



Human Rights Watch
UPR Submission
Guinea
June 2014

I. Summary

Since coming to power in largely free and fair elections in December 2010, the government of President Alpha Condé has made some progress in addressing the serious governance and human rights problems that characterized Guinea for more than five decades.

Parliamentary elections, not held since 2002, were to have taken place in 2011, but were repeatedly delayed by opposition demands to address technical concerns. The delay exacerbated ethnic tensions, slowed reform efforts, deepened a concentration of power in the executive branch, and led to violent protests which left scores dead. While marred by irregularities, the 2013 completion of the polls helped further consolidate Guinea's transition from authoritarian to democratic rule.

The number of state-sponsored violations has steadily declined since 2010 but inadequate progress on strengthening the judiciary and endemic corruption continue to undermine respect for rule of law and directly lead to violations. Furthermore, the government has made slow progress in tackling the culture of impunity and ensuring accountability for past atrocities, including the 2009 massacre of unarmed demonstrators by security forces.

There have been some efforts to professionalize and reduce the size of the 45,000-strong security sector, which has long been steeped in a culture of indiscipline and impunity. However the security forces often act in a partisan manner, and have been implicated in numerous acts of criminality and excessive use of lethal force when responding to demonstrations. Political and communal violence has since 2010, left several hundred dead and hundreds wounded.

A. Accountability for Grave Crimes and Fight against Impunity

During its previous UPR in 2010, Guinea had accepted all recommendations related to ensuring accountability and bringing to justice alleged perpetrators of grave violations. There has been slow but inadequate progress towards ensuring accountability for both past and ongoing violations by members of the security services. While several investigations have been opened, and a few high-level officers indicted, no single member of the security forces has yet to be prosecuted for abuses committed.

Since 2010, the judiciary has opened several investigations into serious violations by state actors including those into the 2012 killing of six men by members of the security forces in a village southeastern Guinea; the 2010 torture of members of the political opposition; the 2009 massacre and rapes of opposition supporters in a Conakry stadium; and the 2007 killing of some 130 unarmed demonstrators. Furthermore, after 12 people were killed during demonstrations by the security forces in May 2013, most by gunshot, President Condé tasked the justice minister with establishing a three-judge panel to investigate and prosecute those responsible for this and other acts of political violence.

However, progress in the investigative stage of most of the aforementioned has been severely hampered by the failure on the part of members of the army, gendarmerie and police, to respond to judicial summons.

Justice for the 2009 Stadium Massacre:

More than four years on, the domestic investigation into September 2009 massacre of some 150 people and the rape of over 100 women during the military regime of Moussa Dadis Camara has yet to conclude. A 2009 report by the United Nations-led International Commission of Inquiry said that the abuses committed by security forces very likely constituted crimes against humanity.

The panel of judges investigating the massacre has made important strides, having interviewed more than 300 victims and indicted at least 8 suspects including high-level members of the security forces. However, progress continues to be stymied by insufficient government backing and support, including the government's failure to place high-level suspects on leave from their government posts pending investigation, to ensure that members of the security forces respond to judicial requests to appear for questioning by the judges, to ensure adequate security for the judges, and to satisfactorily resolve the judges' outstanding request to question the former Guinean president, who is currently living in Burkina Faso. Some suspects have been in pretrial detention longer than the two years Guinean law permits.

B. Conduct of the Security Forces

Guinea had accepted recommendations to “give clear instructions to the security forces to always act in compliance with international human rights law” and to “prosecute and sanction, in line with international standards, armed forces and security staff members who are guilty of grave crimes and human rights violations.”

Since 2010, discipline within and civilian control over the security forces – the army, police and gendarmerie – appears to have improved. The military hierarchy has made considerable progress in ensuring that the army and presidential guard – responsible for the most serious abuses during past periods of political unrest – remain in barracks. Progress was also made in ensuring the forces mandated to respond – the police and gendarmerie – did so proportionately.

