications/ARPT*) and the High Authority for Communication (*Haute Autorité de la Communication/HAC*), according to the radio's general manager<sup>31</sup> and management press releases.<sup>32</sup>

In December 2023, the HAC ordered distributors Canal + Guinée and StarTimes to stop broadcasting Guinean media groups Djoma FM and TV, Espace FM and TV and Évasion FM and TV, on the vague grounds of "national security imperatives".<sup>33</sup>

Access to three news websites was blocked without explanation: Guinée matin between 15 August and 4 November 2023, L'Inquisiteur between 1 September and 15 October 2023,<sup>34</sup> and Mosaïqueguinée since at least 11 January 2024.<sup>35</sup>

Peaceful rallies organized on 16 October 2023 and 18 January 2024 in Conakry to denounce attacks on the right to freedom of expression and freedom of the press were repressed by the authorities, who resorted to the unlawful use of force and arbitrary arrests and detentions.<sup>36</sup>



### GUINEA CONDEMNED BY THE ECOWAS COURT OF JUSTICE

In a ruling handed down on 31 October 2023, the ECOWAS Court of Justice found that the Guinean state had "violated the claimants' right to information and freedom of expression".<sup>37</sup> The Court also "enjoined" Guinea to "take all measures to ensure that this situation does not recur in the future", and to "adopt and implement laws, regulations and safeguards in order to fulfil its obligations with regard to the right to freedom of expression under international human rights law".<sup>38</sup>

Ablogui, the Village Association, the Guinean Human Rights League and the African Training Centre for Human Rights and the Environment had filed an application with the Court against the State of Guinea on 22 July 2021 denouncing the restrictions on access to the Internet and/or social media on several occasions between March and December 2020.

<sup>28</sup> The right to freedom of expression, as protected in Article 19(2) of the International Covenant on Civil and Political Rights, includes the right to "seek, receive and impart information and ideas of all kinds, regardless of frontiers." "This right includes the expression and receipt of communications of every form of idea and opinion capable of transmission to others, subject to the provisions in article 19, paragraph 3, and article 20." See General Comment 34 of the United Nations Human Rights Committee, para 11.

<sup>29</sup> Netblocks, publication X, 23 February 2024, <https://twitter.com/netblocks/status/1761024142558609815> Netblocks, publication X : "Update: Metrics show that access to social media has been restored in #Guinea after a 90-day long restriction", 23 February 2024, <https://twitter.com/netblocks/status/1761024142558609815>

<sup>30</sup> Journal de la RTG, 11 January 2024, <https://www.youtube.com/watch?v=XBvXY21rt8A&list=PLrtGSruffH5tDecdoJ3GQhqpM4FC3WimNH&index=81>

<sup>31</sup> Remote interview, January 2024.

<sup>32</sup> Frequence infos Media-FIM, Publications on social media X: « Communiqué de la Direction Générale du GFM » [Communication from the General Management of the GFM] 23 January 2024, <https://twitter.com/fimguinee/status/1749742787149332759>, « Brouillage continu du signal de Fim Fm : nos programmes suspendus », [Continuous jamming of the Fim Fm signal: our programs suspended], 27 November 2023, <https://twitter.com/fimguinee/status/1729258006506828241>

<sup>33</sup> Amnesty International, "Guinea. La liberté d'expression menacée par la transition malgré une condamnation de la cour de justice de la Cédéao" [Guinea: Freedom of expression threatened by the transition despite condemnation by the ECOWAS Court of Justice], 20 December 2023, <https://www.amnesty.org/fr/latest/news/2023/12/guinee-la-liberte-d-expression-menacee-par-la-transition-malgre-une-condamnation-de-la-cour-de-justice-de-la-cedeao/> (in French)

<sup>34</sup> Guineenews, "Perturbation de la connexion internet en Guinée : quand Ousmane Gaoual fait le faux-fuyant" [Disruption of the Internet in Guinea: Ousmane Gaoual fudges the issue], 18 May 2023, <https://guineenews.org/perturbation-de-la-connexion-internet-en-guinee-quand-ousmane-gaoual-fait-le-faux-fuyant/>

<sup>35</sup> Mosaïqueguinée, "Urgent: l'accès au site Mosaïqueguinée.com, bloqué en Guinée (Communiqué)" [Urgent: Access to Mosaïqueguinée.com blocked in Guinea (Press release)], <https://mosaïqueguinée.com/urgent-laccès-au-site-mosaïqueguinée-com-bloque-en-guinee-communiqué/> (in French)

<sup>36</sup> Amnesty International, "Guinée: [Guinea: Unnecessary use of force against peaceful rally must not go unpunished], 27 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/guinea-unnecessary-use-of-force-against-peaceful-rally-must-not-go-unpunished/>

<sup>37</sup> ECOWAS Court of Justice, Judgement No. ECW/CCJ/JUD/38/23, <http://www.courtecowas.org/wp-content/uploads/2023/12/JUDGMENT-ABLOGUI-V-GUINEA-FRN.pdf>

<sup>38</sup> ECOWAS Court of Justice, Judgement No. ECW/CCJ/JUD/38/23, <http://www.courtecowas.org/wp-content/uploads/2023/12/JUDGMENT-ABLOGUI-V-GUINEA-FRN.pdf>

## 3.3 AT LEAST 113 PEOPLE KILLED AND SEVERAL HUNDRED INJURED IN PROTESTS SINCE 2019

The frequent and then permanent ban on anti-authority rallies since 2019 has led the authorities to crack down on any attempt to disregard these bans, including through use of lethal weapons and by deploying the army in a manner that violates Guinean and international law.

Protests documented by Amnesty International since 2019 have been peaceful. Some of these protests were unlawful, with demonstrators setting up roadblocks made up of various objects and burnt tyres and throwing stones at the defence and security forces.

Since 2019, Amnesty International has documented numerous cases of unlawful killings and serious injuries resulting from an excessive or otherwise unlawful use of force by the defence and security forces during protests, based on accurate and detailed analysis and numerous testimonies. The organization has repeatedly called on the Guinean authorities to systematically open investigations to determine the facts and who is responsible when people are killed or seriously injured during protests.<sup>39</sup>

Victims were rarely counted by the authorities, leaving them free to dispute the data provided by civil society organizations and international human rights organizations.

The vast majority of cases of alleged unlawful killings and serious injuries following the unlawful use of force recorded in Conakry since 2019 by Amnesty International and other organizations have been in the working-class neighbourhoods of Ratoma commune, located on either side of Route Le Prince, which runs through the centre of the peninsular capital.

### 3.3.1 A GRUESOME TOLL

#### BETWEEN 2019 AND 2021

Under Alpha Condé's regime, the deadliest days often corresponded to protests called by the FNDC and banned by the authorities, or to spontaneous protests in support of social and economic demands.<sup>40</sup>

According to information gathered by Amnesty International, at least 50 people were killed by the defence and security forces in connection with protests between October 2019 and July 2020,<sup>41</sup> and at least 16 after the presidential election of 18 October 2020 and during that same month.<sup>42</sup> As this report only covers deaths that the organization has been able to identify, it is not exhaustive. There is little doubt that the actual toll is significantly higher. The number of people seriously injured in similar circumstances over this period is even more difficult to establish but is even higher than the number of deaths.

The unlawful use of force under Alpha Condé, documented by several organizations including Amnesty International, was publicly noted by the CNRD when it came to power. For example, the preamble to the Transition Charter adopted by the CNRD on 27 September 2021 refers to "(...) the repeated violations of human rights and individual and collective freedoms that have plunged families into mourning and disabled thousands of Guinean women and young people in particular".<sup>43</sup> Also on 27 September 2021, Mamadi Doumbouya visited the Bambéto cemetery in Ratoma commune where some of the victims of the crackdown on protests under Alpha Condé are buried, and paid his respects along with several other military personnel. Furthermore, in 2022, several speeches by the Minister of Security, Bachir Diallo, suggested there had been frequent unlawful use of force by officers under the responsibility of that ministry prior to the coup d'état on 5 September 2021. During a visit to

<sup>39</sup> Amnesty International, Guinea: Marching to their Death. The urgent need of justice for the victims of Guinea's crackdown on demonstrations (Index: AFR 29/2937/2020), 1 October 2020, <https://www.amnesty.org/en/documents/afr29/2937/2020/en/>

<sup>40</sup> Amnesty International, Guinea: Marching to their Death. The urgent need of justice for the victims of Guinea's crackdown on demonstrations (Index: AFR 29/2937/2020), 1 October 2020, <https://www.amnesty.org/en/documents/afr29/2937/2020/en/>

<sup>41</sup> Amnesty International, Guinea: Marching to their Death. The urgent need of justice for the victims of Guinea's crackdown on demonstrations (Index: AFR 29/2937/2020), 1 October 2020, <https://www.amnesty.org/en/documents/afr29/2937/2020/en/>

<sup>42</sup> Amnesty International, "Guinea. Defence and security forces killed people in pro-opposition neighbourhoods after presidential election", 15 December 2020, <https://www.amnesty.org/en/latest/news/2020/12/guinea-defence-and-security-forces-killed-people-in-proopposition-neighbourhoods-2/>

<sup>43</sup> Transition Charter, Preamble, 27 September 2021.



the Mobile Intervention and Security Company (*Compagnie Mobile d'Intervention et de Sécurité*/CMIS) in Enco 5 district, the Minister said: "You must no longer do policing as you have done up to now. We have to do policing as it should be done."<sup>44</sup> In March 2022, the same minister asked officers not to obey illegal orders and reminded them of certain rules of engagement for firearms: "When a police officer receives an order and believes it to be manifestly illegal, he has the right to refuse to carry out that order (...) There is what is known as self-defence. If a demonstrator deliberately opens fire on a police officer, he is acting in self-defence. But this self-defence must be justified."<sup>45</sup>

Finally, on 4 May 2022, the Minister of Justice and Human Rights, Charles Wright, ordered the opening of legal proceedings against Alpha Condé and 26 other senior military and civilian officials for, among other things, "wilful attacks on human life, in particular murder, assassination and complicity in murder and assassination; involuntary attacks on life and complicity in involuntary attacks on life and complicity", on the basis of a report from the FNDC.<sup>46</sup>

## SINCE 2021

Since the coup d'état on 5 September 2021 and the CNRD's arrival in power, the majority of deaths and injuries have occurred during protests called by the FNDC and subsequently the FVG – banned by the authorities – and during spontaneous demonstrations to voice social and economic demands. Of these, of particular note are 27, 28 and 29 July 2022; 17 August 2022; 21 and 22 October 2022; 16 and 17 February 2023; 14, 19 and 20 March 2023; 9 and 10 May 2023; 4 and 5 September 2023; 8 January 2024; and 26 February 2024. Protests focusing on social and economic issues included: 1 June 2022 in Conakry against the rise in fuel prices; 26 February 2024 in Conakry during a one-day call for a general strike;<sup>47</sup> 12 March 2024 in Kindia against the power cuts,<sup>48</sup> 15 March 2024 in Conakry against the power cuts.<sup>49</sup>

After cross-checking information provided by the FVG and reports and accounts from news websites, Amnesty International estimates that 44 people were killed by members of the defence and security forces during protests against the transitional government between 1 June 2022 and 15 March 2024, and dozens more injured. The private media frequently documented these deaths and injuries, including by collecting testimonies from the victims' families.

In comparison, the official death toll reported by the authorities since the CNRD came to power is 14, including 12 during protests against the government or the country's socio-economic situation, without specifying whether they were due to (a potentially excessive) use of force. The Ministry of Territorial Administration reported that 20 police officers and gendarmes were injured, seven of them seriously, on the night of 15/16 February 2023.<sup>50</sup>

In all, at least 110 people have been killed and several dozen seriously injured in protests since 2019 under Alpha Condé and the CNRD. The number of people seriously injured is particularly difficult to establish in the absence of any records from the authorities or many of the hospitals. One doctor practising in Conakry told Amnesty International that "even civil society counts are often incomplete because injured people may come for treatment, and they may be accompanied by people who are not activists".<sup>51</sup> For example, another doctor told the organization that, since August 2021, the facility where he works has treated four people injured by bullets and more than 10 injured by teargas canisters.

## 3.3.2 VICTIMS' PROFILES

### THE "AXIS" NEIGHBOURHOODS AT THE HEART OF ANTI-GOVERNMENT PROTESTS

The vast majority of cases of alleged unlawful killings and serious injuries following the unlawful use of force in Conakry since 2019 have been recorded in the neighbourhoods of Ratoma commune on either side of Route Le Prince, which runs through

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<sup>44</sup>Vision Guinee, « Le ministre Bachir Diallo aux policiers : 'Vous ne devez plus faire le maintien de l'ordre tel que vous l'avez fait jusque-là' », [Minister Bachir Diallo to the police: "You must no longer maintain order as you have done so far"] 17 november 2021, <https://actujeune.com/2021/11/16/le-ministre-de-la-securite-aux-agents-vous-ne-devez-plus-faire-le-maintien-dordre-tel-que-vous-lavez-fait-jusque-la/>

<sup>45</sup> Kalenews.org, "Légitime défense: Ce que le Ministre Bachir Diallo a réellement dit (audio)" [Legitimate defence: What Minister Bachir Diallo really said (audio)], 31 March 2022, <https://kalenews.org/legitime-defense-ce-que-le-ministre-bachir-diallo-a-reellement-dit-audio/> (in French)

<sup>46</sup> Ministry of Justice, No. 539/PG/CA/C/2022, 4 May 2022.

<sup>47</sup> Rfi, "Deux morts, au moins, en Guinée lors de manifestations à Conakry" [At least two dead in Guinea during protests in Conakry], 26 February 2024, <https://www.rfi.fr/fr/afrique/20240226-deux-morts-au-moins-en-guinee-lors-de-manifestations-a-conakry>; VOA, "Deux Guinéens tués par balle lors d'une journée de contestation" [Two Guineans shot dead during day of protest], 26 February 2024, <https://www.voafrique.com/a/deux-guineens-tues-par-balle-lors-d-une-journee-de-contestation/7503191.html> (in French)

<sup>48</sup> Guineematin, "Manifs anti-délestages à Kindia: 'nous avons reçu 14 victimes, dont 2 morts et 12 blessés'" [Anti-black out protests in Kindia: 'We received 14 victims, including 2 dead and 12 wounded'], 12 March 2024, <https://guineematin.com/2024/03/12/manifs-anti-delestages-a-kindia-nous-avons-recu-14-victimes-dont-2-morts-et-12-blesses/> (in French)

<sup>49</sup> Guineematin, "Manifestations contre le manque de courant à Conakry: un jeune 'tué par balle' à Lambanyi" [Protests against power cuts in Conakry: young man 'shot dead' in Lambanyi], 15 March 2024, <https://guineematin.com/2024/03/15/manifestations-contre-le-manque-de-courant-a-conakry-un-jeune-tue-par-balle-a-lambanyi/?amp=1> (in French)

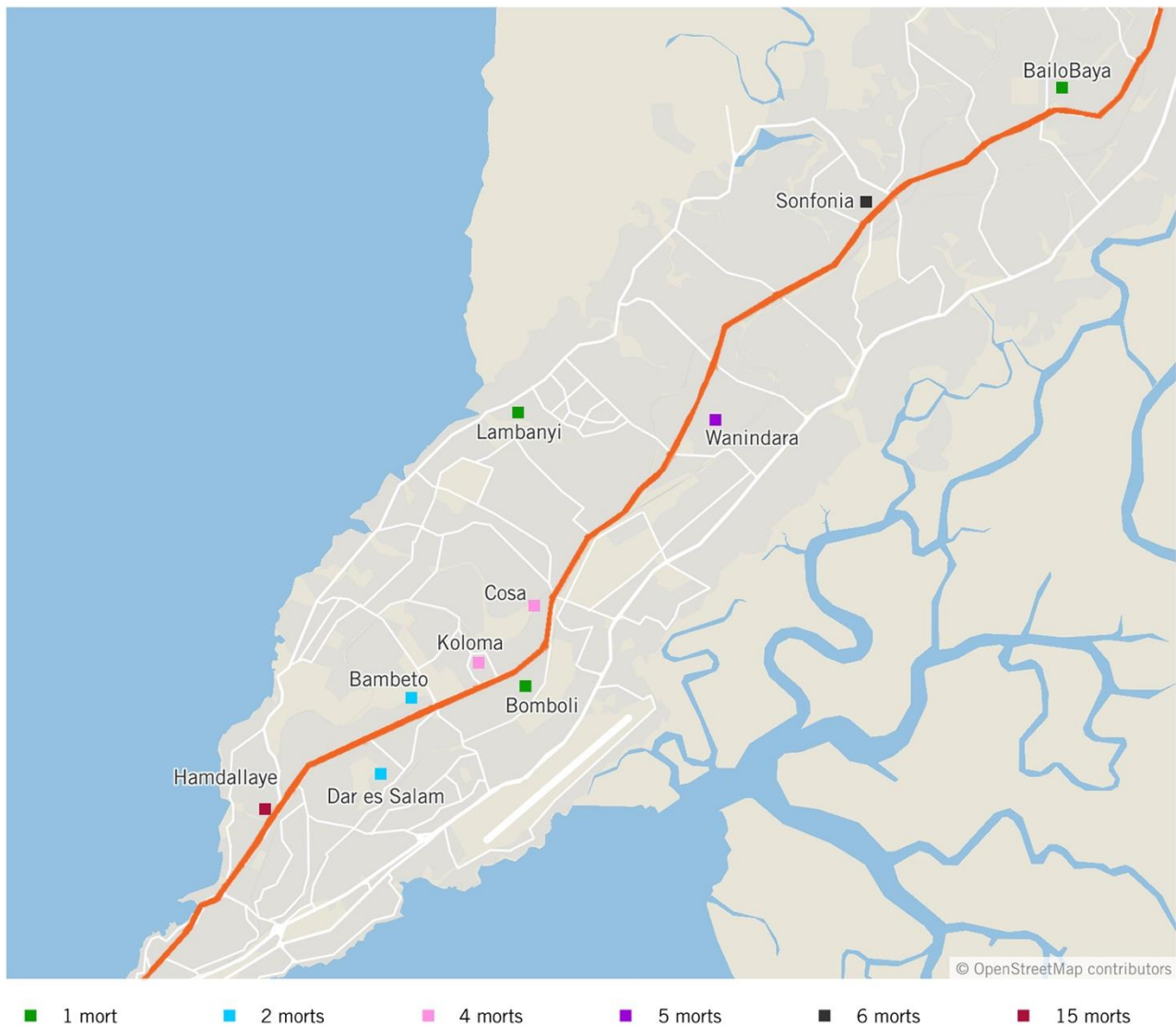
<sup>50</sup> Ministry of Territorial Administration and Decentralization, "Statement", 16 February 2023.

<sup>51</sup> Remote interview (anonymity preserved for security reasons), 8 April 2024.



the centre of the peninsular capital. This road serves several working-class districts of the capital, including Hamdallaye, Bambéto, Cosa, Koloma, Bailobaya, Enco 5, Wanindara, Cimenterie, and so on. These so-called “upper suburbs” are often referred to by the popular term “axis”, in reference to the expression used in 2007 by President Lansana Conté, who described this area as the “axis of evil”, itself a reference to the expression used by US President George W. Bush to refer to Iran, Iraq and North Korea.<sup>52</sup>

These neighbourhoods, often labelled by the authorities as strongholds of government opposition and of criminal activity, are those that have seen the most frequent and violent clashes between urban youth and the Guinean state for several decades, and particularly since 2019.<sup>53</sup> These neighbourhoods, urbanized on a massive scale in the mid-1980s and early 1990s by migrants from the rural region of Fouta Djalon, are overwhelmingly inhabited by Fulani, and statistics dating from 2014 show that the commune of Ratoma, where the “axis” neighbourhoods are located, is one of the poorest communes in the capital.<sup>54</sup>



Map showing the geographic distribution of alleged cases of unlawful killings during demonstrations in Conakry as of April 22, 2024.

