

GUINEA

@Does the political will exist to improve human rights?

INTRODUCTION

When he came to power after a coup d'état in 1984, President Lansana Conté promised in particular to promote human rights which his predecessor Ahmed Sékou Touré, who died in April 1984, had constantly flouted. A year after President Conté had come to power, however, there were new reports of practices that had been widespread in Guinea up to 1984 but that had been felt to have come to an end: Guinea was again marked by extrajudicial executions, "disappearances", torture and arbitrary arrests.

This report, drafted following a fact-finding mission in March and April 1995, reviews the human rights situation, in particular arbitrary arrests of opponents, students and trade unionists, killings of peaceful demonstrators which could amount to extrajudicial executions, capital punishment, a number of deaths in detention resulting from torture and poor prison conditions and the conduct of the prison authorities who have handed over prisoners to angry crowds. While this report also notes that the Guinean authorities have taken some human rights measures which could be a step in the right direction if they are strictly applied, on the other hand it notes they have failed to tackle the root causes of these violations, in particular impunity.

At a time when the period of transition is coming to an end and a newly elected Assembly has just taken office, Amnesty International calls upon the authorities to investigate those human rights violations committed in the past and to take all the measures needed to put an end to these violations. It asks that impunity be ended in Guinea and that those responsible for human rights violations be brought to justice, thereby helping prevent new violations. It is for this purpose that Amnesty International is submitting a number of recommendations to the Guinean authorities which, if they were to be implemented, would help to safeguard and promote human rights and to establish the rule of law.

THE POLITICAL CONTEXT

The promises that President Conté made when he came to power in 1984 seemed to mark the beginning of a new era in Guinea. It soon became evident, however, that the international community's hopes were to be short-lived and that there was a serious threat to the freedoms for which thousands of Guinean people had risked their lives.

Just over a year after President Conté came to power, there were new reports of extrajudicial executions, torture and arbitrary arrests. While there were no new reports of detention centres such as Camp Boiro where several detainees were subjected to a "diète noire"¹ until they died (see the Amnesty International report *Guinée: Emprisonnement, "disparitions" et assassinats politiques en République populaire et révolutionnaire de Guinée* published in 1982), the practices carried on at these centres resurfaced elsewhere, for instance at Kindia, in Basse Guinée, some hundred or so kilometres from the capital. In a radio and television broadcast in July 1985, some days after an abortive coup d'état during which several people, including military personnel, were arrested, President Conté publicly demonstrated his contempt for human rights: "We said in the past

¹"diète noire" - total deprivation of food and water until death

that blood would not flow again in Guinea. We have detained former leaders in prison so that they can be tried. Human rights, rights of women, rights of children, rights of this and that, it is over in Guinea. Those in Kindia, and I say this loudly and clearly because everyone knows that they are there, will draw their last breaths today". Thirty to 40 people arrested in April 1984 and after the abortive coup d'état in July 1985 were extrajudicially executed. All freedoms have continued to be under close surveillance throughout President Conté's term of office.

Amnesty International has written to the Guinean authorities on several occasions expressing its deep concern that there has been no serious investigation of the human rights violations reported in Guinea, in particular extrajudicial executions and killings of demonstrators by the security forces which could amount to extrajudicial executions. Amnesty International has also informed the authorities of its concern about deaths in detention following torture and the authorities' failure to investigate these deaths despite their obligations under the terms of the United Nations' Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ratified by Guinea in 1989. Amnesty International's appeals have, however, gone unheeded.

The policy of a single-party system - leaving no scope for freedom of expression - was followed for over six years. Gradual change has taken place since 1990, in particular the adoption of a new Constitution which mentions the protection of human rights.

Further constitutional changes took place in 1993 and 1995 when presidential and legislative elections were held. President Conté won a controversial victory in the first multi-party presidential elections held in Guinea in December 1993. According to international observers, the elections were tainted by many irregularities as votes for the opposition in some constituencies, especially in Upper Guinea, were invalidated in order to avoid a second ballot.

The period of democratic transition, starting in 1990, was completed in June 1995 when legislative elections were held.

An Amnesty International report published in 1991 and entitled *Republic of Guinea: Amnesty International's concerns since April 1984*, details a whole range of human rights violations perpetrated systematically in Guinea after the death of President Ahmed Sékou Touré: "disappearances", long-term detention of opponents, use of torture and suspicious deaths in detention. Amnesty International has received no reply to its appeals to the Guinean authorities to investigate violations that have been committed and to bring those responsible to justice in order to put an end to the phenomenon of impunity.

During the fact-finding mission to Guinea in March and April 1995, Amnesty International representatives established that certain human rights violations were continuing, in particular arbitrary arrests of political opponents, students and trade unionists, killings of peaceful demonstrators which could amount to extrajudicial executions, capital punishment and a number of deaths in detention due largely to torture and bad prison conditions and also to the collusion of the prison authorities who have allowed several lynchings by angry crowds.

