



**GUINEA: PREVENTING THE  
EXCESSIVE USE OF FORCE AND  
RESPECTING FREEDOM OF  
PEACEFUL ASSEMBLY IN THE  
RUN-UP TO THE 2015  
ELECTIONS AND BEYOND – A  
CALL TO ACTION**

**AMNESTY  
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Cover photo: Private – Police officers carrying firearms during a demonstration in Ratoma, Conakry, on 13 April 2015

Amnesty International is a global movement of more than 7 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

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## SUMMARY

Guinea has a history of electoral violence linked to restrictions on freedom of assembly and freedom of expression and to excessive use of force by security forces. Over the last decade Amnesty International has documented over 350 deaths, and over 1,750 people injured, during demonstrations in the country. Most of these have been protestors, and in some cases bystanders, killed or injured at the hands of the security forces.

Some of the most striking instances of excessive use of force by the security forces are well known, and took place during election campaigns or other contestations of power. They include the killing of 135 protestors who were calling for the departure of the then President Lansana Conté in January and February 2007. There was also a stadium massacre in Conakry on 28 September 2009 when security forces, including the military, opened fire on opposition protestors, killing over 150 people and injuring at least 1,500; as well as the killing of at least nine people and wounding of 40 others during opposition protests ahead of the 2013 legislative elections. To date there has been limited accountability for these grave human rights violations, despite recent indictments related to the 2009 stadium massacre.

Since the election of President Alpha Condé in 2010, there have been some efforts to address the issue of excessive use of force, including putting the military forces, members of which are considered to be responsible for the massacre of 28 September 2009, under civilian control and limiting their participation in operations to maintain public order in the context of demonstrations.

The excessive use of force in demonstrations in April and May 2015 show, however, that further reform is urgently needed. Six demonstrators and bystanders were killed during these demonstrations and over 100 others, including children, were injured. Hundreds of protestors were arrested, often in circumstances amounting to arbitrary arrest.

A few months later, a new Law on Maintaining Public Order, enacted in July 2015, provided some improvement to Guinea's legal framework governing the use of force and the right to peaceful assembly but this still falls significantly short of international standards.

Guinea's legal framework in conjunction with the actions of authorities and security forces often means that unwarranted restrictions on freedom of assembly have criminalized peaceful protestors, led to increased confrontation with security forces, and created a context where security forces have committed human rights violations for which few have been held accountable. The cycle continues when civil disorder is then used to justify further restrictions on freedom of assembly.

There remain, therefore, clear risks of further violence and further violations in the run-up to the presidential elections, scheduled for 11 October 2015. The immediate challenge for authorities, election candidates and security forces in 2015 is to break the cycle of mistrust and violence, and to facilitate a climate where everyone in Guinea can exercise their rights to freedom of peaceful assembly and expression, without unwarranted restrictions and in a context of safety. The challenge will then be ensuring further reforms to make sure that these

rights are guaranteed for the long term, in order to turn the page on Guinea's history of violence and human rights violations.

Amnesty International is launching a Call to Action to the Guinean authorities to take the necessary steps to respect and protect human rights during the run-up to the elections and beyond. This organization also calls upon all the presidential candidates to make a commitment that if elected they will carry out the necessary legal and institutional reforms to help Guinea end the cycle of impunity for unlawful state violence. More detailed recommendations are provided in the relevant section of this document, but include calls on the authorities, security forces and candidates to:

- Protect the right to freedom of peaceful assembly and actively facilitate protests, including spontaneous demonstrations, and commit to revising Guinea's legal framework to remove arbitrary restrictions on this right;
- Prevent the use of excessive and arbitrary force by security forces during demonstrations, commit to amending Guinea's legal framework to bring it in line with international law and standards, and provide sufficient resources and training for security forces;
- Ensure full accountability for any human rights violations committed by security forces, including ensuring Guinea's legal framework meets the accountability requirements set out in international law and standards, and establishing an independent oversight mechanism to review regulations and practices within law enforcement agencies.

## METHODOLOGY

The Call to Action is based on many years of monitoring the human rights situation in Guinea including most recently a research mission to Conakry and N'Zérékoré in May and June 2015 focusing on the issue of policing demonstrations. During this mission, Amnesty International conducted more than 65 interviews, including with victims and their relatives, journalists, lawyers, medical staff, human rights defenders and United Nations (UN) officials. The organization also received information from government authorities, political leaders, magistrates, members of the police and the gendarmerie. Amnesty International wrote to the Guinean authorities seeking their response on some of the cases featured in this report, and official data on the number of people killed and wounded during recent demonstrations (including security forces). At the time of publication, no response has been received.

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# USE OF FORCE IN POLICING ELECTION-RELATED PROTESTS IN 2015

In April and May 2015, opposition parties organized a series of protests in Conakry and other large cities, including Labé in Moyenne Guinée, calling for changes to the electoral calendar and for local elections to be held before the presidential elections.<sup>1</sup> During and immediately after these demonstrations, at least six people - both protestors and bystanders - died, over 100 were injured and hundreds were arrested.<sup>2</sup>

The protests stemmed from disputes over the election timetable, and the decision to hold the presidential elections before local elections. Opposition groups argue that the mandate of the local authorities, which are either close to the ruling party or have been appointed by the Government, has expired and a presidential election handled by them would not be fair but would influence voters in favour of the incumbent President Alpha Condé.<sup>3</sup>

Political activists who organized these protests in Conakry told Amnesty International that, on 13, 20 and 23 April, and on 4 and 7 May 2015, following calls to protests from opposition parties, they gathered people in their neighborhoods, including Kaloum, Matam, Hamdallaye and Bambéto and different groups converged towards demonstration sites including town halls, headquarters of political parties and the main road linking the city center to the suburbs of Conakry (the road 'Le Prince').<sup>4</sup> Each group ranged from a few individuals to a hundred and fifty people, including men, women and children. Some of the protest organizers acknowledged that, as they do not recognize the legitimacy of the local authorities,

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<sup>1</sup> This Call to Action draws from the incidents which took place during demonstrations in Conakry and Labé between March and May 2015. While this Call to Action is not covering demonstrations that have happened all over Guinea in the last few years, the concerns raised about the use of force by law enforcement agencies, restrictions to the right to peaceful assembly in law and the failure of the Guinean state to investigate and remedy these violations still apply.

