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World Report 2013 - Guinea

The government of President Alpha Condé, elected in largely free and fair elections in December 2010, took some steps to address the serious governance and human rights problems that have characterized Guinea for more than five decades. However, a full transition to democratic rule and greater respect for the rule of law were undermined by continued delays in organizing parliamentary elections, rising ethnic tension, endemic corruption, and inadequate gains in strengthening the chronically neglected judiciary.

The government in 2012 prioritized reform and ensuring better discipline within the security sector. There were fewer examples than in past years of excessive use of force in responding to demonstrations, and the government made strides in reducing the size of the 45,000-strong security sector, which has long been hampered by lack of discipline and impunity.

Guinea made some progress in ensuring accountability for past atrocities, particularly the 2009 massacre of unarmed demonstrators by security forces. However, the establishment of a reconciliation commission and independent human rights body made little progress. The year was marked by numerous arbitrary arrests, breaches of the freedoms of assembly and association, and the killing by men in military uniform of a high-level government official investigating corruption allegations.

International actors—including France, the United States, the European Union, the Economic Community of West African States (ECOWAS), and the African Union exerted pressure on President Condé to organize parliamentary elections, but rarely spoke out on the need for justice for past and recent crimes by state actors.

Accountability for the September 28, 2009 Massacre and Other Crimes

The government made some progress in holding accountable members of the security forces implicated in the September 2009 massacre of some 150 people and the rape of over 100 women during the military regime of Moussa Dadis Camara. A 2009 report by the United Nations-led International Commission of Inquiry concluded that the abuses committed by security forces very likely constituted crimes against humanity. In 2010, the then-government committed to bringing the perpetrators to justice, and a Guinean prosecutor appointed three investigating judges to the case.

To date, the judges have interviewed over 200 victims and charged at least seven suspects in connection with the crimes. Two high-level suspects and military officers who have been charged are Col. Moussa Tiegboro Camara, Guinea's current minister in charge of fighting drug trafficking and organized crimes, and Col. Abdoulaye Cherif Diaby, Guinea's former health minister.

However, at this writing, the investigation had yet to be completed and some suspects had been detained longer than the two year limit under Guinean law. Meanwhile some 100 victims continued to wait to provide statements to the judges. Also, potential mass graves with bodies of those allegedly disposed of secretly by the security services have yet to be investigated, and the judges had yet to question members of the security forces who might have knowledge of the crimes. The government's refusal for much of the year to provide adequate

financial support to the investigating judges, coupled with President Condé's failure to suspend men in his administration who are suspected of involvement in the massacre, brought into question the government's commitment to ensure justice for the crimes.

The International Criminal Court (ICC), which in October 2009 confirmed that the situation in Guinea was under preliminary examination, visited the country in April to assess progress made in national investigations, bringing the number of visits since 2010 to six.

Truth-Telling Mechanism and Independent Human Rights Institution

The "Reflection Commission," created by presidential decree in June 2011 to promote reconciliation, made no visible progress in defining, much less fulfilling, its mandate. Progress was undermined by inadequate consultation with victims and civil society about the goals, composition, or powers of the commission, and inadequate financial support. 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. Rising ethnic tensions, 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.

There has been no progress in setting up the independent human rights institution, as mandated by Guinea's 2010 constitution. However, during a cabinet reshuffle in October, President Condé created a Ministry for Human Rights and Civil Liberties.

Judiciary and Detention Conditions

Decades of neglect of the judiciary by successive regimes has led to striking deficiencies in the sector, and allowed perpetrators of abuses to enjoy impunity for crimes. The allocation for the judiciary, which for several years has stood at around 0.5 percent of the national budget, decreased in 2012 to 0.29 percent. As a result, there continued to be severe shortages of judicial personnel and insufficient infrastructure and resources, which when coupled with unprofessional conduct and poor record-keeping, contributed to widespread detention-related abuses.

