

# GUINEA

## Maintaining order with contempt for the right to life

In December 2001, the security forces fired live bullets on students who were demanding better conditions of study in several towns throughout the country, notably at Mali and Koundara, situated in the north and north west of Guinea. This police brutality, which resulted in the deaths of three people, is only the latest in a series of instances of excessive use of force which has led to the deaths of more than twenty people, including women and children, since the presidential election of December 1998. Each time political opponents or citizens, exasperated by difficult living conditions or a lack of political transparency, in particular around the time of elections, have dared to show their dissatisfaction, the Guinean security forces have not hesitated to fire on crowds of demonstrators, disregarding the genuine risk of loss of human life.

In Guinea, maintaining public order takes precedence over respect for the most fundamental of human rights guaranteed by the Guinean Constitution and all the standards of international law, namely respect for the right to life and the physical integrity of human beings. The recurrent nature of this excessive use of force and the impunity enjoyed by the perpetrators of these extrajudicial executions demonstrates how the highest authorities of the state cover these acts, even encourage them, in order to stifle the opposition when they take to the streets to show their dissatisfaction.

Amnesty International is launching an appeal to the Guinean authorities to accord the utmost importance to respect for the law and the protection of human life. The organisation is urging the government of Guinea to take steps to ensure that the security forces respect and protect the right to life and apply international standards governing the conduct of law enforcement officials and the use of force and firearms. The organisation is calling on the government to guarantee freedom of expression and the right of assembly and to put a stop to the culture of impunity. Amnesty International is also calling on other countries to condemn this excessive use of armed force and to ensure that the military aid and technical assistance they give the government of Guinea are not used to facilitate human rights violations.

### **An uneasy political context for over three years**

Since the presidential elections of December 1998, Guinea has experienced internal unrest, and in particular in relation to the arrest of one of the opposition leaders, **Alpha Condé**, who was tried and sentenced to five years' imprisonment in September 2000 on, among other charges, "constituting a threat to the authority of the State and to territorial integrity", following an unfair trial, and who was pardoned in May 2001.

The country has also experienced serious disturbances on its borders with Sierra Leone and Liberia, particularly since 2000, which have resulted in the almost total destruction of some towns and villages. Liberia, which has given political and military support to the Sierra Leonean armed opposition group, the Revolutionary United Front (RUF), has accused Guinea of

harbouring Liberian armed political groups who have made incursions into Liberia from Guinean territory. By way of response, Liberian government forces have conducted attacks on Guinean soil, apparently with a view to destroying the bases of the armed Liberian opposition in that country. Moreover, it appears that armed Liberian political groups have been recruiting in the refugee camps near the border with Liberia. These armed groups have also been responsible for deliberate and arbitrary killings, rape and abduction of refugees and of the civilian population of Guinea.

In September 2000, following attacks on Guinean territory by armed opposition groups, notably the RUF, the president of Guinea, **Lansana Conté**, appealed to the people of Guinea in a radio broadcast to defend their country and repel "the invaders". This speech was widely interpreted as an implicit authorisation to the army and the people of Guinea to attack refugees. In the days and months that followed the speech, refugees were arrested, attacked and harassed; some were also subjected to ill-treatment and torture, including rape, others were the victims of extrajudicial execution by the Guinean army.

More recently, the country was shaken by waves of discontent during the period prior to the adoption, by referendum in November 2001, of a new Guinean Constitution. The opposition boycotted the referendum because, according to them, the objective of the consultation was simply to allow the present head of state to introduce a life presidency. **Boubacar Biro Diallo** -- the current president of the National Assembly who was expelled in 1998 from the *Parti de l'unité et du peuple* (PUP) the People's Unity Party, the ruling party after criticising the human rights situation in Guinea -- qualified the referendum as a "constitutional coup d'état" and called on the international community to introduce sanctions against his country. Before the referendum, the European Union and the group of seven industrialised countries (G7) had expressed their concern about stability and democracy. The United States government reportedly threatened to review its aid if the referendum were approved.