<sup>2</sup> Amnesty International interviews with medical practitioners, Conakry, on 2, 3, 4, 6 and 13 June 2015. Including also an Amnesty International interview with a lawyer working on cases of people arrested in relations to demonstrations, Conakry, 2 June 2015 and an Amnesty International interview with the Head of the Office of the High Commissioner for Human Rights in Guinea, Conakry, 29 May 2015.

<sup>3</sup> Amnesty International interviews with Diallo Cellou Dalein, President Union of Democratic Forces of Guinea (Union des Forces Démocratiques de Guinée, UFDG) and Sidya Touré, President of the Union of Republican Forces (Union des Forces Républicaines, UFR), Conakry, 3-4 June 2015.

<sup>4</sup> Amnesty International interviews with members of the UFDG, Conakry, 13 June 2015 and Amnesty International interviews with members of the UFR, Conakry, 6 June 2015.



they did not notify them of the demonstrations in advance, contrary to Guinea's Criminal Code.<sup>5</sup>

Protestors told Amnesty International that the police and the gendarmerie systematically used excessive force, including throwing stones, firing tear gas and live ammunitions, and hitting people with batons to prevent them from accessing demonstration sites.<sup>6</sup> They dispersed gatherings and chased protestors in their neighbourhoods, leading to clashes between protestors, counter-demonstrators close to the ruling party and the security forces.

Political activists and head of opposition groups explained that, despite their calls for participants to demonstrate peacefully, some resorted to violence and other criminal behaviour. Accounts of eyewitnesses and video footage collected by Amnesty International indicate that some of the protestors and counter-demonstrators threw rocks at the security forces, blocked roads by setting tyres on fire on public roads and vandalised shops. The Government reported protestors injured 30 members of the police and gendarmerie and poured oil on highways causing car accidents.<sup>7</sup>

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<sup>5</sup> Criminal Code, Law N°98/036 of 31 December 1998, article 107. The legal framework on peaceful assembly is discussed in more details below.

<sup>6</sup> The Police and the Gendarmerie are primarily responsible for maintaining public order. While the military forces have not been deployed to maintain public order during election-related demonstrations in Conakry, they are still used in operations to maintain public order in other regions of Guinea. For instance, they were part of the operation to restore public order in Womey, in the Guinea Forest Region, following the killing of seven members of an Ebola sensitisation team in September 2014. For the purpose of this report therefore, the term "security forces" therefore refers to the police and the gendarmerie, unless otherwise indicated.

<sup>7</sup> See public statement from the Guinean government available at: <http://www.gouvernement.gov.gn/index.php>, accessed 27 July 2015. Amnesty International requested additional information from the Police headquarters and the Government on the number of police and gendarmerie officers injured, as well as the nature and circumstances of their injuries. Amnesty International has to date received no response.



Figure 1: Credit: Private –Demonstrators setting-up a road block with burning tyres and rocks in Bomboli, Conakry, on 13 April 2015.

This sequence of events is consistent with the information that police officers provided to Amnesty International about their operations to maintain public order in April and May 2015. They said the authorities consider demonstrations, of which they have not been notified as “non-authorized”.<sup>8</sup> When opposition groups call for protests in the media, the police post officers and anti-riot equipment on demonstration sites to prevent non-authorised gatherings. They approach demonstrators to disperse them, then pursue and arrest those who participate or engage in criminal behaviour. Police officers acknowledged that force may be used at any point of during this process. Even after the assembly is dispersed they may continue pursuing protestors, collaborating with mobile patrols to chase them in their neighbourhoods and into their homes.

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<sup>8</sup> Amnesty International interview with the Inspector General of the National Police, the Deputy Inspector General of the National Police and Divisional Commissioners, Conakry, 3 June 2015. See also: Interview of Colonel Ansoumane Camara Baffoe, head of the National Police Intervention Unit, on national television RTG broadcasted on 14 April 2015, available at: <http://www.guineeinformation.fr/index.php/radio-television-guineenne/item/1890-rtg-du-14-avril-2015-colonel-ansoumane-camara-baffoe-directeur-central-des-unites-d-intervention-de-la-police-justifie-l-opposition-de-la-police-a-la-manifestation/1890-rtg-du-14-avril-2015-colonel-ansoumane-camara-baffoe-directeur-central-des-unites-d-intervention-de-la-police-justifie-l-opposition-de-la-police-a-la-manifestation>, accessed 25 July 2015.



Figure 2: Credit: Private - Police officer carrying a firearm during a demonstration in Ratoma, Conakry, on 13 April 2015.

The accounts of the police and the protestors differ on who first used force and how it was used. On the one hand, police officers told Amnesty International that security forces used force when protestors ignored their injunctions to disperse and started throwing stones. They clarified that the security forces taking part in operations to maintain public order only used anti-riot equipment, namely tear gas and batons. They insisted that they were not authorised to carry or use firearms, and that it was the responsibility of the commanding officer of the units deployed to ensure that the officers under his/her command complied with this rule. However, the police officers also noted that mobile patrols which are called to pursue and arrest protestors, such as the Anti-Crime Brigade and other specialised units, may carry firearms.

On the other hand, protest organizers, numerous eyewitnesses, medical staff, lawyers and photo and video footage collected by Amnesty International indicate that the security forces have on several occasions, during the protests organized in April and May 2015, carried firearms and used force, including lethal force, without giving prior warning. In many cases their response also appears to be excessive in that it went beyond the level necessary to contain any violence or that was proportionate to any harm it was meant to prevent, leading to both protestors and bystanders, including children, being injured and killed.

## UNLAWFUL KILLINGS AND INJURIES BY FIREARMS

A significant proportion of the deaths and injuries caused appear to be the result of gunshots.