However, members of the police and gendarmerie were nevertheless implicated in numerous incidents of excessive use of lethal force and unprofessional conduct as they responded to the often-violent protests and clashes between militants of opposing political parties, and arbitrarily detained and beat others. The security forces have also been implicated in numerous alleged acts of criminality, including extortion, bribe taking, and outright theft and banditry.

Lack of Political Neutrality

There is clear evidence of a partisan response to protests on the part of security forces, who consistently fail to provide protection equally. On many occasions the security forces used ethnic slurs against, and looted and stole property from members of ethnic groups largely supporting the opposition, and collaborated with civilian mobs from ethnic groups that largely supported the ruling party. Furthermore, on numerous occasions in 2013, when political supporters of both the ruling party and opposition were engaged in street battles, the security forces disproportionately and on a few occasions arbitrarily arrested, detained and mistreated, robbed and physically abused opposition supporters. Also, on several occasions, members of the security forces attacked or failed to protect members of the opposition or their family members from violence meted out by ruling party militants.

Security Sector Reform Progress

The Security sector reform process, initiated in 2010, has made some progress including elaboration and implementation of codes of conduct to improve the discipline of security forces and move toward civilian control over the military. Efforts have been made to reduce the size of the military, including the 2010 retirement of some 4,000 soldiers.

Of concern however, is the near-total absence of accountability for serious abuses committed by members of the security forces both in the years before Condé assumed power, and those committed since. The failure to hold members of the security services accountable has contributed to a perception that they are above the law.

C. Judiciary and Detention Conditions

In spite of accepting many recommendations during Guinea's previous UPR in 2010 to ensure that the chronically-neglected judiciary is independent and functioning, there has been inadequate progress towards this end. Decades of neglect of the judiciary has led to striking deficiencies in the sector, allowing perpetrators of abuses to enjoy impunity for crimes. The allocation for the judiciary has for several years stood at around 0.5 percent or less of the national budget. As a result, there continue to be severe shortages of judicial personnel and insufficient infrastructure and resources, which, when coupled with unprofessional and corrupt practices and poor record-keeping, contributed to widespread detention-related abuses.

Prison and detention centers in Guinea are severely overcrowded and operate far below international standards. Inmates and detainees lack adequate nutrition, sanitation, and medical care. However, since 2010, there has been some improvement in malnutrition rates among inmates, healthcare, and in prison administration, including the formation of a prison guard service. The largest detention facility – designed for 300 detainees – accommodates some 1,100. An estimated 75 percent of prisoners in Conakry are held in prolonged pre-trial detention, many longer than five years. The failure of the *Cour d'assises* – which hears matters involving the most serious crimes – to meet regularly contributes to the problem.

D. Legislative and Institutional Framework for Promoting Human Rights

In 2012, President Condé created a Ministry for Human Rights and Civil Liberties, mandated to establish a human rights policy for the country. While the Ministry lacked resources, the Minister has actively advocated for strengthening of the judiciary, an end to impunity for abuses, and respect for freedom of the press.

During its previous UPR, Guinea had accepted the recommendation to “establish a national human rights institution in accordance with Paris Principles.” However progress in setting up the independent human rights institution, as mandated by Guinea's 2010 constitution, was undermined by delays in holding legislative elections; the constitution stipulates that the institution can only be established through a law voted on by the national assembly. In 2013, a revised law to create the Superior Council of Judges (*Conseil supérieur de la magistrature*, CSM) which is tasked with discipline, selection, and promotion of judges, was passed but the CSM has yet to be made operational. With the help of the European Union, several key legal texts including the Penal Code, the Code of Criminal Procedure, and the Military Code of Justice are in the process of being revised.

The “Reflection Commission,” created by presidential decree in June 2011 to promote reconciliation, made no visible progress in fulfilling its mandate. The interim co-presidents appeared to limit its mandate to promoting reconciliation largely through prayer, while local human rights groups pushed for a commission that could meaningfully address impunity. Deepening ethnic tensions, communal violence, as well as concerns about corruption, demonstrated the urgent need for a truth-telling mechanism with the capacity to make recommendations to address Guinea’s human rights challenges.

In contradiction with recommendations accepted during its previous UPR in 2010, Guinea has still not ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment (OP-CAT), or Optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Furthermore, Guinea has yet to codify the CAT into their penal code.