The constitutional amendments adopted at the time of the November 2001 referendum permitted the head of state, Lansana Conté, who came to power following a coup d'état in 1984, to solicit a third mandate. In fact, this referendum aimed to extend the presidential mandate from five to seven years, with no age limit for its incumbent and no limit on the number of terms, whereas under the terms of the previous Constitution, President Conté would not have been able to stand again. The legislative elections, initially due to be held in June 1999, have been postponed twice, in June 2000 and in December 2001. The Guinean authorities have not specified any further date; on the other hand, they have said that the postponement would make it possible to "continue and strengthen" co-operation between the political parties and the body responsible for supervising the elections. The opposition had said that it would boycott the December 2001 elections.

In recent years, Amnesty International has published reports, based principally on investigations carried out on the ground, on the repercussions of this unrest on the respect for human rights. This includes, in particular, the cases of torture of members of the military who were co-defendants at the trial of Alpha Condé and harassment of Sierra Leonean and Liberian refugees by the Guinean authorities, following bloody incursions by armed groups coming from Liberia and Sierra Leone.<sup>1</sup> This present document focuses solely on the excessive use of force by the Guinean security forces which still periodically causes loss of human life with complete impunity. In 1995, Amnesty International had already drawn the attention of the Guinean authorities to the use of lethal force. Since 1990 dozens of unarmed civilians have been killed or seriously injured by the security forces.<sup>2</sup>

### **Presidential election of December 1998**

Following the contested presidential election of December 1998 and after the arrest of opposition leaders and sympathisers, including Alpha Condé, the Guinean security forces were deployed in all the towns and villages of the country, notably Kankan and Siguiri, and dozens of demonstrators were arrested. After the mass arrests of opposition activists, members of the security forces held many of those arrested on the ground by stamping on their hands and feet before beating them; young girls who were amongst the demonstrators were also subjected to sexual violence by the security forces at the prison in Kankan.

On 23 December 1998 at the sub-prefecture in Baro, the inhabitants, unused to this military presence, appealed to the sub-prefect to order the security forces to leave. However, they were met with shots which killed **Mamady Condé** and **Maningbe Djoumessi**. A third person, **Kouda Condé**, died a month later from his injuries.

Two other people, **Danka Condé**, seventy years old, and **Arafang Keita**, eighty-two years old, farmers who were beaten at the time of their arrest, died two days later.

On the evening of 23 December 1998, military reinforcements arrived at Baro, where they ransacked houses and arrested dozens of people. The soldiers also released gas into the huts, causing the deaths of at least three people: **Sogbe Doumbouya**, seventy years of age, wife

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<sup>1</sup> See Amnesty International *Guinea : The Alpha Condé affair – a mockery of a trial*, (AI Index: AFR 29/002/2000), *Guinea, Liberia, Sierra Leone: A human rights crisis for refugees and the internally displaced*, (AI Index: AFR 05/005/01), *Guinea and Sierra Leone: No place of refuge*, (AI Index: AFR 05/006/2001).

<sup>2</sup> See *Guinea : Does the political will exist to improve human rights?* (AI Index: AFR 29/05/95).

of the head of the sub-prefecture at Baro; **Nougnouman Kourouman**, seventy years of age, housewife; and **Noumori Dama**, a blacksmith.

At Siguiri, peaceful demonstrations for the release of Alpha Condé were also suppressed by the security forces, who used excessive armed force, causing two deaths and a number of injuries. Some adolescents, including one young girl, died of their injuries. They were:

- **Salimata Camara**, a student at the Kankou Moussa school, hit by a bullet in front of her home not far from the roundabout on the road to Tiguibiri and which had been surrounded by the security forces;
- **Mohamed Haidara**, sixteen years of age, an unemployed youth, who was taking part in a peaceful demonstration, and who was also hit by a bullet.

In Conakry, the capital, the security forces also used their firearms against peaceful demonstrators, including **Amadou Tamgaly**, a driver at Simbarya, a district of Conakry. He was killed by a soldier on around 11 or 12 December at the Koza Simbaya roundabout as the head of state was returning from Dubreka.