During the demonstrations held in Conakry between April and May 2015, medical practitioners interviewed by Amnesty International recorded that at least 38 people – both protestors and bystanders – sustained gunshot injuries, including fractures of the limbs, transient wounds to the torso and other injuries. Out of the six people who were killed during the recent demonstrations, four died as a result of gunshot wounds. In many cases injured persons told medical staff that they had been shot at by the security forces.<sup>9</sup>

Souleymane Bah, 30 year-old restaurant owner and member of an opposition group was shot in the chest during a protest in the neighbourhood of Hamdallaye, Conakry, on 13 April 2015 and died on the way to a clinic.<sup>10</sup> Journalists who were covering events in the area told Amnesty International that there had been clashes between the security forces and some of the demonstrators in Hamdallaye on that day, and that the security forces were carrying firearms in the nearby neighbourhood of Ratoma.<sup>11</sup> Eyewitnesses told Souleymane Bah's family that he had no weapons, was not involved in the violence and that the shot came from the Gendarmes who were posted a few meters away.

An autopsy carried out on 16 April 2015 concluded that he died as a result of a “point blank shot to the thorax”. His family decided not to file a complaint. They told Amnesty International that they feared reprisal.

Bystanders were also among the victims shot by security forces. On 7 May 2015, Thierno Sadou Diallo, a 34 year-old welder, was killed when the gendarmerie raided his neighbourhood at around 7pm. He had spent the day with his friends in a calmer part of town, as there was a protest planned next to his house in Ratoma, Conakry, before returning home to be with his pregnant wife and two children.<sup>12</sup> One of his friends who witnessed his killing told Amnesty International:

*“We were outside of the house trying to understand why the gendarmes were coming to the neighbourhood so late. A group of five men wearing uniforms from the gendarmerie walked towards us. One was carrying a gun and started aiming at us. We got scared and ran into a side street to find refuge. They ran after us. We heard two shots, without any warning. The first bullet hit the wall just in front of us and the second hit Thierno in his lower back. We tried to take him to a nearby clinic, but the gendarmes were blocking the streets with their pick-ups. We forced our way past the road block and the gendarmes started firing at our car. When we finally reached the clinic, it was too late. He was already dead.”*

Thierno Sadou Diallo's family filed a complaint to the General Prosecutor on 8 May.<sup>13</sup> No one has been charged to date.

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<sup>9</sup> Amnesty International interviews with medical practitioners, Conakry, 2, 3, 4, 6 and 13 June 2015.

<sup>10</sup> Amnesty International phone interview with a relative of Souleymane Bah, 20 July 2015. Amnesty International has a copy of the autopsy report on file.

<sup>11</sup> Amnesty International interview with journalists, Conakry, 1 June 2015.

<sup>12</sup> Amnesty International interview with relatives of Thierno Sadou Diallo and eyewitnesses to the killing, Conakry, 13 June 2015.

<sup>13</sup> Amnesty International interview with the lawyer of Thierno Sadou Diallo's family, Conakry, 13 June

In another case, on 14 April 2015, a 12 year-old girl, Rouguiatou Baldé, was also the victim of a gunshot wound as she was sitting in her family courtyard in Dubréka, Conakry, having lunch with her family, including seven other children. Pick-up trucks full of security forces in anti-riot gear were speeding past the house as a demonstration was taking place a couple of blocks away. The family told Amnesty International, “the security forces were shooting tear gas canisters and live ammunition all over the place, including in the air and in people’s courtyards.”<sup>14</sup>

Rouguiatou Baldé was shot in her left foot. Her father immediately took her to a local clinic, but they did not have the necessary equipment to dislodge the bullet. At the National Hospital of Donka, the family was told that the hospital “did not accept people shot during the demonstrations.” She was eventually admitted in a private clinic where she stayed nine days and was discharged as other people injured during demonstrations had to be treated. The medical team considered they could not remove the bullet without the risk of causing additional damage to Rouguiatou Baldé’s foot.

Her family did not file a complaint as they told Amnesty International they could not trust the police or the authorities to follow-up on the complaint.



Figure 3: Credit: Amnesty International - X-ray showing the bullet lodged in Rouguiatou Baldé’s foot.

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2015. Amnesty International has a copy of the complaint the lawyer of the family submitted to the General Prosecutor.

<sup>14</sup> Amnesty International interview with Rouguiatou Baldé and her family, Conakry, 13 June 2015. Amnesty International has copies of the medical certificates and X-rays. Her name was changed for security reasons.

## INJURIES CAUSED BY MISUSE OF ANTI-RIOT EQUIPMENT

In addition to deaths and injuries through the use of firearms, a significant amount of injuries were sustained through the misuse of anti-riot equipment, including self-protection equipment, and police batons. Medical practitioners interviewed by Amnesty International recorded 37 other people who sustained fractures of limbs, head injuries and other injuries, which, according to the accounts given to the medical staff, were caused by the misuse of equipment such as batons used to hit people, tear-gas grenade canisters shot at point blank directly at people, and helmets also used to hit people.<sup>15</sup>

One protest organizer for an opposition group, Fodé Sow, was both beaten up and shot by police officers. He told Amnesty International that on 4 May 2015, he mobilised around 200 people in his neighbourhood in Matam, Conakry, to demonstrate in front of the town hall to call for the deposition of the mayor of Matam.<sup>16</sup>

As they marched from the headquarters of their political parties towards the town hall, chanting and holding placards, they were cordoned by two police vehicles who parked at about hundred meters before and behind them. Without giving any warning, the police officers fired tear gas at the demonstrators.

Fodé Sow recalled:

*“It was complete chaos. There was smoke everywhere. We could not breathe. Police officers ran after people as they tried to escape. I was caught in one of the side streets by a group of police officers. They started hitting me with batons on my face and on my back. I was protecting my face with my hands and I could not count them, but there were many. They were yelling “Why are you out in the street? Why are you challenging the state?” A group of women came out and started shouting at the police officers. The police officers left after telling me that next time I took to the street, they would kill me. I got up and tried to return home. I came across another police patrol in a pick-up truck at a distance. Some of the police officers were carrying firearms. I was shot in the left thigh and collapsed. Other demonstrators took me to a private clinic where I stayed two days for treatment.”*

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<sup>15</sup> Amnesty International interviews with medical practitioners, Conakry, 2, 3, 4, 6 and 13 June 2015. Amnesty International interview with the mother of a four year-old boy shot in the head with a tear-gas canister by the security forces on 4 May 2015 in Matam, Conakry, 6 June 2015. Amnesty International holds copies of medical certificates delivered to the family. Amnesty International interview with 12 year-old girl who was shot in the foot in her family courtyard by the security forces on 14 April 2015 in Dubréka, Conakry, 13 June 2015. Amnesty International holds copies of medical certificates and x-rays showing the bullet lodged in her foot.

