

EXTRA 96/95

Death penalty

22 August 1995

GUINEATamba Toundouféndouno alias Mathias Lénaud
Denka Mansaré
Ibrahima Bangoura alias Végas
Mohamed Cissé alias Ando III
Djibril Koly Koné alias Zizi

On 8 August 1995 the five men named above were sentenced to death by the Assizes Court in the capital, Conakry. They have the right to appeal to a higher jurisdiction and then to petition President Lansana Conté for clemency. They are believed to have appealed, but Amnesty International fears that the sentences may be confirmed and that the prisoners may be executed in the near future.

This brings to six the number of death sentences passed in Guinea so far in 1995, after a period since the mid 1980s during which, to Amnesty International's knowledge, none was passed. This disturbing resurgence follows a government announcement in late 1994 that it would be taking a strong stance over rising crime including armed robbery. In December 1994, government spokesperson Ibrahima Sylla told reporters that the death penalty was provided for in the Penal Code and would henceforth be enforced against armed robbers and those found guilty of murder.

The five men, who are reported to be aged between 25 and 30, were sentenced to death after being convicted of charges of murder, armed robbery, criminal association, attempted murder, and complicity in murder. The trial was highly publicized. Thirty nine other defendants, including one woman, received prison sentences ranging from life with hard labour to seven months. Some of the defendants alleged that they confessed under torture, but no investigation was carried out into these allegations. Seven other defendants including a woman and three police officers were released unconditionally. On 31 December 1994, shortly after their arrest, 16 other accused died in mysterious and as yet unexplained circumstances. The Procurer of the Republic announced an inquiry into the deaths. However, its findings have not been made public. A second trial, of 16 soldiers accused of armed robbery, started last week.

Amnesty International opposes the death penalty without reservation. It considers the death penalty to be incompatible with the right to life and the right not to be subjected to cruel, inhuman and degrading treatment as proclaimed in the Universal Declaration of Human Rights. Nowhere has it been shown that the death penalty has any special power to reduce crime or political violence.

BACKGROUND INFORMATION

Under the Penal Code a wide range of offences carry a mandatory death penalty. These include premeditated murder, poisoning, the murder of either parent, murder when it is committed in the course of another offence, the destruction of buildings by arson or explosives and large scale embezzlement of public funds. Other capital offences relate to the security of the state. The law provides for the right to appeal for those sentenced to death by ordinary courts and stipulates that executions cannot be carried out until the head of state has considered and rejected appeals for clemency. Execution is by firing squad.

On 6 June 1995, Sergeant Sékou Bangoura, who had been convicted of murder, was sentenced to death by Conakry Assizes Court. He has the right to appeal to

a higher court and then to President Conté. However, though Sékou Bangoura is currently awaiting the outcome of his appeal, President Conté is reported to have already stated that he does not intend to grant clemency (see EXTRA 76/95, AFR 29/03/95, 23 June 1995).

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in French or your own language:

- expressing grave concern at the passing of the death sentence on the five men (give names) on 8 August 1995;
- urging that the death sentences be commuted if they come before the President for clemency;
- stating that Amnesty International, while not condoning the crimes for which the prisoners were convicted, is unconditionally opposed to the death penalty in all cases on the grounds that it is a cruel, inhuman and degrading punishment which violates the right to life and which is shown to have no special deterrent effect;
- stressing that enforcement of these death sentences would be a retrograde step after many years of no judicial executions in Guinea, and urging the government to refrain from passing the death penalty in all cases and to commute any existing death sentences.

APPEALS TO:

President Lansana CONTE
Président de la République
Conakry
Republic of Guinea

Faxes: + 224-41-1621/1623/1673

Telexes: 623

Telegrams: Président Lansana Conte, Conakry, Guinea

Salutation: Monsieur le Président / Dear President

Minister of Justice
Monsieur Salifou SYLLA
Ministre de la Justice
Ministère de la Justice
Conakry

Republic of Guinea

Telegrams: Ministre de la Justice, Conakry, Guinea

Salutation: Monsieur le Ministre / Dear Minister

Minister of the Interior and Security
Monsieur Alseny René GOMEZ
Ministre de l'Intérieur et de la Sécurité
Ministère de l'Intérieur et de la Sécurité
Conakry

Republic of Guinea

Telegrams: Ministre de l'Intérieur / Conakry, Guinea

Salutation: Monsieur le Ministre / Dear Minister

COPIES TO:

Procurator
Procureur de la République
c/o Palais de Justice
Conakry

Republic of Guinea

L'Indépendent, BP 242, Conakry, Republic of Guinea

Le Lynx, BP 4968, Conakry, Republic of Guinea

HOROYA, BP 341/191, Conakry, Republic of Guinea

and to diplomatic representatives of Guinea accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 9 October 1995.