E. Child Labor

During its previous UPR in 2010, Guinea had accepted the recommendation to “punish and prevent trafficking in children for the purpose of forced labour.” However, significant numbers of children continue to labor in gold and diamond mines and quarries where they perform dangerous work for little pay. Tens of thousands of girls – some trafficked from neighboring countries-work as domestic laborers, often in conditions akin to slavery. They are routinely denied education and healthcare and are forced to work up to 18 hours a day. Beatings, sexual harassment, and rape at the hands of employers are frequent. The government took some steps to combat the problems of child labor and trafficking. In May 2008 the legislature passed The Child Code that contains several enhanced protections for children. A special police unit to investigate child prostitution, trafficking, child labor, and other abuses resulted in few prosecutions.

II. Recommendations

Regarding the fight against impunity the government should:

- Investigate and prosecute, in accordance with international standards, members of the security forces against whom there is evidence of criminal responsibility for past and ongoing-abuses.
- Ensure members of the security forces respond to judicial summons in cases involving human rights violations.
- Ensure judges and other judicial personnel investigating sensitive cases have adequate security at their offices and additional security during non-business hours as needed.
- Place on administrative leave those in government positions who have been identified as implicated in serious crimes including those during the September 2009 violence and are in a position to influence or appear to influence any criminal investigation and prosecution, pending investigation.
- Establish a mechanism for witness protection and support, to better assist victims and witnesses in sensitive cases.
- Press for adoption of laws that implement the International Criminal Court (ICC)’s Rome Statute to make genocide, war crimes, and crimes against humanity consistent with international standards punishable crimes under Guinea’s domestic law.

- Implement into domestic law the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Guinea in 1989, and ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment (OP-CAT).
- Abolish the death penalty.
- Ensure the Revision of the Military Code of Justice complies with international standards and instruments.
- Establish a truth-telling mechanism to expose less well-known atrocities, explore the dynamics that gave rise to and sustained successive authoritarian and abusive regimes, and make recommendations aimed at ensuring better governance and preventing a repetition of past violations.
- Establish a national human rights institution in accordance with the Paris Principles.

Regarding the Judiciary and detention-related abuses, the Government should:

- Ensure the Ministry of Justice has sufficient support to address deficiencies in the working conditions of judges and other key staff that severely undermine the dispensation of justice and rights of victims and the accused.
- Improve court and caseload management through the prompt establishment of recordkeeping, court reporting, and information control systems.
- Ensure the prompt establishment and independence from government control and direction of the Superior Council of Judges (*Conseil supérieur de la Magistrature*).
- Ensure all citizens accused of a crime have access to adequate legal representation regardless of their means.
- Bring to trial or set free all prisoners in prolonged pretrial detention and ensure all such prisoners are brought regularly before a judge to rule on the continued necessity for their detention.
- Improve prison conditions by ensuring adequate nutrition, sanitation, medical care, and educational opportunities.

Regarding child labor and abuse, the government should:

- Enforce the 2008 Children’s Code;
- Strengthen child protection systems, including at the local level;
- Investigate and prosecute cases of child labor and abuse.

To Address Endemic Corruption:

- Establish a fully independent, well-funded, anti-corruption body empowered to investigate, subpoena, and indict public officials implicated in corrupt practices.
- Publish the national budget and issue regular updates that accurately detail expenditures. Information on government revenues and expenditures should be made easily accessible and presented in a form that can be understood by the public.

Annex

Publications

[Guinea: Stadium Massacre Victims Deserve Justice](#)

27 Sep 2013 *Press release*

Those responsible for the 2009 stadium massacre, rapes, and other abuses by security forces in Guinea have yet to be brought to account four years after the crimes were committed, Human Rights Watch said today.

[Guinea: High-Level Charges in 2009 Massacre](#)

3 Jul 2013 *Press release*

Guinea's domestic panel of judges investigating the country's 2009 stadium massacre and rapes has taken a significant step in charging a high-level suspect, who is expected to be questioned by the judges on July 4. Given the potential for interference with the investigation, the government should place the suspect on leave and take additional measures to protect judges, witnesses, and victims.