HUMAN RIGHTS VIOLATIONS SINCE THE ADOPTION OF A NEW CONSTITUTION IN 1990

1. Arbitrary arrests of political opponents

Following the seizure of power by the military in 1984, the army reigned supreme and the policy in force since the creation of the one party system in 1958 was followed to the letter by President Conté. Opposition attempts to gain a foothold in Guinea were systematically repressed by the authorities who regularly arrested opponents arbitrarily, alleging, falsely, that they possessed arms.

Demands from associations and opposition parties for a multi-party system meant, however, that the authorities were forced to introduce reforms, including the adoption of a Constitution which in particular contains provisions on the protection of human rights.

Although the 1990 Constitution enshrines the right to freedom of association and to establish political parties², the Guinean authorities have continued to adopt an intolerant attitude towards certain political opposition groups and have frequently imposed harsh restrictions on opponents' civil and political rights.

Amnesty International is concerned that over the last five years activists from the main opposition parties have often been severely beaten and arbitrarily arrested by the security forces. Retaliatory measures have also been proposed, notably by a senior officer of the Gendarmerie (a para-military police force), against officials whose opinions differed from those of the party in power. In an official letter sent to his superiors in January 1995, the officer from Kissidougou, in Guinée forestière, recommended the dismissal of at least 35 civil servants all belonging to the *Rassemblement du peuple de Guinée* (RPG), the Guinean People's Rally, whose departure, he wrote, would be beneficial for the *Parti de l'unité et du progrès* (PUP), Party of Unity and Progress, President Conté's party, in Kissidougou. In 1994, Abdouramane Baldé, secretary general of the *Parti du renouveau et du progrès* (PRP), the Party of Renewal and Progress, in Koyin, was transferred 650 kilometres away from his home in Koyin to Boffa in Basse Guinée and his family was unable to follow him there.

In the Guinée forestière and Haute Guinée regions, both of which are considered to be pro-opposition, RPG and PRP activists have regularly been intimidated, especially during the period leading up to the legislative elections. The leaders of these two political groups have often been prevented from holding public meetings in some places in Haute Guinée. In Faranah in April 1995 and in Kankan in May 1995, for instance, the Prefects refused to allow these two parties to hold public meetings, claiming that they were following instructions.

² Article 10 of the Guinean Constitution: "All citizens shall have the right to demonstrate and march. All citizens shall be entitled to form associations and organisations so that they may collectively exercise their rights and organise political, economic, social and cultural activities".

In January 1995, in Gaoual in Moyenne Guinée, at least 14 PRP activists were arrested for their opinions and taken to the regional capital Boké where they were imprisoned. Following the threat of a demonstration, the security forces released them without charge.

In April 1995, at Nzérékoré in Guinée forestière, on the day following an RPG meeting, the security forces arrested several RPG members who were released without charge after several days of detention at the civil prison in Nzérékoré.

Some opponents have been arrested for demonstrating their support for a political party. On 23 May 1995 in Mandiana in Haute Guinée, for instance, Cheick Mohamed Diallo, an RPG candidate for the single-candidate poll in June 1995, and 30 or so of his supporters were arrested, ill-treated and briefly detained by the security forces for wearing T-shirts bearing a picture of their leader. At least four people had been arrested for the same offence in Kankan two months earlier in March.

On 31 May 1995, over one hundred RPG members making their way to Kankan to organise a public meeting for the legislative elections were arrested as they entered the town of Mandiana and were placed in detention at Kankan military camp. Several people were beaten before being imprisoned.

On the eve of the legislative elections of June 1995, N'Faly Camara, an RPG candidate in the legislative elections in Kérouané in Haute Guinée, was questioned and detained for 24 hours because he had accompanied the PRP leader to Banankoro, a district of Kérouané. A few days before the ballot, on the orders of the governor of the capital, Daouda Baldé, a candidate for the *Union pour la nouvelle République* (UNR), Union for the New Republic, in Matam, a district of Conakry, was arrested and detained for 24 hours for organising a demonstration after an information meeting in Mafanco.

Extremely whimsical accusations have been levelled against opponents to intimidate them. In Kissidougou in Guinée forestière, for instance, Mamadi Sanoh and Fanta Condé were arrested and detained for over 15 days in March 1995. Mamadi Sanoh, who owns a video club and organises public meetings for the RPG, was accused of comparing members of the Presidential Guard to dogs. Fanta Condé was accused of naming one of her dogs after the President of the Republic. People interviewed by Amnesty International confirmed that Fanta Condé did not have any animals. These two people, released after two weeks' detention without charge, seem to have been arrested simply because they were members of the RPG and in order to intimidate members of the opposition.