**Mahamoudou Diallo**, eighteen years of age, was killed when he met a military patrol on 21 December 1998; he panicked and ran off, but the soldiers fired at him.

In another case, soldiers fired at **Mamadou Dioma Diallo**, a brick manufacturer, apparently because he was wearing a shirt bearing an effigy of Mamadou Ba, president of the *Union pour la nouvelle République* (UNR), Union for the New Republic, an opposition party. He received treatment for his injuries.

In the light of investigations carried out by the Amnesty International delegation in March and April 2000, in particular at Baro and Siguiri where the demonstrations took place, the organisation deplores the fact that the security forces used excessive armed force on many occasions, in circumstances where neither their lives, nor the lives of anyone else, were in immediate danger and draws the conclusion that these were, in fact, extrajudicial executions. Amnesty International is equally concerned that, following instructions given to some doctors, the doctors refused to provide death certificates. Indeed, one of the people the Amnesty International delegation met in April 2000 said that a doctor had told him: "After what happened at Kaporu Rail, I can do nothing, I can't give you a medical certificate for the death of your son

because I would be pursued by the military. We have had instructions from the security forces.”<sup>3</sup>

### **Demonstrators shot at during the local elections of June 2000**

Municipal elections were held in June 2000 and were marred by violence and accusations of fraud. Following often violent demonstrations, dozens of demonstrators, all members of opposition parties, were arrested throughout the country and released shortly afterwards without being charged or tried.

It has also been confirmed by an official source that five people were killed and a number injured during demonstrations against the delays in announcing the results. Three of those who died were from Mamou, 300 km east of Conakry, one from Fria, 150 km to the north east, and the fifth from Boké, north west of the capital. The authorities had stated that the deadline for announcing the election results had been respected. In return the demonstrators had accused the Guinean authorities of “manipulating the results” in favour of the PUP, President Conté’s party.

### **Brutality on the part of the security forces during the November 2001 referendum**

The period prior to the constitutional referendum of November 2001 was marked by numerous demonstrations by the opposition, which had called for a boycott of the referendum. On numerous occasions, the security forces arrested and detained for a limited period opposition leaders and supporters, and used truncheons and tear gas against civilians to prevent peaceful demonstrations being held in Conakry and in other towns, including Labé, in the north of the country. Demonstrators were also arrested in an arbitrary manner and beaten in the town of Kankan.

### **Student demonstrations repressed in 1999 and 2001**

Twice, in October 1999 and December 2001, following demonstrations by students and high school pupils, the security forces used disproportionate and excessive force, including the use of firearms and tear gas.

In October 1999, two pupils, including **Amadou Camara**, were killed at Gbessia in the suburbs of Conakry during demonstrations against an increase in fuel prices. They were shot

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<sup>3</sup> In March 1998, following violent demonstrations against the demolition of a district of Conakry known as Kaporo Rail, at least 10 inhabitants of the district and a policeman were killed during confrontations with the security forces.

dead by the police, who were firing at the crowd. Tear gas grenades also caused a number of injuries among the pupils.

In December 2001, the security forces fired live bullets at students demanding better study conditions in a number of towns, notably Mali and Koundara, located in the north and north west of Guinea. *L'Organisation guinéenne des droits de l'homme* (OGDH), Guinean Human Rights Organisation, expressed its concern in relation to police brutality which had resulted in the deaths of three people, including **Thierno Diallo**, a student, and **Mody Ousmane Diallo Pettal**, a well-digger. The OGDH urged the Guinean authorities to put a stop to such bloody brutality and called on them to comply with article 5 of the Constitution which acknowledged that "the human being and his dignity are inviolable". The injured students received no treatment at Labé where they had been taken, because doctors feared reprisals from the Guinean authorities. Finally, they were evacuated to Conakry.