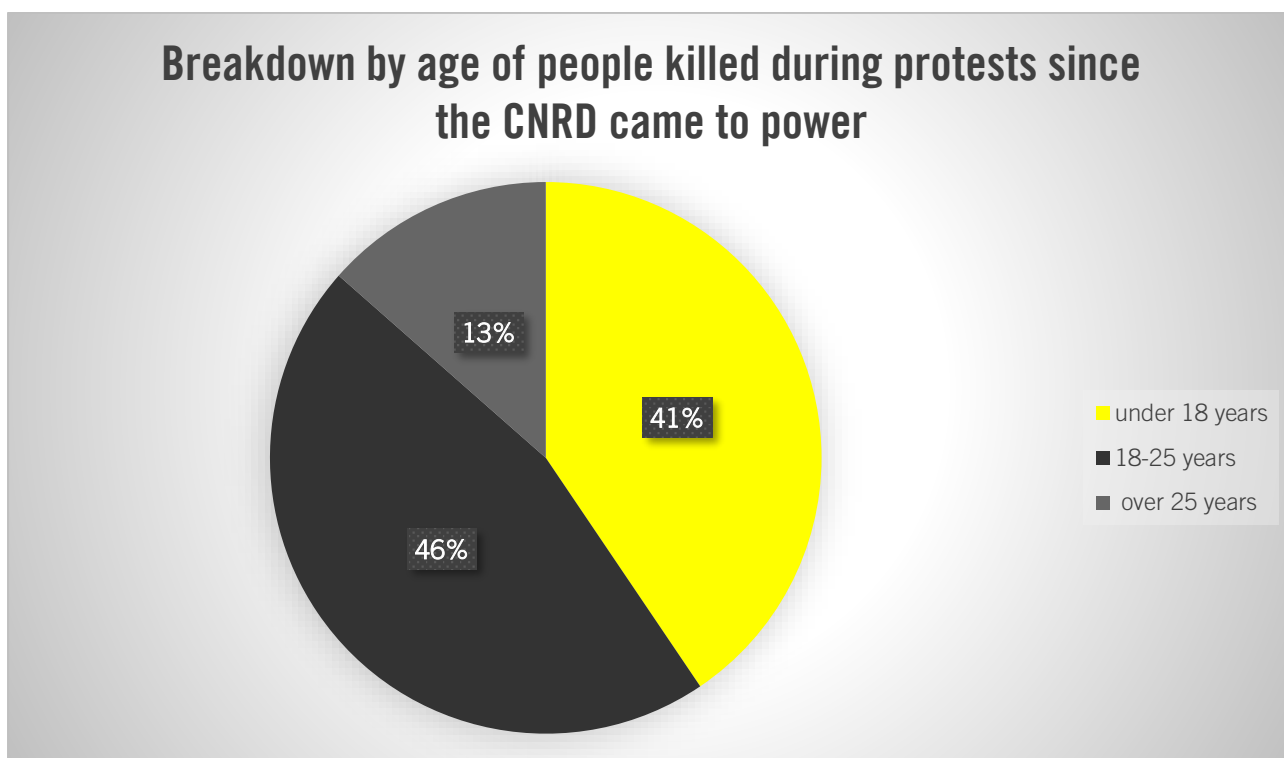
After cross-checking information provided by civil society organizations with reports and accounts on news websites, Amnesty International analysed data on the age and gender of people killed during protests since the CNRD came to power. Of the 44

<sup>52</sup> Joschka Philipps, “Bandes de jeunes et émeutes urbaines en Guinée-Conakry” [Youth Gangs and Urban Riots in Guinea-Conakry], L’Harmattan, 2013. (in French)

<sup>53</sup> Joschka Philipps, “Bandes de jeunes et émeutes urbaines en Guinée-Conakry” [Youth Gangs and Urban Riots in Guinea-Conakry], L’Harmattan, 2013. (in French)

<sup>54</sup> According to the third general population and housing census, conducted between 1 March and 2 April 2014, the rate of poverty is 8.4% in the commune of Kaloum, 7% in Ratoma, 5.4% in Matoto and 4.3% in Dixinn, [https://www.stat-guinee.org/images/Documents/Publications/INS/rapports\\_enquetes/RGPH3/RGPH3\\_rapport\\_pauvrete.pdf](https://www.stat-guinee.org/images/Documents/Publications/INS/rapports_enquetes/RGPH3/RGPH3_rapport_pauvrete.pdf)

victims recorded, all were men and, of those for whom age was available, 41% were children (under 18) and 45% were aged between 18 and 25. Virtually 90% of the victims were aged 25 or under.



The vast majority of people killed in protests since 2019 were residents of “axis” neighbourhoods with Fulani surnames. Nevertheless, over the last two decades alone, people of all ethnic and geographical origins have fallen victim to an unlawful use of force in every region of the country. Such was the case, for example, in Nzérékoré region in 2012<sup>55</sup> and 2020,<sup>56</sup> in Kindia region in 2020<sup>57</sup> and 2024,<sup>58</sup> in the mining areas of Boké region in June<sup>59</sup> and September 2017,<sup>60</sup> and then again in April<sup>61</sup> and September<sup>62</sup> 2023; and in September 2018,<sup>63</sup> April 2021<sup>64</sup> and September 2022<sup>65</sup> in Kankan region. It is therefore incorrect to say that the Fulani are being targeted simply because they are Fulani. Nevertheless, Amnesty International did note during interviews that several victims of unlawful use of force reported discriminatory remarks by the defence and security forces.

<sup>55</sup> Sherpa, “Les survivants du massacre de Zogota en Guinée saisissent la justice française” [Survivors of the Zogota Massacre in Guinea turn to French justice system], 31 October 2023, <https://www.asso-sherpa.org/les-survivant%C2%B7e%C2%B7s-du-massacre-de-zogota-en-guinee-saisissent-la-justice-francaise> (in French)

<sup>56</sup> Human Rights Watch, “They let people kill each other”, 25 September 2020, <https://www.hrw.org/report/2020/09/25/they-let-people-kill-each-other/violence-nzerekore-during-guineas-constitutional>

<sup>57</sup> Amnesty International, “Guinée. Les autorités alimentent le cycle de la répression dans le contexte du COVID-19” [Guinea: The authorities are fuelling the cycle of repression in the context of COVID-19],

14 May 2020, <https://www.amnesty.org/fr/latest/news/2020/05/guinee-les-autorites-alimentent-le-cycle-de-la-repression-dans-le-contexte-du-covid/> (in French)

<sup>58</sup> Rfi, “Guinée: deux enfants tués lors de manifestations contre les coupures d’électricité dans l’ouest” [Guinea: two children killed during protests against power cuts in the west], 13 March 2024,

<https://www.rfi.fr/fr/afrique/20240313-guin%C3%A9e-deux-enfants-tu%C3%A9s-lors-de-manifestations-contre-les-coups-d-%C3%A9lectricit%C3%A9-dans-l-ouest> (in French)

<sup>59</sup> Guineematin, “Urgent: un mort par balle et plusieurs blessés, la mairie de Kamsar saccagée (Mayor)” [Urgent: one shot dead and several injured, Kamsar town hall ransacked (Mayor)], 9 June 2017,

<https://guineematin.com/2017/06/09/urgent-un-mort-par-balle-et-plusieurs-blesses-la-maire-de-kamsar-saccagee-maire/> (in French)

<sup>60</sup> Guineematin, “Tirs à balles réelles à Boké: un mort et 22 blessés (Hôpital régional)” [Live ammunition fired in Boké: one dead and 22 wounded (Regional Hospital)], 13 September 2017,

<https://guineematin.com/2017/09/13/tirs-a-balles-reelles-a-boke-un-mort-et-22-blesses-hopital-regional/> (in French)

<sup>61</sup> Mediaguinee, “Boké se révolte: au moins un mort, des blessés, le véhicule du commandant calciné” [Boké rises up: at least one dead, several injured, commander’s vehicle burnt out], 20 April 2023,

<https://mediaguinee.com/2017/09/boke-se-revolte-au-moins-un-mort-des-blesses-le-vehicule-du-commandant-calcine/> (in French)

<sup>62</sup> Guineematin, “Manifestation à Boffa: 8 blessés par balle!” [Protest in Boffa: 8 people shot!], 20 September 2023,

<https://guineematin.com/2023/09/20/manifestation-a-boffa-8-blesses-par-balle/africaguinee>, (in French) “Boffa: ‘Des tirs à balles réelles, plusieurs blessés enregistrés...’ selon des témoins” [Boffa: ‘Live ammunition fired, several injuries recorded...’ according to witnesses],

<https://www.africaguinee.com/boffa-des-tirs-a-balles-reelles-plusieurs-blesses-enregistres-selon-des-temoins/> (in French)

<sup>63</sup> Guineematin, “Répression de la manifestation à Mandiana: un mort et plusieurs blessés par balles” [Crackdown on protest in Mandiana: one dead and several with gunshot injuries], 14 September 2018,

<https://guineematin.com/2018/09/14/repression-de-la-manifestation-a-mandiana-un-mort-et-plusieurs-blesses-par-balles/> (in French)

<sup>64</sup> Guineenews, “Urgent: 2 morts à Kouroussa (Sources hospitalières)” [Urgent: 2 dead in Kouroussa (Hospital sources)], 17 April 2021,

<https://guineenews.org/urgent-2-morts-a-kouroussa-sources-hospitalieres/> (in French)

<sup>65</sup> Le Lynx, “Mandiana: Deux morts et cinq blessés suite à des manifs contre une société minière” [Mandiana: Two dead and five injured following protests against a mining company], 8 September 2022,

<https://lelynx.net/2022/09/mandiana-deux-morts-et-cinq-blesses-suite-a-des-manifs-contre-une-societe-miniere/> (in French)

For example, Sanoussy Barry, beaten and robbed by people he identified as gendarmes on 19 February 2020, told the organization: “I had decided to return home accompanied by the imam. Along the way, some gendarmes asked us to stop. We continued on our way because we had done nothing wrong and we thought they were trying to rob us. After a while they started threatening us, saying: “It's you Fulani who want power, isn't it?” Then two gendarmes grabbed me and threw me to the ground.”<sup>66</sup> Mamadou Aliou Barry told the organization: “They destroyed almost everything I owned and insulted me, saying: ‘You're the ones who want power, so we're going to kill you all.’”<sup>67</sup>

This has to be seen in the broader context of inter-community tensions in Guinea, where ethnicity has often been used for political ends, and where “the vast majority of political parties are ethnic and regional by nature”.<sup>68</sup>

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<sup>66</sup> In-person interview with Sanoussy Barry, December 2023, Conakry.

<sup>67</sup> In-person interview with Mamadou Aliou Barry, February 2024, Conakry.

<sup>68</sup> Mamadou Lamine Diallo. “Discours à l'ethnie, discours ethnique : approche énonciative, idéologie et lieux communs dans la parole politique en Guinée” [Discourse on ethnicity, ethnic discourse: enunciative approach, ideology and commonplaces in political discourse in Guinea], Linguistique. Michel de Montaigne - Bordeaux III University, thesis publicly defended on 12 March 2021. (in French)

# 4. LEGAL FRAMEWORK

**“Where the use of force is unavoidable, law enforcement officials must minimize damage and injury, respect and preserve human life, and ensure at the earliest possible moment that assistance is rendered to any injured or affected person and that their next of kin is notified.”**

Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa, para. 21.1.3

## 4.1 RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

### 4.1.1 INTERNATIONAL LAW

The right to peaceful assembly is recognized by article 11 of the African Charter on Human and Peoples' Rights (hereinafter, African Charter),<sup>69</sup> and Article 21 of the International Covenant on Civil and Political Rights (hereinafter, ICCPR ).<sup>70</sup>

The ACHPR Guidelines on Freedom of Association and Assembly in Africa (hereinafter, the Guidelines)<sup>71</sup> provide clarification on the interpretation of Article 10 on the right to freedom of association and Article 11 on the right to peaceful assembly of the African Charter and reinforce the obligations of States set out therein.

General Comment 37 (hereinafter, the Comment), adopted on 23 July 2020 by the United Nations Human Rights Committee, provides a detailed interpretation of Article 21 of the ICCPR. This states that, under a notification system, as in the case of Guinea, a failure to notify the authorities “does not render the act of participation in the assembly unlawful and must not in itself be used as a basis for dispersing the assembly or arresting the participants or organizers”.<sup>72</sup> It states that the purpose of the notification regime is to assist the authorities in facilitating peaceful assembly and protecting the rights of others, and that any interference with this right must be justified, necessary and proportionate, and must not be used to discourage peaceful assembly.<sup>73</sup> It also states that: “Notification must not be required for spontaneous assemblies for which there is not enough time to provide notice.”<sup>74</sup> International law protects organizers from unjustified sanctions, including criminal penalties for failure to give prior notification.<sup>75</sup>

<sup>69</sup> African Charter on Human and Peoples' Rights, (ACHPR), Article 11.

<sup>70</sup> International Covenant on Civil and Political Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>71</sup> ACHPR Guidelines on Freedom of Association and Assembly in Africa.

<sup>72</sup> Human Rights Committee, General Comment 37 (2020), para 71.

<sup>73</sup> Human Rights Committee, General Comment 37 (2020), para. 70.

<sup>74</sup> Human Rights Committee, General Comment 37 (2020), para. 72.

<sup>75</sup> Human Rights Committee, General Comment 37 (2020), para. 71; ACHPR Guidelines on Freedom of Association and Assembly in Africa, para. 102.

According to international human rights law, there must be no general ban on assemblies and each assembly must be assessed on a case-by-case basis such that restrictions are imposed in accordance with the law and only when they are necessary and proportionate to the pursuit of a legitimate aim.<sup>76</sup>

The Comment also dwells on the notion of “public order” as noted in Article 21 of the ICCPR as one of the legitimate purposes for imposing restrictions, and frequently invoked by the Guinean authorities to ban gatherings. Thus, “States parties should not rely on a vague notion of ‘public order’ to justify overbroad restrictions on the right of peaceful assembly. Peaceful assemblies can in some cases be inherently or deliberately disruptive and require a significant degree of toleration.” The Guidelines also consider that “the law shall not allow assemblies to be limited based on overly broad or vague grounds” (85), and that prohibition “shall only be used as a measure of last resort where no other less intrusive response would achieve the legitimate aim pursued” (92).

Finally, with regard to the responsibilities of the organizers of assemblies, the Comment stresses that: “Requirements for participants or organizers either to arrange for or to contribute towards the costs of policing or security, medical assistance or cleaning (...) associated with peaceful assemblies are generally not compatible with Article 21.84.”<sup>77</sup>

## 4.1.2 GUINEAN LAW

Between 2019 and 2021, under the regime of Alpha Condé, the right to peaceful assembly was governed by the constitutional provisions guaranteeing everyone the right to peaceful assembly, and by articles of the 2016 Criminal Code<sup>78</sup> and the law of 4 June 2015 on maintaining law and order,<sup>79</sup> several provisions of which are contrary to international human rights law, as some of the examples below show.

Article 621 of the Criminal Code stipulates that protests must be subject to a “prior declaration”.<sup>80</sup> The requirements surrounding this declaration are excessive and contrary to international human rights law, in particular Article 622, which states that: “The declaration must state the first names, surnames, nationalities and places of residence of the organizers and be signed by three of them who have elected domicile in the region”; and Article 625, which states that “any parade, procession or protest on the public highway must have an organizing committee consisting of at least five people”.

Article 623 states that: “The administrative authority responsible for public order may temporarily prohibit a public meeting or protest if there is a real threat of disturbance to public order” without, however, establishing this prohibition as a last resort, or obliging the authorities to first take less serious measures to ensure public order. And, according to Article 625, the organizing committee “shall be responsible for issuing security instructions with a view to maintaining order and preventing any infringement of the laws and regulations in force, in cooperation with the forces of law and order.” This, however, is the primary responsibility of the authorities, and this provision could act as a deterrent to those wishing to organize protests.

Furthermore, the law does not recognize the possibility of spontaneous demonstrations, and Article 636 subjects the organizers of undeclared protests to excessive prison sentences. Lastly, Article 34 of the law on maintaining public order excessively and vaguely prohibits “any unarmed gathering that may disturb the public peace” on the public highway.

The right to peaceful assembly was further restricted by the state of health emergency introduced on 26 March 2020 by the Guinean authorities to combat the Covid-19 pandemic, which limited “all gatherings to 20 people”.<sup>81</sup> The opposition viewed the health emergency argument as a false pretext for banning rallies against the government, given that arbitrary arrests and detentions continued during this period – including in prisons affected by the virus – and given that the inaugural session of the newly-elected National Assembly took place on 21 April 2020 despite the prevention and protection measures announced.<sup>82</sup> The state of health emergency was extended for one final time by Alpha Condé on 27 July 2021 before he was overthrown.

At the time of the coup d'état on 5 September 2021, the CNRD announced the dissolution of the Constitution, the institutions and the government. The Transition Charter enacted on 26 September 2021 lists the “defence of human rights” as one of the nine “missions of the Transition”,<sup>83</sup> including protection of the right to freedom of peaceful assembly.

However, on 13 May 2022, the CNRD announced a ban on “all protests on the public highway likely to compromise social peace and the proper execution of timetabled activities (...) until the period of the election campaign”,<sup>84</sup> effectively creating a permanent ban.

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<sup>76</sup> International Covenant on Civil and Political Rights, article 21; Human Rights Committee, General Comment 37 (2020), paras 37 and 38.

<sup>77</sup> Human Rights Committee, General Comment No. 37 (2020) on the right to peaceful assembly (art. 21), para. 64.

<sup>78</sup> Republic of Guinea, Law No. 2016/059/AN on the Criminal Code, 2016.

<sup>79</sup> Republic of Guinea, Law No. 2015/009/AN of 4 June 2015 on maintaining public order, 2015.

<sup>80</sup> “This declaration is not required for religious, sporting, cultural, artistic or traditional ceremonies.”

<sup>81</sup> Presidency of the Republic of Guinea, Facebook Page, Combating the Covid-19 pandemic (Coronavirus) Address to the nation by the President of the Republic, His Excellency Prof. Alpha Condé, 14 August 2020, <https://www.facebook.com/PresidenceRepubliqueGuinee/>

<sup>82</sup> Amnesty International, Guinea: Marching to their Death. The urgent need of justice for the victims of Guinea's crackdown on demonstrations (Index: AFR 29/2937/2020), 1 October 2020, <https://www.amnesty.org/en/documents/afr29/2937/2020/en/>

<sup>83</sup> Guinea, Transition Charter, Heading 1, Chapter 2, 27 September 2021.

<sup>84</sup> Presidency of the Republic of Guinea, National Committee of the Rally for Development, Press Release No. 012/CNRD/2022, 13 May 2022.

This decision – still in force at the time of publication of this report – is clearly contrary to the right of peaceful assembly as protected by Article 21 of the International Covenant on Civil and Political Rights and Article 11 of the African Charter on Human and Peoples' Rights, both instruments ratified by Guinea.