Bah Oury, the leader of another opposition party, the *Union des forces démocratiques* (UFD), Union of Democratic Forces, was also intimidated. He was arrested in October 1992 for the attempted assassination of the Head of State and was released two days later after a demonstration had been organised to protest against his arrest.

Amadou II Diallo, accused of the same charge, is still being held without trial, however, at Conakry prison. Amnesty International is concerned by this long detention without trial and

appeals to the authorities to try Amadou II Diallo or to release him if he has not been charged by the prosecuting authorities.

People who are not members of political parties have also been the victims of arbitrary arrest. In June 1993, nine labourers, including five Sierra Leonean nationals, who had refused to be police informers, were arrested and held for several days in a kind of underground hole at Kipé, an outlying district of Conakry. Their place of detention was discovered quite fortuitously by a lawyer, Basirou Barry, who was concerned that he had not seen them at their workplace. The soldiers holding them offered no opposition when the lawyer raised a large sheet of iron covering the hole in order to free the detainees. The labourers claimed that they had been ill-treated before being imprisoned in the hole. The officer who had ordered their arrest was called to the Gendarmerie headquarters but, according to the information available to Amnesty International, has not been disciplined in any way.

Representatives of trade union organisations have also been targeted by the security forces. During the night of 23 to 24 October 1994, Mamadou Mara, President of the *Union générale des travailleurs guinéens* (UGTG), General Union of Guinean Workers, and three of his children were arrested at home at midnight and detained for over 12 hours by the Peleton mobile III (PM III), a special police unit which is answerable to the Gendarmerie. According to the Gendarmes, the trade union leader had been detained for his own protection but it would seem that this was an attempt to intimidate someone who had given his support to people dismissed from the civil service, known as "déflatés"³. A week later, the security forces arrested tens of "déflatés" who had protested against the arbitrary arrest of Mamadou Mara. Some were released, but 15 were kept in custody charged with unlawful assembly. They were released over a month later when the Conakry District Court ordered their release on the grounds there was no charge to answer.

2.Arrests and intimidation of journalists and curbs on freedom of expression

Although the press has in theory had the right to freedom of expression since 1991, its freedom is limited; journalists have been arrested and held for short periods because of their opinions and have been intimidated in other ways. These arrests and intimidation measures are part of a policy intended to prevent national and international opinion from finding out about the situation in Guinea.

In October 1992, Foday Fofana, a British Broadcasting Corporation (BBC) and Reuters correspondent, was arrested and detained in Conakry prison for one month for a report that he had made at Soundiata Camp in Kankan on the training of the "black berets" - allegedly loyal to the interim government in Liberia.

In September 1993, Serge Daniel, a correspondent of Radio-France-Internationale (RFI), was arrested and held for 10 days. He was discharged by the Magistrates Court on the grounds there were no charges to answer.

³ Civil servants dismissed following structural adjustment measures introduced in 1986.

Journalists from the televised media have also been harassed. In March 1993, Ben Daouda Sylla, program producer at Guinean Radio and Television was suspended because the director of information services, also a member of the PUP, alleged that "he persisted in portraying a distorted image of Guinea on national radio". In June 1995, an RPG cameraman, Doudou Traoré, who was accompanying a march by his party to Kankan, was detained for several days. On his release, he made the following statement to the press: "As soon as I got out of the vehicle, holding my camera, an officer from the "anti-gang" police unit (security forces' unit answerable to the Ministry of the Interior) pointed a finger at me and said: "He is a BBC cameraman. He is taking pictures to be shown abroad and discredit our country. He should be beaten up and finished off as soon as its dark".

Amnesty International fears that these arrests are a way of intimidating the independent press and indicate that the authorities are taking a harder line on freedom of expression which could threaten the establishment of the rule of law in Guinea.

3. Arrests, intimidation and killings of students

Over the last five years, Guinean students, especially members of the *Union nationale des étudiants et élèves patriotes* (UNEEP), National Union of Patriotic Students and Pupils, have been harassed by the security forces. Some have been detained and beaten because they were demonstrating for better education conditions. The "anti-gang" police unit has raided the campus of Conakry University on a number of occasions to break up strikes launched by UNEEP and in 1990 opened fire on peaceful students leaving one person dead and several injured. In a document published by UNEEP, the security forces are also alleged to have caused the death of four students in 1990 and 1992, including Mory Diakité, a student at Donka School in Conakry, and Lansana Bangoura of Kankan University. Other retaliatory measures, including the dismissal in August 1994 of 10 or so students alleged to have incited their colleagues to rebel against the authorities and to have committed violent acts, have been taken by the university itself. UNEEP issued a press release refuting these allegations and regretting the failure of the university authorities to take any measures to condemn those responsible for beating and wounding students.