Prison and detention centers in Guinea are severely overcrowded, and inmates and detainees lack adequate nutrition, sanitation, and medical care. Several inmates died from inadequate medical attention in 2012. The largest detention facility—designed for 300 detainees—accommodates over 1,000. An estimated 70 percent of prisoners in Guinea are held in prolonged pre-trial detention.

The government failed to establish the Superior Council of Judges, which is tasked with discipline, selection, and promotion of judges; and reviewing the outdated penal code.

But the justice sector did remove judges alleged to be unprofessional, created a secretariat to coordinate reform of the justice system, and brought about a slight reduction of those in pre-trial detention. International and Guinean legal aid groups helped ensure representation for the indigent, train paralegals, and assist victims of security sector abuses.

Conduct of the Security Forces

The government and military hierarchy made some progress in ensuring that their subordinates responded proportionately to civil unrest. The army largely remained in their barracks during marches, and there were fewer instances of the use of lethal fire than in past years by those mandated to address crowd control.

There were nevertheless numerous allegations of unprofessional conduct and several of excessive use of force: security forces killed at least three protesters in often-violent demonstrations, and arbitrarily detained and beat others. There were few attempts to investigate, discipline, or prosecute those implicated.

In August, alleged members of the security forces killed six men from the village of Zoghota in southeastern Guinea after a nearby international mining company had been vandalized. Also in August, security forces fired tear gas canisters and allegedly a few live rounds of bullets at a vehicle carrying several opposition leaders. The government denounced both incidents, and the Ministry of Justice launched investigations; however, at this writing, there had been no arrests.

The security forces were implicated in numerous cases of robbery and extortion, solicitation of bribes, mistreatment, torture, and in a few cases, deaths of detainees. Police and gendarme leadership made no effort to investigate the reported abuses.

Parliamentary Elections and Governance

Crucial parliamentary elections, which have not been held since 2002, were delayed over demands by the opposition to address the lack of parity between the ruling and opposition parties in the electoral commission, and because of technical concerns about the revision of the electoral list. The delay undermined the transition to democratic rule, deepened a concentration of power in the executive branch, and generated considerable frustration within Guinean civil society and the country's international partners.

Guinean authorities on several occasions undermined the right to freedom of assembly by denying demonstrators permission to protest the cost of living, labor conditions, and lack of progress on the legislative elections. On at least three occasions, the security forces attacked opposition leaders or their party headquarters. In August, the government closed a private radio station, allegedly for its reporting on demonstrations. Security forces responding to violent clashes between militants of opposing political parties appeared to disproportionately crack down on those from the opposition.

Aside from the removal of several ministers implicated in corrupt practices, there was little systematic effort to improve economic governance. The president or one of his ministers signed several large contracts for resource extraction, without competitive bidding and with virtually no oversight. There was little effort to implement a 2011 mining code envisioned to improve management of Guinea's extensive natural resources. On November 9, 2012, unidentified men in military uniform killed Aissatou Boiro, director of the Office of the Treasury, in the capital, Conakry. Boiro was investigating a high-level corruption case.

Key International Actors

Guinea's key international partners, notably the EU, ECOWAS, the UN Office in West Africa (UNOWA), France, and the US, remained largely focused on ensuring progress in the long-delayed parliamentary elections. However, they remained largely silent on the need for those responsible for the September 2009 violence or more recent killings by members of the security forces to be held accountable for their crimes.

The Office of the United Nations High Commissioner for Human Rights (OHCHR), the EU, and the UN Development Programme (UNDP) took the lead in strengthening Guinea's judicial system. However, much of the EU's support was conditioned on the conduct of transparent legislative elections. UNOWA led the other international partners in advising the government how to reform the security sector.

In January, President Condé asked for support from the UN Peace Building Commission (PBC), which has funded programs supporting security sector reform, reconciliation, and peacebuilding. In September, Guinea benefited from \$2.1 billion in debt relief under the World Bank and International Monetary Fund (IMF) Heavily Indebted Poor Countries (HIPC) initiative, representing two-thirds of its \$3.2 billion total external debt.