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GUINEA

"SOLDIERS WERE SHOOTING EVERYWHERE"

The security forces' response to peaceful demands for change

"Before she died, she asked her parents to bring the soldier who shot her to justice".
A 25-year-old woman, who died of gunshot wounds on 18 February 2007 in Labé.

1. INTRODUCTION

Over 130 dead, including several young children killed by bullets, more than 1,500 injured, detainees tortured and women raped – this is the provisional tally after two months of repression in January and February 2007 by the Guinean security forces acting, more often than not, completely outside the law. At the beginning of 2007, Guinea's two principal trade unions, supported by the majority of opposition parties, called a general strike, paralyzing the country. Demonstrators thronged the streets, calling for economic and political change

In response to the population's mainly peaceful demands, the security forces and, in particular, the army - which is answerable directly to the Head of State, President Lansana Conté – used excessive lethal force, shooting at people who were unarmed, entering private homes and killing or injuring their inhabitants.

Unlike other protest movements that had been violently suppressed in the past, this wave of demonstrations was not to be stifled by security forces' bullets. Mass mobilisation ended only when President Conté consented to appoint a prime minister who met the criteria of independence and impartiality demanded by the trade unions and civil society associations.

This report is based on a three-week fact-finding mission undertaken in Guinea by an Amnesty International delegation in April 2007. The organization's representatives visited Conakry and several other towns, including Siguiri, Kankan, Labé, Kissidougou, Faranah, Mamou and Kindia. They met dozens of victims and their families as well as witnesses who all reported excessive use of force by members of the security forces. The delegation also met members of the new Guinean government, which was put in place in March 2007, including the Minister of Justice and Human Rights and the Minister of Interior and Security. The delegation also requested a meeting with the Minister of Defence, but his schedule was such that he was unable to meet the representatives of Amnesty International.

The new Guinean government, which faces enormous challenges in its quest for justice, truth and reparation for victims and their families, adopted, on 18 May 2007, a law setting up a Commission of Inquiry into the events of January and February 2007. Given the climate of total impunity, which has reigned for decades in the country, establishing the truth and bringing justice will not be easy.

To prevent further human rights violations from occurring in Guinea and institute the rule of law based on an independent justice system, it is vital that the newly-created Commission of Inquiry carry out its work in a thorough and impartial manner and that its work leads to the identification and prosecution of those responsible for extrajudicial executions, torture and the excessive use of force at all levels.

Amnesty International calls on Guinea's new government to give the new Commission of Inquiry the powers it needs to shed light on the events of January and February 2007. The organization calls on the international community to support this quest for truth and justice.

It is, furthermore, essential to ensure that the security forces are trained with regard to international standards on the use of force and are answerable for their actions before the courts. Several weeks before the publication of this report, in May 2007, at least eight people were killed and more than 200 injured by shots fired by soldiers who had taken to the streets to demand payment of outstanding wages. This demonstrates that members of the Guinean armed forces continue to represent a danger for the population. It is the responsibility of the Guinean authorities and, above all, President Conté to put an immediate stop to this. It is vital that Guinea ensure that its army acts in a responsible manner, and in accordance with the rule of law. Only then can the country turn its back on a past where abuses went

unpunished, and look forward to a future where human rights are respected.

2. "WE WANT CHANGE"

In January and February 2007, a wave of peaceful demonstrations swept through Guinea. The accompanying use of excessive force by the security forces left 130 people dead and more than 1,500 injured(1). This violence is the latest example to date of a series of cases of excessive use of force ordered and supported by the highest authorities of the State over a period of almost 10 years(2). Whenever political opponents or citizens, exasperated at difficult living conditions or a lack of political transparency, have demonstrated their discontent, notably during elections, the Guinean security forces have not hesitated to fire into crowds of demonstrators, causing heavy loss of life.