In December 1994, after the Head of State was held up on a road by peacefully demonstrating students, the police used tear gas to break up the march. Several students were arrested and some were severely ill-treated. One, Siradiou Diallo, a second-year chemistry student, was clubbed and struck several times with a rifle butt resulting in the loss of some of his teeth. Three other students, including two women, were arrested during the same demonstration. Charged with public order offences, they were tried on 28 December 1994 and were also criticized during the trial for carrying a tract containing a joint declaration signed by PRP and RPG in the context of the legislative elections of June 1995. At the end of the trial, which was marred by several irregularities, the students were sentenced to one year of imprisonment and a fine of 100,000 Guinean francs each. Following intervention by the students' families, they were pardoned by the President of the Republic on 6 February 1995.

4. Torture and ill-treatment

Amnesty International regularly drew the attention of the Guinean authorities and international opinion to the serious human rights situation in Guinea during the twenty-five years that President Ahmed Sékou Touré was in power. In published documents, it referred in particular to the systematic use of the "*diète noire*" under which detainees were denied any food and water until they died. Other concerns, in particular deaths in detention chiefly due to torture and deplorable prison conditions - including a complete lack of sanitation and ventilation in cells - were also reported. Amnesty International is concerned by similar conditions under the Second Republic and by the fact that several dozens of people have also "disappeared".

Over the last five years, several people, including supporters of opposition parties, students and journalists, have been tortured or beaten by the security forces at the time of their arrest.

During Amnesty International's mission to Guinea, Serge Daniel, an RFI correspondent told representatives of the organisation that during his detention he was stripped, shut in a dark room and that his jailers had given him fifty lashes. Hot water was also poured on his face. A doctor who examined him on his release confirmed he had lost seven-tenths of his sight.

Mamadi Sanoh, arrested and detained for over 15 days in March 1995, told the press shortly after his release that on arrival at Kissidougou Camp, soldiers told him that they were going to eat him and, he said, "they then fell on me and beat me brutally. Now I cannot see out of my right eye and my arm is paralysed". He added, "the day after this torture, I was in such a terrible state that I was unrecognisable: my face was swollen, I was bleeding everywhere and I was in a state of total collapse".

On several occasions, torture has been used to obtain confessions. Several people, arrested during an operation to combat robbery and insecurity, who have been on trial since the beginning of the year, have claimed that they were forced to confess under torture.

Most of the RPG members arrested in Mandiana just before the legislative elections in June 1995 have reported that they were ill-treated by the security forces at the time of their arrest. One of the people arrested, Mr Dioubaté, had his arm broken in the course of this ill-treatment.

5. Cruel, inhuman and degrading treatment, prison conditions and deaths in detention

Over the last five years, Amnesty International has received a number of reports of prisoners who have died in detention as a result of torture, malnutrition or disease. Amnesty International considers that prison conditions in Guinea do not comply with the international standards set out in the Standard Minimum Rules for the Treatment of Prisoners. The harshness of detention conditions cannot be attributed solely to the hardships faced by developing countries, but also has to be seen as deliberate policy or serious neglect by the Guinean authorities. Amnesty International is concerned that the Guinean authorities lack the political will to put an end to torture and other cruel, inhuman or degrading treatment.

Several hundred prisoners are currently being held in very harsh detention conditions in the various Guinean prisons. Amnesty International is particularly concerned that these prisoners

continue to be held under exceptionally harsh detention regulations which constitute a denial of their fundamental rights and a threat to their health and possibly even their lives.

In 1994, Dansokho Camara, a representative of the *Association guinéenne des droits de l'homme* (AGDH), Guinean Human Rights Association, visited prisons in several Prefectures. In its report, published in March 1995, AGDH writes: "lying on the bare ground, covered [...] in urine and faeces, detainees sleep and will no doubt continue do so on the floor without mats or covers". Detainees are not entitled to visits and are also denied any exercise: "detainees do everything in a hot and very dark courtyard where they defecate, urinate and, for those able to receive [food] from outside, eat". In most detention centres, the prison authorities exploit detainees who are made to pay for even the rarest family visit: "at the prison in Nzérékoré like everywhere else", notes the AGDH report, "detainees have to pay 15 000 Guinean francs if their families are to visit them. Prisoners who cannot afford this sum remain shut away in the dark and their jailers demand bribes to expedite their trial or discharge". During its mission in April 1995, Amnesty International received corroborating information on the deplorable conditions in Guinean prisons which constitute cruel, inhuman and degrading treatment.

Again at Nzérékoré, the AGDH mission discovered that five cells, acting as latrines, were always full and that their fetid content was flowing into the main corridor of the prison. In a cell known by the name of "Burkina", 35 completely naked detainees and other detainees with irons on their feet were lying on the bare ground in their urine and faeces.

The AGDH also discovered a pregnant woman, Luoupou Traoré, in detention at Nzérékoré, shaking with cold. She had been arrested at the same time as her husband who had been charged by the authorities with buying stolen mutton. While the alleged vendor has not been interviewed by the police, Mr Traoré has been tortured and put in irons at Nzérékoré prison.

