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GUINEA CONAKRY

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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In 2010, several human rights defenders were subjected to acts of harassment and threats in a context of ethnic tensions, notably during the electoral period, which was marred by fraud and human rights violations.

Political context

After the massacre on September 28, 2009 in the stadium of Conakry of tens of opposition supporters and civil society representatives protesting against the intention of Captain Moussa Dadis Camara, President of the National Council for Democracy and Development (*Conseil national pour la démocratie et le développement* - CNDD), to run in the 2010 presidential elections¹, none of the mainly responsible, including the perpetrators, were arrested or tried, despite a United Nations International Inquiry Commission report which demonstrated the responsibility of both the Head of the State at that time and several members of his direct inner circle². The report presented on February 2, 2010 by the National Inquiry Commission, set up in October 2009 by the Guinean authorities, noted the violent repression of the event but considered that the responsibility was shared between the “over-excited demonstrators” and the under-equipped security forces which also lacked coordination. It also concluded that political leaders were partially responsible because they refused to cancel the event after it had been banned, and accused among others, Lieutenant Aboubacar Diakité, the man who attempted to assassinate President Camara in December 2009, of being responsible for the violence.

On April 19, 2010, the National Transitional Council set up under the Ouagadougou Agreement signed on January 15, 2010 following the

1/ The demonstration was violently repressed by the military and certain security services presumed to be responsible for the death or disappearance of at least 156 people, as well as for rape and other sexual crimes. See United Nations Security Council, *Report of the International Commission of Inquiry mandated to establish the facts and circumstances of the events of September 28, 2009 in Guinea*, UN Document S/2009/693, December 18, 2009.

2/ On February 19, 2010, Ms. Fatou Bensouda, Deputy Prosecutor of the International Criminal Court (ICC), following her mission to Conakry, also qualified the exactions committed by security forces as “in the range of crimes against humanity.” See Press Release from *Radio France Internationale* (RFI), February 20, 2010.

forced exile of President Camara³ adopted a new Constitution, which was promulgated on May 7. The latter represents major progress and notably provides for the creation of the first independent national human rights institution and a Court of Auditors responsible for conducting annual financial audits of public institutions. It also strengthens the independence of the Judicial Council and acknowledges the freedom of the press as a constitutional value. Two laws, both promulgated on June 22, 2010, also contributed to improvements in this area, in particular by partially decriminalising press offences, making them liable to fines rather than prison sentences, ensuring the creative freedom of newspapers, and establishing a new media regulatory body, the High Authority for Communication (*Haute autorité de la communication*).

The first round of presidential elections held on June 27, 2010 qualified Mr. Alpha Condé, leader of the Rally of the Guinean People party (*Rassemblement du peuple de Guinée* - RPG), and Mr. Cellou Dalein Diallo, President of the Union of the Democratic Forces of Guinea (*Union des forces démocratiques de Guinée* - UFDG), for the second round. Violence between supporters of both candidates marked the period between the two rounds of voting, exacerbated by the decision on September 9, 2010 of the Court of First Instance of Dixin to condemn the two most senior officials of the Independent National Electoral Commission (*Commission électorale nationale indépendante* - CENI) to a one-year prison term for "election fraud" in the first round of voting. These clashes witnessed a disproportionate use of force by security forces, resulting in several deaths and injuries as well as arbitrary arrests and detention, assault and forcibly entries⁴. The second round of presidential elections was finally held on November 7, 2010 after being postponed three times, and was won by Mr Alpha Condé, a victory which was confirmed by CENI on November 15. The announcement of the election results triggered further violent clashes between militants of the two candidates, prompting the introduction of

3 / Following the attempt of assassination against President Camara, who was evacuated to Morocco for treatment, the Minister of Defence, General Sékouba Konaté, was appointed acting President. On January 15, 2010, an agreement to form a Unity Government was signed, and on January 21, 2010, Mr Jean-Marie Dore, Spokesman for Forces Vives, a movement composed of opposition political parties and civil society, and Chairman of the opposition party, the Union for the Progress of Guinea (*Union pour le progrès de la Guinée* - UPG), was appointed Prime Minister of the transitional Government. The Government, formed on February 15, brought together civilian and military members of the National Council for Democracy and Development (CNDD), including two members of the junta cited in the United Nations Commission of Inquiry report as being among the presumed perpetrators of the serious violations of human rights committed on September 28, 2009.

4 / Between November 15 and 19, 2010, at least seven people were killed and 220 were injured. See Guinean Organisation for the Defense of Human and Citizen's Rights (*Organisation guinéenne pour la défense des droits de l'Homme et du citoyen* - OGDH).

a state of emergency on November 17 and the imposition of a curfew. On December 10, the state of emergency was lifted and, on December 21, Mr. Conde was sworn in as President of the Republic.

Harassment and threats against several human rights defenders in a context of ethnic tensions

In 2010, during the electoral period, several human rights defenders were subjected to harassment and threats in a context of ethnic tensions, particularly for supporting a policy of appeasement of the tensions between the different political groups, factions and ethnic groups in the country. Thus, on January 15, 2010, at 1 a.m., several trade unionists received a message on their mobile phones inciting them to violence against other trade unionists because they belonged to the Peul ethnic group. Moreover, on October 23, 2010, Dr. **Mamadou Aliou Barry**, President of the National Observatory of Human Rights (*Observatoire national des droits de l'Homme* - ONDH), was violently attacked by the Guinean security forces on his arrival in Hamdalaye, a densely populated neighbourhood of Conakry, to investigate attacks against residents of the neighbourhood by police and members of the presidential guard. When he tried to intervene to stop them from hitting young people and ransacking homes and shops, one of the security force members said: "This is another Peul, and moreover a human rights defender. We are going to work him over". He was then beaten, arrested and taken away in a pick-up truck along with some 75 other people. Those arrested, including Mr. Barry, were again beaten on their arrival at the police station of the mobile squad of the Gendarmerie number four. Mr Barry was released one hour later, after a policeman at the scene recognised him. During the violence, Mr. Barry suffered a broken arm and multiple bruises. In addition, his mobile phone was stolen by the police. However, Mr. Barry did not take legal action and therefore no investigation was opened.

A more welcome development was the release from detention on February 5, 2010 of an ONDH member, Mr. **Mukhtar Diallo**, following an intervention by Prime Minister Jean-Marie Dore. Mr. Diallo was detained since November 26, 2009 for "endangering State security" through remarks he made to the *Voice of America* on September 29, 2009, condemning the massacre of the previous day in the stadium of Conakry.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. Rabiadou Sérah Diallo, Ms. Mamadouba Paye Camara, Ms. Mariama Kesso Diallo and Messrs. Barry Alpha, Kader Azize Camara, Mamadou Mansaré, Sy Savané, Binta Bangoura and Amadou Diallo	Threats	Press Release	January 21, 2010
Mr. Mouktar Diallo	Release	Press Release	February 11, 2010