<sup>16</sup> Amnesty International interview with Fodé Sow, 6 June 2015, Conakry. His name was changed for security reasons.



When he met with the Amnesty International delegation in June 2015, Fodé Sow had visible scars on his face and on his thigh. He decided not to file a complaint to the police as he felt it would not be dealt with seriously.

Bystanders were also caught up in the use of force. On 4 May 2015, as police officers were chasing demonstrators during a protest in Matam, 4 year-old Abdoul Bah was hit in the head with a tear gas canister.<sup>17</sup> His mother explained to an Amnesty International representative that she was having lunch with her three children on her doorstep when a group of young people coming from a demonstration site ran down their street, followed by a pick-up truck full of men in police uniform.

The police officers stopped their truck about 15 metres from their house and fired tear gas canisters down the street. Abdoul Bah was hit in the head causing a serious head injury and breathing difficulties. He stayed in hospital for a week and more than a month after the incident, he still required monthly medical examinations. His family did not file a complaint as they feared reprisals.



Figure 3 Credit: Amnesty International - Tear-gas canister used by the Guinean security forces during protests in April-May 2015. The security forces occasionally shot tear gas canisters on people's bodies causing injuries, as in the case of Abdoul Bah featured below.

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<sup>17</sup> Amnesty International interview with relatives of Abdoul Bah, Conakry, 6 June 2015. Amnesty International has copies of the medical reports. His name was changed for security reasons.

## ASSAULTS AND THREATS AGAINST THREE JOURNALISTS

Amnesty International is also concerned about reports that the security forces used arbitrary force against journalists covering demonstrations. Since the protests related to the electoral calendar have increased, various journalists and media have condemned the treatment that they have been subjected to, such as insults or beatings from members of law enforcement bodies whilst they have been reporting on the demonstrations.<sup>18</sup>

On 7 May 2015, Ibrahima Sory Diallo, Cellou Binani Diallo and Youssef Bah, went to Cosa, Conakry, to interview people about instances of excessive use of force by the gendarmerie and the police in the context of demonstrations. According to one of the journalists, they started documenting the scene as there were clashes between protestors and members of the police forces.<sup>19</sup> There were about 50 people at the demonstration site and some of the men were throwing rocks at the police forces. The police officers, who were wearing personal protective gear including helmets and shields, were also throwing stones and firing tear-gas canisters directly at people, injuring several protestors.

When the police officers noticed the presence of a cameraman amongst the journalists, they ordered him to stop filming and to hand over his equipment. The other journalists asked the police to stop. One of the police officers hit Cellou Binani Diallo with his helmet and four others punched and kicked Ibrahima Sory Diallo and took him to their pick-up before eventually letting him go. The police officers openly threatened the journalists, saying they were “moles” and that next time they would be killed.<sup>20</sup>

The next day, after several local organisations called on the government to hold the perpetrators of the assault to account, the Ministry of Security and Civil Protection announced disciplinary measures against two of the police officers involved, including a suspension. No information was provided about the other police officers involved in the attack. As of July 2015, no legal proceedings have been brought against any of the police officers.

One of the journalists told Amnesty International: “When the security forces are caught on film, the authorities have to react. They publish a statement of intent and impose minor administrative sanctions on some of the people involved. But this does not mean justice. Very few of the cases of excessive use of force and attacks against journalists are investigated and

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<sup>18</sup> Guinean Association of Online Press (Association guinéenne de la presse en ligne, AGUIPEL), Journalist Ibrahima Sory Diallo was assaulted by police officers: l'AGUIPEL condemns this barbaric act (Declaration), 9 May 2015, available at: <http://guineenews.org/declaration-de-laguipele-relative-a-lagression-journaliste-par-les-forces-de-lordre/>, accessed 25 August 2015.

<sup>19</sup> Amnesty International interview with a journalist, Conakry, 30 May 2015. Amnesty International interview with the director of a media outlet whose employee was injured by the security forces, Conakry, 1 June 2015.

<sup>20</sup> Video footage of the assault is available at: <https://www.youtube.com/watch?v=4VqwrwTEDA>, accessed 27 July 2015.



even fewer cases make it to an actual trial. They always find a way to get the security forces off the hook. In this context, why should we even bother filing complaints?”<sup>21</sup>

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<sup>21</sup> Amnesty International interview with a journalist, Conakry, 1 June 2015.

# A CALL TO ACTION

The deaths and injuries sustained during the demonstrations in April and May 2015, in addition to Guinea's history of violence and human rights violations, clearly show that much remains to be done to ensure the right to freedom of peaceful assembly and prevent the excessive use of force by security forces. The electoral period in 2015 is clearly a key moment where actions need to be taken both to prevent further violence in the short term and to ensure the full respect of human rights into the future.

In light of Amnesty International's research on demonstrations in Guinea over the last decade, specifically on the excessive and arbitrary use of force by security forces against demonstrators, and taking into consideration the shortcomings of Guinea's legislative framework with regards to international human rights law and standards, Amnesty International calls upon all relevant actors in the country to implement the recommendations laid out below in order to facilitate the right to peaceful assembly, prevent the excessive use of force by security forces, and ensure accountability for human rights violations.

These recommendations identify key actions that should be taken, international law and standards that must be respected, before the election period, and others that should be enacted once a new government is in place. We call on candidates in the election to publicly support these goals before, during and after the elections, in addition to encouraging their supporters to refrain from violence.