These detention conditions are a breeding ground for diseases including beri-beri and hepatitis A.

In Guinée forestière, the AGDH mission discovered 71 detainees, including three women and a baby, at the Republican Guard headquarters at Lola which have been converted into a prison. According to the AGDH, some prisoners were covered in scabies and completely naked as even a minimum of clothing is forbidden. Crammed into a cell measuring 4 m², the detainees were receiving almost nothing to eat and were denied medical care. The prison governor told members of the AGDH delegation that doctors from the hospital in Lola had refused to care for detainees. Members of human rights associations told the Amnesty International fact-finding mission that Lola prison received no budget.

In addition to these deplorable detention conditions, there have also been deaths in detention whose causes have yet to be explained. In August 1993, a detainee, Liman Kourouma, died following torture at Conakry prison. An autopsy was conducted at the request of his relatives and the forensic doctor concluded that death had been caused by a heart attack. The examination also showed circular traces of shackles and first-degree electric burns in the ankle area. Amnesty International has written to the Guinean authorities asking them to open an inquiry into the circumstances of this death but has yet to receive a reply.

During the night of 31 December 1994 to 1 January 1995, 16 detainees died in unexplained circumstances at Conakry prison. They had all been arrested in previous months during an operation to put an end to insecurity in some Guinean towns. According to some witnesses, their corpses bore traces of wounds. Guinean newspapers reported that people living close to the prison heard gunshots from the cell in which the 16 detainees were imprisoned. Other reasons have been put forward to explain the death of these detainees, in particular the fact that the cramped nature of the cell did not allow for adequate ventilation. The bodies of 13 of the victims have been buried and the Public Prosecutor told the press that a judicial inquiry had been opened, without specifying the terms of this inquiry, and that the police medical team had taken samples for their investigation purposes. The findings of the inquiry have not, however, been made public.

Amnesty International requests that the Guinean authorities immediately provide all prisoners with an appropriate diet and suitable medical care and ensure that they are in good health. Decent hygiene and sanitary conditions should also be provided and prisoners should also be allowed to take daily exercise in the open air.

6. The security forces' inaction against to killings of alleged criminals by members of the public

Over the last three years, rising crime in Guinea has led to a situation of great insecurity. The population has in some cases taken justice into its own hands because it felt that the authorities were failing to take the measures needed to combat this crime epidemic.

Amnesty International is concerned by cases of people handed over to angry crowds by the prison authorities. In at least two cases, the crowd has received the support of the prison authorities.

In June 1993, a detainee, Mamady Bayo known as "Carlos", was serving a ten-year prison sentence for murder. He is alleged, while authorised to leave his place of detention to work outside the prison, to have taken part in a brawl which ended in the death of a relative of one of his previous victims. Fearing reprisals, he turned himself into the police station and was subsequently placed under the care of the security forces who then handed him over to an angry crowd who had come looking for him. Mamady Bayo was burned alive. The authorities have not condemned this killing or ordered an inquiry.

A month later, in July 1993, Mamoudou Keita was extrajudicially executed in public by the security forces following pressure on the Kissidougou prison authorities by an angry crowd. Suspected of having committed a crime, he had turned himself into the authorities after a crowd had threatened his mother with reprisals. Amnesty International is concerned that there has been no inquiry into this incident and that no action has been taken against those responsible for this extrajudicial execution.

Amnesty International is concerned that these two incidents call into question the role of the Public Prosecutor and the prison authorities who are in theory responsible for ensuring the safety of

detainees. It is the responsibility of the prison authorities and the Public Prosecutor to investigate these incidents and bring those responsible to justice.

7. Killings of unarmed demonstrators

Since 1990, tens of unarmed civilians have been killed with impunity or seriously injured by the security forces. In several cases it seems that the use of lethal force may have amounted to extrajudicial executions. The failure of the authorities to open impartial judicial inquiries into these incidents reinforces the concern that unarmed civilians may have been extrajudicially executed.

In December 1990, during the "anti-gang" police unit raid on the Conakry university campus to break up a strike by UNEEP, one of the officers leading the operation ordered his men to open fire on students engaged in a peaceful sit-in. Sékou Traoré, a first-year civil engineering student, was hit by a bullet and died from his injuries at the Ignace Deen hospital. The students' union has condemned the fact that the unit which took part in the police operation was given the task of investigating the circumstances of this death. The findings of the inquiry into the death of Sékou Traoré have not been made public and, to Amnesty International's knowledge, no sanctions have been taken against those in charge of the unit that caused his death.

The security forces have also opened fire on civilians, including women and children, on several occasions. In February 1993, following a demonstration demanding the discharge of two people arrested for protesting against the alleged corruption surrounding conscription, the security forces shot at the crowd that had assembled outside the bus park at Faranah, killing three women and leaving three people injured, including Lamine Oularé, a nine-year-old child.