## 4.2 LAW ENFORCEMENT, USE OF FORCE AND EMERGENCY EVACUATIONS

### 4.2.1 INTERNATIONAL LAW

#### PRINCIPLES ON THE FORCES OF LAW AND ORDER

With regard to forces authorized to maintain order, among other provisions, General Comment 37 on Article 21 of the ICCPR states that: “The military should not be used to police assemblies.”<sup>85</sup> The African Commission on Human and Peoples' Rights' (ACHPR) Guidelines for Law Enforcement Officials Policing Meetings in Africa (hereinafter, the Guidelines for Policing in Africa)<sup>86</sup> also state that: “As a general rule, the military should not be used to police assemblies and must only be used in exceptional circumstances and only if absolutely necessary.”<sup>87</sup> Where applicable: “Military personnel deployed to assembly operations must be subordinate to, and under the command of, the police authorities; be fully trained in and be bound by regional and international human rights standards, as well as any national law enforcement policy, guidelines and ethics; and be provided with all the necessary instructions, training and equipment to enable them to act in full respect of this legal framework.”<sup>88</sup>

#### PRINCIPLES GOVERNING THE USE OF FORCE AND FIREARMS

According to General Comment 37 interpreting Article 21 of the ICCPR: “Law enforcement officials (...) are obliged to exhaust non-violent means and to give prior warning if it becomes absolutely necessary to use force, unless doing either would be manifestly ineffective. Any use of force must comply with the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination.”

The use of firearms is regulated at continental level by the Guidelines for Policing,<sup>89</sup> and at global level by the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (hereinafter, the Basic Principles on the Use of Force).<sup>90</sup> These stipulate that law enforcement officials shall not use firearms against persons except “in self-defence or defence of others against the imminent threat of death or serious injury”.<sup>91</sup>

General Comment 37 also states that: “Less-lethal weapons with wide-area effects, such as teargas and water cannons, tend to have indiscriminate effects. When such weapons are used, all reasonable efforts should be made to limit risks, such as causing a stampede or harming bystanders. Such weapons should be used only as a last resort, following a verbal warning, and with adequate opportunity for assembly participants to disperse.”

**“Grenades from a launcher should never be fired directly at persons. They should be fired at a certain angle clearly above the heads of people (the precise angle will depend on the distance of the launcher from the crowd). They should not be fired vertically into the air as the falling projectile could hit people, risking serious injury.”**

“Chemical Irritants Law Enforcement. An Amnesty International Position Paper”, 2021.

Even if unavoidable, the legitimate use of force or firearms must comply with certain obligations, including acting “in proportion to the seriousness of the offence and legitimate objective to be achieved”, reporting “the incident promptly to their superiors”,

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<sup>85</sup> United Nations Human Rights Committee, General Comment No. 37.

<sup>86</sup> African Commission on Human and Peoples' Rights, Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa, <https://achpr.au.int/en/soft-law/guidelines-policing-assemblies-law-enforcement-officials-africa>, 2017.

<sup>87</sup> African Commission on Human and Peoples' Rights, Policing Assemblies in Africa: Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa, <https://www.achpr.org/legalinstruments/detail?id=65>

<sup>88</sup> African Commission on Human and Peoples' Rights, Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa, <https://achpr.au.int/en/soft-law/guidelines-policing-assemblies-law-enforcement-officials-africa>, 2017.

<https://achpr.au.int/en/soft-law/guidelines-policing-assemblies-law-enforcement-officials-africa>

<sup>89</sup> African Commission on Human and Peoples' Rights, Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa, <https://achpr.au.int/en/soft-law/guidelines-policing-assemblies-law-enforcement-officials-africa>, 2017.

<https://achpr.au.int/en/soft-law/guidelines-policing-assemblies-law-enforcement-officials-africa>

<sup>90</sup> Office of the United Nations High Commissioner for Human Rights, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>, 1990.

<sup>91</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,

<https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>, 1990.

and ensuring that “arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law”.<sup>92</sup>

In addition, as many of the demonstrators in Guinea are minors under the age of 18, the International Convention on the Rights of the Child (CRC)<sup>93</sup> – ratified by Guinea in 1990 – and the African Charter on the Rights and Welfare of the Child<sup>94</sup> – ratified by Guinea in 1999 – are applicable. According to the CRC, “States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse” (Article 19.1); and “States Parties shall ensure that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment” (Article 37).

## PRINCIPLES GOVERNING EMERGENCY EVACUATIONS

Article 21 of the Guidelines for Policing in Africa stipulates that: “Where the use of force is unavoidable, law enforcement officials must minimize damage and injury, respect and preserve human life, and ensure at the earliest possible moment that assistance is rendered to any injured or affected person and that their next of kin is notified.”<sup>95</sup>

In addition, “Contingency plans must include the provision of prompt assistance by medical service providers for any person injured during an assembly. Law enforcement officials must receive first aid training and ensure that assistance and medical services are provided to any injured person at the earliest possible moment after the use of force and firearms” (17.1); and “Law enforcement officials should be subject to clear and precise protocols for communicating with medical service providers in an assembly context. Law enforcement officials should ensure that traffic management and other contingency planning facilitate the prompt access to medical services for assembly participants, observers and bystanders.” (17.2).<sup>96</sup>

Furthermore, Article 6 of the United Nations Code of Conduct for Law Enforcement Officials states that: “Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.”<sup>97</sup>

## 4.2.2 GUINEAN LAW

With regard to the forces of law and order, Article 3 of the June 2015 law on maintaining public order in Guinea states that: “In times of crisis and public order disturbances, the security of people and their property is the responsibility of the police and, where appropriate, to a lesser degree the gendarmerie”.<sup>98</sup> According to this text, the armed forces may only intervene in “exceptional circumstances and at the request of the President of the Republic”.

However, under both the presidency of Alpha Condé and the CNRD regime, military personnel have been regularly deployed in operations supposedly to maintain law and order. Between 2019 and 2021, the authorities denied this reality, despite testimonies and photo and video evidence to the contrary, or justified these deployments as a “preventive” measure due to a lack of manpower.<sup>99</sup> Since the coup d'état of 5 September 2021, the CNRD has very often deployed military personnel to maintain law and order, justifying this practice by the lack of manpower in the police and gendarmerie. For example, on 15 May 2023, the Minister of Territorial Administration requisitioned the armed forces “to support the police and gendarmerie who were having difficulty maintaining public order (...)”.<sup>100</sup>

With regard to the use of force, paragraph b of the first article of the law of 25 June 2019 on the use of weapons by the gendarmerie states that gendarmes may use firearms “when they cannot otherwise defend the ground they occupy, the posts or persons entrusted to them, or if resistance is such that it can only be overcome by force of arms”.<sup>101</sup> This provision is contrary to the Basic Principles on the Use of Force since it authorizes the use of firearms to defend territory or property, and does not make such use conditional on a risk of “death or serious injury”.

In terms of the emergency evacuation of people injured during gatherings, Amnesty International was unable to find any national provisions relating to the training of law enforcement officials in emergency care or the requirement to have contingency plans in place for the prompt medical care of anyone injured during an assembly.

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<sup>92</sup> Amnesty International has published [Guidelines](#) that should serve as a point of reference for authorities when transposing the UN Basic Principles into national legislation and into the operational framework of law enforcement bodies.

<sup>93</sup> United Nations, Convention on the Rights of the Child, 20 November 1989.

<sup>94</sup> African Commission on Human and Peoples' Rights, African Charter on the Rights and Welfare of the Child, 1 July 1990, <https://achpr.au.int/en/charter/african-charter-rights-and-welfare-child>

<sup>95</sup> African Commission on Human and Peoples' Rights, “Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights”, Article 33, <https://achpr.au.int/index.php/en/node/871>

<sup>96</sup> African Commission on Human and Peoples' Rights, “Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights”, <https://achpr.au.int/index.php/en/node/871>, 2017.

<sup>97</sup> Code of conduct for law enforcement officials | OHCHR

<sup>98</sup> Republic of Guinea, Law No/2015/009/AN on maintaining public order in the Republic of Guinea, enacted by the President of the Republic on 4 June 2015.

<sup>99</sup> [www.lemonde.fr/afrique/article/2020/03/31/des-milliers-de-guineens-sont-allés-voter-on-ne-les-a-pas-forcés](http://www.lemonde.fr/afrique/article/2020/03/31/des-milliers-de-guineens-sont-allés-voter-on-ne-les-a-pas-forcés) [Thousands of Guineans went out to vote. They weren't forced to], 31 March 2020, [www.lemonde.fr/afrique/article/2020/03/31/des-milliers-de-guineens-sont-allés-voter-on-ne-les-a-pas-forcés\\_6035037\\_3212.html](http://www.lemonde.fr/afrique/article/2020/03/31/des-milliers-de-guineens-sont-allés-voter-on-ne-les-a-pas-forcés_6035037_3212.html) (in French)

<sup>100</sup> [Guinee7](https://www.guinee7.com/2023/05/17/manifs-des-forces-vives-mory-conde-fait-recours-a-larmee/), “Manifs des forces vives/ Mory Condé fait recours à l'armée” [Demo by Forces Vives/ Mory Condé calls in the army], 17 May 2023, <https://www.guinee7.com/2023/05/17/manifs-des-forces-vives-mory-conde-fait-recours-a-larmee/> (in French)

<sup>101</sup> Law L/2019/029 of 25 June 2019 on the use of weapons by the national gendarmerie of the Republic of Guinea. Published in the Official Journal.

## 4.3 RIGHT OF ACCESS TO HEALTHCARE

### 4.3.1 INTERNATIONAL LAW

Article 16 of the African Charter on Human and Peoples' Rights states that: "States Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick."<sup>102</sup> And, according to the Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (hereinafter, the Principles),<sup>103</sup> the minimum core obligations of the right to health include "[guaranteeing] the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalised groups."<sup>104</sup>

Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) states that States Parties "recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health". The Committee on Economic, Social and Cultural Rights (CESCR), which is responsible for monitoring implementation of the ICESCR, has spelled out this obligation in General Comment 14.

According to the latter, "The obligation to respect requires States to refrain from interfering directly or indirectly with the enjoyment of the right to health."<sup>105</sup> Furthermore, "Health facilities, goods and services must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds."<sup>106</sup> More specifically, this means that "a State Party which, for example, (...) refuses to allow doctors to treat persons believed to be opposed to a government (...) has the burden of justifying such serious measures in relation to each of the elements identified in Article 4".<sup>107</sup> In addition, the report on "Violence and its impact on the right to health" by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, stresses that "denial of access to health facilities, goods and services to particular individuals or groups, including survivors of violence, as a result of de jure or de facto discrimination, would be a violation of the obligation to respect the right to health".<sup>108</sup>

The Comment adds that the right to health includes the principle of affordability, which means that "health facilities, goods and services must be affordable for all",<sup>109</sup> and that States must "ensure that privatisation of the health sector does not constitute a threat to the availability, accessibility, acceptability and quality of health facilities, goods and services".<sup>110</sup>

Finally, according to the Convention on the Rights of the Child, "States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such healthcare services" (Article 24.1).



#### THE RIGHT OF MEDICAL STAFF TO WORK IN A SAFE ENVIRONMENT

International law protects the right of doctors and medical staff to work in a safe environment. In general terms, Article 7 of the ICESCR requires States Parties to recognize "the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular, safe and healthy working conditions." (Article 7,b).<sup>111</sup>

More specifically, paragraph 42 of General Comment 14 recalls that "all members of society – individuals (including health professionals (...)) – have responsibilities regarding the realization of the right to health. States Parties should therefore provide an environment which facilitates the discharge of these responsibilities."<sup>112</sup>

In her report on violence and its impact on the right to health, the Special Rapporteur on the right to physical and mental health stressed that "it is crucial that healthcare workers' physical

<sup>102</sup> African Charter on Human and Peoples' Rights, adopted on 27 June 1981.

<sup>103</sup> African Commission on Human and Peoples' Rights, "Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights", <https://achpr.au.int/index.php/en/node/871>

<sup>104</sup> African Commission on Human and Peoples' Rights, "Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights", Article 67, <https://achpr.au.int/index.php/en/node/871>

<sup>105</sup> United Nations Committee on Economic, Social and Cultural Rights (CESCR), General Comment 14 on the right to the highest attainable standard of health, 11 August 2000, UN Doc. E/C.12/2000/4, para 33.

<sup>106</sup> CESCR, Article 12, b, of General Comment 14 on the right to the highest attainable standard of health.

<sup>107</sup> CESCR, Article 28 of General Comment 14 on the right to the highest attainable standard of health.

<sup>108</sup> Report to the Human Rights Council, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, <https://www.ohchr.org/en/documents/thematic-reports/ahrc5028-violence-and-its-impact-right-health-report-special-rapporteur>, para 18.

<sup>109</sup> Article 12, b, of General Comment 14 (previously cited).

<sup>110</sup> CESCR, General Comment No. 14, (previously cited).

<sup>111</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2F2000%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2F2000%2F4&Lang=en)

<sup>112</sup> Article 7 of the International Covenant on Economic, Social and Cultural Rights.

<sup>113</sup> CESCR, General Comment No. 14, (previously cited), para 42.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2F2000%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2F2000%2F4&Lang=en)



and mental health remain supported as they are key in the delivery of acceptable, accessible, affordable and quality care”.<sup>113</sup>

Lastly, States should “protect persons in the legal, medical and healthcare professions, the media and other related professions, and human rights defenders”.<sup>114</sup>

## 4.3.2 GUINEAN LAW

In addition to the references to the right to health in the Constitutions in force until 2021 and the general reference to the protection of human rights in the Transition Charter enacted by the CNRD, the Guinean Criminal Code punishes failure to assist a person in danger with imprisonment.

**“Anyone who is able to prevent, by immediate action, without risk to himself or to third parties, either a crime or an offence against the physical integrity of the person, and who voluntarily refrains from doing so, shall be punished by 1 to 5 years’ imprisonment and a fine of GNF 1,000,000 to GNF 5,000,000 G. The same penalties shall apply to anyone who wilfully refrains from giving a person in danger the assistance that, without risk to himself or to third parties, he could have given either by his own action or by summoning help.”**

Article 298 of the Guinean Criminal Code.

Neither the 2015 law on maintaining public order in Guinea<sup>115</sup> nor the 2019 law on the use of weapons by the gendarmerie<sup>116</sup> mention the provisions to be taken for ensuring access to healthcare on the part of people injured during the use of force by the forces of law and order.

## 4.4 RIGHT TO EFFECTIVE REMEDY

### 4.4.1 INTERNATIONAL LAW

The right of all victims of human rights violations to effective remedy lies at the heart of international human rights law. The right to effective remedy has been recognized in various international and regional human rights treaties and instruments,<sup>117</sup> and as a rule of customary international law.<sup>118</sup>

The right to an effective remedy requires that States provide all victims of human rights violations with:

- I. Equal and effective access to justice;
- II. Adequate, effective and prompt reparation for the harm suffered;
- III. Access to useful information on violations and redress mechanisms.<sup>119</sup>

<sup>113</sup> Report to the Human Rights Council, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, <https://www.undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F50%2F28&Language=E&DeviceType=Desktop&LangRequested=False>, para 77.

<sup>114</sup> Principle 23(d), Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN Doc A/RES/60/147, 21 March 2006.

<sup>115</sup> Law No/2015/009/AN on maintaining public order in the Republic of Guinea, enacted by the President of the Republic on 4 June 2015.

<sup>116</sup> Law L/2019/029 of 25 June 2019 on the use of weapons by the national gendarmerie of the Republic of Guinea. Published in the Official Journal

<sup>117</sup> Article 8 of the Universal Declaration of Human Rights; Article 2(3) of the International Covenant on Civil and Political Rights; Article 2 of the International Covenant on Economic, Social and Cultural Rights; Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination; Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women; Article 14 of the Convention against Torture; Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UN Doc A/RES/40/34, 29 November 1985; and the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN Doc A/RES/60/147, 21 March 2006, among others.

<sup>118</sup> Prosecutor v. André Rwamakuba, Case No. ICTR- 98-44C, Decision on Appropriate Remedy, para 40 (31 January 2007); and CantoralBenavides v. Peru, 2001 Inter-Am. Ct. H.R. (Ser. C) No. 88, at para 40 (3 Dec. 2001).

<sup>119</sup> Principle 11, Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law, UN Doc A/RES/60/147, 21 March 2006; Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UN Doc A/RES/40/34, 29 November 1985; General Comment No. 31 of the Human Rights Committee, Nature of the General Legal Obligation imposed on States Parties to the Covenant, 26 May 2004.

## RIGHT OF ACCESS TO JUSTICE

International law guarantees access to justice, in particular Article 14 of the ICCPR, which states that: “Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal”;<sup>120</sup> and Article 7 of the African Charter, which includes other rights under “every individual shall have the right to have his cause heard”, including:

**“The right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force.”**

Article 7 (1.a) of the African Charter on Human and Peoples' Rights.

The United Nations Basic Principles on the Use of Force state as a principle that: “Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process. In the event of the death of such persons, this provision shall apply to their dependants accordingly. In the event of the death of such persons, this provision shall apply to their dependants accordingly.” (Principle 23)

Article 24 of the ACHPR's Guidelines on Policing in Africa specifies the measures to be taken to combat impunity in the event of death or serious injury during policing operations, namely: “Conduct a thorough investigation and account of circumstances surrounding every case of death or serious injury of persons in the context of assemblies” (24.5); the need, in the event of death, for an “independent judicial authority [to initiate] a prompt, impartial and independent inquiry into the cause of death (...)” (24.6); and finally that “law enforcement agencies should publicly communicate the findings of any internal debriefings and/or investigations, whether internal and external, resulting from each assembly operation” (24.7).

## RIGHT TO REPARATION

Under international law, there are five forms of reparation: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

*Restitution* should, whenever possible, “Restore the victim to the original situation before the gross violations of international human rights law occurred”. Restitution includes, “as appropriate, restoration of liberty, enjoyment of human rights, identity, family life and citizenship, the return to one's place of residence, restoration of employment and return of property”.<sup>121</sup>

*Compensation* should be awarded for any economically assessable damage. This includes “a) physical or mental harm; b) lost opportunities, including employment, education and social benefits; c) material damages and loss of earnings, including loss of earning potential; d) moral damage; e) costs required for legal or expert assistance, medicine and medical services and psychological and social services”.<sup>122</sup>

*Rehabilitation* should include medical and psychological care as well as legal and social services.<sup>123</sup>

*Satisfaction* comprises a number of measures, including “verification of the facts and full and public disclosure of the truth; public apologies, including acknowledgement of the facts and acceptance of responsibility; judicial and administrative sanctions against persons liable for the violations; commemorations and tributes to the victims”.<sup>124</sup>

*Guarantees of non-repetition* also comprises a number of measures, of which the following are particularly relevant to this report: “(a) ensure effective civilian control of military and security forces; (b) ensure that all civilian and military proceedings abide by international standards of due process, fairness and impartiality; (c) strengthen the independence of the judiciary; (d) protect persons in the legal, medical and healthcare professions, the media and other related professions, and human rights defenders; (f) promote the observance of codes of conduct and ethical norms, in particular international standards, by public officials, by public servants including law enforcement, correctional, media, medical, psychological, social service and military personnel, as well as by economic enterprises”.<sup>125</sup>

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<sup>120</sup> International Covenant on Civil and Political Rights.

<sup>121</sup> Principle 19, Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law, UN Doc A/RES/60/147, 21 March 2006.

<sup>122</sup> Principle 20, Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law, UN Doc A/RES/60/147, 21 March 2006.

<sup>123</sup> Principle 21, Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law, UN Doc A/RES/60/147, 21 March 2006.

<sup>124</sup> Principle 22, Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law, UN Doc A/RES/60/147, 21 March 2006.

<sup>125</sup> Principle 23, Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law, UN Doc A/RES/60/147, 21 March 2006.

