

Guinea

(15)

Title: Guinea Human Rights Practices, 1995
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Date: March 1996

The Republic of Guinea held its first multiparty legislative elections in June, delivering more than 60 percent of Parliament's seats to President Lansana Conte's Party of Unity and Progress (PUP). President Conte took office in January 1994, after multiparty elections in which the Government dominated the electoral process. Opposition leaders, some international observers, and segments of the citizenry have voiced suspicion of PUP's considerable victories in both parliamentary and municipal elections. The country has a professed goal of moving from its authoritarian, one-party legacy to democracy. Although the PUP continues to dominate all three branches of government, opposition parties remain a sharp--if brittle--thorn in the Government's side.

The gendarmerie and the national police share responsibility for internal security and sometimes play an oppressive role in the daily lives of citizens. The Red Berets--autonomous presidential guards--are accountable to almost no one except the President. Members of all of Guinea's security forces, which many citizens view as corrupt, ineffective, and even dangerous, committed frequent human rights abuses.

Eighty percent of Guinea's 7 million citizens engage in subsistence agriculture, and annual per capita gross domestic product is about \$528. Major exports include bauxite, gold, and diamonds.

Human rights remain circumscribed. Major human rights abuses include: the denial of citizens' rights to change their government; occasional instances of vigilante justice; extrajudicial killings by security forces; police abuse of prisoners and detainees; instances of arbitrary detention; governmental failure to guarantee access by attorneys to clients in prison; inhumane prison conditions; the executive branch's influence over the judicial system; societal discrimination and violence against women; discrimination against minorities; and prostitution and genital mutilation of young girls.

The Government dominated the electoral process and rejected popular demands for important changes. An independent press occasionally criticized the Government, but the latter owns and operates the electronic media, the major medium for reaching the vast majority of the public. The Government uses the official press to denounce efforts by international organizations to scrutinize its human rights practices.

Respect for Human Rights

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of targeted political killings, but there were several extrajudicial killings by security

forces. On January 1, 16 prisoners died in custody in Conakry's central jail. Government officials offered conflicting explanations for the deaths, including an escape attempt and gang warfare. Thirteen of the victims were buried quickly without autopsy, and authorities did not release the autopsy results from the other three. Human rights organizations condemned the Government for failing to protect prisoners and for neglecting conditions at the jail. Opposition leaders accused the Government of ordering the killings to prevent the 16 from speaking about their links with senior government officials. The opposition has given no evidence to support their accusations. Despite persistent rumors and vacillating statements by the Government, there has been no public call for the examination of government culpability.

Altercations between civilians and police prior to the legislative elections ended in several civilian deaths, as reported by Guinea's two independent newspapers. One confirmed extrajudicial killing took place following a political rally in downtown Conakry on June 22, when a police officer shot and killed a youth. One day later, the President indefinitely postponed the upcoming municipal elections in that district. City authorities arrested the policeman involved, but at year's end no trial had been held.

In April an army sergeant killed three civilians using a hand grenade; military authorities charged him with murder and sentenced him to death. Authorities also charged two police officers with the killing of a civilian following an outbreak of violence in the city of Kissidougou on June 22. The officers are currently awaiting trial (see Section 1.e.).

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Penal Code and the Constitution prohibit torture and cruel, inhuman, and degrading treatment. However, both civilian and military security forces often use beatings to extract confessions and employ other forms of brutality.

On June 15, the independent newspaper L'Independant interviewed four men who described their escape from a Kankan prison, where antiriot police had reportedly detained and tortured them. They described crowded, filthy, unventilated cells, in which they were beaten and attested to the rape of female prisoners by guards. One of the interviewees had lash marks on his back and a broken hand as evidence of mistreatment. The British Broadcasting Corporation also reported that 137 civilian students whom police had incarcerated escaped from the military barracks in Kankan; police had threatened them with execution or 5 years' imprisonment for supporting opposition political parties. There were no reported judicial proceedings against the police officers involved.

Prison conditions are inhumane and life threatening. Family members and friends are responsible for feeding prisoners. Standards of sanitation remain poor, and deaths due to malnutrition and disease are frequent. Prisoners report threats and harassment by guards. The Government does not permit local human rights organizations to visit prisons.

d. Arbitrary Arrest, Detention, or Exile

The Penal Code requires that detainees must be charged before a magistrate within 72 hours. Once charged, the accused may be held until the final outcome of the case, including a period of appeal. Release on bail is at the discretion of the magistrate who has jurisdiction. The Constitution proscribes incommunicado detention. The law provides for access by attorneys to their clients, but authorities frequently do not respect this provision.

