

Summary

At around 11:30 a.m. on the morning of September 28, 2009, several hundred members of Guinea's security forces burst into the September 28 Stadium in Guinea's capital, Conakry, and opened fire on tens of thousands of opposition supporters peacefully gathered there. By late afternoon, at least 150 Guineans lay dead or dying in and around the stadium complex.

Bodies were strewn across the field, crushed against half-opened gates, draped over walls, and piled outside locker rooms where doors had been pulled shut by the terrified few who had gotten there first. Dozens of women at the rally suffered particularly brutal forms of sexual violence at the hands of the security forces, including individual and gang rape and sexual assault with objects such as sticks, batons, rifle butts, and bayonets. At least four women and girls were murdered during or immediately after being raped; one woman was shot with a rifle through her vagina while laying face up on the stadium field begging for her life.

In the hours and days following the violence, as desperate mothers, fathers, and other family members attempted to find their loved ones, the security forces engaged in an organized cover-up to hide the number of dead. After sealing off the stadium and morgues, security forces removed scores of bodies from those places and buried them in mass graves. For several days, additional abuses—including murder, rape, and pillage—were committed by members of the security forces who had deployed throughout the neighborhoods from where the majority of opposition supporters hailed. Scores of other opposition supporters were arbitrarily detained in army and police camps where many were subjected to serious abuses, including torture. To date, the Guinean government has failed to investigate, much less hold accountable, any member of the Guinean security forces for their role in the killings, rapes, and other abuses.

In the course of an in-depth, on-the-ground investigation into the events of September 28 and their aftermath, Human Rights Watch interviewed some 240 individuals, including victims wounded during the attack, witnesses present in the stadium, relatives of missing people, soldiers who participated in the violent crackdown and the government cover-up, medical staff, humanitarian officials, diplomats, journalists, and opposition leaders. The investigation found that the majority of killings, sexual assaults, and other abuses described in this report were committed by members of the elite Presidential Guard, in particular the unit at the time directly responsible for the personal security of CNDD President Moussa

Dadis Camara. Others who committed serious abuses included gendarmes, police, and men in civilian clothes armed with machetes and knives.

The serious abuses carried out by the security forces on September 28 were not the actions of a group of rogue, undisciplined soldiers, as has been argued by the Guinean government. The dearth of any apparent threat or provocation on the part of the demonstrators, in combination with the organized manner in which the security forces carried out the stadium attack—the simultaneous arrival at the stadium of different security units, the coordinated manner of deployment to strategic positions around the stadium in anticipation of the fleeing demonstrators, the failure to use non-lethal means of crowd dispersal, and the presence of officers, including a minister tasked with security responsibilities—suggests that the crimes were premeditated and organized.

The evidence gathered by Human Rights Watch suggests that the killings, rapes, and other abuses committed by the security forces on and after September 28 rise to the level of crimes against humanity. The scale and organization of these crimes strongly suggest that they were both widespread and systematic. As such, the principle of “command responsibility” applies to military commanders and others in position of authority who may be criminally liable for crimes committed by forces under their effective command and control. All those responsible, including those who gave the orders, should be held criminally accountable for their actions, as should anyone who participated in efforts to cover up the crimes and dispose of any evidence.

In a significant display of international revulsion uniting African and other governments as well as regional and international bodies, important international actors—including France, the United States, the European Union, the Economic Community of West African States (ECOWAS), the African Union, and the United Nations—harshly denounced the September 28 violence in Guinea. This was followed by the imposition of arms embargos by ECOWAS and the European Union; travel bans and asset freezes of CNDD members by the EU, the US, and the African Union; and the withdrawal or cancellation of economic and military assistance from the EU and France.

The international community has been equally definitive about the need for those responsible for the September violence to be held accountable. As a result, an African Union and ECOWAS-proposed international commission of inquiry was on October 30 established by UN Secretary-General Ban Ki-moon. The prosecutor of the International Criminal Court on October 14 confirmed that it had initiated a preliminary examination of the situation.

Unfortunately, continued economic and diplomatic support for Guinea from China and Libya mars the otherwise unified international response.

Based on the evidence presented in this report, Human Rights Watch recommends that the Guinean government immediately suspend from their duties and promptly investigate, prosecute, and punish in accordance with international standards the security officials believed to be most responsible for the killings, sexual violence, and other abuses committed during the September violence. Human Rights Watch further recommends that the Guinean government acknowledge a more accurate death toll from the September events and facilitate the exhumation, identification, and return to family members of the bodies disposed of by the security forces.

Guinea's international partners should maintain the demand for accountability and support international efforts to prosecute these crimes if the Guinean authorities fail to meet their obligations to hold accountable those responsible. Lastly, Human Rights Watch calls on the UN secretary-general to promptly make public the report of the international commission of inquiry into human rights violations associated with the September 28 violence, and ensure that its findings are discussed and implemented.