To enable reparation to be made, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power encourages “the establishment, strengthening and expansion of national funds for compensation to victims”.<sup>126</sup> If the State of which the victim is a national is unable to pay compensation, “other funds may also be established for this purpose”.<sup>127</sup>

Many survivors of gun violence suffer injuries that have a long-term, life-changing impact on themselves and their families. The need for healthcare can extend well beyond emergency treatment and can include care for irreversible after-effects and other disabilities. Without adequate and timely support, rehabilitation and compensation, it is difficult and sometimes impossible for survivors to rebuild their lives.

## 4.4.2 GUINEAN LAW

### RIGHT OF ACCESS TO JUSTICE

According to Article 1 of the Guinean Code of Criminal Procedure, “Public prosecution is initiated and exercised by magistrates or civil servants designated by law for this purpose. However, this action may also be brought by the party who has suffered damage, albeit only under the conditions set out in this Code”. According to Article 155: “Any person who claims to have been injured by a crime or offence may, by filing a complaint, bring a civil action before the competent investigating judge. The civil party may, with the support of the Constitution, claim damages corresponding to the harm caused thereto”. In addition, Article 4 of the Code of Criminal Procedure states that: “A civil action is that which belongs to a person injured by a criminal offence. It is open to anyone who has personally suffered damage caused by a felony, misdemeanour or infraction.”

Guinean criminal law allows the relatives of murder victims to bring charges before the national courts for voluntary (Articles 216 to 215) and involuntary (Articles 216 to 219) attacks on life;<sup>128</sup> and other victims to bring charges for “torture and other degrading treatment or punishment” (Articles 232 to 238), and for “assault, battery and intentional violence” (Articles 239 to 249).

Article 156 stipulates that: “Any association that has been duly registered for at least five years and which, through its articles of association, has the aim of combating the following acts, may exercise the rights granted to a civil party”.<sup>129</sup> The acts concerned include “sexual violence, gender-based violence or any other deliberate attack on life or personal integrity or destruction or damage”.<sup>130</sup>

On 23 September 2022, the National Transitional Council (CNT) adopted the law on legal aid<sup>131</sup> and a law “laying down rules for the protection of victims, witnesses and other persons at risk”<sup>132</sup> (see box below).



### TWO NEW LAWS PENDING EFFECTIVE IMPLEMENTATION

#### Law on legal aid

The purpose of the law on legal aid is to provide “financial assistance (...) to a person in need; it is intended to cover the costs of legal proceedings”.

To qualify for this aid, applicants must prove that their income is below the annual guaranteed minimum wage (Article 4). Assistance is “total when the applicant's resources are twice the annual amount of the minimum wage or less”, and “partial when it is greater than the amount set in the previous paragraph” (Article 17).

A legal aid office is supposed to be set up “within the Supreme Court, each Court of Appeal, each Court of First Instance and the Military Court” (Article 9). The powers, organization and operation of these offices shall be determined by decree of the President of the Republic (Article 10).

This legal aid shall be financed by the creation of a fund, the powers, operation and organization of which shall be laid down by another decree of the President of the Republic (Articles 35 and 36).

<sup>126</sup> Principle 13, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UN Doc A/RES/40/34, 29 November 1985.

<sup>127</sup> Principle 13, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UN Doc A/RES/40/34, 29 November 1985

<sup>128</sup> Republic of Guinea, Law 2016/059/AN on the Criminal Code, 2016.

<sup>129</sup> Republic of Guinea, Law 2016/059/AN on the Criminal Code, 2016.

<sup>130</sup> Republic of Guinea, Law 2016/059/AN on the Criminal Code, 2016.

<sup>131</sup> Republic of Guinea, Law L/2022/012/CNT of 23 September 2022 on legal aid. Published in the Official Journal on 21 October 2022.

<sup>132</sup> Republic of Guinea, Law L/2022/013/CNT of 23 September 2022, laying down rules for the protection of victims, witnesses and other persons at risk. Published in the Official Journal on 21 October 2022

On 29 December 2023, the Minister of Justice and Human Rights issued a “decision on the remit, composition and operation of legal aid offices”.<sup>133</sup> On the same day, the Minister sent a circular to all jurisdictions for the “effective operation of legal aid offices to ensure access to justice for destitute citizens”.<sup>134</sup>

### **Law laying down rules for the protection of victims, witnesses and other persons at risk**

According to this law, the protection of those persons concerned shall be ensured by the Victim and Witness Protection Service, under the supervision of the Ministry of Justice (Article 3).

The law provides for both jurisdictional and non-jurisdictional protective measures. The first, of which there are 10, include non-disclosure of the identity of the witness or victim; giving evidence or testimony by teleconference, and holding hearings *in camera*. The second, of which there are seven, includes guaranteeing the confidentiality of the testimony of victims or witnesses, and “ensuring that any suspected intimidation of a victim or witness is reported and investigated”. In certain situations, a decision to relocate victims or witnesses may be taken by the Protection Service with the consent of the persons concerned (Section 3).

This situation has been deplored by victims' associations, particularly those involved in defending the victims of the 28 September 2009 massacre,<sup>135</sup> whose trial opened on 28 September 2022 in Conakry.<sup>136</sup>

## **RIGHT TO REPARATION**

To Amnesty International's knowledge, there is no specific text in Guinea on the right to reparation for human rights violations committed by state officials. According to Article 486 of the Code of Criminal Procedure, “any person who, in accordance with Article 4, claims to have been harmed by an offense may, if he or she has not already done so, become a civil party at the hearing itself (...) The civil party may, at the support of its constitution, request damages corresponding to the harm caused. » On the basis of this Article, police officer Moriba Camara, convicted for the murder of Thierno Mamadou Diallo, shot and killed on June 1, 2022 in Conakry during a demonstration, was ordered to pay GNF 100 million (approximately €10,000) to the brother of the victim as damages, according to the judgment consulted by the organization.

<sup>133</sup> Ministry of Justice of the Republic of Guinea, Decisions D/2023/\_ 040 \_/MJDH/S/CAB on the powers, composition and operation of legal aid offices, 29 December 2023.

<sup>134</sup> Ministry of Justice of the Republic of Guinea, Circular 011/2023/MJDH/SG/CAB, 29 December 2023.

<sup>135</sup> Mediaguinee, “Reprise du procès du 28 septembre : l'application de la loi portant protection des victimes, une sollicitation de l'AVIPA et de l'OGDH” [28 September trial resumes: application of the law protecting victims, a request from the Association of Victims, Parents and Friends of the September 28 Massacre (AVIPA) and the Guinean Human Rights Organization (OGDH)], 29 September 2023, <https://mediaguinee.com/2023/09/reprise-du-proces-du-28-septembre-lapplication-de-la-loi-portant-protection-des-victimes-une-sollicitation-de-lavipa-et-de-logdh/> (in French)

<sup>136</sup> Amnesty International, “Guinea. 13 ans après, l'ouverture du procès du massacre du 28 septembre 2009 doit répondre aux attentes des victimes” [Guinea. 13 years on, the start of the trial for the 28 September 2009 massacre must meet the victims' expectations], 28 September 2022, <https://www.amnesty.org/fr/latest/news/2022/09/guinee-13-ans-apres-louverture-du-proces-du-massacre-du-28-septembre-2009-doit-repondre-aux-attentes-des-victimes/> (in French)

# 5. CASES OF PERSONS INJURED IN RELATION TO THE UNLAWFUL USE OF FORCE

**“An officer shot me in the back and I fell to the ground. The officers came up to me and I heard one of them ask another to check if I was still alive. They lifted my hands and, as I realized that they wanted to shoot me again, I played dead.”**

Mamadou Adama Diallo was shot on 21 October 2021.

While at least 113 people have been killed in protests since 2019, hundreds more have been seriously injured by the defence and security forces as a result of gunfire, teargas or collisions with vehicles. A doctor based in Conakry told Amnesty International: “The most common injuries are thoraco-abdominal wounds caused by firearms.”<sup>137</sup> Amnesty International has collected testimonies from 49 people (47 men and two women) seriously injured by the defence and security forces during protests since 2019. The events concerned include those of November 2019; March and October 2020; February 2022;<sup>138</sup> July 2022;<sup>139</sup> May 2023;<sup>140</sup> and January 2024;<sup>141</sup> all following calls from the FNDC, the FVG or the SPGG.

The testimonies gathered present clear illustrations of an excessive or otherwise unlawful use of force by the defence and security forces, due in particular to the circumstances and/or types of injuries observed. All cases should be heard by the courts in order to determine the facts and responsibilities and to prosecute any perpetrators of illegal acts.

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<sup>137</sup> Remote interview (anonymity preserved for security reasons), 8 April 2024.

<sup>138</sup> TV5 Monde, “Guinée: Mort de deux jeunes lors de la manifestation du FNDC” [Guinea: Deaths of two young people during FNDC protest], 19 August 2022, <https://information.tv5monde.com/afrique/guinee-mort-de-deux-jeunes-lors-de-la-manifestation-du-fndc-1124847> (in French)

<sup>139</sup> Le Monde, “Guinée: des manifestations contre la junte paralysent Conakry” [Guinea: protests against the junta paralyze Conakry], 29 July 2022, [https://www.lemonde.fr/afrique/article/2022/07/29/guinee-des-manifestations-contre-la-junte-paralysent-conakry\\_6136522\\_3212.html](https://www.lemonde.fr/afrique/article/2022/07/29/guinee-des-manifestations-contre-la-junte-paralysent-conakry_6136522_3212.html) (in French)

<sup>140</sup> Guineematin, “Manifestations contre la junte du CNRD: les Forces Vives de Guinée font le bilan et remobilisent pour les 17, 18, 24 et 25 mai” [Protests against the CNRD junta: Life Forces of Guinea takes stock and regroups for the 17, 18, 24 and 25 May], 11 May 2023, <https://guineematin.com/2023/05/11/manifestations-contre-la-junte-du-cnr-d-les-forces-vives-de-guinee-font-le-bilan-et-remobilisent-pour-les-17-18-24-et-25-mai/> (in French)

<sup>141</sup> Africaguinee, “Manifestations du 18 janvier : Nos constats sur le terrain...” [18 January protests : Our findings in the field], 18 January 2024, <https://www.africaguinee.com/manifestations-du-18-janvier-nos-constats-sur-le-terrain/> (in French)



 ↑ A police officer watches as demonstrators block roads and throw stones in Conakry on 28 July 2022, after the authorities prevented supporters of the National Front for the Defence of the Constitution (FNDC) from gathering in the streets for a peaceful march. ©AFP - CELLOU BINANI

Among the cases documented by Amnesty International, on 16 October 2023 three journalists were injured when a peaceful rally organized in the capital by media professionals to demand the lifting of restrictions on access to certain news websites was suppressed.<sup>142</sup> Among those injured was journalist Mariama Bhoie Barry, who was hit on the elbow by a teargas grenade fired from less than 20 metres away, as shown in a two-minute video analysed by the organization and recorded by the journalist herself. Mariama Bhoie Barry told Amnesty International: “He deliberately targeted me. The police were hostile to my filming and they told me to step back.” At the Council of Ministers’ meeting on 19 October, Ousmane Gaoual Diallo, Minister for Post, Telecommunications and the Digital Economy, stated that “police intervention can always result in minor injuries”.

Amnesty International considers that there was no reason to use teargas against peaceful demonstrators. These gases should only be used in the event of widespread violence against individuals and should never be fired directly at people.<sup>143</sup> There was no legitimate objective to shooting a journalist filming at such close range and head height and it was neither necessary nor proportionate.



 ↑ Screenshot of the video filmed on 16 October 2023 by journalist Mariama Bhoie Barry, showing the teargas canister in motion.

<sup>142</sup> Amnesty International, “Guinée: Unnecessary use of force against peaceful rally must not go unpunished”, 27 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/guinea-unnecessary-use-of-force-against-peaceful-rally-must-not-go-unpunished/>

<sup>143</sup> Amnesty International Netherlands, “Chemical Irritants in Law Enforcement”, 2021, p. 10, 12-13.

In September 2022, Amnesty International delegates met Mohamed Elie Diallo in Conakry. He had been shot on 28 July 2022, the day of a “peaceful and civic” protest called by the FNDC to “express its opposition to the CNRD’s desire to remain in power”.<sup>144</sup>

**“I often go on protests. That day, what prompted me onto the streets was the destruction of shops [by the defence and security forces]. It was the Hamdallaye gendarmerie who shot at me from a vehicle. I was hit in the right thigh. They were helped by other young people from the neighbourhood. I think there were around 10 people with bullet wounds at the hospital.”**

In-person interview with Mohamed Elie Diallo, September 2022, Conakry.

Mamadou Adama Diallo was shot and injured on 21 October 2021 by the defence and security forces, according to his testimony to Amnesty International. He said: “I tried to escape with some other young people but, as I was very close to them, an officer shot me in the back and I fell to the ground. The officers came up beside me and I heard one of them ask another to check whether I was still alive. They lifted my hands and, when I realized that they wanted to shoot me again, I played dead. They left and some friends took me to hospital.”<sup>145</sup>

Mamadou Malal Diallo, aged 30 at the time of the incident, was rammed during a protest in 2020 by a vehicle he identified as belonging to the Banditry Suppression Squad (*Brigade de répression du banditisme/BRB*), according to his testimony to Amnesty International. He said: “The vehicle hit me and I fell to the ground, losing several teeth. The driver then manoeuvred to run me over, and they hit my head several times with the pick-up’s doors. I passed out and they began to pick me up to put me in their car, thinking I was already dead, but the kids were throwing stones at them so they left me on the ground. Friends then took me to hospital.”<sup>146</sup>

Mamadou Marif Barry, born in 1972, was beaten up by law enforcement officials. He told Amnesty International: “It was around 8 am and there was a protest. As head of the UFDG section in the Bantounka district of Cosa, I went to observe the events as they unfolded. I crossed paths with a pick-up from the defence and security forces and, given that I’d done nothing wrong, I didn’t run. But the officers got out and beat me around the head. I was bleeding profusely but they piled me into their car.”<sup>147</sup>

Mamadou Aliou Barry told Amnesty International: “It was 11 pm and I was at home when I heard a noise at the door. I went to the window and saw three pick-ups, two police and one red beret military. They ordered me to open the door but my younger brother told me not to. So they tied ropes to the door and forced it open. Four officers came in and found me in my room; one of them hit me on the leg with the butt of his rifle. I fell down and, as if that wasn’t enough, they then destroyed almost everything I owned. They tried to take me in but I couldn’t walk any more, I realized I was injured. I started shouting to attract young people and the whole neighbourhood came out. As the officers could no longer take me, they shot a young man so that they could escape from the crowd. The young man died on the spot. I was then taken to traditional healers for treatment.”<sup>148</sup>

Ibrahima Sory Cissoko, aged 27 at the time of the incident, was shot in both legs on 23 October 2020, during one of the days of protest against the disputed presidential election of 18 October. He told Amnesty International: “The situation was calm that day and I went to the Soloprime mosque for Friday prayers. After prayers, I was going home to Bomboli with some other people and, when we got to the main road, we saw CMIS officers from Koloma. We heard voices saying to shoot at us, and that’s when I was hit by a bullet that hit both my legs. I fell straight down. The people with me then sent me to a nearby clinic.”<sup>149</sup>

Other people were injured in their homes by bullets fired from outside. Mariam Kourouma, aged nine at the time of the incident, was injured in 2020 during the election period. She told Amnesty International: “It was around 8 pm. There was a protest and, as we’re close to the road, my aunt banned me from going out. As she was preparing the meal outside, she told me to go and get a container from the sideboard. Just as I was taking it, I felt a pain in my buttocks and started screaming because blood was pouring out everywhere. My family rushed into the house thinking I’d been electrocuted but, once a local doctor had checked, they realized I’d been hit by a bullet that had pierced the ceiling. Because of the violence outside, I had to stay with the bullet in me all night, and it wasn’t until the morning that I was able to get to a clinic.”<sup>150</sup>

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<sup>144</sup> Mosaiqueguinee.com, “Marche du 28 juillet : le FNDC dépose des lettres d’informations (copies)” [July 28 march: FNDC submits informational letters (copies)], <https://mosaiqueguinee.com/marche-du-28-juillet-le-fndc-depose-des-lettres-dinformatons-copies/> (in French)

<sup>145</sup> In-person interview with Mamadou Adam Diallo, December 2023, Conakry.

<sup>146</sup> In-person interview with Mamadou Malal Diallo, February 2024, Conakry.

<sup>147</sup> In-person interview with Mamadou Marif Barry, February 2024, Conakry.

<sup>148</sup> In-person interview with Mamadou Aliou Barry, February 2024, Conakry.

<sup>149</sup> In-person interview with Ibrahima Sory Cissoko, February 2024, Conakry.

<sup>150</sup> In-person interview with Aicha Baldé (name changed), February 2024, Conakry.

# 6. BARRIERS TO EMERGENCY MEDICAL EVACUATION AND TREATMENT

**“The doctors refused to treat us on the pretext that they were not authorized to take in wounded individuals because the defence and security forces might then turn against them and vandalize the clinic.”**

Mamadou Bailo Bah, injured in the left arm by a teargas canister on 22 March 2020 in Conakry.

Medical care for people seriously injured by the defence and security forces during protests has been problematic, particularly under the Alpha Condé regime. Indeed, it has often been obstructed by these same forces who, by failing to act, preventing or delaying treatment, have violated the Guinean Criminal Code and international law. And while international law requires States to guarantee healthcare professionals an environment conducive to realizing the right to health, testimonies also reported the refusal of medical staff from public hospitals and private clinics to receive or treat the wounded for fear of reprisals, potentially on instructions from the authorities but also due to a lack of appropriate medical equipment.

## 6.1 OBSTRUCTION BY DEFENCE AND SECURITY FORCES

In accordance with international law, law enforcement officials must be trained in first aid and ensure that medical assistance and services are provided as soon as possible to anyone injured as a result of the use of force and firearms. However, testimonies gathered by Amnesty International show that the defence and security forces have failed to provide first aid and medical evacuation to people they themselves have injured during protests, or have knowingly delayed the treatment of the injured by medical personnel, in violation of the right to access to health and the Guidelines for Policing in Africa.

Boubacar Bah, aged 15 at the time of the incident, was injured in 2020 by a teargas canister fired by people he identified as gendarmes. The police tried to arrest him, which would have prevented him from receiving medical treatment. He told Amnesty International: “I tried to flee back to my home but that’s when the cartridge hit me in the mouth. I fell to the ground. The officers wanted to arrest me and put me in their pick-up but there were many young people in the neighbourhood who stopped them. I took off my shirt to cover my mouth as I was losing a lot of blood, and I was evacuated for treatment. Every time they hurt someone, they do everything they can to take them back to the station and send them to prison for the simple fact of having taken part in a protest.”<sup>151</sup>

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<sup>151</sup> In-person interview with Boubacar Bah, December 2022, Conakry.