## 1. PROTECT THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY AND FACILITATE PROTESTS, INCLUDING SPONTANEOUS PROTESTS

The right to freedom of peaceful assembly, and the closely related rights of freedom of association and freedom of expression, are enshrined in human rights treaties to which Guinea is a party, including the International Covenant on Civil and Political Rights (ICCPR)<sup>22</sup> and the African Charter on Human and Peoples' Rights (Banjul Charter).<sup>23</sup> As the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association (hereafter the UN Special Rapporteur), Maina Kiai, has underlined, this means that states have a positive obligation under international human rights law not only to actively protect peaceful assemblies, but to facilitate the exercise of the right to freedom of peaceful assembly.<sup>24</sup>

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<sup>22</sup> International Covenant on Civil and Political Rights (ICCPR), available at:

<https://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf>, (accessed 20 August 2015), articles 21 and 25.

<sup>23</sup> African Charter on Human and Peoples' Rights (also known as the Banjul Charter), available at: [http://www.achpr.org/files/instruments/achpr/banjul\\_charter.pdf](http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf), accessed 20 August 2015, article 11.

<sup>24</sup> Report to the Human Rights Council of the UN Special Rapporteur on the rights to Freedom of Peaceful Assembly and of association, Maina Kiai, A/HRC/20/27, May 2012, available at: [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf), accessed 20 August 2015, para27; and the Summary of the Human Rights Council high-level panel discussion to commemorate the 20<sup>th</sup> anniversary of the adoption of the Vienne Declaration and

International law permits the exercise of these rights to be subject to certain restrictions, but only if such restrictions are provided by law, and are for the purpose of protecting certain public interests or the rights and freedoms of others, and are demonstrably necessary for that purpose.<sup>25</sup> The burden of proof falls on the state, and the UN Special Rapporteur has repeatedly stressed that isolated acts of violence or other punishable acts committed by others do not deprive peaceful individuals of their right to freedom of peaceful assembly, and that “public assemblies should be presumed to be peaceful and lawful, until proven otherwise.”<sup>26</sup>

Although there is some protection of the right to peaceful assembly under Article 10 of Guinea’s Constitution, which provides that “every citizen has the right to protest and take part in processions”<sup>27</sup> the country’s current legal framework, including the Criminal Code<sup>28</sup> and the recently-adopted Law on Maintaining Public Order<sup>29</sup>, place restrictions on freedom of assembly which go beyond those permissible under international law.

For instance, all assemblies in public places require written prior notification to the local authorities three days in advance, except when they are in line with local social practices (religious, sporting and traditional events). Punishments for organizing or calling to join an un-notified or prohibited assembly include fines up to 1 million Guinean Francs (about 122 Euros) or up to five years imprisonment.<sup>30</sup> Amnesty International believes that the prior notification requirement amounts in practice to a requirement for authorisation.

The UN Special Rapporteur has explicitly stressed that no authorisation should be required to assemble peacefully. At most a regime of prior notification would allow state authorities to facilitate the exercise of the right whilst taking measures to ensure public safety and order and the rights and freedoms of others, but only for large assemblies or those where a certain degree of disruption is anticipated, with a recommended maximum notice requirement of 48 hours. Further, spontaneous assemblies should be recognized in law, and exempted from prior notification. The Rapporteur has also stressed that if organizers of an assembly have failed to notify the authorities, it should not be dispersed automatically and the organizers should not, simply on this account, be subject to criminal or administrative sanctions

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Programme of Action, A/HRC/23/29, May 2013, available at:  
[http://www.ohchr.org/Documents/HRBodies/SP/AMeetings/20thsession/SummaryHLPaneldiscussionVDPA\\_item5.pdf](http://www.ohchr.org/Documents/HRBodies/SP/AMeetings/20thsession/SummaryHLPaneldiscussionVDPA_item5.pdf), accessed 20 August 2015, para 49.

<sup>25</sup> ICCPR, Article 21. Banjul Charter, article 11.

<sup>26</sup> Summary of the Human Rights Council high-level panel discussion, A/HRC/23/39, para 50; and Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/26/29, April 2014, available at:

[http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A\\_HRC\\_26\\_29\\_ENG.Doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A_HRC_26_29_ENG.Doc), accessed 20 August 2015, para 45.

<sup>27</sup> Constitution of the Republic of Guinea, article 10. The closely related rights to freedom of expression and freedom of association are guaranteed respectively under articles 7 and 10.

<sup>28</sup> Criminal Code, Law N°98/036 of 31 December 1998, articles 106-122

<sup>29</sup> Law on Maintaining Public Order in the Republic of Guinea, N°2015/009/AN of 4 June 2015.

<sup>30</sup> Criminal Code, Law N°98/036 of 31 December 1998, articles 106, 109 and 121.

resulting in fines or imprisonment.<sup>31</sup> Yet, Guinean laws make no provision for spontaneous assemblies.

Under Guinea's Criminal Code and the Law on Maintaining Public Order, an assembly is also prohibited and can be dispersed on vague grounds, which can be easily misused, for instance when the assembly "may undermine public tranquility" or if one person in the assembly is thought to be carrying or concealing a weapon.<sup>32</sup> However, the violent or unlawful actions of one or a few individuals should not be used by itself as a reason to disperse an assembly or declare it prohibited.<sup>33</sup>

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<sup>31</sup> Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/23/39/Add.1, available at:

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-39-Add1\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-39-Add1_en.pdf), accessed 20 August, para51 and 52; Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27, para28 and 91

<sup>32</sup> Criminal Code, Law N°98/036 of 31 December 1998, article 110.

Law on Maintaining Public Order in the Republic of Guinea, N°/2015/009/AN of 4 June 2015, article 34.

<sup>33</sup> Reports of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/23/39/Add.1, June 2013, para49; and, A/HRC/20/27, para93. See also the Human Rights Council resolution on The Promotion and Protection of human rights in the context of peaceful protests, A/HRC/RES/25/38, March 2014, available at:

<http://www.ohchr.org/Documents/Issues/Executions/A-HRC-RES-25-38.pdf>, accessed 20 August 2015, p3: "Recalling that isolated acts of violence committed by others in the course of a protest do not deprive peaceful individuals of their rights to freedom of peaceful assembly, of expression and of association".



Figure 4: Credit: Private – Two demonstrators arrested by Police officers in anti-riot gear in Dixinn, Conakry, on 14 April 2015.