[Guinea: Minister Charged for Alleged Role in Stadium Massacre](#)

28 Jun 2013 *Press release*

On June 27, investigative judges overseeing the investigation into the September 2009 killing and rape of opposition members, charged Lieutenant-Colonel Claude Pivi for his role in the crimes. The charges against Pivi, the minister for presidential security, represents a significant step forward for justice in Guinea.

[Guinea: Step Up Efforts to Ensure Justice for Stadium Massacre](#)

5 Dec 2012 *Press release*

The Guinean government should increase support to the domestic investigation of the September 28, 2009 massacre, rapes, and other abuses to enable fair, credible prosecutions of the crimes without further delay, Human Rights Watch said in a report released today. The conclusion is based on extensive research and analysis of the factors holding up the investigation. International partners – including the European Union (EU), United States, and the Office of the High Commissioner for Human Rights – also should increase pressure and support for justice to be done.

[Guinea: Ensure Justice in Treasury Chief's Death](#)

16 Nov 2012 *Press release*

Guinean authorities should speedily and transparently bring to justice those responsible for the November 9, 2012 killing of the country's treasury director. Aissatou Boiro, director of the Office of the Treasury, was investigating a high-level corruption case, her co-workers told Human Rights Watch.

[Guinea: Stadium Massacre Victims Await Justice](#)

29 Sep 2012 *Press release*

Hundreds of victims of the 2009 massacre, rapes, and other abuses by security forces in Guinea have yet to see justice done on the eve of the third anniversary of the attacks. The Guinean government should increase support for the domestic investigation of the crimes so that those responsible can be held to account without further delay.

[Guinea: Progress in Massacre Probe](#)

9 Feb 2012 *Press release*

The decision by investigative judges in Guinea to file charges against a high-level military official allegedly implicated in grave violations of human rights during a massacre of protesters in 2009 is an important step toward ensuring justice for the victims. Security forces were implicated in the killings of more than 150 opposition members and the rape of over 100 women in the aftermath of a peaceful demonstration.

[Guinea: Intensify Attention to Human Rights Challenges](#)

21 Dec 2011 *Press release*

President Alpha Condé of Guinea should intensify efforts to confront chronic rule of law problems that sustained decades of abuse. Condé completes a year in office on December 21, 2011.

[Letter to Monseigneur Coulibaly and El Haj Camara on Truth-Telling and Reconciliation](#)

15 Dec 2011 *Letter*

Letter to Monseigneur Coulibaly and El Hadj Camara regarding the Guinean government's efforts to establish a truth-telling and reconciliation mechanism.

[Guinea: Investigate Detention, Intimidation of Activists](#)

11 Nov 2011 *Press release*

The Guinean government should investigate the role of two high-level officials in the apparent illegal detention and intimidation of members of a prominent Guinean human rights group. The actions of the Conakry governor, Sékou Resco Camara, and a high-level police colonel, Amadou Camara, amount to both an abuse of authority and a clear attempt to interfere in the independence of the judiciary.

[Guinea: 2 Years On, Stadium Massacre Unpunished](#)

27 Sep 2011 *Press release*

No one has been held to account two years after Guinean security forces gunned down unarmed protesters at an opposition rally in Conakry, the capital. The Guinean government needs to do more to ensure justice for victims of the massacre on September 28, 2009.

[Guinea: A Nation at the Crossroads](#)

24 May 2011 *Press release*

President Alpha Condé, who took power in December 2010, should address the profound human rights and governance problems that have underscored decades of abuse in Guinea. A Human Rights report identifies the main factors that have contributed to years of impunity and recommends steps Guinea should take to promote good governance and to end the history of abuse.

[Guinea: Witnesses Describe Security Force Excesses](#)

29 Nov 2010 *Press release*

Security forces in Guinea used excessive force and displayed a lack of political neutrality when responding to election-related violence. The violence, between supporters of presidential candidates Alpha Condé and Cellou Dalein Diallo, and between protesters and security services, took place in Conakry, the capital, and other cities between November 15 and 19, 2010. At least seven people died, and 220 were wounded.