The January-February 2007 movement arose as a result of a profound wish for change that had been felt in civil society for months. Against the background of a serious economic crisis due, notably, to poor governance and the total lack of accountability of political and military leaders, civil society organizations came together, in early 2006, to demand change. This movement was supported by the main opposition parties. In February and June 2006, the trade unions organized general strikes to protest about the lack of infrastructure and services. The strikes, which affected the entire country and paralyzed activity in Guinea for several days, were suppressed by the security forces, which used excessive force against demonstrators and students. According to information received by Amnesty International, the security forces used tear gas, beat students with batons and fired live bullets.

Despite these calls for change, President Conté, who took power in 1984 following a coup d'état, failed to respond satisfactorily to any of the civil society and union demands.(3) At the beginning of January 2007, Guinea's two principal unions, the National Confederation of Guinean Workers (*Confédération nationale des travailleurs de Guinée*, CNTG) and the Guinean Workers' Union (*Union syndicale des travailleurs de Guinée*, USTG), supported by 14 opposition parties, called for a general strike on 10 January 2007. The trade unions were protesting against corruption, misappropriation of public funds and President Conté's "meddling" in judicial matters.(4)

In January and February 2007, demonstrations were organized in Conakry and in other towns, including Nzérékoré, Kissidougou, Siguiri and Kankan. Thousands of people peacefully thronged the streets, chanting "We want change". These demonstrations quickly paralyzed the entire country and led to the most serious political crisis Guinea had known for years.

President Conté's government initially attempted to suppress the movement by force. Members of the security forces fired live bullets at peaceful demonstrators, killing and injuring some of them. Despite this use of force and the arrest of some civil society leaders and trade unionists, the general strike continued and, on 21 January 2007, the trade unions made the appointment of a consensus government a pre-condition for the suspension of their movement. The following day, a large demonstration was held in Conakry provoking a particularly vicious crackdown from the security forces, which caused the death of at least 30 people and injured dozens more. Finally, on 9 February 2007, President Conté agreed to appoint Eugène Camara, who was already a member of his government, as Prime Minister. This provoked a spontaneous reaction from the population, who immediately took to the streets to protest at the appointment of this person, considered to be too close to the Head of State.

Clashes between the demonstrators and the security forces increased in number and, for the first time since President Conté came to power, a state of siege was decreed on 12 February 2007. The decree transferred to the military authorities powers that normally lie with the civilian authorities. It notably authorized placing under house arrest "anyone whose activities are deemed a risk to public security or public order, or who seeks to obstruct the work of the public authorities" and banned "public or private meetings likely to cause or fuel disorder". The decree also threatened the right to freedom of expression. Article 6 of the decree states that "the competent military authorities are authorized to take whatever measures may be appropriate to ensure control of the press and publications of all kinds, as well as radio and television broadcasts".

During the state of siege which lasted until 23 February 2007 powers that normally lie with the civilian authorities were transferred to the military authorities. Numerous human rights violations including arbitrary arrests, rapes and looting were reported in this period.

Amnesty International immediately and publicly voiced its concerns with regard to this decision to establish a state of siege, recalling that, under international law, some rights could not, under any circumstances, be derogated from, notably the right to life and the right not to be subjected to torture or other ill-treatment (see box, pp. 15-17). (5)

The declaration of a state of siege was condemned by the United Nations (UN) High Commissioner for Human Rights,

Louise Arbour, in a press release published on 13 February 2007. Similarly, on 16 February 2007, the African Commission on Human and Peoples' Rights also made an appeal, expressing its concerns at the situation in Guinea.(6)

Information gathered by Amnesty International indicates that the great majority of demonstrators were protesting peacefully. However, the excessive use of force by members of the security forces at times caused a violent reaction from the population. For instance, on 10 February, a gendarme was lynched in Kankan. According to Amnesty International's information, the gendarme fled after firing on a number of demonstrators. The crowd captured him, placed a tyre around his neck and set fire to it. He was burned to death. Demonstrators also attacked public buildings in several towns in the interior of the country, burning down town halls and destroying prisons and court buildings, including those at Kankan and Mamou.

