



January 2011

country summary

Guinea

The June and November 2010 presidential elections marked a major step forward in Guinea's transition from military to civilian rule. While some irregularities and a leadership crisis within the electoral commission marred the credibility of the polls, they were nevertheless considered to be the first free and fair elections since independence in 1958. However, serious bouts of intercommunal violence and clashes between supporters of the two parties, and the excessive use of lethal force by the security forces in responding to them, highlighted the fragility of the security situation and pressing rule of law challenges.

At year's end there was considerable optimism that the new government would begin to address Guinea's deeply entrenched human rights problems, notably a longstanding culture of impunity, a bloated and poorly managed army, criminal acts in the face of inadequate policing, striking deficiencies within the judicial system, weak rule of law, and endemic corruption that deprives Guineans of key economic rights.

Some of the officers who assumed control of the security forces in late 2009 made a concerted effort to instill discipline within the ranks. However, violations against demonstrators and ordinary Guineans continued, and there was only limited progress in ensuring accountability for past atrocities, notably the 2007 and 2009 massacres of unarmed demonstrators by members of the security forces.

International actors—including France, the United States, the European Union, the Economic Community of West African States (ECOWAS), and the African Union—intervened proactively to keep the transition to democratic rule on track, but remained virtually silent on the need for justice for past crimes.

Political Developments

The elections brought to an end a period of profound political instability beginning in December 2008, when Captain Moussa Dadis Camara took power in a coup after the death of Lansana Conté, Guinea's authoritarian president for 24 years. Throughout 2009 the military violently suppressed the opposition, culminating in a large-scale massacre of some 150 demonstrators in September 2009 in the capital, Conakry. In December 2009 Camara

was removed following an assassination attempt against him, and his deputy, the more moderate General Sékouba Konaté, took over, committing to move the country toward democratic elections.

In January Dadis Camara formally handed over power to General Konaté, under considerable pressure from international actors, by way of an agreement signed in the Burkinabé capital Ouagadougou, which called for the formation of a transitional government of national unity; an ad hoc parliamentary body comprised of members of civil society, political parties, the security forces, and religious bodies; and democratic elections within six months.

In the run-up to elections, there were few allegations of violations of freedom of expression, peaceful assembly, association for political parties and movements, and protection from political violence. However, clashes between supporters of opposing candidates and violent protests against the electoral commission resulted in at least six deaths.

Both rounds of elections were marred by procedural flaws including the late or non-delivery of voting materials and vote tampering. Candidates mounted numerous legal challenges to the election result. Despite the many problems, both domestic and international election observers concluded that the elections were generally free and fair.

Legislative Developments

The new constitution, adopted in April by the ad hoc parliamentary body, the National Transition Council, includes several provisions which, if implemented, could increase respect for human rights and good governance. These include establishing Guinea's first independent national human rights institution, requiring public asset declarations by the president and his ministers, and creating a Court of Audit mandated to conduct yearly financial audits of public institutions. The constitution also strengthened the independence of the High Council of Judges, responsible for the discipline, selection, and promotion of judges.

Conduct of the Security Forces

In October and November, members of the security forces used excessive lethal force in responding to bouts of electoral and intercommunal violence; at least eight protesters and passersby died, and scores of others were wounded as a result. During the violence, the security forces also engaged in theft, robbery, and assault. There were few attempts to investigate, discipline, or prosecute the soldiers and policemen implicated in these criminal acts. The military hierarchy also failed to put on administrative leave, pending investigation, soldiers and officers known to have taken part in the September 2009 violence.

Numerous soldiers and civilians allegedly involved in the December 2009 assassination attempt against Dadis Camara were beaten, assaulted and in the case of at least seven soldiers, tortured to death, inside the Alpha Yaya Diallo military camp in Conakry. Some 30 soldiers, detained in April after being accused of trying to sabotage the transition to civilian rule, remain in arbitrary detention within a gendarme camp at this writing.