In practice, administrative controls over the police are ineffective, and security forces rarely follow the Penal Code; arbitrary arrest remained a persistent threat.

In October 1994, police arrested four student leaders during a student strike and held them incommunicado for 24 hours. They were later charged, convicted, and imprisoned. The President pardoned them on January 1, 1 week after sentencing. In a similar incident, authorities detained five other students on December 28, 1994, denying them access to a lawyer for 3 days. Only a very small percent of the prison population are pretrial detainees.

In September the police detained between 200 and 300 activists from the Rally of the Guinean People (RPG) party, following the killing of a police officer during an RPG demonstration which turned violent. According to credible reports, some of those detained were suspected in the killing; hundreds of others were detained for being RPG members or sympathizers. Most were subsequently released without charge, but at year's end 35 remained in detention charged with inciting violence.

On December 28, members of the presidential guard arrested, beat, and detained the U.S. Embassy React Team--composed of four Guinean employees--who were responding to a call by an American citizen for assistance. Subsequent radio reports falsely declared them to be "bandits" engaged in "dirty work." The team remained in the presidential guard's detention building until January 9 when they were released without being charged with a crime. No action was taken against the members of the guard who were involved.

e. Denial of Fair Public Trial

The Constitution provides for the judiciary's independence. Magistrates, however, are civil servants having no guarantee of tenure and are susceptible to influence by the executive branch. Judicial authorities often defer to central authorities in politically sensitive cases. In addition, the administration of justice is plagued by numerous other problems, including shortages of magistrates (who generally are poorly trained) and lawyers, and an outdated and overly restrictive Penal Code. Owing to corruption and nepotism in the judiciary, relatives of influential members of the Government are virtually above the law.

The judiciary includes courts of first instance, two Courts of Appeal and the Supreme Court, the court of final appeal. There is also a State Security court, but it has not met since the trial of those allegedly involved in a coup attempt in 1985. Since 1988 civilian courts have rendered all judgments involving civilians under the Penal Code. A military tribunal prepares and adjudicates charges against accused military personnel, to whom the Penal Code does not apply.

The Penal Code provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel, and the right to appeal a judicial decision. Although in principle the Government is responsible for funding legal defense costs in serious criminal cases, in practice it rarely disburses these funds. The attorney for the defense frequently receives no payment.

A traditional system of justice exists at the village or urban neighborhood level. Litigants present their civil cases before a village chief, a neighborhood leader, or a council of wise men. The dividing line between the formal and informal justice systems is vague, and a case may be referred from the formal to the traditional system to ensure compliance by all parties. Similarly, if a case cannot be resolved to the satisfaction of all parties in the traditional system, it may be referred to the formal system for adjudication. The traditional system discriminates against women in that evidence given by women has less weight.

Suspected criminals, notably thieves and rapists, are sometimes beaten to death by their victims or by others. Though police authorities rarely intervene to rescue victims of vigilante justice, Kissidougou residents held security forces in the Forest region responsible for the death of a youth during the arrest of a rape suspect. On

June 22, violence erupted over the alleged rape of a young girl. Police, attempting to arrest one suspect, killed another youth in the agitated mob. Relatives of the slain victim carried his body to the prefect's office, demanding that the prefect eat the flesh of the person who had been killed (see Section 1.a.).

Government-controlled radio and television broadcast live trial proceedings, reflecting the more open and publicly monitored judicial system.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home, and judicial search warrants are required by law. However, police frequently ignore these procedures. Police and paramilitary police often ignore legal procedures in the pursuit of criminals and frequently detain private citizens at night roadblocks in order to extort money to supplement their incomes. It is widely believed that security officials monitor mail and telephone calls. Local businesses, especially expatriate companies, often complain of intimidation and harassment by public officials and authorities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government has stated publicly that it supports free speech and a free press, and the Constitution provides for freedom of expression, subject to certain limitations. But the Government can and does employ a broad range of restrictions vitiating any real protection. It prohibits what it considers seditious talk or chants uttered in public, has established defamation and slander as criminal offenses, and prohibits communications which personally insult the President, or incite violence, discrimination, or hatred, or which disturb the public peace.

The Government also publishes the official newspaper. Reporters for the official press, who are government employees, practice self-censorship in order to protect their jobs.