In light of the need to deal with the disturbances and demonstrations, President Conté asked the National Assembly to extend the state of siege, but it refused and the general strike was finally suspended on 27 February 2007, the day after the appointment of a new consensus Prime Minister, Lansana Kouyaté.(7) A new government was appointed on 28 March 2007. It contained no members of political parties and was composed solely of people drawn from civil society.

The situation calmed down briefly but almost immediately, in May 2007, the new government had to confront angry members of the armed forces, who took to the streets, firing into the air. Civilians were killed and injured by stray bullets in Conakry and other Guinean towns. The soldiers were demanding payment of outstanding wages and succeeded in obtaining the dismissal of certain high-ranking members of the army.

SYSTEMATIC FAILURE TO RESPECT FUNDAMENTAL RIGHTS

The disturbances of January and February 2007 resulted in the violation of certain essential human rights enshrined in Guinea's Constitution (*Loi fondamentale*) of December 1991 and in the Universal Declaration of Human Rights as well as a large number of international and regional instruments on human rights that have been ratified by Guinea, namely: the right to life, the right not to be subjected to torture or to other cruel, inhuman or degrading treatment or punishment, the right not to be subjected to arbitrary arrest and the rights to freedom of expression and peaceful demonstration.

• The right to life and the right not to be subjected to torture

Article 6 of Guinea's December 1991 Constitution states that all human beings have the "right to life and to physical integrity; no-one may be subjected to torture, or to cruel, inhuman or degrading treatment or punishment". Torture and other cruel, inhuman or degrading treatment, including rape, are prohibited by Article 7 of the International Covenant on Civil and Political Rights, ratified by Guinea in 1978, and by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Guinea in 1989. In addition, Article 5 of the African Charter on Human and Peoples' Rights (hereafter referred to as the African Charter), ratified by Guinea in 1982, stipulates that:

"Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly...torture, cruel, inhuman or degrading punishment and treatment shall be prohibited".

• Respect of standards relating to the use of force

Principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted by the UN(8) strictly limits the conditions in which force may be used. This instrument clearly establishes that firearms must be used only as a very last resort and in order to save lives:

"Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

In addition, Article 2 of the UN Code of Conduct for Law Enforcement Officials(9) states: "In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons."

• **The right not to be subjected to arbitrary arrest**

Article 9 of Guinea's Constitution provides that: "No one shall be arrested, detained or convicted except on such grounds and in accordance with such procedure as are established by law". This right is also enshrined in Article 9.1 of the International Covenant on Civil and Political Rights, which provides: Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law". This right is also guaranteed by Article 6 of the African Charter.

• **The right to demonstrate and the right to freedom of expression**

Guinea's Constitution guarantees these two fundamental rights. Article 7 provides that: "Anyone is entitled to believe, to think and to profess his ideas and opinions verbally, in writing or in images". Moreover, Article 10 provides that "all citizens shall have the right to demonstrate and to take part in processions ". These two rights are also enshrined in the International Covenant on Civil and Political Rights (Articles 19 and 21 respectively) and the African Charter (Articles 9 and 11 respectively).

3. "THE SOLDIERS SHOT HIM IN THE BACK"

3.1. "The soldiers shot him in the back ... he was hit in the back of the neck"

Corroborative information demonstrates that the security forces carried out extrajudicial executions and used excessive force by in many cases aiming at the vital organs of demonstrators or others, or by shooting in the back anyone attempting to flee. Many unarmed demonstrators, including Lamine Nabé, born in 1985 and a student in Conakry, were shot dead on 22 January 2007, in particular, in the vicinity of the 8 November Bridge (*Pont du 8 novembre*), which leads into the city centre where the President's residence is located.