[Guinea: Ensure Fair Trials in Post-Election Violence](#)

24 Nov 2010 *Press release*

Guinean authorities need to ensure fair trials for the approximately 125 men and boys arrested during violence after the results were announced for the run-off presidential election.

[Guinea: Ensure Restraint by Security Forces During Elections](#)

5 Nov 2010 *Press release*

The special unit to maintain security during the second round of Guinea's presidential elections, on November 7, 2010, should act with discipline, minimum force, and neutrality. While the first round of elections took place in June in relative calm, the run-off election will take place amid heightened ethnic and political tensions.

[Guinea: Civil Society Groups Urge Restraint](#)

4 Nov 2010 *Press release*

A total of 101 organizations from Guinean, French, regional, and international civil society today condemned the violence and attacks against civilian populations, human rights defenders, and Guinean political figures during the past three months in Guinea. The organizations called upon all concerned, and in particular the national authorities, to exhibit restraint and moderation.

[Guinea: Investigate Attack on Human Rights Defender](#)

26 Oct 2010 *Press release*

Guinean authorities should investigate, discipline, and prosecute any members of the security forces responsible for the October 23, 2010 attack on Dr. Mamadou Aliou Barry, a prominent human rights defender.

[Guinea: One Year On, No Justice for Bloody Stadium Massacre](#)

27 Sep 2010 *Press release*

Making sure that those responsible for the massacre of more than 150 opposition supporters in a Conakry stadium are brought to justice should be a top priority for both Guinea and its international partners.

[Guinea: Upcoming Election Significant, Challenging](#)

25 Jun 2010 *Press release*

The winner of Guinea's hugely significant upcoming presidential election should urgently focus on rebuilding the rule of law and holding human rights abusers to account.

[Guinea: Ensure Redress for Stadium Massacre Victims](#)

4 Mar 2010 *Press release*

Guinea's new transitional government should take concrete steps to ensure redress for victims of the September 2009 massacre of more than 150 opposition supporters in a stadium in the capital, Conakry. The government should also locate the bodies of those still missing and suspend officials implicated in the massacre and its aftermath.

[Letter to Guinea's Transitional Government on Redress for Victims of Stadium Massacre](#)

4 Mar 2010 *Letter*

Human Rights Watch writes to Guinea's Interim President Brigadier General Sékouba Konaté and Transitional Prime Minister Jean-Marie Doré to urge them to use their time in office to take concrete steps to address the longstanding culture of impunity and violence which has in recent years blighted the lives of hundreds of Guinean citizens, and torn apart the lives of thousands more.

[Guinea: Stadium Massacre, Rape Likely Crimes Against Humanity](#)

17 Dec 2009 *Press release*

The killing and rape of hundreds of opposition supporters on September 28, 2009, by Guinean security forces are likely to amount to crimes against humanity. Accountability for the attacks is key to addressing Guinea's ongoing political crisis, which deepened following a December 3 shootout involving the country's coup leader and his aide de camp, both implicated in the September violence.

[Guinea: Free or Charge Rights Defender](#)

3 Dec 2009 *Press release*

Guinea's military government should immediately release or bring specific charges against the human rights defender Mouctar Diallo. He has been held by the military since November 26, 2009, on what appear to be politically motivated charges.

[Universal Periodic Review: Guinea](#)

5 Nov 2009 *Written statement*

Human Rights Watch submitted this statement to the UN Human Rights Council for its Universal Periodic Review of Guinea, expressing concern about the September 28 crackdown by security forces on a pro-democracy protest; elections and restrictions on political activity; rule of law; detention-related abuses; and child labor.

[Guinea: September 28 Massacre Was Premeditated](#)

27 Oct 2009 *Press release*

An in-depth investigation into the September 28, 2009 killings and rapes at a peaceful rally in Conakry, Guinea, has uncovered new evidence that the massacre and widespread sexual violence were organized and were committed largely by the elite Presidential Guard, commonly known as the "red berets."

