

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Amnesty International defends Guinea research against French Government criticism**

On Wednesday this week, Amnesty International released a detailed report on the 'Bloody Monday' massacre perpetrated on 28<sup>th</sup> September 2009 by units of Guinea's armed forces, gendarmerie and police in Conakry. During the massacre and its aftermath, over 150 unarmed civilians were killed, and dozens more raped, abducted and tortured.

Amongst other issues, this report raised serious concerns regarding the supply of weapons and internal security equipment to Guinea's military and security forces by a number of states, including France, which were subsequently used in the massacre.

The report also raised concerns that some of the training and assistance provided by France, China and other states to army and *gendarmerie* units involved in the massacre, lacked rigorous human rights safeguards consistent with international standards which could have helped prevent those units from perpetrating further human rights violations. These concerns are substantially based on information provided by the French Ministry of Foreign and European Affairs itself.

The French government has issued a rejection of Amnesty International's report, claiming that it misrepresents some of the facts regarding France's provision of equipment and training to Guinea's security forces. In doing so, however, the French government has unfortunately misrepresented Amnesty International's own report, and ignored a number of our substantive concerns to help protect human rights in Guinea.

#### **1) The French government states that France has not furnished 'war material' [matériel de guerre] to Guinea since 2006.**

Amnesty International's report does not allege that France supplied military weapons to Guinea since 2006. Rather, Amnesty International raised concerns regarding France's supply of tear gas grenades and accompanying security equipment over a number of years. The French government's export control system does not categorise these weapons as 'military materials' – a categorisation at odds with the practice of many other European states, and the 'Common Military List' of the European Union itself. Nonetheless, French regulations require that an export license be approved prior to the export of such grenades and launchers, and for French authorities to thoroughly assess the human rights risks when doing so. Amnesty International is concerned that such risks were not adequately assessed.

#### **2) The French government accuses Amnesty of a "tendentious...amalgamation made between the [Guinean security forces'] possession of grenade launchers and tear gas grenades of French manufacture, and the acts committed with the aid of firearms and bladed weapons [armes blanches]"**

Testimonies gathered by Amnesty International consistently show that the security forces' blatantly unlawful use of tear gas played an integral part in the extrajudicial executions and excessive use of force on 28th September. Tear gas is designed to disperse violent crowds, not

peaceful demonstrators in confined spaces. Its lawful, proportionate use requires at a minimum that those against whom it is used can at least move away from the tear-gassed area. By contrast, the security forces, filmed carrying French-made tear gas grenade launchers, fired tear gas into a peaceful crowd which they had forcibly trapped within Conakry stadium, initiating a stampede in which many people were injured and killed. They then fired into the trapped, tear-gassed crowd with live ammunition, resulting in hundreds of deaths and serious injuries. This excessive and arbitrary use of force was in clear violation of international human rights standards for law enforcement, and form part of a persistent pattern of well-documented violations and abuse by the security forces in Guinea since 1999.

**3) The French government argues that “it is dishonest [for Amnesty] to suggest that France has not respected its obligations concerning the control of sensitive exports, since it precisely suspended all [such] sales to Guinea very early on.”**

From the list of France’s exports to Guinea – provided to Amnesty International by the French Ministry of Foreign and European Affairs itself on 18 December 2009 – it appears that these obligations have not always been respected. Under the EU Code of Conduct on Arms Exports (now an EU Common Position), France has committed “not [to] issue an export licence if there is a clear risk that the proposed export might be used for internal repression”. According to the Ministry’s statement to Amnesty International, 13 authorisations have nonetheless been issued between 2004 and 2008 for the export of tear gas grenades and associated equipment to Guinea’s police forces and gendarmerie, including for the kind of tear gas launchers used unlawfully on Bloody Monday. France authorised these exports despite the Guinean security forces’ persistent record since 1999 of using tear gas grenades unlawfully against peaceful demonstrators and bystanders in disproportionate and excessive force, in conjunction with live ammunition, and even inside Conakry’s main hospital in 2007.

This record has been publicly documented by Amnesty International and other credible human rights organisations since at least 2002. France’s suspension of sales of such weapons to Guinea after 2008 thus came far too late, and followed exports repeatedly authorised despite clear evidence that such exports would almost certainly be used in further human rights violations, contrary to France’s commitments under the EU Code of Conduct.

The French government’s statement avoids any mention of Amnesty International’s additional concern that these exports to Guinea have lacked a basic degree of transparency or public oversight, being authorised under a licensing regime (AEPE) which is not reported to France’s public or parliament, unlike most other French exports of military and security equipment.

**4) France states that “Contrary to Amnesty International, French military cooperation [with Guinea] has never had the objective of operational training for combat for Guinea’s armed and security forces”.**

Amnesty International’s report does not claim that France has provided combat training to Guinea’s armed or security forces. France has, however, assisted over several years with the operational training of Guinea’s *gendarmerie* – a public order force, formally part of the Guinean armed forces, which is not a combat unit but which since 1999 has repeatedly been used to attack peaceful demonstrators. It is precisely this assistance to the *gendarmerie* which is detailed in Amnesty International’s report. It should be noted that the head of one *gendarmerie* unit involved in the 28<sup>th</sup> September attacks has recently been accused by the United Nations as having potential criminal responsibility for acts constituting crimes against humanity.

According to information provided by the French foreign ministry to Amnesty International on 5 January 2010, the most recent training course provided to Guinean *gendarmerie* trainers since 2008 has comprised “*public order techniques (‘d’intervention professionnelle’)*”. The Ministry has also told Amnesty International that “*concerning tear gas grenades, [although] they were not physically used during this [most recent] training, their conditions of use were imparted.*”

Moreover, the French government has informed Amnesty International that French trainers have assisted with the training programme of a new force of several thousand young Gendarmerie recruits, including recruits for seven new public order units rapidly developed by the Conseil National de la Démocratie et du Développement (CNDD) regime. Amnesty International's report details serious concerns about these new units' rapid recruitment, inadequate vetting, and rapid deployment against protestors in Labe and Mamou shortly before 'Bloody Monday'.

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Amnesty International acknowledges France's calls, alongside other states, for a peaceful and democratic transition in Guinea. We also welcome France's support for the negotiation of an international Arms Trade Treaty, an instrument with the potential to help stop irresponsible flows of weapons and equipment which contribute to massacres and other serious human rights violations like those of 'Bloody Monday'.

However, we remain concerned that military cooperation has been rapidly resumed before those within the security forces, responsible for some of the most serious crimes under international law, have been brought to justice. Despite including some sessions on international humanitarian and human rights law, France's previous assistance to Guinea's security forces has manifestly failed to ensure operational respect for that law. Similarly, France's supplies of policing weapons were officially approved up to 2008 despite copious evidence at the time of export that those types of weapons were being used repeatedly to seriously violate Guinean citizens' human rights, during a decade of unlawful killings and violent repression by Guinea's security forces. France and other states must not repeat the same mistakes.

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