A witness told Amnesty International:

"On 22 January 2007, Lamine went into town to demonstrate; during the march to the 8 November Bridge, he was holding the Guinean flag in his hands. When he reached the Gamal Abdel Nasser Conakry University (UGANC), he was shot in the foot. He bent down to look at his wound and was hit again by a bullet to the chest. He died instantly and two other people taking part in the demonstration were also killed."

One of the victim's relatives said that Lamine Nabé had been killed by armed units belonging to the Chief of Defence Staff and that the soldier responsible for this extrajudicial execution allegedly "crouched down" to shoot the young man. A complaint has been filed with the court at Kaloum in Conakry.

Other information confirms that members of the security forces generally shot demonstrators deliberately, rather than as a result of coming under threat, having first positioned themselves in a good place to fire. One soldier, in Mamou, got off his motor bike to shoot at demonstrators. Several witnesses told Amnesty International:

"During the march that was held in the town centre on 17 January [2007], a group of demonstrators headed towards the prison to demonstrate. Members of the Republican Guard fired warning shots; the crowd scattered. However, one soldier arrived, carefully parked his motorbike, then took aim at the demonstrators. One demonstrator, Oury Bela Ba, was fatally wounded in the back of the neck."

"THEY AIMED AT THE HEAD, THE CHEST AND THE ABDOMEN"

The conclusion drawn by a doctor, who examined numerous victims killed or injured during the crackdown.

Examinations carried out by doctors on victims who were killed or injured during the crackdown in January and February 2007 showed that the security forces aimed at, or hit, the vital organs of the people they shot.

Diagnoses of the wounds carried out in numerous hospitals throughout the country and, in particular, the two national hospitals in Conakry, Donka and Ignace Deen and those in Kankan and Kissidougou produced similar observations:

- traumatic fronto-lateral gunshot wounds;
- penetrating wounds on the lateral surface of the neck;
- occipital wounds;
- penetrating gunshot wounds to the abdomen.

One of the doctors whom Amnesty International met stated that "among the fatal injuries, there were gunshot wounds to the head, chest and abdomen".

Several demonstrators were hit in the back as they tried to escape from the charge by the security forces. This was the case with Abdoulaye Diallo, also known as Boulot, who was killed on 17 January 2007, in a district of Conakry known as "Lavage" ("Washing"). A witness told Amnesty International:

"There were lots of people both on the road and around the place where they wash cars. Stones had been placed on the road to stop cars. Some soldiers removed the stones and were driving up and down in both directions. When the red berets [a unit of the Presidential Guard] arrived, shots were fired into the air and people started running. That's when a young high school student called Diallo was killed. The soldiers shot him in the back as he tried to slip into a compound. The bullet entered the back of the neck and came out through the nose."

Some members of the security forces also prevented civilians helping anyone who had been shot and wounded during the demonstrations. One 18-year-old student from Kindia was shot in the back during an organized demonstration on 10 February 2007 as he tried to go to the aid of someone who had been injured: "At the roundabout in the Yewole district, the soldiers were firing in all directions. A child fell to the ground; I wanted to help him, but the soldiers came towards me, so I left the child and ran. I got a bullet in the back." In another case, in Kissidougou on 12 February 2007, soldiers dispersed a group who were transporting people who had been wounded. One of the wounded told Amnesty International:

"On 12 February I met other demonstrators to take part in a march. We were in front of the mayor's residence when the soldiers started shooting. People ran off, but they continued to shoot at our backs. I was shot in the leg. The demonstrators put me in a cart with two others who had been wounded to take us to hospital. On the way, we met others who were demonstrating in Dounkinonon district. The soldiers pursued them. The people who were pushing our cart abandoned us and they, too, ran away."