There is a vocal independent press which is occasionally critical of the President and the Government. The independent *Le Lynx*, for example, condemned the Conakry jail killing (see Section 1.a.). Two weekly newspapers and up to two dozen other publications continue to publish, despite technical and financial difficulties. Some newspapers are affiliated with opposition parties while others offer news and criticism of both the Government and the opposition. The Government owns and operates the electronic news media, with national radio serving as the most important electronic means of reaching the public. There were no known attempts to interfere with foreign radio broadcasts.

Journalist Diallo Souleymane was arrested in August and convicted in October of "offense to the head of state." He was sentenced to a 3-month suspended prison term and ordered to pay a fine of 2.5 million Guinean francs (\$2,500). Diallo appealed the conviction and at year's end his case was still pending.

There is no licensed independent radio. The Government shut down one independent radio station for operating without a license, but the station continues to broadcast occasionally.

Political tracts circulate widely throughout Conakry and other regions and include specific criticisms of the President and high officials. Foreign publications, some of which include criticism of the Government, are usually available. In April Government officials removed all posters and photographs of opposition party leaders from public areas in Kankan. According to independent newspapers, the officials also threatened "exemplary penalty" to anyone caught replacing the campaign material during the election season.

The Ministry of Higher Education exercises control over academic freedom through its influence on faculty hiring and control over curriculum. In general, teachers are not subject to classroom censorship.

b. Freedom of Peaceful Assembly and Association

Freedom of association is protected by law, but there are legal restrictions on assembly, a power which the Government exercises to thwart unwanted political assembly. The Penal Code bans any meeting that has an ethnic or racial character or any gathering "whose nature threatens national unity." Public gatherings are legal only if the Government receives notification 72 hours prior to the event. Authorities cited this law when they refused to allow Siradiou Diallo, leader of a major political opposition party, to hold a preelection rally in Kankan on May 20.

The Government bans all street marches except for funerals. Pursuant to this statute, local authorities may cancel a demonstration or meeting if they believe that it will threaten public order. They may hold event organizers criminally liable if violence or destruction of property ensues.

The opposition coalition conducted a 3-day general strike in August to protest the legislative elections and deteriorating economic conditions. Isolated incidents included tire-burning and rock-throwing, which prompted a heavy military presence on Conakry's streets.

Political parties must provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution before the Government recognizes them. There are 46 legally recognized political parties. There were credible reports of harassment and oppression of the RPG party.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. Foreign missionaries and church-affiliated relief agencies operate freely. The Government and the quasi-governmental National Islamic League have spoken out against the proliferation of Shi'ite fundamentalist sects which they alleged were "generating confusion and deviation" (within Guinean Islam), but have not restricted these groups. The Constitution provides religious communities with the freedom to govern themselves without state interference.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides citizens with the right to travel freely within the country and to change their place of residence and work. The Government requires all citizens to carry a national identification card which they must present on demand at security checkpoints. Travelers face harassment by police and at military roadblocks, particularly late at night. It is common to pay bribes at these roadblocks.

The Government permits foreign travel, although it retains the authority to limit it for political reasons. The Government officially closed Guinea's borders and restricted internal travel during the June 11 legislative elections and closed the borders again during municipal elections 3 weeks later.

Guinea currently hosts over 580,000 refugees from Liberia and Sierra Leone. The Government works closely with the United Nations High Commissioner for Refugees, the World Food Program, and nongovernmental organizations to assist those designated as refugees, and has provided school buildings and access to local medical facilities. However, relief organizations report that government authorities have demanded portions of donated fuel and food from delivery convoys, with losses estimated at up to 25 percent.

While the Government has generally been hospitable toward refugees, there have been reports of local police and border patrol soldiers harassing refugees and seeking bribes or sexual favors for entry into Guinea. There were credible independent reports of mistreatment of refugees in Gueckedou-Macenta. There were no reports of forced repatriation.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although the 1990 Constitution provides for a popularly elected president and a multiparty parliament, the ability of citizens to exercise effectively this provision is restricted. The Government's tight control of the electoral process, one in which the Ministry of Interior functions as both player and referee, and the President's decision to postpone municipal elections in Kissidougou and Kaloum, call into serious doubt the ability of citizens to change the government.

In March the Carter Center characterized Guinea's political system as a "directed democracy," i.e., a system in which formal institutions and practices of constitutional democracy are present, but which in practice, the extensive powers of the ruler, party, or regime "severely limit contestation by individuals, organized groups, legislative assemblies, and the judiciary."