Mamadou Sadjó Baldé was seriously injured in the hip on 9 May 2023 during a protest in Cosa after being hit by a vehicle driven by people he identified as possible members of the CMIS or the police. He told Amnesty International: “After hitting me, they got out of the vehicle, kicked me twice, then got back in and drove off.”<sup>152</sup>

Mamadou Marif Barry was beaten up by the police, taken to their vehicle and left to bleed profusely without medical attention. He told Amnesty International: “After putting me in the pick-up, they continued to drive round the neighbourhood picking up young people. They then dropped us off at the Nongo central police station. They took my phones away but, thanks to an officer, I was able to contact my family, who paid a fee to release me. Once I was free, I went to the hospital for treatment.”<sup>153</sup>

Sanoussy Barry, aged 37 at the time of the incident, was assaulted and robbed by people he identified as gendarmes from the security forces on 19 February 2020, the day of a call for demonstrations by the FNDC. He told Amnesty International: “They caught me and threw me to the ground, and I hit my foot on a stone. As I called for help, they took everything I owned, my two phones and a sum of 800,000 GNF (around €85). Then they left me there and disappeared, and I couldn’t move.”<sup>154</sup>

Mamadou Rachid Sow was hit by a vehicle belonging to the defence and security forces, who left him for dead at the spot. He told Amnesty International: “On the bypass leading to the Sonfonia T7 crossroads, a CMIS pick-up was chasing some young people. I saw the vehicle only at the last moment and it hit me. I fell straight down and lost consciousness. I could hear voices around me saying: ‘There’s a young man lying dead’. Then a woman came and took my phone to inform my family.”<sup>155</sup>

Mamadou Bailo Diallo, aged 25 at the time of the incident, was shot in both thighs on 14 November 2019 during a protest called by the FNDC against the constitutional change. He told Amnesty International:

**“The gendarmes fired teargas at everyone and there was pushing and shoving. That’s when they fired. The bullet entered my right thigh and came out of my left thigh. We got a vehicle to take me to Donka Hospital but the gendarmes tried to stop us and even pelted the vehicle with stones. We were intercepted at Hamdallaye but fortunately my friend had money. They took his money and we were able to carry on.”<sup>156</sup>**

Ibrahima Sory Cissoko, who was shot in 2020, was not allowed access to Camp Boiro, a military camp that houses a hospital usually open to civilians. He told Amnesty International: “First I went to a local clinic, then to Donka Hospital, where I had an X-ray. The doctors there told me to go to Camp Boiro, where they sometimes send seriously injured people. On entering the camp, the soldiers looked in the car and saw that my foot was bandaged. One of them said that if I had been shot I couldn’t go in.”<sup>157</sup> He was finally able to enter and was taken care of after a doctor he knew intervened.

Other testimonies gathered by Amnesty International show that, in some cases, people who were seriously injured, allegedly by the defence and security forces, were detained by these latter despite requiring emergency treatment. These practices constitute violations of the International Covenant on Civil and Political Rights (Article 7),<sup>158</sup> the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>159</sup> all ratified by Guinea, and of the United Nations Rules for the Treatment of Prisoners (Nelson Mandela Rules).

Thierno Mouctar Diallo, aged 52 at the time of the incident, was beaten by officers he identified as members of the Anti-Crime Squad (*Brigade anti-criminalité/BAC*) on 18 February 2022. According to his testimony to Amnesty International, he was taken into custody and then detained without treatment despite his poor state of health:<sup>160</sup>

**“As soon as their vehicle stopped, an officer got out and immediately hit me. I fell to the ground and was beaten until I passed out. They took me away and we were taken to the search and intervention squad in Kipé. There was no air in the pick-up and I couldn’t breathe. An officer noticed this and told the commander to have me change vehicles so that I didn’t die on the spot. I was writhing in pain and wanted to see a doctor. I spent the night at the Kipé search and intervention squad where I was interviewed. I was released the next day and went straight to hospital.”<sup>161</sup>**

Thierno Amadou Bah, aged 28 at the time of the incident, was shot during a protest on 22 March 2020. According to his testimony to Amnesty International, members of the defence and security forces arrested him on his way to receive treatment, and then detained him without treatment for three days:

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<sup>152</sup> Telephone interview with Mamadou Sadjó Baldé, 18 December 2023.

<sup>153</sup> In-person interview with Mamadou Marif Barry, February 2024, Conakry.

<sup>154</sup> In-person interview with Sanoussy Barry, December 2023, Conakry.

<sup>155</sup> In-person interview with Mamadou Rachid Sow, February 2024, Conakry.

<sup>156</sup> In-person interview with Mamadou Bailo Diallo, February 2024, Conakry.

<sup>157</sup> In-person interview with Ibrahima Sory Cissoko, February 2024, Conakry.

<sup>158</sup> International Covenant on Civil and Political Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>159</sup> Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel>

<sup>160</sup> In-person interview with Thierno Mouctar Diallo, February 2024, Conakry.

<sup>161</sup> In-person interview with Thierno Mouctar Diallo, December 2023, Conakry.

**“We were able to get X-rays at Ratoma Hospital, then the driver wanted to take us back to Dixinn [Conakry public hospital] but we were stopped by the defence and security forces. They took the radios and destroyed them, then took us to the gendarmerie. My friends and I were questioned for nearly two hours and then transferred to the Kipé search and intervention squad for further interrogation. We stayed there until 5 pm. My wound was getting worse but they took no pity on me. We were then transferred again and finally ended up at the Investigative Police Department (*Direction de la police judiciaire/DPJ*). I was there for three days without treatment. Finally, we were brought before the Dixinn Court of First Instance.”<sup>162</sup>**

## 6.2 BARRIERS TO CARE IN HEALTH FACILITIES

Under international law, States must guarantee health professionals an environment conducive to realizing the right to health, including adequate resources for the provision of emergency care. However, Amnesty International has collected testimonies from people seriously injured by the defence and security forces during protests that state that members of the medical staff of public or private facilities refused to treat them for fear of reprisals, potentially on the basis of instructions from the authorities under Alpha Condé, or for lack of suitable medical equipment.

### 6.2.1 BARRIERS TO CARE FOR FEAR OF REPRISALS

The brother of Amara Sylla, who was shot in the left leg on 9 May 2023 by people he identified as police officers, told Amnesty International: “The clinic we went to refused to treat him. The staff said that you had to go to Ignace Deen for such injuries. I don’t know whether they said this because they were unable to treat him or because they feared reprisals from the authorities.”<sup>163</sup>

Mamadou Bailo Bah, aged 20 at the time of the incident, was injured in the left arm by a teargas canister on 22 March 2020. He told Amnesty International: “The doctors at a private clinic refused to treat us on the pretext that they were not authorized to take in wounded individuals because the defence and security forces could turn against them and vandalize the clinic. The security guard closed the door.”<sup>164</sup>

Mamadou Bailo Diallo, who was shot in both thighs on 14 November 2019, told Amnesty International that he could not be seen at the first health facility and was belatedly treated at another. Hospital staff are said to have explained this decision as the wish of the Head of State, Alpha Condé, that those injured during the protests should not be treated. He told the organization: “I was not seen at the Mother-and-Child hospital in Kipé because they found that I had a gunshot wound and said that Alpha Condé and his government would not agree to them receiving wounded people. I was then taken by ambulance to Donka Hospital. The doctors on site also said that the President had said not to treat those wounded by firearms. I was kept in a corner until midnight. I was finally able to be operated on because a lot of people in the hospital pressured them to treat me. But a friend I knew who had been shot in the chest was left untreated until the Wednesday, when he died.”<sup>165</sup>

A doctor – who wishes to remain anonymous for security reasons – confirmed to Amnesty International that instructions had been given to medical staff not to treat the wounded, particularly in the final years of the Alpha Condé regime: “There were three different phases under Alpha Condé. Firstly, between 2010 and 2013, there were no problems, everyone was taken care of, there were medical kits. Later, the injured were still seen by doctors without any problems but the kits were no longer available in the emergency departments, so the injured had to buy their own medicines. Then, in the final years of the regime, the hospital’s previous management informed us of the existence of a memo prohibiting the treatment of people wounded during protests at our healthcare facility. From that point on, the injured had to go to the Samory Touré military camp hospital. After this memo was issued, there was a total ban on treating the injured. I nevertheless continued to treat these wounded people. I was targeted by the hospital management, who considered me to be close to the opposition. They reported me to the Ministry of Health and even to the President. I was often threatened with suspension or even disbarment.”<sup>166</sup>

Amnesty International was unable to obtain this memo and the Guinean authorities did not respond to the organization’s question about any instructions given to hospitals not to admit people seriously injured during protests.

In contrast, in 2020, Amnesty International reported<sup>167</sup> on provisions that may have contributed, from 2019 onwards, to exerting pressure on the medical profession and the Red Cross<sup>168</sup> in order to prevent the transport and reception of victims in hospitals without the presence of a judicial police officer. For example, a press release issued by the Ministry of Justice on 25 October

<sup>162</sup> In-person interview with Thierno Amadou Bah, December 2023, Conakry.

<sup>163</sup> Remote interview with Tassir Diallo, January 2024.

<sup>164</sup> In-person interview with Mamadou Bailo Bah, December 2023, Conakry.

<sup>165</sup> In-person interview with Mamadou Bailo Diallo, February 2024, Conakry.

<sup>166</sup> Remote interview, 8 April 2024.

<sup>167</sup> Amnesty International, Guinea: Marching to their Death. The urgent need of justice for the victims of Guinea’s crackdown on demonstrations (Index: AFR 29/2937/2020), 1 October 2020, <https://www.amnesty.org/en/documents/af29/2937/2020/en/>

<sup>168</sup> In 2020, following a letter from the FNDC accusing the Red Cross of no longer providing assistance to the wounded, the International Committee of the Red Cross (ICRC) replied that: “The security guarantees are unfortunately insufficient for the Guinean Red Cross to be able to carry out this work”.

2019<sup>169</sup> recalled the provisions of Article 117 of the Code of Criminal Procedure, which states that: “In the event of the discovery of a corpse, whether or not it is a violent death, if the cause is unknown or suspicious, the judicial police officer who is notified shall immediately inform the Public Prosecutor, go without delay to the scene and make the first observations”.<sup>170</sup> These provisions, which shall “also apply in the event of the discovery of a seriously injured person where the cause of the injuries is unknown or suspect”, seem totally inapplicable in the context of the unlawful use of force during protests broken up by the defence and security forces, since they would require seriously injured people to wait at the scene for the arrival of magistrates or judicial police officers.

In addition, at least one doctor has publicly stated that he has been subjected to pressure from the authorities because he has treated people injured during protests. On 27 January 2020, Mamadou Bella Diallo, a doctor “in charge of the UFDG and FNDC medical team”,<sup>171</sup> published an open letter in which he announced that he was “leaving the country for the time being” for fear of reprisals. According to information Amnesty International has obtained from a reliable source, the doctor’s telephone records had been analysed by the police in order to locate him.

Another doctor explained that in 2019, “the defence and security forces came on two occasions to throw tear gas in the courtyard of the clinic to scare the medical staff so that they would not take care of [the injured]”.<sup>172</sup>

One of the doctors contacted by Amnesty International said that: “Since the CNRD came to power, there has been no pressure on medical staff”.<sup>173</sup> However, another doctor reported a risk of reprisals against those injured, citing the case of two police officers who came twice to the facility where he works in Conakry in 2024 to look for a person who had been shot during a protest and had been treated there.<sup>174</sup> Moreover, explains one of them, “even if there are not as many threats against medical staff under the CNRD as under Alpha Condé, the injured still have the reflex, today, to come to the private structures to seek treatment because they fear going to public structures.”<sup>175</sup>

It is also clear that, since 2019, the authorities have always sought to play down the crackdown on protests. The fact that some of the injured were not treated meant that the victims were invisible and made it more difficult for the media and NGOs to report on their plight.

## 6.2.2 BARRIERS TO CARE DUE TO LACK OF MEDICAL EQUIPMENT

Under international law, States must ensure the availability, accessibility, acceptability and quality of healthcare facilities, products and services, including in private facilities. Nonetheless, a lack of adequate equipment or space was cited by medical staff as a reason for refusing to provide medical treatment to people injured by defence and security forces during protests.

Alpha Oumar Diallo, aged 23 at the time of the incident, was shot in the thigh and right calf on 8 January 2024 by a person he identified as a police officer, according to his testimony to Amnesty International. He said: “As usual, the defence forces were chasing groups of young people through the neighbourhood, throwing teargas and destroying a lot of goods in our concessions. I was at a roadblock set up by the youths when my phone fell to the ground. As I bent to pick it up, a police officer who had been hiding fired the first shot into my leg, very close to my buttocks. When I didn’t fall, he fired a second shot that hit me in the right calf. I climbed a wall and fell back into a courtyard. I wanted to get up but I couldn’t. Some young people came to my aid and took me to a private clinic.”<sup>176</sup> He said that the medical staff initially refused to treat him because “they didn’t have the necessary equipment” but, at the insistence of his comrades, he was able to receive first aid before being evacuated to Donka Hospital.<sup>177</sup>

Souleymane Diallo, aged 15 at the time of the incident, was shot in the thigh in Cosa in 2024. He told Amnesty International: “As I was crossing the tracks, everyone around me started to run, and that’s when I got shot.”<sup>178</sup> The injury resulted in “a fracture of the upper 1/3 of both leg bones”, according to an X-ray report seen by the organization. Although he had already received initial treatment at a private clinic, a doctor at Donka Hospital to which he was subsequently referred refused to treat him “claiming that there was no space available”.<sup>179</sup> The victim and his family finally ended up buying certain medical products and returning to the private clinic for further treatment.

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<sup>169</sup> Ministry of Justice, “Communiqué relatif aux manifestations en Guinée” [Press release on the protests in Guinea], 25 October 2019. (in French)

<sup>170</sup> Article 117 of the Code of Criminal Procedure, Republic of Guinea.

<sup>171</sup> In-person interview with Mamadou Bailo Bah, December 2023, Conakry.

<sup>172</sup> Remote Interview, 22 April 2024. Name not given for security reasons.

<sup>173</sup> Remote interview, 8 April 2024.

<sup>174</sup> Telephone interview, 23 February 2024. Name not given for security reasons.

<sup>175</sup> Remote Interview, 22 April 2024. Name not given for security reasons.

<sup>176</sup> In-person interview with Alpha Oumar Diallo, February 2024, Conakry.

<sup>177</sup> In-person interview with Alpha Oumar Diallo, February 2024, Conakry.

<sup>178</sup> In-person interview with Souleymane Diallo, February 2024, Conakry.

<sup>179</sup> In-person interview with Souleymane Diallo, February 2024, Conakry.

In the case of Mamadou Malal Diallo, who was hit by a vehicle during a protest in 2020, the reason given for refusing him treatment was quite different. He told Amnesty International: “When we arrived at the Sino-Guinean Hospital, the doctors refused to treat me on the grounds that I was crying in pain, making a lot of noise and disturbing the other patients. My friends sent me to another clinic near our neighbourhood where I was given first aid.”<sup>180</sup>

Doctors contacted by Amnesty International confirmed that a lack of availability of medical equipment was preventing the medical treatment of people seriously injured during protests. One of them told the organization that “few facilities in Guinea are equipped to treat gunshot wounds”.<sup>181</sup> This lack of availability is at the heart of the issue of advance payment (see 7.1). Another doctor said: “Until now the people injured fear going to public hospitals, so they come to private structures like ours, but we do not have the necessary technical platform to extract bullets, and these are often cases where the prognosis is life-threatening, so we refer them as much as possible to university hospitals.”<sup>182</sup>

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<sup>180</sup> In-person interview with Mamadou Malal Diallo, February 2024, Conakry.

<sup>181</sup> Remote interview with A.D (anonymity preserved for security reasons), 23 February 2024.

<sup>182</sup> Remote interview, 22 April 2024. Name not given for security reasons.

# 7. LACK OF ACCESS TO HEALTHCARE AND CONSEQUENCES FOR INJURED PROTESTERS

**“He would almost have been better off dying than the situation he’s in today.”**

Amadou Diallo, brother of Alpha Oumar Diallo (died 5 September 2023), 16 January 2022, Conakry.

## 7.1 ECONOMIC BARRIERS TO ACCESSING HEALTHCARE

Under international law, the Guinean authorities must guarantee the right to reparation for victims of serious human rights violations committed by State agents. However, in the absence of an out-of-court compensation fund as encouraged by the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,<sup>183</sup> and in the face of almost universal impunity for the unlawful use of force, which prevents victims from obtaining compensation through the courts for the harm they have suffered, people injured during protests have to rely solely on their own resources and those of their families for treatment. More often than not, they only have access to the general healthcare system, where they encounter numerous economic barriers to accessing the care they need, the majority of them coming from low-income backgrounds. The victims of excessive or otherwise unlawful use of force by law enforcement officials thus bear an excessive burden of healthcare costs, seriously affecting their right to health and, in some cases, their right to life.

### 7.1.1 EMERGENCY MEDICAL TREATMENT CONDITIONAL ON PAYMENT OF MEDICAL EXPENSES

In a letter requesting information, and then in another letter offering the possibility of a right of reply, Amnesty International asked the Ministry of Health and Public Hygiene for information on laws relating to the provision of emergency care in Guinea.

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<sup>183</sup> Principle 13, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UN Doc A/RES/40/34, 29 November 1985.

Based on the absence of response from this Ministry, Amnesty International is not aware of any legislation in Guinea that indicates whether medical care for seriously injured persons should be conditional on prior payment of a fee. According to a doctor based in Conakry,<sup>184</sup> situations vary depending on the hospital: “Normally, if a patient is in danger, there should be no question of money. With us, treatment comes first and bills are presented on discharge. Sometimes people just give what they can. Other hospitals may operate differently. The Sino-Guinean Hospital, for example, although a public hospital, operates a bit like a private hospital. Donka Hospital is currently under concession. You have to pay in advance.”<sup>185</sup>

Another doctor told the organization that the lack of available equipment for treating serious injuries means that medical staff have to present bills to the injured and their families so that they can buy the necessary equipment before any treatment can be given: “In the early years of the Alpha Condé regime, medical kits were available. This was subsequently not the case and is still not the case today. Those injured – most often by firearms – usually arrive with nothing in their pockets. They think that the doctors are asking for money but it's really that they have to buy all the medicines they need for their care. The availability of emergency kits could improve care for these injured people.”<sup>186</sup>

A third doctor told the organization: “Parents are often not even aware that their children were involved in protests and were injured. When they arrive, we treat them, but many do not pay because they come from modest families. Some also threaten us, they arrive in a frenzy.”<sup>187</sup>

Testimonies and information gathered by Amnesty International show that the lack of an available means of payment has, in several cases, delayed the provision of emergency care to people seriously injured during protests, in some cases with tragic consequences for the victims.

Mamadou Diouldé Baldé was injured twice in 2023 by people he identified as gendarmes, according to his testimony to Amnesty International.<sup>188</sup> On the first occasion, he was injured in the jaw after being hit by a vehicle belonging to the defence and security forces, and his friends took him to the John Paul II Hospital. On the second occasion, “There were intense clashes between the defence and security forces and young people from the ‘axis’ at the Hamdallaye pharmacy. A gendarme was standing behind a sign and, as I turned to face him, he fired a bullet into my right eye. I shouted for help but then the gendarme fired another bullet that hit me in the upper thigh”.<sup>189</sup> He told the organization that his treatment at the Jean-Paul II Hospital was delayed because the doctors did not want to treat him without the presence of a parent or close relative, and because the amount requested for his treatment was too high (GNF 7,000,000 or around €750).<sup>190</sup> “I was losing a lot of blood and there were other victims. Finally, after several hours, I was able to receive first aid and, as I was in a great deal of pain, the doctors asked that I be transferred to Donka Hospital to receive more effective treatment for my eye.”<sup>191</sup> When Amnesty International delegates met him, the bullet had still not been removed.

Amadou Sadio Diaouné, aged 23 at the time of the incident, was shot on 28 July 2022 in Concasseur by people he identified as gendarmes, according to his testimony to Amnesty International.<sup>192</sup> He said: “Elements of the gendarmerie from the Eco 2 district of Hamdallaye came to disperse us but they didn't succeed. We shouted at them. They came towards us, there were five of us. Three managed to escape but I was shot in the thigh, hitting one of my testicles.” According to his testimony, the young man who tried to help him was shot dead. “At Ignace Deen Hospital, the doctors refused to touch me because I had no money. It was only after my uncle paid that they took me in.”