3.2. "The soldiers came into the yard and started shooting"

Amnesty International has gathered testimonies indicating that the Guinean security forces entered private houses and compounds, principally in pursuit of demonstrators, and shot indiscriminately at the inhabitants, killing many people, including women and children. For instance, on 12 February 2007, 13-year-old Assaitou Bah, was killed in the presence of her parents. The victim's father told Amnesty International:

"It was about 10.30 in the morning and we were eating at home when the soldiers came into the courtyard and started shooting. There were three of them, wearing red berets. They had rifles. They fired a round of bullets and my daughter was hit in the head. She died in hospital two hours later at Donka. Other people who were with us in our courtyard were wounded."

Saran Kaba, an 18-year-old shopkeeper, was also wounded by a bullet in Kankan on 12 February, two days after the state of siege was declared.

"I was at home. The Rangers arrived. (10) Five people came in first and started shooting. They didn't aim at anything in particular - the bullets just rained in every direction. They shouted insults at everyone, saying: 'Bastard', 'Son of a whore', 'Son of a bitch'. Then they left, but one of them stayed behind, loaded his weapon and started shooting again. I was hit in my right side. I went to hospital and they took an X-ray. They said that the bullet hadn't penetrated, but it's still painful."

In some cases, members of the security forces looking for demonstrators went into private compounds and assaulted the inhabitants. On 15 January 2007, officers of Hamdallaye (district of Conakry) mobile platoon No. 2 entered the

compound belonging to Madame Sayon Diakit  Traor , a teacher of philosophy, economics and French. She told Amnesty International:

"They were looking for a young man. They threw tear gas grenades. One landed on my doorstep. They came in and I asked them not to rob us. We are teachers and we are poor. They smashed everything outside my door. When they left, I tried to get hold of the tear gas bomb so I could throw it. Then they knocked me over and I fell outside. I tried to get up and they knocked me down again. They kicked over the pans of boiling rice and sauce and I was scalded on my right arm and leg, on my left arm and on my hip. I have third degree burns."

3.3 "The military vehicle drove at the children"

Amnesty International has gathered numerous testimonies which indicate that the security forces deliberately used firearms against children, some of whom were barely three years old. Ministry of Health statistics confirm the high proportion of children subjected to excessive use of force, showing that, of a sample of 76 cases treated or admitted by the two main hospitals in Conakry(11) in January and February 2007, 26 were under 18 and 13 of these were under 12.

Some of these children were taking part in the demonstrations, others were attacked by soldiers in, or in the vicinity of, their schools.

On 10 February 2007, for instance, the security forces accompanying the presidential motorcade of the Head of State, Lansana Cont , fired at a group of schoolchildren as they came out of school in the Matam district of Conakry. A teacher at the school recounted:

"On 10 February, following disturbances in town, the pupils left school early in the morning. Their departure coincided with the passing of the president's motorcade, which was trying to force a way through the middle of the crowded street. Other than the general hubbub and students milling about on the road as they left school there was no hostility towards the president's motorcade the soldiers accompanying the president fired into the crowd of children and Kassim Camara, a high-school student, was killed."

Another child, Mamady Camara, aged 11, was deliberately killed in Kankan on 22 January 2007. Witnesses told Amnesty International:

"On the day of the demonstration, Mamady Camara went out to get some water with his friend. They followed the crowd which was heading for the prefecture. Some soldiers started throwing grenades and firing on the demonstrators. Mamady was afraid and approached a soldier to explain that he was going to get water and was not part of the demonstration. The soldier told him to go away then shot him in the head. He was fatally wounded."

A medical source told Amnesty International representatives that the boy had "been hit by a volley of bullets that had blown open his skull and blown out his brain." The Guinean authorities wanted to give the family two million Guinean francs (about 400 euros), but the victim's family refused to take money from those responsible for the death of their child.

Members of the security forces also fired on children who were criticizing them for having fired at defenceless peaceful demonstrators, who did not in any way constitute a threat to soldiers' lives or to the lives of others.(12) A relative of 14-year-old Kafala Ba told Amnesty International how he had been killed at point blank range by a red beret in Conakry on 23 February 2007.

