



Human Rights Watch

UPR Submission

**Guinea**

November 2009

## **I. Summary**

Since independence from France in 1958 the human rights of ordinary Guineans have been systematically undermined under the successive leaderships of Ahmed Sékou Touré until 1984, and then Lansana Conté until his death in December 2008. The bloodless coup in the hours following Conté's death by a group of Guinean military officers calling themselves the National Council for Democracy and Development (CNDD), led by a self-proclaimed president, Captain Moussa Dadis Camara, led some to express hope that this would lead to greater protection of democracy and respect for human rights in Guinea. However, throughout 2009, Camara and the CNDD government have entrenched control by the military of the country's political affairs, failed to hold free and fair elections as it initially promised, and steadily and violently suppressed the opposition, culminating in a large-scale massacre in September 2009. The perpetrators of these abuses have enjoyed near-complete impunity.

## **II. Human Rights Issues**

### **A. Elections and Restrictions on Political Activity**

The CNDD has made little progress in ensuring the return to civilian rule through free and fair presidential and legislative elections, despite its various commitments to restore constitutional order to Guinea within 60 days of the coup as initially promised, then to hold presidential elections by the end of 2009 and later by a January 2010 date. Upon seizing power in December 2008, CNDD President Camara stated that neither he nor anyone in the CNDD would run for president. His subsequent reversal of this position sparked widespread criticism at home and abroad. The increasing control of all key administrative offices country-wide, and the military's increasing use of intimidation against political parties threatens to seriously undermine Guineans' ability to exercise civil and political rights in the run up to and conduct of the planned elections.

Upon taking power, the coup leaders quickly suspended the country's constitution and declared a ban on political and union activity, which was lifted and reinstated throughout the year. Freedoms of political expression and assembly were increasingly restricted throughout 2009, as attempts by opposition parties to campaign ahead of planned presidential elections were on numerous occasions met with intimidation and attacks by the government. On June 18, 2009, the Union of Democratic Forces of Guinea (UFDG) was forced to cancel its month-long nationwide campaign tour for its presidential candidate, Cellou Dalein Diallo, after local

authorities and the military in two eastern towns ordered the party's delegation to leave town. Similarly, rallies by the United Front for Democracy and Change in the towns of Coyah and Boffa and by the Democratic Union of Guinea on June 18 in Forécariah were forbidden by local authorities. Heavily armed members of the military were also involved in raids against the UDG party headquarters in Kagbélén, outside Conakry, on two occasions in June and July.

In response to a wave of criticism and calls for mass demonstrations against the military that began in August, the government stepped up its use of intimidation and threats against opposition supporters. During a news conference on August 19, Camara warned political leaders not to protest publicly, saying, "any political leader who makes trouble by organizing strikes or protests or any other form of mass mobilization will simply be removed from the list of candidates and will also be prosecuted." After calling on Camara not to run for president during party meetings and in declarations to the national and international press in August, UFDG leader Diallo was on two occasions summoned to the Alpha Yaya Diallo military camp—the ad hoc seat of government—and urged to desist from commenting on Camara's possible candidacy.

As government opposition gained momentum in 2009, bans on phone text-messaging and political activity have been imposed, and when journalists questioned Camara's increasing grip on power, he banned all political content on popular radio phone-in shows.

## **B. September 28 Crackdown by Security Forces of Pro-democracy Protest**

By September, the level of public discontent with Camara and the CNDD came to a tipping point, with protests of varying sizes across Guinea. On September 28, 2009, tens of thousands of protestors gathered at Conakry's main stadium to demonstrate against continued military rule and Camara's presumed candidacy in the January 2010 presidential elections. In response to the demonstration, members of the Presidential Guard and some gendarmes working with the Anti-Durg and Anti-Organized Crime unit, carried out a massacre that left at least 150 people dead both shot dead directly or killed in the ensuing panic. Human Rights Watch has found evidence strongly suggesting that the killings and widespread sexual violence, committed largely by the Presidential Guard, were organized in a premeditated manner.

The evidence obtained by Human Rights Watch indicates that as soon as the Presidential Guard entered the stadium, its members began firing point-blank directly into the massive crowd of protesters, killing dozens and sowing panic. Since most of the exits had been blocked and the stadium was surrounded by the attackers, escape for the trapped protesters was extremely difficult, and many were crushed to death by the panicked crowd. The manner in which the massacre appears to have been carried out – the simultaneous arrival of the combined security force, the sealing off of exits and escape routes, and the simultaneous and sustained deadly firing by large numbers of the Presidential Guard – suggests organization, planning, and premeditation. The security forces also carried out widespread rape and sexual violence against dozens of girls and women at the stadium, often with such extreme brutality that their victims died from the wounds inflicted. The armed forces then engaged in a systematic attempt to hide the evidence of the crimes during which they removed numerous bodies from the stadium and hospital morgues and buried them in mass graves.

## **C. Rule of Law**

### ***Police abuses***

Guinean police continue to engage in unprofessional and often criminal conduct, including routine torture and mistreatment of criminal suspects and widespread extortion from citizens. During interrogation, suspects are frequently bound with cords, beaten, burned with cigarettes, and otherwise physically abused until they confess to the crime of which they are accused.

### ***General criminal acts by members of the military***

Throughout the year members of the military committed numerous acts of theft and violence against businesspeople, diplomats and ordinary citizens. Soldiers in groups numbering up to 20 raided offices, shops, warehouses, medical clinics and homes in broad daylight as well as at night. Human Rights Watch also documented numerous cases of car theft and extortion by soldiers, and several incidents of intimidation of the judiciary, during which groups of soldiers interrupted judicial proceedings or threatened lawyers in an apparent attempt to influence the outcome of the proceedings. The CNDD promised in May 2009 to prevent acts of criminality by military personnel. However, little concrete action was taken to improve the situation. While the security forces have made arrests of civilians alleged to have committed crimes, no member of the military has yet faced arrest, investigation, or prosecution.