Massacre, Sexual Violence, and Cover-Up

A bloodless coup in December 2008 by a group of military officers following the death of Guinea's long-time authoritarian president Lansana Conté brought initial hope that it would usher in a period of greater respect for human rights. The coup government, calling itself the National Council for Democracy and Development (*Conseil national pour la démocratie et le développement*, CNDD) was led by a self-proclaimed president, Captain Moussa Dadis Camara, who pledged to hold elections in 2009 in which neither he nor any other member of the CNDD would run. When, later in 2009, he reversed that pledge, Guinean opposition parties and civil society responded by planning demonstrations across the country. The biggest of these was planned for September 28, 2009, in Conakry, culminating in the rally at the September 28 Stadium.

From the early hours of September 28, tens of thousands of opposition supporters walked toward the stadium from the capital's suburbs. Security forces made several attempts to stop the unarmed demonstrators from proceeding to the stadium, including by firing live ammunition into groups of marchers. In response to one such incident, marchers ransacked and set on fire a police station, and wounded one police officer. When political opposition leaders entered the stadium at around 11 a.m., they found it packed with tens of thousands

of supporters chanting pro-democracy slogans, singing, dancing, and marching around the stadium's race course carrying posters and the Guinean flag.

Just before 11:30 a.m., a combined force of several hundred Presidential Guard troops, together with gendarmes working for the Anti-Drug and Anti-Organized Crime Unit, some members of the anti-riot police, and dozens of civilian-clothed irregular militiamen arrived at the stadium area. After quickly deploying around the stadium perimeter and positioning themselves near the stadium exits, anti-riot police fired tear gas into the stadium, causing widespread panic. Minutes later, the security forces, led by the Presidential Guard, stormed through the stadium entrance, firing directly into the packed and terrified crowd. Numerous witnesses described the gunmen "spraying the crowd from left to right" until they had emptied the two clips of ammunition many of them carried.

One group of soldiers advanced slowly down the stadium's playing field as they fired, leaving a trail of injured and dead in their wake. A second group headed for the stands and attacked the opposition party leaders and their associates gathered there, beating some of them so severely that they lost consciousness. Many other soldiers blocked the exits both from inside and outside the stadium.

Witnesses described how the panicked demonstrators were gunned down as they attempted to scale the stadium walls; shot point blank after being caught hiding in tunnels, bathrooms, and under seats; and mowed down after being baited by disingenuous soldiers offering safe passage. Since most of the stadium exits were blocked by the attackers, there was scant opportunity for escape for the trapped protesters, and many were crushed to death inside the stadium by the panicked crowd. Outside the main stadium, on the sports complex grounds, many more opposition supporters were shot, knifed, or bayoneted, often to death, as they tried to escape. Hospital and humanitarian organization records confirm that more than 1,400 persons were wounded during the attack.

Human Rights Watch has not found any evidence that any member of the security forces was wounded or killed inside the stadium or sports complex, demonstrating the one-sided nature of the violence perpetrated by the security forces against the unarmed opposition supporters.

Sexual assaults began minutes after the security forces stormed the stadium gates. Human Rights Watch researchers interviewed 28 victims of sexual violence and documented many more cases from witnesses to the assaults. Of the 28 victims, 18 had been raped by more than one perpetrator. It is not known how many women were raped. A coalition of health and

human rights groups had, as of mid-October, identified 63 victims of sexual violence, but given the profound stigma attached to victims of sexual violence in Guinea's conservative, largely Muslim society, it is widely believed that many women have not come forward for medical treatment or other support.

Victims and witnesses described how members of the Presidential Guard cornered or chased down the panicked women as they fled the hail of gunfire. Women trying to scale fences were pulled down or forced to descend under threat of being shot. Those found hiding under stadium chairs were violently pulled out. After overpowering their victims, the perpetrators ripped or cut off their clothes with a knife, pinned their victim to the ground or across the stadium seats, and raped her in quick succession.

The sexual assaults were most often accompanied by degrading insults, death threats, and extreme physical brutality. The victims described being kicked, pummeled with fists, and beaten with rifle butts, sticks, and batons before, during, and after the sexual assault. Many victims showed Human Rights Watch their bruises; knife wounds on their back, buttocks, and extremities; and fingernail marks on their thighs, wrists, and abdomen. During the sexual assaults against girls and women of Peuhl ethnicity, assailants frequently made ethnically biased comments, insulting and appearing to threaten the Peuhl in particular.

Numerous witnesses described groups of up to 10 girls and women being raped simultaneously on the field and elsewhere in the stadium complex. The Presidential Guard also took many women from the stadium and, in the one case from a medical clinic where they were awaiting treatment, to private residences where they endured days of gang rape. The frequency and number of sexual assaults that took place during and after the protests suggests that it was part of a widespread and organized pattern of sexual abuse, not isolated and random acts by rogue soldiers.