In June 1993, the security forces opened fire on a crowd demonstrating peacefully at Dinguiraye to protest against the government's decision to hold the feast of *Tabaski*⁴ on 31 May, against their decision not to detain suspected cattle thieves and against the court's tardiness in bringing them to justice; these shots left two people dead and several injured, some of whom were hospitalised.

In September 1993, the security forces opened fire on demonstrators during a peaceful march organised by the opposition in Conakry. President Conté has quoted figures of 18 dead and 198 injured, but information available to Amnesty International indicates that there were over 70 deaths. At least 13 people died after being beaten by the security forces. A gendarme policing the demonstration told a journalist that the security forces had been ordered to open fire on demonstrators. The police commissioner announced the arrest of two soldiers suspected of opening fire on the demonstrators and said that they would be brought to trial immediately adding, however, that members of the security forces had confirmed that "they had acted in self-defence". Amnesty International's requests for further details of the trial and the inquiry to determine the circumstances in which members of the security forces opened fire "in self-defence" have gone unanswered by the authorities. In addition, Amnesty International's request to see official

⁴ Held two months after the end of Ramadan.

guidelines governing the use of firearms during both general law enforcement operations and during demonstrations has never been met.

The repeated use of excessive and disproportionate force against non-violent demonstrators, and the lack of effective investigations into the resulting deaths, suggest that these may be extrajudicial executions. Extrajudicial executions are deliberate and intentional killings resulting from a policy at any level of government to eliminate specific individuals or groups of individuals. In the context of demonstrations, these killings can be distinguished from those that occur as a consequence of the use of force in self-defence or to protect others, or killings that are accidental or a consequence of panic.

CAPITAL PUNISHMENT

The last executions in Guinea date back to 1985 when several tens of people were executed following summary proceedings held *in camera* before a military court.

Since the beginning of 1995, trials taking place at the Assize Court following numerous arrests for organized crime have subsequently been broadcast on television. Anyone charged with murder or premeditated murder may face the death penalty if convicted. In a press release in December 1994, the government spokesman explained that the death penalty would be carried out in all cases to put an end to this scourge. Several well-known opposition members and members of human rights associations have spoken out against the application of the death penalty arguing that crime cannot be solved in this way.

In June 1995, the Conakry Assize Court sentenced Sergeant Sékou Bangoura to death for premeditated murder. This court also sentenced five people, including Denka Mansaré and Ibrahima Bangoura, to death in August 1995. All their lawyers have lodged appeals to the Supreme Court.

Whatever the reasons put forward, the notion that a government can justify such a cruel punishment conflicts with the concept of the right to life. Amnesty International considers that the death penalty violates the unalienable rights of the individual as set out in the Universal Declaration of Human Rights of 1948 which recognises every individual's right to life and states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Consequently, support for the abolition of the death penalty cannot be separated from the fight for human rights. This has been confirmed by the Human Rights Committee which monitors the application of the International Covenant on Civil and Political Rights ratified by Guinea in January 1978. In its General Comment on Article 6 of the Covenant, the Committee concludes that "all measures of abolition should be considered as progress in the enjoyment of the right of life...".

Recourse to the death penalty seems erroneous when this penalty is used as a way of preventing crime. The death penalty symbolises terror and its application by a State is an admission of weakness.

THE LEGAL AND CONSTITUTIONAL FRAMEWORK AND THE FAILURE OF THE AUTHORITIES TO PROMOTE HUMAN RIGHTS

Guinean legislation contains significant guarantees of human rights protection. Guinea has also ratified several international instruments including the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Virtually no account is taken, however, of the provisions protecting human rights and the authorities have failed to act on the obligations that they have undertaken.

Thus, Article 10 of the Constitution stating that all citizens have the right to demonstrate, take part in marches and establish associations is often violated. During the run-up to the 1995 legislative elections in particular, opposition parties were prohibited from organising demonstrations and their supporters were arrested on marches that they had organised.

It is true that the Guinean authorities have recognised the existence of a number of associations, some of which are working in the field of human rights protection. Despite repeated requests, however, the *Organisation guinéenne des droits de l'homme* (OGDH), Guinean Human Rights Organisation, affiliated to the *Fédération internationale des droits de l'homme* (FIDH), International Federation of Human Rights, had to wait five years before it was officially recognised in May 1995. In the past this organisation has been refused the right to organise information meetings on the protection of human rights on the pretext that it was not recognised. When Amnesty International delegates were preparing to leave Guinea last April, airport police seized some of their documents, including those passed on by the OGDH.