### ***Government promotion of vigilante justice***

A call from a CNDD top law enforcement official for vigilante justice to be meted out against suspected thieves has also seriously undermined respect for the rule of law in Guinea. During a June 2, 2009 meeting with local government and community leaders, which was widely reported in national and international media, Captain Moussa Tiégboro Camara, the minister charged with the fight against drug trafficking and serious crime, urged youths to set up surveillance brigades and to “burn all armed bandits who are caught red-handed committing an armed robbery,” adding that there was no more room in Guinea’s prisons to accommodate these criminals.

### ***Failing judicial system***

The judiciary in Guinea is rife with deficiencies, including lack of independence from the executive branch, inadequate resources, corruption, poorly trained magistrates and other personnel, and insufficient numbers of attorneys.

## **D. Detention-Related Abuses**

### ***Poor conditions in detention centers***

Prison and detention centers remain severely overcrowded and operate far below international standards. In 2008 the largest prison in Guinea housed nearly 900 prisoners in a facility designed for 300. Malnutrition and inadequate healthcare and sanitation led to the deaths of tens of detainees. Prison officials consistently fail to separate convicted and untried prisoners, and in some centers, children from adults. Unpaid prison guards regularly extort money from prisoners and their families, exacerbating problems of hunger and malnutrition.

### ***Detention without trial***

Prolonged pretrial detention of both criminal suspects and perceived opponents to the CNDD government remains a serious human rights issue. Since the December 2008 coup, some 20 military personnel and an unknown number of men believed to be opposition supporters have been detained without charge in several military detention centers in and around the capital, Conakry. Many of those detained formed part of the late President Conté’s Presidential Guard,

while others were detained following an alleged coup attempt against the CNDD. The detained men have been subjected to various forms of mistreatment, including torture, and have been prevented from receiving family visits. Meanwhile, over 80 percent of those held in Guinea's main prison in Conakry have not been brought to trial; some have been awaiting trial for more than five years.

## **E. Child Labor**

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, and throughout the year government and international organizations engaged in a public awareness campaign to combat trafficking. A special police unit to investigate child prostitution, trafficking, and other abuses resulted in a few arrests; however, there have been few prosecutions.

## **III. Recommendations**

*Regarding elections and restrictions on political activity, the Government should:*

- Uphold the right of all Guineans to choose their representatives by holding free, fair, and transparent parliamentary and presidential elections as quickly as possible.
- Accept adequate international monitoring of the polls.

*Regarding the September 28 crackdown and other abuses by government security forces, Government should:*

- Cooperate with the international commission of inquiry as set up by the United Nations in collaboration with the African Union and the regional body ECOWAS.
- Publicly acknowledge and condemn the human rights abuses – including armed robbery, extortion, rape, and other violence – committed since the December 2008 coup by members of the military.
- Issue clear public instructions to all military personnel to desist from committing abuses and to ensure that their actions do not exceed their mandate.
- Call for the investigation by legally relevant authorities of all soldiers alleged to have perpetrated human rights abuses. Call for prosecution in accordance with international fair trial standards of those against whom there is sufficient evidence.
- Encourage the work of institutions legally mandated to conduct criminal investigations and prosecutions – the police, gendarmerie, and judiciary.
- Ensure that victims of armed robbery, extortion, rape, and other abuses by members of the military are adequately and speedily compensated.
- Uphold its clear obligations under international and African human rights treaties, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, to respect the right to life and freedoms of expression and assembly.

- Where there is some evidence that persons have died as a result of actions carried out by security forces, carry out public investigations and prosecutions, both of those who carried out killings and those who gave the orders.
- Ensure that Guinean security forces abide by the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials in policing demonstrations. The principles require that law enforcement officials, in carrying out their duty, apply nonviolent means as far as possible before resorting to the use of force. Whenever the lawful use of force is unavoidable, law enforcement officials must use restraint and at all times minimize damage and injury, and respect and preserve human life. The UN Principles state that law enforcement agencies shall ensure that superior officers are held responsible if they know, or should have known, that law enforcement officials under their command resorted to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress, or report such use.
- Uphold article 14 of the African Charter on Human and Peoples' Rights, whereby the government of Guinea is under the obligation to protect the right to property, including ensuring that state officials (and the military) do not seize property arbitrarily and without compensation.
- Retract the minister's call for the formation of vigilante groups and any calls to kill suspected criminals. Those who carry out vigilante attacks should be investigated and prosecuted.

*Regarding the rule of law and detention-related abuses, the Government should:*

- Investigate and prosecute all those allegedly responsible for acts of violence, rape, intimidation, and extortion against ordinary Guineans.
- Release or charge according to international fair trial standards all military officers and opposition supporters held in detention since the December 2008 coup.
- Commit to the establishment of a functioning judiciary that respects the rights of those who stand accused of crimes. Bring to trial or set free all prisoners in prolonged pretrial detention.

*Regarding general human rights concerns, the Government should:*

- Provide funds and support so that the National Observatory for Democracy and Human Rights, whose mission is to investigate ongoing human rights abuses and conduct human rights education, can function effectively. Created under Conté's rule, it has been unable to operate because of a lack of funding, logistical support, and political will.

## IV. Annex

### **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.