Mamadou Elie Diallo, aged 19 at the time of the incident, was shot on 28 July 2022 by people he identified as gendarmes, according to his testimony to Amnesty International<sup>193</sup>, which he also shared with news websites.<sup>194</sup> He said: “In Hamdallaye, at the crossroads, gendarmes shot at me from a vehicle. They were helped by local youngsters. I was hit in the right thigh.” At the private clinic to which he was taken, “The doctors asked me for money before treating me. At my insistence, they stopped the bleeding but then told me to contact a relative who could come and pay.”<sup>195</sup>

Thierno Madiou Diallo, aged 16 at the time of the incident, had to have his left leg amputated after being shot on 3 July 2020 by people he identified as gendarmes, according to his testimony to Amnesty International. He said: “At Bambéto Magasin, the street was deserted. We were crossing the road and that's when we saw men in uniform who opened fire on us. Everyone was running away and I fell to the ground, and that's when I knew I'd been shot in the foot. I was taken to a local clinic for first aid and then to the Sino-Guinean Hospital.”<sup>196</sup> According to his testimony, fees were charged on the spot, which he and his family were unable

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<sup>184</sup> Remote interview with A.D (anonymity preserved for security reasons), 23 February 2024.

<sup>185</sup> The management of the recently renovated Donka University Hospital Centre (CHU Donka) has been entrusted to the Canadian Hospital Management Group led by Netsen Group for five years.

<sup>186</sup> Remote interview (anonymity preserved for security reasons), 8 April 2024.

<sup>187</sup> Remote interview, 22 April 2024. Name not given for security reasons.

<sup>188</sup> In-person interview with Mamadou Diouldé Baldé, February 2024, Conakry.

<sup>189</sup> In-person interview with Mamadou Diouldé Baldé, February 2024, Conakry.

<sup>190</sup> In-person interview with Mamadou Diouldé Baldé, February 2024, Conakry.

<sup>191</sup> In-person interview with Mamadou Diouldé Baldé, February 2024, Conakry.

<sup>192</sup> Remote interview with Amadou Sadio Diaouné, 26 September 2022, Conakry.

<sup>193</sup> In-person interview with Mamadou Elie Diallo, September 2022, Conakry.

<sup>194</sup> Guineematin, “Conakry: Mamadou Ely raconte comment des bérets rouges ont tiré sur lui et ses amis” [Guinea: Mamadou Ely recounts how he and his friends were shot by red berets], <https://guineematin.com/2022/09/08/conakry-mamadou-ely-raconte-comment-des-berets-rouges-ont-tire-sur-lui-et-ses-amis/> (in French)

<sup>195</sup> In-person interview with Mamadou Elie Diallo, September 2022, Conakry.

<sup>196</sup> In-person interview with Thierno Madiou Diallo, December 2023, Conakry.

to pay. It was suggested that he should go to Ignace Deen Hospital, a public hospital that would be able to treat him more easily. But again, he was asked to pay a fee. His injury worsened and his leg had to be amputated.

Elhadj Bailo Diallo, aged 16 at the time of the incident, was blinded after being hit in the right eye by a teargas canister fired on 22 March 2020 by people he identified as gendarmes. He told Amnesty International: “As soon as the defence and security forces arrived in our neighbourhood, they started shooting and I was hit. I fell to the ground and my face was covered in blood. My friends took me to a local clinic.”<sup>197</sup> He was then taken by local youths to Donka Hospital where, according to his testimony, “The doctors demanded money so that I could receive treatment.”<sup>198</sup>

Boubacar Biro Sow, born in 1997, was shot in the chest and head during a protest on 11 May 2023 in Koloma by people he identified as gendarmes, according to his testimony to Amnesty International.<sup>199</sup> He said: “I was hit in the chest; I fell down, got up automatically and then was hit in the head by a second bullet. I fainted.” He was taken to Donka Hospital by his relatives. His brother complained to Amnesty about the medical treatment offered:

**“The emergency department and the neurosurgery department both tried to pass the buck. Meanwhile, we were watching him bleed profusely. A CT scan was finally performed, and he was taken to neurosurgery. No medical procedure is ever carried out without first being paid for. It was very expensive but, fortunately, people helped us a lot after we launched an SOS on Facebook. One gentleman gave us more than GNF 10 million (around €1,070).”<sup>200</sup>**

## 7.1.2 LONG-TERM TREATMENT IS UNAFFORDABLE FOR LOW-INCOME FAMILIES

The cost of care, which is very high compared to the average standard of living, has acted as a barrier to accessing medium- and long-term healthcare for people seriously injured during protests. Of the 49 people injured with whom Amnesty International delegates spoke, the majority whose medical situation still required treatment were having to forego or limit this treatment due to a lack of resources.

### €60 MINIMUM WAGE, THOUSANDS OF EUROS’ WORTH OF CARE

In Guinea, the minimum wage is set at GNF 550,000 (around €60) per month, and only 6% of the population has social security cover.<sup>201</sup> In addition, “inputs for procedures remain expensive because of difficulties in supplying the hospitals with drugs from the Central Pharmacy of Guinea, which meets less than 50% of hospital requirements”, and “services are expensive because billing is not controlled, and certain practices tend to make services too expensive”.<sup>202</sup>

The cost of healthcare for people with gunshot wounds falls heavily on the families of the victims, who are mainly from working-class neighbourhoods. Mamadou Moussa Bah (injured on 8 January 2024) and his family estimate that they have spent six million GNF (around €650) so far on treatment, with “haemostatic sutures” costing GNF 2,500,000 (around €270) and “emergency care” GNF 600,000 (around €65), according to an invoice seen by Amnesty International.

The family of Amara Sylla, who suffered an “open fracture of the femur caused by a firearm”, spent some GNF 45,000,000 (around €4,800) on his medical treatment, which is still ongoing (see document below). The family of Amadou Tidiane Diallo, 16, who was shot on 8 January 2024 in Hamdallaye by people he identified as gendarmes, had spent GNF 12 million (around €1,280) by the time of his interview with Amnesty International delegates.<sup>203</sup> The family of Abdoulaye Thierno Diallo, who had his right leg amputated after being shot on 8 January 2024, said they had spent GNF 10 million (around €1,070) on healthcare.<sup>204</sup>

A member of Amara Sylla’s family told Amnesty International: “All these expenses have had a big impact on our family. The first outlay of GNF 25,000,000 (around €2,670) was made by an uncle who has a mahogany production project in the village. As for Amara, he was saving for his wedding, but we’ve had to use that money too.”<sup>205</sup>

<sup>197</sup> In-person interview with Elhadj Bailo Diallo, December 2023, Conakry.

<sup>198</sup> In-person interview with Elhadj Bailo Diallo, December 2023, Conakry.

<sup>199</sup> Mosaiqueguinee, “Manifs des 10 et 11 mai: les FVG font un bilan de 7 morts, 48 blessés par balles, 77 arrestations” [“Protests of 10 and 11 May: FVG counts 7 deaths, 48 gunfire injuries and 77 arrests].

<https://mosaiqueguinee.com/manifs-des-10-et-11-mai-les-fvg-font-un-bilan-de-7-morts-48-blesses-par-balles-77-arrestations/> (in French)

<sup>200</sup> Remote interview, 11 May 2023.

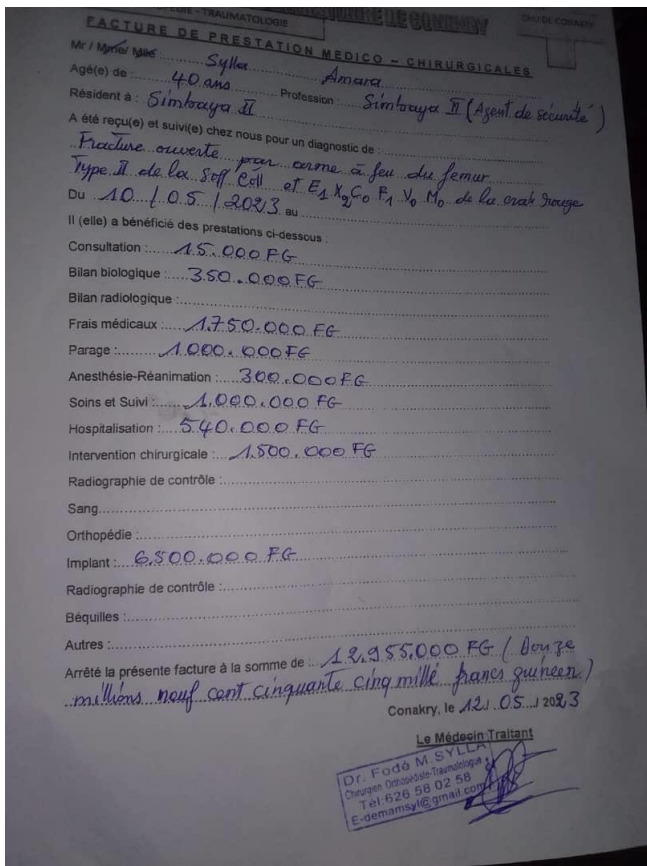
<sup>201</sup> Ministry of Health, National Health Development Plan 2015-2024, [https://portail.sante.gov.gn/wp-content/uploads/2023/02/Plan\\_National-de-D%C3%A9veloppement-Sanitaire-2015-2024-Ao%C3%BBt-2015.pdf](https://portail.sante.gov.gn/wp-content/uploads/2023/02/Plan_National-de-D%C3%A9veloppement-Sanitaire-2015-2024-Ao%C3%BBt-2015.pdf)

<sup>202</sup> Ministry of Health, National Health Development Plan 2015-2024, [https://portail.sante.gov.gn/wp-content/uploads/2023/02/Plan\\_National-de-D%C3%A9veloppement-Sanitaire-2015-2024-Ao%C3%BBt-2015.pdf](https://portail.sante.gov.gn/wp-content/uploads/2023/02/Plan_National-de-D%C3%A9veloppement-Sanitaire-2015-2024-Ao%C3%BBt-2015.pdf)

<sup>203</sup> In-person interview with Amadou Tidiane Diallo, February 2024.

<sup>204</sup> In-person interview with Abdoulaye Thierno Diallo, February 2024, Conakry.

<sup>205</sup> Remote interview with Tassir Diallo, 22 January 2024.



↑ One of Amara Sylla's invoices ©Privé

In some cases, families have found themselves in financial debt after spending large sums on healthcare, sometimes without being able to save the life of their injured relative. In an interview with a news website, the father of a young man who died on 27 September 2023 after being shot in Cosa on 5 September 2023 said: “Today, I’m asking the authorities and people of goodwill to help me because I had to borrow a lot of money to treat my son and now I have to pay back all these loans.”<sup>206</sup>

### CARE HALTED FOR LACK OF RESOURCES

Bademba Barry, aged 19 at the time of the incident, was shot in the right thigh in 2022 by people he identified as gendarmes, according to his testimony to Amnesty International. He said: “Just as I was watching some young people fleeing, I heard gunfire and then saw my friend lying on the ground. I walked towards him and then I realized my leg felt heavy. I stopped and saw that my shoe was full of blood. Then I passed out.”<sup>207</sup> He stopped his treatment because: “I was told that, in time, the bullet would dislodge of its own accord.”<sup>208</sup> The bullet had still not been removed by the time the organization met with him.

El Hadj Bailo Diallo, who lost an eye to a teargas grenade during a protest in March 2020, told the organization that he had stopped receiving treatment due to a lack of money. Also injured by a teargas grenade, Elhadj Alpha Diallo has suffered from dizziness ever since but was unable to have an X-ray due to a lack of resources.

Ibrahima Diallo, aged 24 at the time of the incident, was shot in the neck on 21 March 2020 by people he identified as members of the CMIS. His father told Amnesty International: “Just this morning he called me to complain. We’d like to send him to Dakar for treatment but we don’t have the money.”<sup>209</sup>

Shot in 2020, Thierno Madiou Diallo now walks “with just one foot and all my activities and dreams have been shattered. I am continuing my studies, albeit with great difficulty, but there was no financial support for treatment so I stopped it.”

<sup>206</sup> Mediaguinee, “Touché par balle le 5 septembre dernier, Amadou Diao Bah succombe à ses blessures” [Shot on 5 September, Amadou Diao Bah succumbs to his injuries], 28 September 2023, <https://mediaguinee.com/2023/09/touche-par-balle-le-5-septembre-dernier-a-loccasion-de-la-manif-des-fvg-amadou-diao-bah-succombe-a-ses-blessures/> (in French)

<sup>207</sup> In-person interview with Bademba Barry, December 2023, Conakry.

<sup>208</sup> In-person interview with Bademba Barry, December 2023, Conakry.

<sup>209</sup> In-person interview with Mamadou Adama Diallo, February 2024, Conakry.



Mamadou Malal Diallo, hit by a vehicle in 2020, frequently passes out and is no longer able to bend his left leg after undergoing several operations involving pinning it.

**“I stopped receiving treatment because my family could no longer afford it, and I lost the only job that was enabling me to make ends meet.”<sup>210</sup>**

Sanoussy Barry, who was injured after being thrown to the ground by people he identified as gendarmes in February 2020, told the organization: “I find it hard to walk long distances and my foot feels twisted. I haven’t worked since but I need to have treatment for my foot or I’m going to lose it.”

## DEAD FOR LACK OF PROPER CARE

Alpha Oumar Diallo, who became a paraplegic after being shot on 14 October 2019, died on 5 September 2023.<sup>211</sup> Amnesty International delegates met him in Conakry in 2022. On that occasion, his brother said: “Alpha Oumar no longer goes to the hospital because we don’t have the money. When he is in pain, I call the local doctor, who prescribes some medicine that I then go and buy. He gets bedsores from lying down all the time. He can’t go out in his wheelchair because there is no-one to accompany him. A doctor told us that rehabilitation would be possible for 80 to GNF 100 million (around 800 to €1,000) but we don’t have that kind of money.”<sup>212</sup>



### A FAILING HEALTHCARE SYSTEM

According to the National Health Development Plan (PNDS 2015-2024),<sup>213</sup> 51% of public health infrastructure is not in a physical and functional condition that would meet the standards set. Since the adoption of this Plan, the share of the State budget allocated to health has risen sharply, from 3.8% in 2016 to 10% in 2020, but remains below the 15% target set by the African Union Member States in Abuja in 2001.

In 2020, the United Nations Committee on Economic, Social and Cultural Rights highlighted “the lack of medical facilities and the dilapidated condition of existing facilities, the lack of training for medical personnel, the low number of medical personnel per capita and the excessive burden healthcare expenditure represents for low-income households”.<sup>214</sup>

The PNDS also notes that “hospitals, in general, depend on the mobilization of resources from cost recovery to ensure their operation, due to the weakness of the subsidy and the unpredictability of its disbursement”, which “affects the operation of hospitals and the quality of the services they provide to users”.<sup>215</sup>

Appearing before the National Transitional Council (CNT, the parliament of the transitional regime) in February 2024, the Minister of Health described his visit to the Ignace Deen National Hospital (one of the two University Hospitals, along with Donka National Hospital) when he took office as follows:

**“It couldn’t even really give a dignified welcome to a body in the morgue. We found torn mattresses, dilapidated beds, leaky toilets, not to mention the heat, lack of light and everything else. We continued to the pharmacy and ended up in the operating theatre. There, we found an operating table on which, in my opinion, not even an animal should be operated on. I’ve given firm instructions for renovation work to be carried out.”<sup>216</sup>**

<sup>210</sup> In-person interview with Mamadou Malal Diallo, February 2024, Conakry.

<sup>211</sup> Guineematin, “Conakry: décès d’Alpha Oumar Diallo, atteint par balle lors de la lutte contre le 3<sup>ème</sup> mandat d’Alpha Condé” [Conakry: death of Alpha Oumar Diallo, shot protesting Alpha Condé’s 3<sup>rd</sup> term], <https://guineematin.com/2023/09/06/conakry-deces-dalpa-oumar-diallo-atteint-par-balle-lors-de-la-lutte-contre-le-3eme-mandat-dalpa-conde/> (in French)

<sup>212</sup> In-person interview with Amadou Diallo, September 2022, Conakry.

<sup>213</sup> Ministry of Health, National Health Development Plan 2015-2024, [https://portail.sante.gov.gn/wp-content/uploads/2023/02/Plan\\_National-de-D%C3%A9veloppement-Sanitaire-2015-2024-Ao%C3%BBt-2015.pdf](https://portail.sante.gov.gn/wp-content/uploads/2023/02/Plan_National-de-D%C3%A9veloppement-Sanitaire-2015-2024-Ao%C3%BBt-2015.pdf)

<sup>214</sup> Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of Guinea, 6 March 2020.

<sup>215</sup> Ministry of Health, National Health Development Plan 2015-2024, [https://portail.sante.gov.gn/wp-content/uploads/2023/02/Plan\\_National-de-D%C3%A9veloppement-Sanitaire-2015-2024-Ao%C3%BBt-2015.pdf](https://portail.sante.gov.gn/wp-content/uploads/2023/02/Plan_National-de-D%C3%A9veloppement-Sanitaire-2015-2024-Ao%C3%BBt-2015.pdf)

<sup>216</sup> Visionguinee, “Le ministre Oumar Diouhé Bah sur le système sanitaire guinéen: ‘Il est très alarmant et c’est en notre défaveur’” [Minister Oumar Diouhé Bah on Guinea’s health system: ‘It’s very alarming and it’s not in our favour’], 8 February 2024, <https://www.visionguinee.info/le-ministre-oumar-diouhe-bah-sur-le-systeme-sanitaire-guineen-il-est-tres-alarmant-et-cest-en-notre-defaveur/> (in French)

Oumar Diouhé Bah, Minister of Health and Public Hygiene, 7 February 2023.

According to the Ministry of Health, the emergency department and pharmacy at Ignace Deen Hospital have recently been renovated.<sup>217</sup> In addition, on 8 February 2024, the CNT approved a financing agreement with BPI France for the construction of four “scalable, modular, industrialized and sustainable” regional hospitals in the Labé, Kindia, Kankan and Nzérékoré regions.<sup>218</sup>

## 7.2 IRREMIEDIABLE AFTER-EFFECTS WITH SOCIAL AND ECONOMIC CONSEQUENCES

The serious injuries sustained by those presumed to have been the victims of an unlawful use of force have left physical scars, some of them permanent, and have had a major socio-economic impact, itself the cause of psychological suffering that is difficult to measure because it has gone untreated.