Under Guinea's Criminal Code, refusing to disperse from an assembly when ordered to do so by the competent authority is a crime which carries a prison term of two to three years, in addition to the possible suspension between one to five years of other civic rights, such as the right to vote or to be elected to a public office or to work in public administration.<sup>34</sup>

The consequences have been significant in practice. Over the five days of protests organized in April and May 2015, hundreds of people were arrested in the context of demonstrations, many arbitrarily, using the vague clauses on participating in public gatherings which may undermine public tranquillity. Amnesty International obtained copies of the court decision in 147 subsequent prosecutions. Of these cases, 94 people were sentenced to prison terms of up to eight months, with 92 of whom were prosecuted for participating in public gatherings, only one prosecuted for carrying a weapon and none for assaulting the security forces or bystanders. According to the court decisions and the explanations provided by the demonstrators' lawyers, the element the courts considered during the proceedings is the fact that the people were arrested on or close to unlawful gathering sites, rather than demonstrating that they failed to disperse when ordered to do so by the security forces

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<sup>34</sup> Criminal Code, Law N°98/036 of 31 December 1998, article 111.

despite the provisions of the Criminal Code to that effect. Many men and women were found guilty even when the Courts referred to the peaceful character of these gatherings<sup>35</sup> and to the ill-treatment that people were subjected during their arrests. For instance, the Tribunal of First Instance of Dixinn reported in its court decision that the gendarmes “hit” and “trampled” a woman arrested on 13 April 2015 and that police officers “pounced on” and “beat” a man arrested on the same day while asking him to “surrender his belongings”.<sup>36</sup> Similarly, the Tribunal of First Instance of Conakry II reports that a man arrested on 14 April 2015 was “beaten-up and stripped of his telephone and 70 000 Guinean Francs” (approximately 8 euros) and noted that his back was still covered with injuries at the time he was presented to the Court.<sup>37</sup> This raises serious concerns about the arbitrary character of the arrests carried out in the context of recent demonstrations and the fairness of subsequent trial proceedings.

The legal framework surrounding assemblies in Guinea clearly needs reform by the next government. In the meantime, to respect the human rights of everyone in Guinea to participate freely and safely in exercising their rights to freedom of expression and of peaceful assembly in the period prior to and during the forthcoming elections, the Guinean authorities must take the following steps.

#### RECOMMENDATIONS FOR IMMEDIATE ACTION

Amnesty International asks that Guinean authorities send a circular to the local authorities and security forces to remind them of the following:

- Guinea has a positive obligation to protect and facilitate assemblies; any decision to disperse an assembly must be in line with the principles of necessity and proportionality and only for the reasons permitted under international human rights law;
- Any order to disperse must be clearly communicated and explained, so as to obtain, as far as possible, the understanding and compliance of the demonstrators, and sufficient time must be given for them to disperse;
- Assemblies should not be banned or dispersed simply because they have not complied with prior notification requirement. Failure to comply with prior notification requirement should not, on its own lead to the arrest of organizers or participants.
- Assemblies should not be banned or completely dispersed because of the violent behaviour of a few individuals. Individuals who have not committed or encouraged any violent act should not face detention or prosecution even if others in the assembly become violent or disorderly.

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<sup>35</sup> Decision 212 of the Tribunal of First Instance of Conakry II, dated 23 April 2015, states that the men presented to the court were arrested during “peaceful protests organized by the opposition.” Decision 213 of the Tribunal of First Instance of Conakry II, dated 27 April 2015, refers to “peaceful demonstrations” called by the opposition.

<sup>36</sup> Decision 203 of the Tribunal of First Instance of Dixinn, dated 15 April 2015.

<sup>37</sup> Decision 212 of the Tribunal of First Instance of Conakry II, dated 23 April 2015.

Additionally, Amnesty International recommends that when organising protests, political groups refrain from instigating, encouraging or perpetrating political violence and take all the necessary steps to ensure their supporters will remain peaceful.

#### RECOMMENDED ACTIONS FOR THE FUTURE GOVERNMENT

The future Guinean government must amend legal provisions in the Criminal Code and the Law on Maintaining Public Order, which arbitrarily restrict the right to freedom of peaceful assembly and ensure that any restriction placed on these rights are only such as are demonstrably necessary and proportionate for one of the grounds expressly identified in international human rights law. This includes:

- Removing provisions of the Criminal Code that criminalize participation in peaceful demonstrations;
- Removing provisions which criminalize peaceful participants in assemblies on the grounds of the violent or criminal behaviour of a few other participants, or on vague or poorly defined grounds such as possible threats to “public tranquillity”;
- Including an exemption from the prior notification requirement in the case of spontaneous demonstrations.

## 2. PREVENT THE SECURITY FORCES USING EXCESSIVE AND ARBITRARY FORCE DURING DEMONSTRATIONS

The importance of security forces fully respecting international law and standards on the use of force and firearms is evident given the record of killings and injuries perpetrated by security forces during demonstrations in recent years in Guinea.

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (hereinafter referred to as the Basic Principles) outline practical measures to be taken by governments and law enforcement agencies to ensure compliance with international human rights law with regard to the right to life and personal integrity and other human rights. These require that police officers must, as far as possible, apply non-violent means before resorting to the use of force, and whenever the lawful use of force is unavoidable they must use it with restraint and in proportion to the seriousness of the law enforcement objective, and must ensure that assistance and medical aid are rendered at the earliest possible moment to anyone injured or affected.<sup>38</sup>

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<sup>38</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted at the 8<sup>th</sup> United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, September 1990, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>, accessed 20 August

The Basic Principles stipulate that in dispersing assemblies that are unlawful but non-violent, the security forces must avoid using force or, if that is not practicable, must restrict it to the minimum necessary.<sup>39</sup> If force is used, security forces must differentiate between those who are acting violently and those who are not, and it is not legitimate to disperse a demonstration simply because some protesters are committing acts of violence.<sup>40</sup> Arbitrary or abusive use of force by members of the security forces must also be punished as a criminal offence.<sup>41</sup>

Article 110 of Guinea's Criminal Code, setting out a legal framework on the use of force by police officers in relation to dealing with public gatherings,<sup>42</sup> falls short of international law and standards. For example there is no clear stipulation that security forces pursuing a lawful law enforcement objective, should use non-violent means where at all possible. It contains express provision for the security forces to use force for the purpose of "holding positions". It contains no reference to the principles of legality, proportionality, necessity and accountability as legal safeguards against arbitrary and abusive use of force. It simply refers to the use of force generally, without reference to the principle that, if force is found to be necessary, the security forces should always seek to restrict its use to the minimum possible for the particular purpose. The vague, broad and general terms in which Article 110 is formulated opens the way to a risk of excessive and arbitrary use of force.