President Conte took office in January 1994 after multiparty elections in December 1993 in which the Government dominated the electoral process. The President's party, the Party of Unity and Progress, won 62 percent of the legislative seats and 56 percent of the municipal vacancies during the June legislative elections. The International Commission of Jurists reported seeing no seals on the legislative ballots, results envelopes left open, and various means of intimidation used at some polling places. The African-American Institute said that the National Electoral Commission--the supposed "moral guarantor of electoral fairness"--had only a marginal role.

Opposition leaders deemed the entire process an "electoral masquerade" and "a comedy," and openly questioned the credibility and legitimacy of PUP's municipal and legislative landslide victories. Shortly after results were announced, nine opposition parties joined forces to form an umbrella organization, CODEM, dedicated "to act, organize, and combat together to make Guinea a land of liberty." However, these parties' deputies did take their seats in the National Assembly.

Allegations of fraud by both the opposition and some international observers after the National Assembly elections on June 11 failed to incite popular outrage or even surprise. Voter turnout for the municipal elections on June 29 was low--about 30 percent, according to government figures.

Women are underrepresented in the Government, and hold just 4 of the 27 Cabinet positions. They also play a minor role in the leadership of the major opposition parties.

The Cabinet includes representatives of all major ethnicities, but a disproportionate number of senior military officers are Soussou, the ethnic group of President Conte.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Local nongovernmental organizations primarily interested in human rights issues include: the Guinean Organization for the Defense of Human Rights; the Guinean Human Rights Association; the Children of the

Victims of Camp Boiro; the Association of Victims of Repression; the Committee for the Defense of Civic Rights; and the Coordinating Committee on Traditional Practices Affecting Women's and Children's Health. Government officials are generally cooperative and responsive to their views.

On April 12, border officials detained three Amnesty International delegates at the Conakry airport for several hours. The delegates were allowed to leave after the police had searched their bags and confiscated materials relating to Guinea's human rights situation.

The government-controlled press denounced efforts by foreign governments and other organizations to interfere in Guinean internal affairs, including the protection of human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that all persons are equal before the law regardless of gender, race, ethnicity, language, beliefs, political opinions, philosophy, or creed, but the Government does not uniformly enforce these provisions.

Women

Violence against women is common, although estimates differ as to the extent of the problem. Wife-beating is a criminal offense and constitutes grounds for divorce under civil law; however, police rarely intervene in domestic disputes.

Although the Government has made regular statements in the media against sexual harassment, women working in the formal sector in urban areas complain of frequent sexual harassment. Refugees from Liberia and Sierra Leone report some Guinean soldiers demand sex in exchange for entry into Guinea. There are credible reports from prisoners that female inmates are subject to harassment and sexual assault by guards. The social stigma attached to rape prevents most victims from reporting it. The Government has not vigorously pursued criminal investigations of alleged sexual crimes.

The Constitution provides for equal treatment of men and women, and a special government ministry works to ensure such equality. Women face discrimination, however, particularly in rural areas, where opportunities for women are limited by custom and the demands of child-rearing and subsistence farming. Women are not denied access to land, credit, or businesses, but women receive less inheritance. The Government has affirmed the principle of equal pay for equal work, but in practice women receive less pay than men in most equally demanding jobs. According to a 1993 United Nations Development Program report, females receive only 20 percent as much schooling as males and constitute 30 percent of the labor force.

Children

The Constitution provides that the Government has a particular obligation to protect and nurture the nation's youth, and the Government allocates a significant percentage of the budget to primary education. The President appoints a cabinet minister to defend women's and children's rights.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced in all regions and among all religious and ethnic groups in Guinea and performed on girls as young as four. According to an independent expert, about 60 percent of females have undergone this procedure. Infibulation, the most dangerous form of FGM, is practiced in the Forest region. Despite efforts by proponents of women's rights to call attention to the practice, and in spite of diseases resulting from crude and unsanitary surgical instruments and deaths resulting from the practice, the tradition continues, seriously affecting women's lives. The Government has made efforts to educate health workers on the

dangers of this procedure and supports the World Health Organization resolutions calling for its elimination.

Prostitution exists in the informal economic sector and employs girls as young as 10. The Government will take prohibitive action if prostitution of minors is brought to its attention, but does not actively monitor child or adult prostitution.