Many of those seriously injured had to stop working, leading to impoverished households. Souleymane Diallo, who was shot in the thigh in 2024, told Amnesty International: “The pain is ongoing and I can't stand up for long. I can't work any more, so I lie in bed and watch my mother work alone to make ends meet.”<sup>219</sup> Alpha Oumar Diallo, who was shot in 2024, told the organization: “The pain hasn't stopped because the wound has not completely healed. I can't walk or run properly, and I can't sit on a motorbike either. I don't work any more, even though I used to help my mother. Now I have to stay at home and continue to take my medication.”<sup>220</sup>

Ibrahima Diallo was shot in the arm on 21 March 2020 in Cosa by people he identified as gendarmes. The bullet entered through his abdomen and exited through his arm. He still takes medication because the wound has not healed. He has not seen a psychologist but has told Amnesty International that he is greatly affected by his situation: “My morale is very low. Sometimes I get frustrated because I really enjoy sport but I can't play anymore. On top of that, I'm no longer working. My family has to do everything for me, and that upsets me deeply.”<sup>221</sup>

Mamadou Moussa Bah, aged 16 at the time of the incident, was shot in the leg on 8 January 2024 by people he identified as gendarmes, according to his testimony to Amnesty International. He said: “The pain hasn't stopped because the wound has not completely healed. I can no longer walk or run properly because I have a limp and need crutches to get around. Since the injury I've been out of work, and my mother has had to do everything for me, even my basic needs. Psychologically I'm better, but I want to get back to my friends and start working again, that bothers me.”<sup>222</sup>

Abdoulaye Thierno Diallo, 18, had his right leg amputated above the knee after being shot on 8 January 2024 in Hamdallaye (Conakry). He told Amnesty International: “I was trying to escape with my friends and I was hit in the leg. I fell and my friends took me to the John Paul II Hospital.”<sup>223</sup> He considers that the medical treatment he received is responsible for his current situation, and he seems to have been severely affected psychologically: “The doctors said they didn't have any medicine and that my parents had to be with me. Fortunately, a friend had informed my parents and I was able to obtain treatment once they arrived. But my amputated leg is the fault of the doctors who didn't want to care for me. When I think about this situation, it gives me a headache and now I walk on crutches.”<sup>224</sup>

Mamadou Sadjo Baldé suffered a serious hip injury in 2023 after being hit by a vehicle belonging to the defence and security forces. He has undergone three operations and has to wear a catheter because he can no longer urinate normally. He told the organization: “I'm in pain almost every day. The doctor told me to wait before having another operation but that's all I know.”<sup>225</sup>

<sup>217</sup> Guinean Ministry of Health and Public Hygiene Facebook post,

“MSHP/HÔPITAL NATIONAL IGNACE DEEN : le service des urgences et la Pharmacie changent de visage.” [‘MSHP/HÔPITAL NATIONAL IGNACE DEEN: the emergency department and pharmacy are changing face’], 8 February 2024, [https://www.facebook.com/SanteGN/videos/323322623472606/?locale=fr\\_FR](https://www.facebook.com/SanteGN/videos/323322623472606/?locale=fr_FR)

<sup>218</sup> Guinean Ministry of Health and Public Hygiene Facebook post, “MSHP/CNT : adoption de l'accord de financement pour la construction de quatre hôpitaux régionaux” [‘MSHP/CNT: adoption of the financing agreement for the construction of four regional hospitals’], 8 February 2024, <https://www.facebook.com/SanteGN/posts/pfbidOp4TsLF5ad1mGSLRBeKPFJGK99sztrnc17EWPkj1PH1WGSCzCuKNug4RZzJ7eGPTNI> (in French)

<sup>219</sup> In-person interview with Souleymane Diallo, February 2024, Conakry.

<sup>220</sup> In-person interview with Alpha Oumar Diallo, February 2024, Conakry.

<sup>221</sup> In-person interview with Ibrahima Diallo, February 2024, Conakry.

<sup>222</sup> In-person interview with Mamadou Moussa Bah, February 2024, Conakry.

<sup>223</sup> In-person interview with Abdoulaye Thierno Diallo (name changed), February 2024, Conakry.


<sup>224</sup> In-person interview with Abdoulaye Thierno Diallo (name changed), February 2024, Conakry.

<sup>225</sup> Telephone interview with Mamadou Sadjo Baldé, 18 December 2023.

Elhadj Bailo Diallo, who lost an eye due to a teargas grenade in March 2020, had to stop attending school because of his disability. Several other people injured in the head by teargas grenades or by vehicles told Amnesty International that they frequently lose consciousness.

This is also the case of Alpha Amadou Barry, aged 22 at the time of the incident, who was injured in 2020 by a teargas canister fired by people he identified as gendarmes. He was also shot in the back and arm on 29 October 2022 by people he identified as members of the Anti-Crime Squad (BAC). His head injury has left him with serious after-effects. According to a medical report dated 23 January 2023, consulted by the organization, he was diagnosed with “open cranioencephalic trauma, moderate cerebral contusion”, causing “intracranial hypertension syndrome (headaches, seizures)”.<sup>226</sup> He said: “Since my head injury I often have seizures and faint.”<sup>227</sup> This loss of consciousness can lead to falls and further injuries (see photo below).



 ↑ The scar left by the injury caused to Alpha Amadou Barry by a teargas grenade in 2020, which causes him to frequently pass out © Privé

Thierno Mouctar Diallo, injured in 2022, is still suffering from his injuries. He told Amnesty International: “I’m the imam at the mosque and I can’t lead the prayer anymore because I get dizzy. It’s hard to wake up in the morning. Sometimes I buy medicines but I often don’t have the money to be able to do it.”<sup>228</sup>

Amadou Sadio Diaouné, injured in 2022, underwent surgery and had leg irons fitted. He told Amnesty International: “I have difficulty urinating and walking.”<sup>229</sup>

Thierno Amadou Bah, who was injured in 2020 and is a painter by profession, has had to stop working “because [he] can no longer lift his arm or the equipment”, and has stopped taking his medication for lack of money.<sup>230</sup>

Mamadou Dian Diallo, aged 20 at the time of the incident, was shot and injured on 20 July 2020 in Bambéto. The bullet entered through his back and exited through his stomach. The young man told Amnesty International: “Sometimes it ‘pinches’ me inside. When that happens, I have to sit down for a while.”<sup>231</sup>

Amara Sylla’s gunshot wound on 9 May 2023 left him with an open fracture of the femur. Since then, he has been limping, with severe pain in his leg, and is currently receiving physiotherapy to rehabilitate it.<sup>232</sup>

<sup>226</sup> Medical report in the possession of Amnesty International.

<sup>227</sup> Interview with Alpha Amadou Barry, December 2023, Conakry.

<sup>228</sup> In-person interview with Thierno Mouctar Diallo, February 2024, Conakry.

<sup>229</sup> Remote interview with Mamadou Sadio Diaouné,

<sup>230</sup> In-person interview with Amadou Bah, December 2023, Conakry.

<sup>231</sup> Remote interview with Mamadou Dian Diallo, 5 February 2024.

<sup>232</sup> Remote interview with Amara Sylla, January 2024.

# 8. THE INJURED AND THEIR FAMILIES FACE IMPUNITY

**“There are more people campaigning for impunity than for justice.”**

Thierno Souleymane Baldé, lawyer.

## 8.1 JUDGEMENTS AND LEGAL PROCEEDINGS

### 8.1.1 ON THE UNLAWFUL USE OF FORCE UNDER ALPHA CONDÉ

Despite the large number of people killed and injured during protests under the presidency of Alpha Condé and the authorities' obligation to respond to the victims' right to truth, justice and reparation, very few legal proceedings were initiated over this period to determine responsibility and, where appropriate, bring those members of the defence and security forces guilty of an unlawful use of force to trial. Between 2019 and 2021, Amnesty International recorded only three reports of arrests, prosecutions and/or investigations of one or more individuals in connection with alleged unlawful killings, including that of Alpha Condé and 26 other senior officials. This impunity casts a veil over the reality of responsibilities, constitutes a blank cheque for cracking down on protests and deprives the victims of justice and reparation.

In response to a letter sent to the Guinean authorities in 2020 by Amnesty International's Regional Office for West and Central Africa concerning the existence of investigations into the dozens of cases of people killed during protests since 2019, the Ministry of Security replied in September 2020 that “an element of the defence forces belonging to the Coyah infantry camp has been arrested by the Coyah Central Police Station”, and that “the case file is being examined by the Kindia military court”.<sup>233</sup> The arrest followed the deaths of several people during protests in the Kindia region in May 2020.<sup>234</sup> According to the same letter, “a trainee gendarme on duty in front of a private property (and not on duty to maintain order)” was arrested after the death of a woman in Cimenterie (Conakry) on 22 March 2020.<sup>235</sup>

### LEGAL PROCEEDINGS AGAINST ALPHA CONDÉ AND 26 OTHER SENIOR POLITICAL AND MILITARY FIGURES

Following the coup d'état that toppled Alpha Condé (now exiled in Turkey), on 4 May 2022 the Public Prosecutor of the Conakry Court of Appeal announced that legal proceedings had been opened against 27 people, including the former president, for

<sup>233</sup> Ministry of Security and Civil Protection, Letter to “Samira Daoud. Amnesty International. Regional Office for West and Central Africa”, Ref: AFR 29/2020/003, 18 September 2023.

<sup>234</sup> Amnesty International, “Guinea. Les autorités alimentent le cycle de la répression dans le contexte du COVID-19” [Guinea: Authorities feeding cycle of repression in the COVID-19 context], 14 May 2020, <https://www.amnesty.org/fr/latest/news/2020/05/guinee-les-autorites-alimentent-le-cycle-de-la-repression-dans-le-contexte-du-covid/> (in French)

<sup>235</sup> Ministry of Security and Civil Protection, Letter to “Samira Daoud. Amnesty International. Regional Office for West and Central Africa”, Ref: AFR 29/2020/003, 18 September 2023.

various alleged acts including “deliberate attacks on human life, in particular murder, assassination and complicity in murder and assassination”, committed in the context of the dual referendum and presidential elections of 2020.<sup>236</sup>

The Public Prosecutor's Office subsequently forwarded the following to the Prosecutor of the Dixinn Court of First Instance: “the list of judicial police officers from the gendarmerie and the police designated as members of the pool of investigators for violent crimes in accordance with the instructions for the purposes of legal proceedings in the accusations against Alpha Condé and others”.<sup>237</sup> On 6 May 2022, the Dixinn Public Prosecutor issued a press release informing “the entire population of the opening of a judicial investigation against (...) for acts of murder, assassination, complicity in murder and assassination, intentional assault and battery, arrest, kidnapping, abduction, torture (...) committed during the dual referendum of 22 March 2020 and the days following and on the occasion of the presidential election in October of that same year”.<sup>238</sup>

On 7 March 2024, the Joint Commission of Inquiry interviewed several of the officials targeted by the prosecution, including Kiridi Bangoura, former Secretary General of the Presidency; Albert Damantang Camara, former Minister of Security; Bouréma Condé, former Minister of Territorial Administration; Ansumane “Bafoé” Camara, former Director General of the National Police; and Aboubacar Fabou Camara, former Director of the Judicial Police.

## 8.1.2 CASES OF UNLAWFUL USE OF FORCE UNDER THE CNRD

Since the CNRD came to power, several legal proceedings concerning people allegedly killed by the defence and security forces during protests have been announced by the Public Prosecutor and/or the Minister of Justice and Human Rights, and two judgements have been handed down. However, the number of these proceedings is far from reflecting the number of people actually killed during protests since September 2021, and the proceedings do not appear to include cases of people seriously injured during protests, particularly by firearms. Amnesty International has recorded seven announcements of the opening of investigations or of a desire expressed by the government or judicial authorities to uncover the truth, and two judgements.

### LEGAL INITIATIVES AND PROCEEDINGS

With regard to the five people killed during the protests of 27 and 28 July 2022 called by the FNDC and banned by the authorities, on 1 August 2022 the Public Prosecutor's Office announced that it had “instructed the Public Prosecutor at the Dixinn Court of First Instance, in Letter No. 985/PG/CA/C/2022 dated 1 August, to proceed without delay with the opening of preliminary investigations against persons unknown with a view to identifying the alleged perpetrators of the offences of murder, assault and battery, looting and arson”.<sup>239</sup>

On 19 August 2022, the Minister of Justice, Alphonse Charles Wright, “received the family of young Alpha Oumar Barry killed in Bambéto Magasin [on 17 August 2022] during recent FNDC protests that were broken up by the Guinean authorities”. On this occasion, the Minister “gave reassurances that the body would be made available to the family after autopsy”, and “promised that light would be shed on all the cases of deaths recorded in recent days in the suburbs of Conakry”.<sup>240</sup>

On 21 October 2022, the same Minister of Justice asked the Public Prosecutor to initiate legal proceedings “for alleged acts of endangering life” following the fatal shooting of three young men in the commune of Ratoma (Conakry) on 20 October during disturbances following the banning of an FNDC protest.<sup>241</sup> The Minister also called for the identification of a gendarme who appears, on images and videos, to be firing a firearm, “in order to initiate legal proceedings against the person concerned”.<sup>242</sup>

<sup>236</sup> Ministry of Justice, communication No. 539/PG/CA/C/2022, 4 May 2022.

<sup>237</sup> Conakry Court of Appeal, Public Prosecutor's Office, Ref: No.605/PG/CA/C/2022, “Re.: Transmission aux fins de formation de pool d'officiers de police judiciaire” [Re. Transmission for the purpose of forming a pool of judicial police officers]. (in French)

<sup>238</sup> Guineetime.com, “Urgent/Violences pendant les polls de 2020: le parquet de Dixinn invite les victimes à fournir des informations (Communiqué)” [Urgent/Violence during 2020 polls: Dixinn Prosecutor's Office invites victims to provide information (Press Release)], 11 May 2022, <https://guineetime.info/2022/05/11/urgent-violences-pendant-les-scrutins-de-2020-le-parquet-de-dixinn-invite-les-victimes-a-fournir-des-informations-communiquer/> (in French)

<sup>239</sup> Africaguinee.com, “Violences à Conakry : Le Parquet Général annonce l'ouverture d'enquêtes sur les cinq cas de morts...” [Violence in Conakry: the Public Prosecutor's Office announces the opening of investigations into the five deaths...], <https://www.africaguinee.com/violences-conakry-le-parquet-general-annonce-l-ouverture-d-enquetes-sur-les-cinq/> (in French); Guineematin.com, “Tueries lors des manifestations du FNDC à Conakry: le parquet général annonce des enquêtes contre X” [Deaths during FNDC protests in Conakry: Prosecutor announces investigations into X], 2 August 2022, <https://guineematin.com/2022/08/02/tueries-lors-des-manifestations-du-fndc-a-conakry-le-parquet-general-annonce-des-enquetes-contre-x/> (in French)

<sup>240</sup> Ministry of Justice and Human Rights, Facebook publication : “The Minister of Justice received in audience this Friday, August 19, 2022 the family of young Alpha Oumar Barry killed in Bambeto Magasin during recent demonstrations by the FNDC recently dissolved by the Guinean authorities”, 19 August 2022, [https://www.facebook.com/permalink.php?story\\_fbid=pfbid096TRei8E5DVBK2Empq5kcYLsQSuormmwWzeLvfguGmHUB7ZfU4V2PSC4bQ28FyxMI&id=100064299295196](https://www.facebook.com/permalink.php?story_fbid=pfbid096TRei8E5DVBK2Empq5kcYLsQSuormmwWzeLvfguGmHUB7ZfU4V2PSC4bQ28FyxMI&id=100064299295196)

<sup>241</sup> LeDjely.com, “BILAN: le FNDC dénomme 3 morts et maintient la pression” [TOLL: FNDC counts 3 dead and keeps up the pressure], 20 October 2022, <https://ledjely.com/2022/10/20/bilan-le-fndc-denomme-3-morts-et-maintient-la-pression/> (in French)

<sup>242</sup> Ministry of Justice and Human Rights, Ref: No. 031/MJDH/SG/CAB/2022, 21 October 2022.

On 7 September 2023, government spokesperson Ousmane Gaoual Diallo told the media that “the perpetrators will be pursued with the utmost rigour”,<sup>243</sup> in connection with the firearm deaths on 4 and 5 September 2023 during the crackdown on protests banned by the authorities on the occasion of the second anniversary of the CNRD's accession to power.

On 21 November 2023, the Minister of Justice sent a letter to the Attorney General of the Conakry Court of Appeal asking him to open a judicial enquiry “to determine the causes of death of Ousmane Bah”, shot dead on 20 November 2023 in Hamdallaye (Conakry) during protests against the electricity cuts, as well as a “judicial autopsy”.<sup>244</sup> The victim's relatives had accused members of the defence and security forces.<sup>245</sup>

On 12 December 2023, the Public Prosecutor of the Dixinn Court of First Instance sent a letter to the commander of the Kipé search and intervention squad “instructing the opening of a full and diligent investigation against X for murder, intentional assault and battery, destruction of public and private property and complicity”, and enclosing “copies of the victims' forensic medical reports”.<sup>246</sup> This letter followed an initial letter sent by that same magistrate requesting that the head of the forensic medicine unit at Ignace Deen Hospital identifies and performs an autopsy on two bodies following a protest on 5 December 2023.<sup>247</sup>

At his first press briefing on 13 March 2024, Prime Minister Amadou Oury Bah said it was “important” that the Kindia Public Prosecutor was able to “carry out diligent investigations so that authorities from all levels can find out how this happened [...] We will not fail to ask the administrative authorities of the region and the town of Kindia to provide us with full explanations of the situation”.<sup>248</sup> This declaration followed violent protests in March 2024 after power cuts, which were put down by law enforcement officials, resulting in the death of two children and at least 12 injuries.<sup>249</sup>

## JUDGEMENTS

On 27 March 2023, a gendarmerie chief warrant officer detained since 13 June 2022 was sentenced to 10 years' imprisonment and GNF 100 million in damages (around €10,600) by the Dixinn Court of First Instance for the murder of a 19-year-old man on 1 June 2022 in Hamdallaye (Conakry) during a protest against petrol price increases.<sup>250</sup>

On 8 January 2024, the Dixinn Court of First Instance found a gendarme “not guilty” on charges of “murder, causing bodily harm, assault and battery resulting in death without intent to kill”,<sup>251</sup> bringing his pre-trial detention since 6 December 2022 to an end. The gendarme was filmed with a TT30 automatic weapon in his hand in the firing position on 20 October 2022, the day of the FNDC protest during which three young men were shot dead in Conakry. The civil party's lawyer has appealed the decision so that “the case can be transferred to the Conakry Court of Appeal to enable us to continue our fight there”.<sup>252</sup>

## 8.2 BARRIERS TO JUSTICE

In addition to the difficulty victims and witnesses have in identifying the perpetrators of any unlawful use of force, the lack of political will and independence of the judiciary, marked by the absence or slow pace of legal proceedings, and the lack of

<sup>243</sup> Laguinee.info, “Tueries lors de la manif de FVG : « les auteurs seront recherchés avec la plus grande rigueur... » (Ousmane Gaoual) » [Killings during the FVG demonstration: “the perpetrators will be sought with the greatest rigor (Ousmane Gaoual), 8 septembre 2023, <https://laguinee.info/2023/09/tueries-lors-de-la-manif-de-fvg-les-auteurs-seront-recherches-avec-la-plus-grande-rigueur-ousmane-gaoual/> (in French)

<sup>244</sup> Ministry of Justice and Human Rights, Ref. 744/MJDH/SG/CAB/2023, 21 November 2023.

<sup>245</sup> Mediaguinee, « Échauffourées à Hamdallaye : un jeune de 29 ans tué par balle (source) », [Scalding in Hamdallaye: a 29-year-old young person killed by gunfire], 21 novembre 2023, <https://conakryinfos.com/un-jeune-tue-par-balle-a-hamdallaye-a-jean-paul-ii-les-medecins-mont-dit-quils-nont-pas-les-cles-des-ambulances/>; <https://mediaguinee.com/echauffourees-a-hamdallaye-un-jeune-de-29-ans-tue-par-balle/>; <https://lerevelateur224.com/2023/11/21/conakry-triste-fin-pour-ousmane-tue-par-balle-a-hamdallaye-par-des-agents-de-la-cmis/> (in French)

<sup>246</sup> Conakry Court of Appeal, Dixinn Court of First Instance, Prosecutor's Office, Letter Ref.: 2789/PR/TPI/D/2023, 12 December 2023.