Human Rights Watch found strong evidence, including eyewitness accounts by confidential military sources and medical personnel, that the military engaged in a systematic effort to hide the evidence of their crimes and misrepresent the number of individuals killed during the events of September 28. The government reported the official number of dead to be 57. Human Rights Watch's investigation found that the actual death toll of the violence on September 28 and the following days is likely to be between 150 and 200.

Beginning immediately after the massacre, members of the Presidential Guard closed off the stadium to medical personnel and over the next several hours removed bodies from the stadium complex in military trucks. Within 24 hours of the stadium violence, the Presidential

Guard also took control of the two main morgues in Conakry, at Donka and Ignace Deen Hospitals, and removed bodies for burial in both known and unknown locations. Human Rights Watch spoke with the families of more than 50 persons who were known to have died during the September 28 massacre. In more than half of the cases, the body of the deceased person had never been recovered, and was believed to have been removed by the military directly from the stadium or from the morgues of the hospital.

Human Rights Watch spoke with one source who saw 65 bodies at Conakry's Almamy Samory Touré military camp that were later removed in the middle of the night, allegedly to be buried in a mass grave. Another source described seeing Presidential Guard troops removing bodies from Donka Hospital in the early morning hours of September 29 and burying them in two mass graves in and around Conakry.

Abuses after the Stadium Violence

In the hours and days after the stadium violence, heavily armed soldiers dressed in camouflage and wearing red berets, and civilians armed with knives, machetes, and sticks, committed scores of abuses in neighborhoods in which the majority of participants in the September 28 rally lived. In some cases, the soldiers and armed civilians appeared to be collaborating to commit abuses. The neighborhoods in which there were attacks, notably Dar-es-Salaam, Hamdalaye, Koloma, Bomboli, and Cosa, are widely considered to be opposition strongholds, and are dominated by residents who are of the Peuhl and Malinké ethnic groups. Numerous victims and witnesses to violence in these neighborhoods told Human Rights Watch how, in the course of the attacks, the soldiers and irregular militia killed, raped, vandalized, and stole from residents. They also repeatedly insulted and made threats against people of Peuhl ethnicity in particular.

Security forces arbitrarily detained scores of men as they fled the stadium, and, to a lesser extent, in the course of the neighborhood attacks that followed, and subjected them to serious forms of mistreatment, including torture. Most were robbed and beaten, sometimes severely, at the time of detention. The worst abuses and longest periods of detention occurred at the Koundara and Alpha Yaya Diallo military camps. In these camps, former detainees described being subjected to frequent beatings with batons, guns, and other instruments; whipping; forced nudity; stress positions; and mock executions. Of the 13 men interviewed by Human Rights Watch who had been detained in at least one of four detention centers, not one had been questioned, interrogated, or formerly arrested, and most were obliged to pay the policemen, gendarmes, or soldiers holding them to secure their release.

Detainees were generally given no medical treatment and little food or water during their detention.

Recommendations

To the Government of Guinea

- Provide full cooperation and unhindered access to the international commission of inquiry proposed by the Economic Community of West African States in September, and established by United Nations Secretary-General Ban Ki-moon in October.
- Immediately suspend from their duties and promptly investigate the security officials believed to be most responsible for the crimes committed on and in the days after September 28, 2009, including the officials named in this report.
- Investigate, prosecute, and punish in accordance with international fair trial standards members of the security forces against whom there is evidence of criminal responsibility for these crimes—such as murder, rape, assault, and torture—including those liable under command responsibility for their failure to prevent or prosecute these crimes.
- Fully cooperate with the restrictions imposed on Guinean officials by the African Union, ECOWAS, the European Union, and the United States, including:
 - Arms embargos imposed by ECOWAS on October 17 and by the EU on October 27;
 - Travel and visa restrictions imposed by the US on October 23, by the African Union on October 23, and by the EU on October 27; and
 - An asset freeze imposed by the EU on October 27.
- Ensure that witnesses and others who have information about crimes committed during the September violence are adequately protected from intimidation, threat, or violence.
- Immediately release any remaining people detained without charge following the September violence, or immediately charge them with specific criminal offenses followed within a reasonable timeframe by a fair trial.
- Facilitate the exhumation, identification, and return to family members of the bodies disposed of by the security forces in the immediate aftermath of the September 28 violence, including those bodies taken from the stadium and morgues at Donka and Ignace Deen Hospitals to be buried in mass graves.
- Adequately and speedily compensate victims of the September 28 violence and its aftermath, including family members and dependents of those killed.

- Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, signed by Guinea in July 2003, which obligates states to protect women from all forms of violence, especially sexual violence, and to enact and enforce laws to protect women from sexual violence.
- Ensure that the National Observatory for Democracy and Human Rights (*Observatoire national de la démocratie et des droits de l'homme*, ONDH)—mandated to investigate human rights abuses and conduct human rights education—is fully operational, funded, and allowed to function independently.
- Thoroughly review—and, as necessary, revise—the training curriculum for police and other security forces to ensure comprehensive training on human rights issues, including legal and appropriate interrogation and detention practices, and minimum use of force for crowd control. Provide comprehensive training for police officers on the conduct of investigations into alleged illegal use of force and abuse by security forces. All training should be consistent with international human rights standards, such as the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

To the African Union, the Economic Community of West African States, and the European Union

- Demand accountability for the killings, sexual violence, and other abuses committed on and after September 28, and support international efforts to prosecute the crimes if Guinean authorities fail to meet their obligations to hold accountable those responsible for these crimes.
- Call publicly and privately on the Guinean government to ensure that witnesses and others who have information about crimes committed during the September violence are adequately protected from intimidation, threat, or violence.
- Assist the international commission of inquiry by providing them full access to information collected by member states, including intelligence information on the September 28 violence and its aftermath.
- Assist the UN Office of the High Commissioner for Human Rights in ensuring that adequate measures are in place to protect witnesses to the September violence who cooperate with the international commission of inquiry, including by monitoring any actions by the Guinean authorities that threaten witnesses and by assisting with the evacuation and relocation of threatened witnesses if necessary. Provide asylum to threatened witnesses if necessary.

- Fully cooperate with the restrictions imposed on Guinean officials by the African Union, ECOWAS, the European Union, and the United States, including:
 - Arms embargos imposed by ECOWAS on October 17 and by the EU on October 27;
 - Travel and visa restrictions imposed by the US on October 23, by the African Union on October 23, and by the EU on October 27; and
 - An asset freeze imposed by the EU on October 27.
- Provide financial and other support to Guinean nongovernmental organizations to improve the monitoring and documentation of abuses committed by security forces and to undertake advocacy at a national and international level.

To United Nations Secretary-General Ban Ki-moon

- Promptly make public the report of the international commission of inquiry into human rights violations associated with the September violence in Guinea, and ensure that its findings are discussed and implemented.
- Demand accountability for the killings, sexual violence, and other abuses committed on and after September 28, and support international efforts to prosecute the crimes if Guinean authorities fail to meet their obligations to hold accountable those responsible for these crimes.
- Call publicly and privately on the Guinean government to ensure that witnesses and others who have information about crimes committed during the September violence are adequately protected from intimidation, threat, or violence.
- Establish and adequately staff a field presence of the UN Office of the High Commissioner for Human Rights to ensure the monitoring and documentation of:
 - Any acts of intimidation against witnesses and others who have information about crimes committed during the September violence; and
 - Violations of civil and political rights in the run up to the elections planned for 2010, including any restrictions that hamper the ability of individuals to associate freely, the ability of political parties and their supporters to organize and campaign, and the ability of the press to freely report on electoral developments.

To the United Nations Security Council

- Encourage continued engagement by the UN secretary-general and the UN Human Rights Council on the situation in Guinea.
- Support the establishment of a human rights field operation in Guinea.

To the United Nations Human Rights Council

- Request the international commission of inquiry on the September violence in Guinea to brief members of the UN Human Rights Council on their findings at the council's 13th session to be held in March 2010.
- Support engagement by relevant special procedures of the Human Rights Council, such as those listed below, and follow up on their recommendations regarding the situation in Guinea.

To the United Nations Special Rapporteurs on Relevant Subject Areas

To the UN special rapporteurs on violence against women; on extrajudicial, summary or arbitrary executions; and on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

- Closely monitor the situation in Guinea and request to visit the country.

To the International Commission of Inquiry

- Include specific recommendations in the commission's report regarding accountability in accordance with international standards for serious crimes committed as part of the September violence in Guinea, with due consideration to the ability and willingness of the domestic authorities to investigate and prosecute alleged perpetrators.
- Include specific recommendations in the commission's report regarding the need for an ongoing monitoring presence by the UN Office of the High Commissioner for Human Rights to ensure the monitoring and documentation of any acts of intimidation against witnesses and others who have provided information about crimes committed during the September violence.

To the Prosecutor of the International Criminal Court

- As part of your preliminary examination of the situation in Guinea, consider the findings and recommendations of the international commission of inquiry on Guinea and closely monitor any domestic efforts to prosecute the crimes with a view toward assessing whether your office should seek to open an investigation of crimes committed as part of the September violence.

To Blaise Compaoré, President of Burkina Faso and ECOWAS Mediator on the Crisis in Guinea

- Ensure that accountability for the crimes committed on and after September 28 is part of any proposed solution to resolving the crisis in Guinea.
- Closely monitor the safety of victims and witnesses to the September violence, and intervene to protect individuals under threat if and when such threats occur.