### **The security forces trample on the right to demonstrate**

Article 10 of the Constitution of Guinea states that: "all citizens shall have the right to demonstrate and to march in procession". The foregoing events show that the security forces regularly flout this right to demonstrate, which is also enshrined in article 21 of the International Covenant on Civil and Political Rights, ratified by Guinea in 1967. This instrument recognises the right of anyone to peaceful assembly, whether such assembly be political in nature or not and states: "No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others."

The Guinean security forces have frequently prevented the organisation of non-violent and perfectly legal assemblies by political opposition parties. Amnesty International knows of several cases of excessive use of force: firing live bullets, beating peaceful demonstrators with truncheons or use of tear gas in a limited area. Over the past three years, and in particular during the constitutional referendum of November 2001, it has been prohibited for opposition parties to organise demonstrations and their sympathisers have been injured or arrested during marches organised by them.

### **International standards and recommendations**

The Guinean security forces appear to take no account of international standards on the respect of universal human rights, notably in the area of freedom of expression and of association.

Torture and other cruel, inhuman or degrading treatment, including rape and beating peaceful demonstrators with truncheons, are prohibited by article 7 of the International Covenant

on Civil and Political Rights and by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Guinea in 1986. Furthermore, article 5 of the African Charter on Human and Peoples' Rights, ratified by Guinea in 1982, stipulates that: "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly [...] torture, cruel, inhuman or degrading punishment and treatment shall be prohibited."

Amnesty International considers that in the majority of cases, the Guinean security forces have violated the human rights of victims and acted in contradiction of international standards governing the action of these forces and, in particular, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Principle 9 of this instrument, adopted by the United Nations, states that the conditions in which force may be used are strictly limited. This text clearly establishes that firearms must only be used as a very last resort by the security forces and with the sole aim of saving lives: "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, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

In addition, article 2 of the Code of Conduct for Law Enforcement Officials stipulates: "In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons."

Furthermore, the impunity enjoyed by the perpetrators of human rights violations and the absence of investigations into these numerous deaths attributable to law enforcement officials stand in the way of any attempt to create a state governed by the rule of law. The people of Guinea are entitled to a police force whose members are impartial and respect and protect their human rights.

To this end, Amnesty International is calling upon the Guinean authorities to put in place an independent investigative mechanism, which would call on experts in criminal law and on other specialists known for their impartiality and integrity, and which would be responsible for conducting investigations into all serious abuses of fundamental rights that have taken place over the last four years. This investigative mechanism should formulate and publish recommendations concerning the prosecution of any suspected perpetrators. Such recommendations should be followed up by the judicial authorities, who should take account of the witness statements gathered by the investigative mechanism in any subsequent criminal proceedings.

**Amnesty International urges the Guinean authorities to:**

- take steps to ensure that the security forces apply the standards relating to the conduct of law enforcement officials and to the use of force and firearms, so that they respect and protect the right to life and physical integrity;
- study without delay the methods used to maintain order in the event of demonstrations, so that in the future their security forces use methods that conform to international standards on human rights when supervising protest movements;
- ensure the respect of freedom of expression and right of assembly, in particular in the context of the forthcoming election campaigns;
- ensure that effective, thorough, impartial and independent investigations are made into all cases of death following the excessive use of force by law enforcement officials;
- put in place an independent investigative mechanism, which will call upon experts in criminal law and on other specialists known for their impartiality and integrity, and which would be responsible for conducting investigations into all extrajudicial executions and other serious abuses of fundamental rights that have taken place over the last four years;
- bring to justice all suspected perpetrators of extrajudicial executions, in particular any identified by this investigative mechanism or other judicial procedures, while respecting international standards of fairness and without recourse to the death penalty;
- award compensation, including damages, to the families of victims of extrajudicial executions and torture.

**Amnesty International calls upon members of the international community to:**

- condemn human rights violations in Guinea, in particular the excessive use of armed force that has caused more than twenty deaths over the last four years;
- stop the transfer of military, security or police equipment or skills where such transfer would facilitate human rights violations in Guinea;
- assist the government of Guinea to provide full training on human rights standards for all its security forces.