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World Report 2015 - Guinea

The government of President Alpha Condé made progress in addressing the serious governance and human rights problems that characterized Guinea for more than five decades. However, gains in promoting the rule of law and development could be reversed by the 2015 presidential elections, a major trigger for unrest and state-sponsored abuse; lingering ethnic tension; and the Ebola crisis, which appears to have originated in the country's forest region.

The successful completion in 2013 of parliamentary elections advanced Guinea's transition from authoritarian to democratic rule, mitigated the concentration of power in the executive branch, and led to a drastic reduction in violent political unrest and state-sponsored abuses. However, local elections scheduled for 2014 failed to take place, which periodically stoked political tensions. There were also regular protests over electricity cuts, as well as several lethal incidents of communal violence.

Reports of human rights violations by security forces declined significantly. However, security forces were implicated in numerous incidents of excessive use of force and unprofessional conduct as they responded to criminal acts and protests, resulting in several deaths.

Fear of Ebola led to unrest and attacks on health workers and treatment centers in southeastern Guinea, where the outbreak emerged in early 2014: in one such attack, a mob murdered eight health workers and journalists. At year's end, the outbreak had killed more than 1,000 Guineans. The Ebola crisis led to deterioration in the right to basic healthcare and a significant economic downturn.

The government made some progress in ensuring accountability for past atrocities, including the 2009 massacre of unarmed demonstrators by security forces. Inadequate progress on strengthening the judiciary and endemic corruption continued to undermine respect for the rule of law and directly led to violations.

There was little progress in establishing a reconciliation commission and independent human rights body. However, the Ministry of Human Rights and Civil Liberties consistently advocated for respect for human rights.

International actors—notably the European Union, United Nations, France, and the United States—rarely spoke out on the need for justice for past and recent crimes by state actors, but worked to strengthen weak rule of law institutions.

Impunity and Accountability for Crimes

Since 2010, the judiciary has opened several investigations into serious violations by the security forces, including the 2007 killing of some 130 unarmed demonstrators, the 2009 massacre and rapes of opposition supporters in a Conakry stadium; the 2010 torture of members of the political opposition; the 2012 killing of six men in the southeastern village of Zoghota; and the 2013 killing of demonstrators protesting the delay in holding parliamentary elections.

In 2014, investigative judges took steps to move most of these investigations forward, but their efforts were severely hampered by the failure of members of the army, gendarmerie, and police to respond to judicial summons.

Justice for the 2009 Stadium Massacre

More than five years on, the domestic investigation continues into the September 2009 massacre of opposition supporters at a rally in Conakry, largely by members of the elite Presidential Guard. Security force members are implicated in the killing of some 150 people and rape of over 100 women during military rule under Moussa Dadis Camara.

Since legal proceedings began in 2010, the panel of judges appointed to investigate the massacre has made important strides, having interviewed more than 400 victims and indicted at least eight suspects, including high-level members of the security forces. Meaningful steps taken in 2014 include the questioning of several key witnesses and accused and of Dadis Camara himself, who has taken refuge in Burkina Faso.

Inconsistent financial and political support from the government, including the failure to suspend high-level suspects from their government posts, undermined the panel's work, as did inadequate security for the judges. Some suspects have been in pre-trial detention for longer than the two years permitted by Guinean law. However, the new minister of justice showed increased commitment to ensuring the panel is able to complete its work.

Judiciary and Detention Conditions

Decades of neglect of the judiciary has led to striking deficiencies in this sector, allowing perpetrators of abuse to enjoy impunity for crimes. The operational budget for the judiciary remained at around 0.5 percent of the national budget, resulting in severe shortages of judicial personnel and insufficient infrastructure and resources. Unprofessional conduct in this sector, including absenteeism and corrupt practices, contributed to widespread detention-related abuses.

Progress in 2014 was evident in improved conditions for judges; the establishment of the Superior Council of Judges (*Conseil supérieur de la magistrature*) tasked with discipline, selection, and promotion of judges; and the revision of key legal texts to bring them in line with international standards, including the Penal Code, the Code of Criminal Procedure, and the Military Code of Justice.