The Guinean authorities recently complemented the Criminal Code with the Law on Maintaining Public Order enacted in June 2015.<sup>43</sup> This law takes some important steps towards bringing Guinean law into line with international standards, including by clarifying that maintaining public order is primarily the responsibility of the civilian police and it expressly states that the armed forces operate under civilian authority.<sup>44</sup> It also refers to the principles of proportionality and necessity. If implemented, these measures could help to reduce human rights violations and in particular the unnecessary or excessive use of force.

However, a number of fundamental issues remain unresolved that could – in addition to the

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2015, principle 4.

<sup>39</sup> Basic Principles, principle 13. See also Human Rights Council resolution 22/10, March 2013, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/22/10](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/22/10), accessed 20 August 2015, para7, calls upon states to "avoid using force during peaceful protests and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force."

<sup>40</sup> Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27, para25.

<sup>41</sup> Basic Principles, principle 7.

<sup>42</sup> Criminal Code, Law N°98/036 of 31 December 1998, article 110.

<sup>43</sup> Law on Maintaining Public Order in the Republic of Guinea, N°2015/009/AN of 4 June 2015. Prior to the enactment of the Law on Public Order, the Guinean authorities had adopted a number of regulations to provide some safeguards against arbitrary and abusive force, including:

- Code of Deontology of the National Police, Decree D/98/15/PRG/SGG of 11 August 1998;
- Code of Conduct of the Defence Forces, Decree D/289/PRGSGG/2011 of 28 November 2011.

<sup>44</sup> See also: Code of Conduct of the Defence Forces, Decree D/289/PRGSGG/2011 of 28 November 2011. The Law on Maintaining Public Order provides more details about the roles of the police, gendarmerie and armed forces in operations to maintain public order.



restrictions on freedom of assembly mentioned earlier - continue to make the excessive use of force a serious risk during elections. For instance, the Law on Maintaining Public order does not revise the legal basis for the use of force as set out in the Criminal Code. The principles of legality, necessity and proportionality in the exercise of force and use of firearms – central to international standards - are simply referenced in a general way and no details are given as to what they mean in practice. For instance, Article 45 states that security forces should “give preference” to the use of non-violent means before resorting to the use of force and possibly firearms. This is vague and the law contains no statement of the positive obligation of the security forces not to use force unless non-violent means are unsuccessful. Nor does the law contains any provisions reflecting Basic Principle 9, that law enforcement officials must not use firearms except in defence of themselves or others against the imminent threat of death or serious injury, or to prevent the perpetration of a particularly serious crime involving grave threat to life, and only when less extreme means are insufficient to achieve these objectives.

#### RECOMMENDED ACTIONS BEFORE THE ELECTIONS

Amnesty International recommends that authorities send a clear circular to the security forces reminding them that:

- The primary responsibility of the security forces policing assemblies is to facilitate assemblies so as to respect, protect and ensure the rights to freedom of expression and peaceful assembly and association, and that any actions taken by law enforcement agents must respect and protect the rights to life, liberty, personal security and physical integrity;
- If there is violence in the context of an assembly and if the use of force is unavoidable, for example to protect themselves, participants, or bystanders against violence, the security forces must use only the minimum level of force necessary to contain the situation and must comply with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- If a minority in an assembly is carrying out acts of violence, the security forces must respond in a differentiated and proportionate manner and respect and protect the right to peaceful assembly of those who are demonstrating peacefully;
- Human rights defenders and journalists must be able to carry out their work without unwarranted interference, including to record and disseminate information about demonstrations and the actions of both security forces and protestors;
- Hand-held batons and similar impact equipment should not be used against people who are unthreatening and non-aggressive, including individuals who are dispersing from demonstration sites. Where their use is unavoidable, security forces must avoid causing serious injury; baton blows aimed at the head, neck and throat, spine, lower back, solar plexus, knees and ankles and vital parts of the body should be prohibited;
- Tear gas canisters should be used in a responsible way to mitigate the risk of unnecessary or arbitrary injury or other harm. Direct firing of any projectile or grenade against

a person is prohibited. Grenades and wide area use of chemical irritants should only be used when the level of violence has reached such a degree that security forces cannot contain the threat by directly targeting violent persons only.

- Firearms must not be used as a weapon for crowd control. Law enforcement officials must not use firearms except in defence of themselves or others against the imminent threat of death or serious injury, or to prevent the perpetration of a particularly serious crime involving grave threat to life, and only when less extreme means are insufficient to achieve these objectives.

#### RECOMMENDED ACTIONS FOR THE FUTURE GOVERNMENT

Amnesty International calls upon the future Guinean government to:

- Bring the Guinean legal framework on the use of force into line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. This includes revising the legal basis for the use of force and establishing clear rules for the use of force by the security forces in the context of policing demonstrations in accordance with the principles of legality, necessity and proportionality, as well as accountability;
- Provide security forces with sufficient resources to police large scale or hostile demonstrations and counter-demonstrations and effective training in the appropriate and differentiated use of force and weapons, including anti-riot equipment.

### 3. ENSURE FULL ACCOUNTABILITY FOR ALL HUMAN RIGHTS VIOLATIONS COMMITTED BY SECURITY FORCES

International human rights law requires that all allegations of excessive use of force leading to injuries and loss of life are promptly, impartially and independently investigated, that victims have access to an effective remedy and receive reparation, and that those responsible are brought to justice.<sup>45</sup> As noted by the UN Special Rapporteur on extra-judicial, summary or arbitrary executions, “the failure of the State to properly investigate cases of death following the use of force is a violation of the right to life itself.”<sup>46</sup> The African Commission has also stressed “that accountability and the oversight mechanisms for policing forms the core of democratic governance and is crucial to enhancing rule of law and assisting in restoring public confidence in the security forces; to develop a culture of human rights, integrity and

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<sup>45</sup> ICCPR, article 2. Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13, March 2004, available at: <https://www1.umn.edu/humanrts/gencomm/hrcom31.html>, accessed 20 August 2015.