Article 6 of the Constitution states that citizens "have the right to life and physical well-being and that no-one shall be subject to torture or cruel, inhuman or degrading punishment or treatment". Moreover, under the terms of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Guinea must undertake investigations in cases where torture has been alleged. In the criminal trial that has been taking place at the Conakry Assize Court since the beginning of the year, several of those charged have alleged that they have been tortured. Mamadi Sanoh and an RPG cameraman have also been ill-treated by soldiers. Up to now, no sanction has been taken against those responsible and no inquiry has been conducted into the allegations of torture made by the defendants on trial at the Assize Court.

Articles 100 and 103 of the Criminal Code⁵ set out substantial punishments for public servants or State employees who abuse their authority by making arbitrary arrests or ordering measures which threaten individual freedom. Despite frequent incidents of this type, no sanctions have been taken against those who have abused their authority.

AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO THE PRESIDENT OF THE REPUBLIC AND THE GOVERNMENT

⁵ Article 100: "Any public servant, government employee or official who, in the exercise of his duties, has intentionally made an arbitrary arrest or ordered any other measure which threaten individual freedom, the rights of a citizen or the Constitution, shall be punished by imprisonment of five to ten years".

In the past, Amnesty International has informed the Guinean authorities of its concerns about the human rights situation and has put forward a number of recommendations which have gone unheeded. The "disappearances" that took place under the First and Second Republics (Presidents Ahmed Sékou Touré and Lansana Conté) have not been investigated in depth and no sanctions have been taken against those responsible for these crimes.

Amnesty International takes the opportunity of the first elections by universal suffrage of the new Guinean National Assembly to ask the government to ensure that these human rights issues are its main concern and puts forward the following recommendations:

A. The need for reforms to prevent future human rights violations

When he was sworn in at the Palais des Nations on Saturday, 29 January 1994, after the December 1993 elections, President Conté undertook in particular to ensure that human rights were respected⁶.

Guinea has also ratified almost all of the international instruments on the protection of human rights, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 12 of which states:

"Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction".

Amnesty International requests the immediate application of these international instruments by the Guinean authorities to prevent the use of torture, arbitrary arrests and extrajudicial executions. In particular, Amnesty International urges the Guinean government to:

1. Take action against torture

- Officially condemn the use of torture and ensure that all persons responsible for law enforcement understand that torture will not be tolerated in any circumstances.
- Put an end to secret detention and limit pre-trial detention (*garde à vue*) as it is often at this stage that torture takes place. All prisoners must be held in publicly known places of detention and accurate information on their location must be given to their families and lawyers.
- Order the opening of independent, impartial and effective inquiries into all complaints of torture and all reported cases of torture. The findings of the inquiry should be given to the judicial authorities so that those responsible may be brought to justice.

⁶ "I swear that I shall scrupulously respect and ensure the respect of the terms of the Constitution and laws, defend the constitutional institutions,..."

2. Take action against unlawful detention: the key role of the courts and the prosecuting authorities

Amnesty International is urging the Guinean authorities to immediately reform detention procedures, so that international standards on the protection of prisoners, in particular those set out in Article 9 of the International Covenant on Civil and Political Rights and in the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted in December 1988 by the General Assembly of the United Nations are respected. To prevent unlawful detention, it is important for the Guinean government to apply the safeguards set out in the above-mentioned principles under which any person who is detained must be brought before a court or a judicial authority shortly after their arrest and is entitled to contest the lawfulness of their detention. These principles are intended to prevent government officials or the security forces themselves from imprisoning suspects on their own initiative, as has often been the case in Guinea.

Principle 4 states:

"Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority"⁷.

Principle 32 states that a detainee must also be entitled:

"at any time to take proceedings according to domestic law before a judicial or other authority to challenge the lawfulness of his detention in order to obtain his release without delay, if it is unlawful."

Amnesty International exhorts the authorities not to arrest people because of their opinions.

3. Ensure that an inquiry is conducted into all cases of death or "disappearance" of a detainee

Principle 34 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment sets out the measures to be taken when a person dies or "disappears" during detention. It attempts to establish whether the death has been provoked and by whom, or who is responsible for the "disappearance", and to prevent such incidents from happening again. By requiring the inquiry to be independent, it also warns persons responsible for prisoners that such acts will not be tolerated. An inquiry should be conducted automatically by a judicial authority, such as an examining magistrate, whenever a prisoner dies in detention or a person is killed by the security forces. In Guinea, deaths in detention over the last five years have never been genuinely investigated.

Principle 34 states:

⁷ "The words "a judicial or other authority" mean a judicial or other authority under the law whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence" (Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Use of Terms, paragraph f).

"Whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either on its own motion or at the instance of a member of the family of such a person or any person who has knowledge of the case. When circumstances so warrant, such an inquiry shall be held on the same procedural basis whenever the death or disappearance occurs shortly after the termination of the detention or imprisonment. The findings of such inquiry or a report thereon shall be made available upon request, unless doing so would jeopardize an ongoing criminal investigation."