People with Disabilities

The Constitution provides that all persons are equal before the law. There are no special constitutional provisions for the disabled. The Government has not mandated accessibility for the disabled, and few disabled people work.

National/Racial/Ethnic Minorities

While the Constitution and the Penal Code prohibit racial or ethnic discrimination, ethnic identification is strong. Mutual suspicion affects relations across ethnic lines, in and out of government. Promotions to the highest military ranks below the President include representatives all three major ethnic groups.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of employees to form independent labor unions and prohibits discrimination based on their union affiliation. Only an estimated 5 percent of the work force is unionized. Most union members are government employees, employees of the national utilities (electric, water, and telephone companies), or of foreign-controlled companies.

The Labor Code states that all workers, except military and paramilitary, have the right to create and participate in organizations that defend and develop their individual and collective rights as workers. It requires elected worker representatives for any enterprise employing 25 or more salaried workers.

The National Confederation of Guinean Workers (CNTG) was the sole trade union before the Labor Code was enacted. Even though there are now other trade unions and labor confederations, the CNTG remains the largest confederation.

The CNTG is indirectly funded by the State, although dissident members seek to increase the Confederation's freedom from government control. Independent unions and confederations have gained popularity, such as the Free Union of Teachers and Researchers of Guinea and the National Organization for Free Trade Unions of Guinea. Several disgruntled groups within the CNTG left the Confederation, citing corruption in its leadership. These groups joined with some independent unions to form a new confederation, the United Syndicates of Guinean Workers.

The Labor Code grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike. It prohibits strikes in sectors providing "essential services" (hospitals, radio and television, army, and police).

Bank employees staged a 1-day strike in June to demand discounted mortgage rates. They settled after the banks agreed in part to their demands. One week later, Conakry taxi drivers went on strike to protest excessive fines imposed by police. Both events passed peacefully, but workers made little headway. Most workers went to work

on all 3 days of the general strike in August, called to protest election results and economic conditions.

Unions may freely affiliate with international labor groups. The Government continues to designate CNTG to represent workers in the International Labor Organization conference.

b. The Right to Organize and Bargain Collectively

Under the Labor Code, representative workers' unions or union groups may organize the workplace and negotiate with employers or employer organizations. The law protects the right to bargain collectively concerning wages and salaries without government interference. Work rules and work hours established by the employer are developed in consultation with union delegates. The Code also prohibits antiunion discrimination. Union delegates represent individual and collective claims and grievances with management. Individual workers threatened with dismissal or other sanctions have the right to a hearing before management with a union representative present and, if necessary, to take the complaint to the Conakry Labor Court which convenes weekly to hear such cases. In the interior, civil courts hear labor cases.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Labor Code specifically forbids forced or compulsory labor, and there is no evidence of its practice.

d. Minimum Age for Employment of Children

According to the Labor Code, the minimum age for employment is 16 years. Apprentices, however, may start at 14 years. Workers and apprentices under the age of 18 are not permitted to work at night, nor for more than 12 consecutive hours, nor on Sundays. The Labor Code also stipulates that the Minister of Labor and Social Affairs maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice, enforcement by ministry inspectors is limited to large firms in the modern sector of the economy. Children of all ages work on family farms, in small trades, and in the informal sector, such as street vending.

e. Acceptable Conditions of Work

The Labor Code provides for the establishment by decree of a guaranteed minimum hourly wage, but the Government has not yet done so. There are also provisions in the Code for overtime and night wages which are fixed percentages of the regular wage. According to the Labor Code, regular work is not to exceed 10-hour days or 48-hour weeks, and there is to be a period of at least 24 consecutive hours of rest each week, usually Sunday. Every salaried worker has the legal right to an annual paid vacation, accumulated at the rate of at least 2.5 workdays per month of work. In practice, the authorities enforce these rules only in the relatively small modern urban sector.

The Labor Code contains provisions of a general nature respecting occupational safety and health, but the Government has not yet elaborated a set of practicable workplace health and safety standards. Neither has it issued any of the ministerial orders laying out the specific requirements for certain occupations and for certain methods of work that are called for in the Labor Code. The Ministry of Labor and Social Affairs is responsible for enforcing labor standards, and its inspectors are empowered to suspend work immediately in situations hazardous to health. However, enforcement remained more a goal than a reality. Labor inspectors acknowledge that they cannot even cover Conakry, much less the entire country, with their small staff and meager budget.