<sup>247</sup> Conakry Court of Appeal, Dixinn Court of First Instance, “Judicial Requisitions”, Prosecutor's Office, Letter Ref.: 2554/PR/TPI/D/023, 12 December 2023.

<sup>248</sup> Jeune Afrique, “En Guinée, baptême du feu pour Bah Oury, tout juste nommé Premier ministre” [In Guinea, baptism of fire for Bah Oury, newly-appointed Prime Minister],

13 March 2024, <https://www.jeuneafrique.com/1547077/politique/en-guinee-bapteme-du-feu-pour-bah-oury-tout-juste-nomme-premier-ministre/> (in French)

<sup>249</sup> Guineematin, “Manifs anti-délestages à Kindia: 'nous avons reçu 14 victimes, dont 2 morts et 12 blessés’” [Anti-black out protests in Kindia: 'We received 14 victims, including 2 dead and 12 wounded'], 12 March 2024, <https://guineematin.com/2024/03/12/manifs-anti-delestages-a-kindia-nous-avons-recu-14-victimes-dont-2-morts-et-12-blesses/> (in French)

<sup>250</sup> Guineematin.com, “Meurtre de Thierno Mamadou Diallo à Hamdallaye: l'adjutant-chef Moriba Camara condamné à 10 ans de prison et à 100 millions GNF” [Murder of Thierno Mamadou Diallo at Hamdallaye: Chief Warrant Officer Moriba Camara sentenced to 10 years in prison and 100 million GNF], 27 March 2023, <https://guineematin.com/2023/03/27/meurtre-de-thierno-mamadou-diallo-a-hamdallaye-ladjutant-chef-moriba-camara-condamne-a-10-ans-de-prison-et-a-100-millions-gnf/> (in French)

<sup>251</sup> Guineematin, “Meurtre de manifestants à Conakry : le margis-chef Ibrahima Baldé libéré par le tribunal de Dixinn” [Murder of protesters in Conakry: Staff Sergeant Ibrahima Baldé released by Dixinn court], <https://guineematin.com/2024/01/08/meurtre-de-manifestants-a-conakry-le-margis-chef-ibrahima-balde-libere-par-le-tribunal-de-dixinn/> (in French)

<sup>252</sup> LaGuinée.info, “Manifestants tués: Me Thierno Souleymane Baldé relève appel après la relaxe de l'incriminé” [Demonstrators killed: Lawyer Thierno Souleymane Baldé appeals after defendant is acquitted], 10 January 2024, <https://laguinee.info/2024/01/manifestants-tues-me-thierno-souleymane-balde-releve-appel-apres-la-relaxe-de-lincrimine/> (in French)

confidence in the justice system on the part of victims and their families, have all contributed to making impunity the norm and justice the exception.

Thierno Souleymane Baldé, a lawyer representing several of the victims' families, told Amnesty International how difficult it was to get certain victims or witnesses to testify due to intimidation and a lack of political will:

**“For some of those shot dead or wounded on 5 September 2023,<sup>253</sup> I had evidence that could have identified the perpetrators. I asked for one of the people injured by gunfire who was hospitalized at the Sino-Guinean Hospital in Conakry to be interviewed. I did everything I could to get her interviewed but it wasn't possible and she died in hospital. Another person who was shot decided not to testify after leaving hospital. His parents didn't want to expose their son to the risk of reprisals.”<sup>254</sup>**

The lawyer added that “deliberately dragging out the proceedings discourages victims from continuing to fight for justice. Eight months after the events of September 2023, I still can't get the witnesses to come forward. These delays in the proceedings also lead to the disappearance of evidence, the relocation of witnesses and, consequently, the discouragement of victims.”<sup>255</sup>

Of the 35 victims asked by Amnesty International delegates whether they had filed a complaint, only one said they had done so. The main reasons given by the 34 others for not pressing charges were a lack of confidence in the justice system, a fear of reprisals from the authorities, and a lack of financial resources.

Thierno Amadou Bah did not press charges “because I was afraid of the authorities”.<sup>256</sup> It was the same for Elhadj Alpha Diallo, according to whom “no-one will have the courage to file a complaint at the risk of immediate arrest”.<sup>257</sup>

According to Thierno Souleymane Baldé, some families fear that legal proceedings will only bring new problems: “I'm not aware of any direct threats against the victims. It's more insidious. Families whose children have been murdered or injured are very reluctant to cooperate with preliminary investigations because they are afraid or no longer have trust in the Guinean justice system. They feel that if their child – in the case of an injury – was lucky enough to survive then this type of procedure could be detrimental to them.”<sup>258</sup>

The majority of the people met did not believe there would be a favourable outcome if a complaint were made, due to a total lack of confidence in the justice system, which they equate with executive power and the forces of law and order. Mamadou Aliou Barry sees “no point in filing a complaint against people who already want to hurt you”,<sup>259</sup> and Mamadou Marouf Barry thinks “it's a waste of time”.<sup>260</sup> Thierno Madiou Diallo thinks that “we're not going to get anything because justice is for the rich”<sup>261</sup> and Thierno Mouctar Diallo wondered: “Why file a complaint when you're already considered guilty of something you didn't do?”<sup>262</sup> Finally, Ibrahima Diallo sees no point in filing a complaint “against a government that has no respect for principles”.<sup>263</sup>

A lack of financial resources and little knowledge of their rights are also reasons given by victims or their families for not filing a complaint. Lamarana Bah “doesn't know how it works, and my lack of financial resources means I can't do it”.<sup>264</sup> Amara Sylla believes that “it will come to nothing, it will drag on. And this is Guinea, so what are we going to do financially? It's better to trust in God.”<sup>265</sup>

In some cases, legal cases have been initiated but have run out of steam. Ibrahima Sory Fadiga explains that “to begin with, people wanted us to file a complaint against ex-president Alpha Condé and a WhatsApp group was even created but, as there was no support, it petered out.”<sup>266</sup> Other victims say they are prepared to testify in court if the complaints are filed collectively. Alpha Oumar Diallo said: “We didn't press charges, we weren't able to get a lawyer. We were told to join forces with other victims' families. We'd like to meet with a lawyer but we can't afford one. If we get a call to testify, we're ready to do so.”<sup>267</sup>

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<sup>253</sup> Guineematin, “ Manifestation du 5 septembre à Conakry: 4 morts par balle! (Forces Vives de Guinée)” [5 September protest in Conakry: 4 shot dead! (Life Forces of Guinée)], 6 September 2023, <https://guineematin.com/2023/09/06/manifestation-du-5-septembre-a-conakry-4-morts-par-balle-forces-vives-de-guinee/> (in French)

<sup>254</sup> Remote interview with Thierno Souleymane Baldé, January-April 2024.

<sup>255</sup> Remote interview with Thierno Souleymane Baldé, January-April 2024.

<sup>256</sup> In-person interview with Thierno Amadou Bah, February 2024, Conakry.

<sup>257</sup> In-person interview with Elhadj Alpha Diallo, February 2024, Conakry.

<sup>258</sup> Remote interview with Thierno Souleymane Baldé, January-April 2024.

<sup>259</sup> In-person interview with Mamadou Aliou Barry, February 2024, Conakry.

<sup>260</sup> In-person interview with Mamadou Marouf Barry, February 2024, Conakry.

<sup>261</sup> In-person interview with Thierno Madiou Diallo, February 2024, Conakry.

<sup>262</sup> In-person interview with Thierno Mouctar Diallo, February 2024, Conakry.

<sup>263</sup> In-person interview with Ibrahima Diallo, February 2024, Conakry.

<sup>264</sup> In-person interview with Lamarana Bah, February 2024, Conakry.

<sup>265</sup> In-person interview with Amara Sylla, February 2024, Conakry.

<sup>266</sup> In-person interview with Ibrahima Sory Fadiga, February 2024, Conakry.

<sup>267</sup> In-person interview with Alpha Oumar Diallo, February 2024, Conakry.

# 9. CONCLUSION AND RECOMMENDATIONS

Since 2019, at least 116 people have been killed and hundreds more seriously injured, allegedly as a result of excessive or otherwise unlawful use of force by law enforcement officials during protests against the current government. The vast majority were in Conakry but several cases were also reported in other towns around the country.

The evacuation and medical treatment of people seriously injured during protests has often been delayed by the defence and security forces or medical staff have refused to receive victims for fear of reprisals or due to a lack of adequate medical facilities. As the State does not pay for medical care for victims of serious human rights violations committed by its agents, the costs of emergency and long-term medical care are exorbitant for families from low-income social backgrounds. Some victims are now living with serious consequences which, in addition to the physical and psychological suffering they cause, represent an unbearable financial burden for their families, to the extent that some people have had to stop receiving treatment, sometimes at the risk of their lives.

These injured people and their families have been doubly abandoned to their fate because they have also been deprived of justice due to a lack of political will on the part of the different regimes to prosecute the alleged perpetrators, and because most victims have not filed a complaint as they have no confidence in their country's justice system, fear reprisals from the authorities and/or lack the means to initiate legal proceedings.

Against this backdrop of impunity, a permanent ban on gatherings has remained in place, the defence and security forces have continued to be deployed with lethal weapons to repress any attempts to hold such gatherings, and deaths and injuries have continued to be frequently reported by civil society organizations and the media, all in violation of international law and without regard for the denunciations and appeals of the Office of the United Nations High Commissioner for Human Rights and the African Commission on Human and Peoples' Rights.

The authorities must urgently provide the care and justice needed by these hundreds of people and protect the rights of peaceful assembly and freedom of expression.

In the light of this situation, Amnesty International makes the following recommendations:

## TO THE GUINEAN AUTHORITIES

- Guarantee the rights to freedom of expression and peaceful assembly, in accordance with the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights and, in particular:
  - Repeal the decision of 13 May 2022 prohibiting “all protests on the public highway likely to compromise social peace and the proper execution of timetabled activities (...) until the period of the election campaign”;
  - Amend the articles of the Criminal Code that refer to the right to peaceful assembly where they are incompatible with international human rights law, in particular Articles 621 and 622 laying down the system for notification, and Article 623, so that the concept of “public disorder”, which enables a protest to be banned, cannot be interpreted too broadly, and repeal the civil liability of “members of the organizing committee” of protests, contained in Article 625, pursuant to General Comment 37 of the United Nations Human Rights Committee;



- Amend the law of 4 June 2015 on maintaining public order, which prohibits “any unarmed gathering that could result in a breach of the peace”, to ensure that the concept of “gathering” is not defined too vaguely and that any restrictions are in line with international human rights law, pursuant to Comment 37 of the UN Human Rights Committee;
- Recognize the right to hold protests and accept the deployment of observers during protests. Authorize them to observe and film, including law enforcement operations. Protect this right by law, in accordance with the Guidelines of the African Commission on Human and Peoples' Rights on the Policing of Assemblies by Law Enforcement Officials in Africa;
- Immediately end the arbitrary arrest and detention of people who are merely exercising their rights, including the right to freedom of expression or peaceful assembly;
- Immediately and unconditionally release all persons arbitrarily detained;
- Refrain from total or partial Internet black-outs, in compliance with international standards on freedom of expression;
- Ensure an end to the jamming and interruption of the radio signal and allow the country's media groups to return to the available broadcasting platforms;
  - Amend the law of 25 June 2019 relating to the use of weapons by the gendarmerie to make it clear in each article that firearms may only be used in the event of imminent threat of death or serious injury, and if other means have proved ineffective or have been unable to halt the threat;
  - Combat impunity for human rights violations, including the unlawful use of force during protests, and ensure access to justice and adequate reparation for victims and their families;
  - Increase the proportion of the State budget allocated to health to 15%, in line with the commitments made in the Abuja Declaration, with the aim in particular of increasing the number of medical facilities and addressing the obsolescence of existing facilities, the lack of training for medical staff, the low ratio of medical staff per inhabitant and the excessive burden of healthcare expenditure on low-income households;
  - In accordance with the right to effective remedy under international human rights law, consider establishing a national compensation fund for victims of human rights violations, including those who have been seriously injured during protests as a result of excessive or otherwise unlawful use of force in order to ensure that they have access to the emergency healthcare and long-term medical and psychological support they need;
  - Accept without further delay the request for a visit by the UN Special Rapporteur on freedom of peaceful assembly and of association; Extend an invitation to the following special procedures to visit the country: the UN Working Group on Arbitrary Detention and the UN Special Rapporteur on freedom of opinion and expression;
  - Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and make the declaration in Article 34.6 allowing individuals and NGOs to bring cases directly before that Court;
  - Submit a report on the human rights situation in Guinea to the African Commission on Human and Peoples' Rights without further delay, in accordance with Article 62 of the African Charter.

## **TO THE MINISTER FOR SECURITY AND CIVIL PROTECTION**

- Ensure strict compliance with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the ACHPR's Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa. In particular:
  - Use force only if other means have had no effect or have not achieved the desired result;
  - Use firearms only if there is an imminent threat of death or serious injury and only when less harmful means are not available, and without endangering those persons who do not present such a threat;
  - Use teargas only in the event of widespread violence that cannot be controlled by targeting solely those individuals engaged in acts of violence;
  - Do not fire teargas grenades directly at people;
  - Ensure that detailed reports are sent to the competent authorities responsible for the administrative investigation or judicial inquiry in the event of death or serious injury, or any other serious consequence;
  - Ensure that superiors are held accountable if they know or could have been expected to know that law enforcement officials under their command used unlawful force or firearms and they did not take all feasible measures to prevent, stop or report such abuse;

- Specify the circumstances under which law enforcement officials are authorized to carry firearms and stipulate the types of firearms and ammunition authorized; Regulate the control, storage and issue of firearms, including procedures by which law enforcement officials must account for all firearms and ammunition issued to them;
- Ensure that medical assistance and relief is provided as quickly as possible to anyone injured or otherwise affected during protests, including those arrested.
- Prohibit the deployment of hooded elements of the defence and security forces and unmarked vehicles during protests; ensure that all their agents deployed openly during meetings wear visible individual identification marks such as their name or service number, in accordance with the ACHPR Guidelines for Policing of Assemblies by Law Enforcement Officials in Africa;

Amnesty International has published [Guidelines for the Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#). Amnesty International recommends that the Guinean authorities use these Guidelines as a reference point when transposing the UN Basic Principles into national legislation, in the operational framework of law enforcement bodies (including regulations, procedures, training, equipment, command and control structures) and in the overall accountability system.

## **TO THE MINISTER FOR NATIONAL DEFENCE**

- Deploy military forces to maintain law and order only in exceptional circumstances and only if they have been trained and equipped to maintain law and order while respecting human rights.

## **TO THE MINISTER FOR HEALTH**

- Ensure that contingency plans are put in place with the Ministry of Security and Civil Protection to provide for rapid medical care for anyone injured at a protest; in particular, provide for clear and precise communication protocols between law enforcement officials and medical service providers in the context of a protest;
- Ensure that emergency care for people seriously injured at protests is not conditional upon prior payment of medical expenses;
- Ensure that medical kits are available in the country's main public and private health facilities, particularly in Conakry, so that people seriously injured during protests can be treated immediately without prior payment;
- Ensure that healthcare facilities, products and services are accessible to all, in particular the most vulnerable or marginalized groups, without discrimination, including those who have been the victims of violence;
- Take measures to ensure that the privatization of the health sector does not compromise the availability, accessibility, acceptability and quality of healthcare facilities, products and services;
- Ensure that doctors and medical staff are able to work in a safe environment, free from intimidation and threats.

## **TO THE JUDICIARY**

- Expedite the prosecutions that are ongoing against 27 people, including former president Alpha Condé, for various alleged offences, including “wilful attacks on human life, in particular murder, assassination and complicity in murder and assassination”, and other prosecutions of people alleged to have used excessive or otherwise unlawful force during protests; Ensure that the families of victims are able to take part as civil parties in these proceedings; Guarantee regular and transparent public information on progress in these proceedings; Prosecute those suspected of criminal responsibility for human rights violations in fair trials before competent, independent and impartial courts; and grant adequate reparation to the victims;
- Systematically initiate prompt, effective, independent and impartial investigations into all alleged cases of excessive or otherwise unlawful use of force by members of the defence and security forces during protests; at the end of these investigations, prosecute and try those suspected in fair trials before competent, independent and impartial courts;
- Ensure respect for the right of victims and families of victims of unlawful use of force to participate in legal proceedings, and to obtain justice and adequate compensation for the harm they have suffered;
- Guarantee the application of the law on legal aid and the law on the protection of victims, witnesses and other people at risk; conduct a wide-ranging public information campaign on the existence of these two laws.

## **TO THE UNITED NATIONS**

- To the Special Rapporteur on peaceful assembly and freedom of association; to the Special Rapporteur on freedom of opinion and expression: request visits to Guinea and act in accordance with their respective mandates.

## **TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

- To the Special Rapporteur on freedom of expression and access to information: in accordance with its mandate, carry out a fact-finding mission in Guinea; issue public statements denouncing the excessive or otherwise unlawful use of force by law enforcement officials and arbitrary arrests in Guinea; call for prompt and independent investigations and proceedings to try those responsible for an excessive use of force during protests; call for the release of those detained for exercising their right to freedom of expression; denounce the Internet black-out, the jamming and interruption of the signal of radio stations and the removal of major media groups from broadcasting platforms;
- To the African Committee of Experts on the Rights and Welfare of the Child: investigate the facts set out in this report and raise the issue of the excessive or otherwise unlawful use of force against child demonstrators when examining the State report.

## **TO THE EUROPEAN UNION, THE UNITED STATES AND GUINEA'S OTHER PARTNERS**

- Reconsider possible future training and budgetary, material or operational support for the defence and security forces in the light of repeated accusations of unlawful killings and other human rights violations on the part of some of them;
- Provide increased support for an independent and effective judiciary capable of putting an end to impunity for human rights violations committed by the defence and security forces;
- Support the creation of a compensation fund for victims of serious human rights violations committed by State agents in order to cover the medical costs incurred in caring for people seriously injured during protests and to compensate the families of those killed for the costs incurred during funerals.

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# WOUNDED YOUTH

## CARE AND JUSTICE URGENTLY NEEDED FOR THE VICTIMS OF UNLAWFUL USE OF FORCE IN GUINEA

Since 2019, dozens of people have been killed and hundreds more seriously injured, **allegedly** as a result of the unlawful use of force by the defence and security forces during protests against the regime of Alpha Condé, and then since September 2021 against the *Comité national du rassemblement pour le développement* (CNRD).

The evacuation and medical treatment of these people has often been delayed by the defence and security forces, or by members of the medical staff under pressure from the authorities, or due to a lack of medical facilities. As the State does not pay for medical care for victims of human rights violations, the costs of emergency and long-term medical care are exorbitant for families from low-income social backgrounds. Some victims are now living with serious consequences which, in addition to the physical and psychological suffering they cause, represent an unbearable financial burden for their families, to the extent that some have had to stop receiving treatment, in **some cases resulting in their death**.

These injured people and their families have been doubly abandoned to their fate, as they have also been deprived of justice due to a lack of political will on the part of the different regimes to prosecute the alleged perpetrators.

Against this backdrop of impunity, a permanent ban on gatherings has remained in place, the defence and security forces have continued to be deployed with lethal weapons to repress any attempts to hold such gatherings, and deaths and injuries have continued to be frequently reported by civil society organizations and the media, in violation of international law.

Based on testimonies and documents gathered in Conakry and remotely, this report continues the work Amnesty International has been doing for several years on the excessive use of force during protests and on impunity in Guinea. It establishes the facts and gives a face and a voice to these injured people, with the aim of ensuring that they receive justice and reparation.