Prison and detention centers in Guinea are severely overcrowded and operate far below international standards. However, the Ministry of Justice took steps to improve prison administration, leading to a sharp reduction in recorded malnutrition rates among inmates and some improvements in healthcare.

Malnutrition rates dropped from 21 percent in 2013 to 13 percent in 2014. The largest detention facility—designed for 300 detainees—accommodates some 1,200. An estimated 65 percent of prisoners in Conakry are held in prolonged pretrial detention. The failure of the *Cour d'assises*—which hears matters involving the most serious crimes—to meet regularly greatly contributes to the problem.

Women and Children's Rights

Despite a lack of data, sexual and gender-based violence against women and girls remains of grave concern. In 2013, the UN documented 72 cases of rape and sexual assault, 55 of which involved girls. Forced and child marriage is common, and according to government statistics, some 95 per cent of girls and women undergo female genital mutilation, although the government is making efforts to address the problem.

Legislative and Institutional Framework

In 2014, the Reflection Commission, created by presidential decree in June 2011 to promote reconciliation, made little progress in fulfilling its mandate. There was likewise no progress in setting up the independent human rights institution, as mandated by Guinea's 2010 constitution. The institution can be established only by a law approved by the national assembly.

However, the Ministry for Human Rights and Civil Liberties, created in 2012, actively promoted respect for human rights, despite budgetary constraints. Minister Gassama Kalifa Diaby visited prisons, liaised with civil society, and advocated for strengthening the judiciary and respect for freedom of the press.

Guinea has still not ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, or the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Furthermore, Guinea has yet to codify the crime of torture into its penal code.

Guinean law permits the death penalty; however, a moratorium is in effect and the minister of human rights pledged to initiate a national dialogue to build support for abolition.

Security Forces

Discipline within, and civilian control over, the security forces continues to improve, and authorities showed somewhat more willingness to sanction those implicated in violations. The military hierarchy largely ensured that the army and presidential guard—responsible for the most serious abuses during past periods of political unrest—remain in barracks and those mandated to respond to civil unrest, the police and gendarmerie, did so proportionally.

However, members of the security forces were in 2014 implicated in numerous incidents of excessive use of force or the mistreatment of detainees as they responded to protests and criminality. Torture of detainees declined somewhat, but incidents in 2014 resulted in a few deaths. The security forces have also been implicated in numerous acts of extortion, bribe-taking, outright theft and banditry, and, to a lesser extent, rape.

Security forces have long demonstrated a lack of political neutrality evident in the use of racial slurs and failure to provide equal protection to citizens of all ethnic and religious groups, notably those supporting the political opposition. The government's failure to acknowledge this problem raises concern in advance of the 2015 elections.

Key International Actors

Guinea's key international partners, notably the UN, the European Union, France, and the United States, focused on the need to strengthen the rule of law with more limited attention on combatting impunity for past violations of human rights.

In January, the EU, Guinea's biggest donor, released €140 million (USD\$192 million) in aid, which had been suspended by delays in parliamentary elections. The funds will be used to finance projects in justice, security sector reform, and the transport sector. In April, the EU lifted the arms embargo in place since 2009. The EU and the UN Development Programme (UNDP) took the lead in strengthening Guinea's judicial system.

The country Office of the UN High Commissioner for Human Rights (OHCHR) actively engaged in human rights education and documentation, though largely failed to publicly denounce human rights concerns. In September, on the fifth anniversary of the Guinea stadium killings, the High Commissioner for Human Rights urged the government to take immediate and concrete steps to advance the investigation and ensure accountability for those responsible. The Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict continued to support accountability for crimes committed during the 2009 stadium massacre and rapes.

The UN Peace Building Commission (PBC) continued to fund programs supporting security sector reform and reconciliation. In July, the board of the Extractives Industry Transparency Initiative deemed Guinea fully "EITI compliant."

The International Criminal Court, which in October 2009 confirmed that the situation in Guinea was under preliminary examination, maintained its pressure on the national authorities to conduct proceedings within a reasonable time frame. Court officials visited the country in February to assess progress.