<sup>46</sup> Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions, Christof Heyns, Human Rights Council, Twenty-fifth session, A/HRC/26/36, April 2014, available at: [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-36\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-36_en.doc), accessed 20 August 2015, para79.

transparency within the security forces; and to promote a good working relationship between the police, the gendarmerie and the public at large.”<sup>47</sup>

The Basic Principles sets out key principles of reporting procedures and accountability, in particular that arbitrary or abusive use of force and firearms by law enforcement officials must be punished as a criminal offence. But Guinea has failed to implement some of the Basic Principles relating to accountability. For instance, the provisions of the Criminal Code and Criminal Procedure Code are insufficient to cover instances of arbitrary and excessive use of force by members of the security forces and the failure of their hierarchy to prevent such instances from occurring when they had an opportunity to do so.<sup>48</sup> The reporting requirements set out in the Law on Maintaining Public Order are weak and limited to use of firearms<sup>49</sup>, when they should be extended to any use of force leading to injury or death. There are also no independent oversight mechanisms for law enforcement agencies.

This lack of accountability for human rights violations committed by security forces in the context of demonstrations is not new. There are striking examples in Guinea’s recent history where accountability has been limited with regards to large-scale violations including, the killing of 135 protestors calling for the departure of former President Lansana Conté in January and February 2007;<sup>50</sup> the stadium massacre in Conakry in 28 September 2009 when security forces, including the military, opened fire on opposition protestors killing over 150 people and injuring at least 1,500;<sup>51</sup> and the killing of at least nine people and wounding of 40 others during opposition protests ahead of the 2013 legislative elections.<sup>52</sup>

While there has been some progress towards prosecuting those suspected of being responsible for the events of 28 September 2009 to justice, most recently with the indictment after almost six years of the relevant senior leaders,<sup>53</sup> the majority of human rights violations committed in the context of demonstrations, including the cases identified in this report, have not been adequately investigated and none of the suspected perpetrators brought to justice. In a report published in February 2015, the Office of the UN High Commissioner for Human Rights concluded that the efforts to put an end to impunity in Guinea were “very

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<sup>47</sup> African Commission on Human and Peoples’ Rights, Resolution on police reform, accountability and civilian police oversight in Africa, 40th Ordinary Session held in Banjul, The Gambia, November 2006, available at: <http://www.achpr.org/sessions/40th/resolutions/103a/>, accessed 20 August 2015.

<sup>48</sup> Basic Principles, principle 7.

<sup>49</sup> Code of Conduct of the Defence Forces, Decree D/289/PRGSGG/2011 of 28 November 2011, article 34. Law on Maintaining Public Order in the Republic of Guinea, N°2015/009/AN of 4 June 2015, article 45.

<sup>50</sup> Amnesty International, Guinea: Submission to the UN Universal Periodic Review: Eighth session of the UPR Working Group of the Human Rights Council (AI Index: AFR 29/007/2009), available at <https://www.amnesty.org/en/documents/AFR29/007/2009/en/>

<sup>51</sup> Amnesty International, Guinea: “You did not want the military, so now we are going to teach you a lesson”: the events of 28 September and their aftermath (AI Index: AFR 29/001/2010), available at <https://www.amnesty.org/fr/documents/AFR29/001/2010/en/>

<sup>52</sup> Amnesty International, Annual Report 2013: Guinea (AI Index POL 10/001/2013), available at: [http://files.amnesty.org/air13/AmnestyInternational\\_AnnualReport2013\\_complete\\_en.pdf](http://files.amnesty.org/air13/AmnestyInternational_AnnualReport2013_complete_en.pdf)

<sup>53</sup> Moussa Dadis Camara, former head of the Guinean junta was indicted on 8 July 2015. Mamadouba Toto Camara, Minister of Public Security and Civilian Protection, was indicted in June 2015.

limited” noting that “an important number of human rights violations involving officers of the army and gendarmerie remain unpunished.”<sup>54</sup>

#### RECOMMENDED ACTIONS BEFORE THE ELECTIONS:

Amnesty International calls upon Guinean authorities to take the following urgent actions:

- Take immediate steps to ensure thorough and impartial investigations on the violations reported in this briefing and, if there is sufficient admissible evidence, prosecute those responsible in trials which comply with international fair trial standards;
- Send a clear circular to the security forces reminding them that human rights violations in the context of operations to maintain public order, including excessive use of force, torture and other ill-treatment will not be tolerated and will be treated as criminal offences.

#### RECOMMENDED ACTIONS FOR THE FUTURE GOVERNMENT

Amnesty International also calls upon the future Guinean government to revise Guinean laws on law enforcement to ensure that they meet the accountability requirements set out in international law and standards, specifically in the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, including by:

- Ensuring that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence. Commanding officers should be held responsible if they failed to prevent the arbitrary or abusive use of force when they had an opportunity to do so. The law should clarify that orders may not serve as an acceptable defence;
- Ensuring that any use of force by law enforcement officials be reported and subject to review. Where such review indicates that there may have been excessive use of force, or if there are such allegations, there must be a prompt, independent and impartial investigation. If the investigation finds that there has been excessive use of force, those responsible must be subject to criminal and disciplinary proceedings as appropriate;
- Establishing an independent and adequately resourced law enforcement oversight mechanism to review regulations and practices within law enforcement agencies. It should have powers to conduct its own investigations and, based on its findings, to issue recommendations for prosecutions, disciplinary sanctions and reparation. The mechanism should be easily and directly accessible to those wishing to make a complaint and should

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<sup>54</sup> Office of the High Commissioner for Human Rights, Annual report of the High Commissioner of Human Rights on the human rights situation in Guinea, presented to the Human Rights Council, February 2015, A/HRC/28/50, available at: [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A\\_HRC\\_28\\_50\\_fr.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_50_fr.doc), para44-45.

provide for appropriate witness protection. The mechanism should also be accountable to the legislature and issue regular reports on its performance.

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