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**AMNESTY
INTERNATIONAL**



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GUINEA: SUBMISSION TO THE HUMAN RIGHTS COMMITTEE, LIST OF ISSUES

Amnesty International provides the below information to the United Nations (UN) Human Rights Committee (the Committee) ahead of the adoption of the list of issues for the fourth periodic report of Guinea at its 122nd session.

The bibliography set-out in Annexe 1 lists the recent publications of Amnesty International, covering its key concerns about violations of the International Covenant on Civil and Political Rights, and in particular with regard to:

- The **death penalty** (art.6); The revised Criminal Code abolished the death penalty for ordinary crimes. Over the last three years, the Guinean authorities failed to provide a consistent figure about the number of individuals held under a death sentence and it was unclear whether these death sentences had been commuted. The Military Code of Justice still provided for capital punishment for exceptional crimes, including treason and revolt at time of war or state of emergency. In June, the National Assembly adopted a new Military Code of Justice, which if promulgated would effectively abolish the death penalty. The Code also contained provisions that could undermine the rights to fair trial and justice, including by allowing the trials of civilians before military courts. As of December 2017, it was unclear if and when the new Military Code of Justice has been promulgated.
- **Freedom of peaceful assembly (art. 21), the right to life (art. 6) and torture or to cruel, inhuman or degrading treatment or punishment (art. 7)**: over the last seven years, Amnesty International has documented at least 70 people killed during protests and scores of people injured with live ammunition, tear gas canisters, batons and other less-lethal equipment. The security forces have also arrested human rights defenders and journalists who had organized sit-ins and brought charges against them.
- **Freedom of expression and opinion (article 19)**; Amnesty International continues to document beatings and arbitrary detention of journalists, human rights defenders and others expressing dissent. In 2017 alone, at least 20 people were believed to have been arrested solely for exercising their right to freedom of expression and at least 20 journalists were subjected to violence from the security forces during a peaceful protest.
- **Accountability for past abuses (article 2)**; There was progress in the trial relating to the killing of over 150 peaceful demonstrators and the rape of at least 100 women in the Conakry Stadium in 2009. In March, Abubacar Diakité was extradited to Guinea from Senegal after being at large for several years, and faced charges in connection with the Stadium event. He was the former aide to Moussa Dadis Camara (leader of the military junta in 2009). Several

people charged in connection with the killings and rapes retained influential positions, including Mathurin Bangoura, Moussa Tiégboro Camara and Claude Pivi who were senior officials in the military junta at the time. In November, the investigating judges announced that the judicial investigation had completed; however, none of the suspected perpetrators were brought to trial by the end of the year. There was no progress in the judicial proceedings against security force members for the human rights violations, including killings and rapes, committed during demonstrations in Conakry between 2011 and 2017, in Zogota in 2012 and during the occupation by the security forces of the village Womey in 2014.

- **The prohibition of torture and other ill-treatment and fair trial guarantees (articles 7 and 14);** Amnesty International continues to document cases of torture and other ill-treatment, including to extract confessions or as punitive measures. In 2016, the revised Criminal Code criminalized torture and made it punishable by up to 20 years' imprisonment. However, some acts defined as torture under international law, including rape, electric shocks, burns, holding in stress positions, sensory deprivation, mock executions and simulated drowning, were classified as "inhuman and cruel" treatment, for which no penalties were specified.
- **The prohibition of discrimination (article 26), particularly on the grounds of gender, gender identity and sexual orientation.** The Criminal Code revised in 2016 criminalizes early and enforced marriage, raising the legal age for marriage to 18. However, ambiguity remains as the Code refers to "marriage according to custom" for children aged 16. Guinea has one of the highest rates of child marriage in the world, with three in five girls married before the age of 18, according to the latest study by the UN Population Fund (UNFPA). The Code also maintained the criminalisation of "unnatural acts", namely sexual acts between consenting adults of the same sex. Amnesty International has documented at least two individuals receiving a court sentence for "unnatural acts". While polygamy remains prohibited under the Civil Code, MPs have been considering revising the Civil Code to legalise the practice.

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