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Guinea: Fundamental freedoms must not be jeopardized by the state of siege

Amnesty International is very concerned at the decision of Guinean President, Lansana Conté, to declare a state of siege, granting powers that normally lay with the civilian authorities to the military authorities, until 23 February 2007.

“Over a hundred unarmed civilians have already been killed by the security forces but the decision to declare a state a siege gives the military authorities full de facto powers to defy several fundamental freedoms that are non-derogable,” Véronique Aubert, Deputy Director of the Amnesty International’s Africa Programme, said today.

Transferring responsibility for the maintenance of law and order to the army is likely to further aggravate a situation that is already extremely worrying. Hospital sources in Conakry told Amnesty International that they had treated many people who had been *“hit in the head, abdomen and thorax by bullets”*, showing that the security forces sought to kill rather than simply disperse demonstrators. On 13 February 2007, at least three people were killed by the security forces.

Amnesty International believes that the Guinean security forces have violated the victims’ human rights and contravened international standards concerning the actions of the security forces, in particular, the *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*. Amnesty International is urging the authorities to halt the killings and arbitrary arrests immediately and calls on the government to clearly inform the security forces that they must respect fundamental freedoms that cannot be suspended whatever the circumstances.

The state of siege, which was decreed on 12 February 2007, is the first declared by President Conté since he came to power as the result of a coup in 1984. The decree came at the end of a day on which at least eleven people had been killed as the result of excessive use of force by the security forces.

In particular, the decree allows the house arrest of *“anyone whose activities are deemed a risk to security or public order or who seeks to undermine the work of the public authorities”* and bans *“public or private meetings that are likely to cause or fuel disorder”*.

“The Guinean authorities should bear in mind that, under international law, certain fundamental rights cannot be suspended and must always be respected, whether or not a state of emergency has been declared,” Véronique Aubert said today.

Among the rights which, under the terms of the *International Covenant on Civil and Political Rights* and the *African Charter on Human and People’s Rights*, to which Guinea is a party, may not be derogated

from under any circumstances are the right to life and the right not to be subjected to torture and other forms of ill-treatment.

In this regard, Amnesty International is concerned about the arrest on 12 February 2007 of two employees of a private radio station, *FM Liberté*, journalist Mohamed Tondon Camara and technician David Camara, by members of the Presidential Guard who besieged and ransacked the offices of the radio station. They were taken to military guardroom III (PM III). Amnesty International believes they are prisoners of conscience and is calling on the Guinean authorities to release them immediately and unconditionally. The radio station was apparently attacked after it had broadcast the views of citizens that were critical of President Conté.

Amnesty International is calling on the Guinean authorities to allow their relatives and lawyers to visit them in PM III. The detainees should have access to a judge so that the lawfulness of their arrest can be examined, as stipulated in article 9(4) of the International Covenant on Civil and Political Rights which states that: *“Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful”*.

Amnesty International is also urging the Guinean authorities not to subject the detainees to torture or ill-treatment. Reports received by the organization indicate that the demonstrators who were arrested were ill-treated at the time of arrest and while in detention.

Amnesty International is also concerned at possible threats to the right of freedom of expression stemming from this decree. In fact, under article 6 of the decree, *“the competent military authority is authorized to take whatever measures may be appropriate to ensure control of the press and publications of all kinds, as well as radio and television broadcasts”*. The general vague nature of these provisions give the military authorities virtually unlimited powers to restrict the right to freedom of expression in Guinea in breach of specific obligations under international human rights law stating that derogation should only be resorted to *“to the extent strictly required by the exigencies of the situation”*.

BACKGROUND

Since 10 January 2007, about one hundred people, the majority of them unarmed, have been killed as a result of excessive force used by members of the security forces against demonstrators calling for the departure of the Head of State, Lansana Conté, who has ruled the country since 1984.

The situation became relatively calm after an agreement was signed on 27 January 2007 between representatives of the trade union movement and President Conté. The latter agreed to appoint a prime minister with increased powers as a result of which the trade unions put an end to the seventeen days of general strike and violence that had led to dozens of deaths.

The situation deteriorated once again following the appointment of Eugène Camara, a close ally of the President, to the post of Prime Minister on 9 February 2007, since it was seen by opponents and a significant section of the population as a refusal to open up politically.

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