The military hierarchy's efforts to instill greater discipline included the creation of a Military Police force, banning off-duty soldiers from wearing uniforms or carrying guns in public places, and adopting a Use of Force Policy committing Guinean security forces to internationally recognized best practices.

Meanwhile police were repeatedly implicated in extortion, solicitation of bribes, and, in a few cases, sexual abuse of female detainees. Crime victims are frequently required to pay for investigations, while authorities commonly fail to conduct adequate investigations and, in some cases, free alleged criminals. Police leadership made no effort to address these problems.

Detention Conditions

Severe shortages of judicial personnel, unprofessional conduct, poor record-keeping, and insufficient infrastructure and resources, continue to lead to widespread detention-related abuses, notably prolonged pretrial detention and dreadfully poor prison conditions. Prison and detention centers are severely overcrowded and lack adequate nutrition, health care, and sanitation. The population of the country's largest detention facility—designed for 300 detainees—stands at over 900. Between 80-90 percent of prisoners in Guinea were held in prolonged pretrial detention. 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.

Progress included the late December 2009 release of some 15 military personnel held for over one year by the coup government, and the May 15 release of some 100 prisoners held in extended pretrial detention for minor offenses.

Accountability for the September 28, 2009 Massacre and Other Crimes

In December 2009 the International Commission of Inquiry led by the United Nations issued its report confirming the killing of at least 156 people and the rape of over 100, and concluding that the crimes perpetrated in Conakry on September 28, 2009, rose to the level of crimes against humanity. The inquiry identified several military officers, including former

coup leader Dadis Camara, as bearing direct individual criminal responsibility for the crimes. This contradicted the government's investigation, published in February, which absolved Dadis Camara, laid blame solely on his then-aide de camp Lieutenant Abubakar Diakité and the soldiers he commanded, and set the number of dead at 63.

The then-government committed to bringing to justice the perpetrators of the September 2009 violence, and in early 2010 appointed three investigating judges to the case. However, there has been scant information on the investigation's progress, and no evidence of government efforts to locate the more than 100 bodies believed to have been disposed of secretly by the security forces.

Meanwhile, there were no attempts to investigate, much less hold accountable, members of the security forces responsible for the 2007 killing of some 130 demonstrators, or the several alleged crimes committed by the security forces in 2010.

The International Criminal Court, which in October 2009 confirmed that Guinea was under preliminary examination, visited the country in February, May, and November to assess progress made in national investigations.

Key International Actors

Efforts to undermine and delay the electoral process were met with consistent interventions by ECOWAS, the UN, the AU, France, the US, and the EU. The international response was organized through an International Contact Group for Guinea (known as the Contact Group). High-level visits by the UN Security Council's special representative for West Africa, the presidents of Burkina Faso and Mali, and the AU chairman, helped keep the electoral process on track. After the intervention of the Contact Group, Malian General Siaka Toumani Sangaré was appointed as head of the electoral commission. Some 70 EU and 200 ECOWAS observers monitored the elections. However, Guinea's partners remained largely silent on the need for those responsible for the September 2009 violence to be held accountable for their crimes.

With few exceptions, the sanctions, arms embargos, travel bans, and asset freezes against former government members imposed in response to the 2009 violence remained in place. The US funded a private security company to train a unit of the Presidential Guard. Israeli authorities fined an Israeli security firm for negotiating a deal to provide weapons and military training to the former military government in violation of Israeli rules governing such contracts.

The UN Security Council held several formal and informal consultations on Guinea. In July the Office of the United Nations High Commissioner for Human Rights established a mission in Guinea following a recommendation contained in the report by the International Commission of Inquiry. The office is tasked with helping establish a national human rights institution, undertaking judicial reforms, and combating impunity. In May 2010 Guinea underwent the UN Human Rights Council's Universal Periodic Review during which Guinea committed to reform the judiciary and security services, and address rampant impunity.