[Guinea: Free or Charge Detainees](#)

4 Oct 2009 *Press release*

Guinean authorities should immediately free all those detained without charge following the bloody crackdown on an opposition rally on September 28, 2009, or charge them with a specific criminal offense followed by a fair trial. Human Rights Watch also supported the call by ECOWAS to establish an international commission of inquiry into the violence, in which an estimated 150 or more demonstrators were killed.

[Guinea: Stop Violent Attacks on Demonstrators](#)

29 Sep 2009 *Press release*

Guinean security forces should immediately cease violent attacks on demonstrators protesting against the military government. The government should hold accountable security forces responsible for firing upon and killing dozens of generally peaceful demonstrators in the Guinean capital, Conakry, on September 28, 2009.

[Guinea: Respect Rights of Opposition](#)

31 Aug 2009 *Press release*

Guinea's coup government should respect the rights of demonstrators and end intimidation and threats against those who express dissent. Opposition politicians and at least one human rights activist who have criticized the presumed candidacy of the coup leader, Captain Moussa Dadis Camara, for the upcoming presidential elections have been threatened in recent days.

[Guinea: Coup Leaders Undermining Rights](#)

8 Jul 2009 *Press release*

Respect for human rights by the coup government that took power six months ago has been undermined by arbitrary arrests and detentions, restrictions on political activity, unpunished criminal acts by the military, calls for vigilante justice, and disappointing progress in organizing elections.

[Guinea: Take Concrete Actions to End Abuses by the Military](#)

11 May 2009 *Letter*

Human Rights Watch writes to coup leader and president of the ruling National Council for Democracy and Development, Captain Moussa Dadis Camara. We are encouraged by the CNDD's recent commitment to end human rights abuses and criminality by members of the military against ordinary Guineans, and urge the CNDD to follow up this commitment with concrete actions.

[Guinea: Rein in Soldiers](#)

27 Apr 2009 *Press release*

Guinean soldiers have been implicated in regular acts of theft and violence against businesspeople and ordinary citizens since a new government took power in a military coup in December 2008. The new government should put a stop to these attacks and make certain that the police, gendarmerie, and judiciary carry out independent investigations and prosecute implicated soldiers.

[Guinea: Plan Elections and Hold Rights Abusers Accountable](#)

21 Jan 2009 *Press release and letter*

The new rulers of Guinea who came to power following last month's coup should take concrete steps to address Guinea's dismal human rights record. These steps should include holding senior members of the security forces accountable for past abuses and holding parliamentary and presidential elections without delay.

[Bottom of the Ladder: Exploitation and Abuse of Girl Domestic Workers in Guinea](#)

15 Jun 2007 *Report*

This 110-page report documents how girls as young as eight years old work up to 18 hours a day as domestic workers, frequently without pay, and are often insulted, beaten and raped by their employers. Domestic work is the largest employment category among children in Guinea. Girls come from as far as Mali, and some are victims of trafficking and forced labor.

[Dying for Change: Brutality and Repression by Guinean Security Forces in Response to a Nationwide Strike](#)

24 Apr 2007 *Report*

This 64-page report documents how Guinean security forces brutally repressed demonstrations across the country. It details how security forces abused, intimidated and arbitrarily arrested journalists and members of civil society. The report also shows how security forces were responsible for excessive use of force, as well as reckless and undisciplined fire. Security forces' crackdown on protests in January and February resulted in at least 129 deaths and more than 1,700 wounded, hundreds of them by gunshot. In mid-January, Guinean trade unions called the strike to protest against corruption, bad governance, and deteriorating economic conditions. The strike paralyzed all major economic sectors, including the mining operations that provide a large portion of state revenue.

["The Perverse Side of Things": Torture, Inadequate Detention Conditions, and Excessive Use of Force by Guinean Security Forces](#)

22 Aug 2006 *Report*

This 30-page report documents how police brutally torture men and boys held in police custody. The victims are individuals suspected of common crimes as well as those perceived to be government opponents. Once transferred from police custody to prison, many are left to languish for years awaiting trial in cramped, dimly lit cells where they face hunger, disease and sometimes death.