4. Prevent extrajudicial executions

Amnesty International is concerned that several people have been killed when the security forces have repressed peaceful demonstrations. International standards exhort governments to take measures to prevent members of their security forces from carrying out extrajudicial executions and other illegal killings. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states in particular in Article 13:

"In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary."

International standards place considerable emphasis on the conduct of inquiries not only in the case of extrajudicial executions, but also when cases of torture and other violations are reported.

5. Train law enforcement personnel

There have been criticisms of the current programme of training in the use of firearms and methods of policing demonstrations for many years. In this context, Amnesty International recommends that the Ministries of Defence and the Interior immediately take the initiative to re-examine training courses in order to improve the professional competence of officials required to police peaceful demonstrations and to avoid the use of force.

B. Ending the problem of impunity

1. The need to open an exhaustive inquiry into past human rights violations

President Conté was elected by universal suffrage and obtained a parliamentary majority in the legislative elections held in June 1995. Despite these new developments and President Conté's undertaking, when he came to power in 1984, to promote human rights, systematic violations of human rights continue to take place. Amnesty International considers that the problem of impunity, that is, a lack of accountability, is one of the main reasons for the persistence of these violations.

In this respect, Amnesty International's recommendations in its Statement of 20 August 1991 to the Sub-Commission on Prevention of Discrimination and Protection of Minorities (UN) have a direct bearing on the current situation in the Republic of Guinea:

"International standards clearly require States to undertake proper investigations into human rights violations and to ensure that those responsible are brought to justice. The adequate investigation of human rights abuses is essential if the full truth is to emerge. Victims, their relatives and society at large all have a vital interest in knowing the truth about past abuses.... Similarly, bringing the perpetrators to justice is not only important in respect of the individual case, but also sends a clear message that violations of human rights will not be tolerated and that those who commit such acts will be held fully accountable. When investigations are not pursued and the perpetrators are not held to account, a self-perpetuating cycle of violence is set in motion resulting in continuing violations of human rights cloaked by impunity.

Impunity negates the values of truth and justice and leads to the occurrence of further violations. If this cycle is ever to be broken, Amnesty International believes that all governments, including successor governments, must undertake certain fundamental responsibilities:

First, there should be thorough investigations into allegations of human rights violations. The object of such investigations should be to determine individual and collective responsibility and to provide a full account of the truth to the victim, their relatives and society. Investigations must be undertaken by impartial institutions, independent of the security forces, and must be granted the necessary authority and resources for their task. The results of such investigations should be made public.

Second, those responsible for human rights violations must be brought to justice whether they are officials of a past or current government and regardless of whether they are members of the security forces or unofficial paramilitary groups. Alleged perpetrators should be brought to trial and such trials should conclude with a clear verdict of guilt or innocence. Although Amnesty International takes no position on the nature of the sentence, the systematic imposition of penalties that bear little relationship to the seriousness of the offences brings the judicial process into disrepute and does not serve to deter further violations. It is, of course, also important that such trials are conducted in full conformity with internationally-recognized standards and that the defendants are not subjected to torture or to the death penalty.

Third, amnesty laws which have the effect of preventing the emergence of the truth and subsequent accountability before the law, should not be acceptable, whether effected by those responsible for the violations or by successor governments. However Amnesty International takes no position regarding the granting of post-conviction pardons once the truth is known and the judicial process has been completed."

2. Lack of action by the prosecuting authorities

Public Prosecutors are answerable to the Ministry of Justice. The latter is responsible for enforcing the law. Amnesty International considers that Public Prosecutors should take the initiative in enforcing the law and investigating any breaches. Places of detention should be inspected by the judicial authorities. Amnesty International recommends that the Minister of Justice should instruct the prosecuting authorities to play a more active role by taking it upon themselves to request the opening of judicial inquiries, in particular in cases of torture and death in detention.

3. Awareness of international instruments on human rights

Arbitrary and unlawful acts by the security forces could be prevented if they were taught about international rules and standards on human rights and have a thorough knowledge of these rules and standards. Amnesty International recommends that the attention of the Ministers responsible for the vocational training of magistrates, lawyers and law enforcement personnel and of civil servants employed in other relevant areas is drawn to the provisions of international instruments on human rights. Courses should be expressly devoted to these in training programmes and the regulations of the various services should, where necessary, refer explicitly to international rules and standards.

C. Abolition of the death penalty

The campaign for the worldwide abolition of the death penalty has met with increasing success in Africa. Since 1990, Mozambique, Namibia, Sao Tome-et-Principe, Angola and Guinea-Bissau have abolished the death penalty for all crimes. In June 1995, the South African Constitutional Court ruled that the death penalty was unconstitutional as it was not compatible with the new South African Constitution which came into force in April 1994 and protects the right to life and the other fundamental rights of the individual. Amnesty International therefore appeals to the government to abolish the death penalty.