"I was with Kafala in front of our compound. Several children were playing. At around 17.00 hours, some red berets went by in a Land Cruiser. The children shouted out, making fun of them. The vehicle drove at the children, who tried to escape. Kafala was hit by the vehicle and he fell to the ground. He was lying face down. A red beret took his firearm and shot the boy twice. He was hit between the shoulders and the hips. Another boy who was trying to escape was also hit by a bullet. Kafala's body was transported to Donka hospital."

Corroborative information gathered by Amnesty International shows that some members of the security forces

knowingly shot dead young boys who were trying to hide from them.

One woman who was looking for her son in Kindia on 10 February 2007 told Amnesty International how she, and others, had witnessed the extrajudicial execution of a young boy, Mamadou Salam Bah, in the Caravansérail district of Kindia.

"I arrived at Caravansérail. Shots were still ringing out. A child was trying to hide under an old abandoned tanker truck. His eyes met the eyes of a soldier, about eight metres away. The child was frightened. He said: "Don't shoot, Mister, don't shoot". The soldier replied that he was going to kill him. He aimed at his head, and shot him dead."

3.4 "They fired shots through the window, then they raped me."

During this period, a number of women were raped by soldiers or by masked men in military uniform. Amnesty International gathered the testimony of a 32-year-old unmarried woman who was raped at her home on 13 February 2007, the day after the state of siege was declared:

"It was about 12.00 or 13.00. Soldiers, dressed in khaki uniform, had parked their lorry in the road. They were shooting in all directions. I thought they were looking for young demonstrators. Two of them came towards my house. One of them took a rifle and hit me with it. I was afraid and went back into the house. They followed me and demanded money. I offered them rice, but they said they didn't need any. Then they closed the door. They fired shots through the window, then they raped me. When they had finished, they opened the door, fired four shots, then ran off."

The following day, the victim's elder sister called some soldiers she knew and showed them the ammunition found at the house. The soldiers took the ammunition and left their telephone number without commenting on the attack. The victim has undergone several examinations and has filed a complaint with the police. When Amnesty International's representatives met her, she told them of the psychological consequences of the rape: "I think about it a lot and when I think about it, I can't sleep. I'm ashamed because the whole neighbourhood knows what happened to me. If only I could go away until people forget what happened to me ..."

The Amnesty International delegation also conducted enquiries in the town of Mamou in connection with a rape committed between January and March 2007 by aggressors who were described by their victims as being masked and wearing military uniform. Two girls, aged 13 and 14, as well as the mother of one of them, were raped at home on 13 February 2007. The husband and father of the victims told Amnesty International:

"It was about 21.00. We were watching television when seven soldiers and police officers burst into my house, firing shots. They had stopped in front of my house in a vehicle. They asked for money. They told my wife to take off her clothes and they raped her. They also raped my two daughters, one in the corridor and the other in her bedroom. While they were looting the house and raping the women, another soldier stood guard outside. They were all wearing military or police uniform."

One of the girls told Amnesty International that the aggressors were masked and wearing military uniform. The following day, her father went to the military camp, to the gendarmerie camp and to the Mobile intervention and security squad (*Compagnie mobile d'intervention et de sécurité, CMIS*) – a police unit – to file a complaint, but the people he spoke to refused to register his complaint.

3.5 "They stamped on me, kicked me in the chest and hit me with batons."

During this period, dozens of people were arrested by the security forces, including demonstrators, employees of a private radio station and private individuals. Some of them were tortured while being held in custody.

In the Timbo district of Kankan, a teacher, aged about 60, was arrested on 19 January 2007 in the courtyard of his compound. No reason was given for his arrest. As he was arrested, he was beaten in the presence of several people, including his children. He was taken to the military camp and then to the gendarmerie. He told Amnesty International:

"When I arrived at the gendarmerie, they told me to get on my knees and then to crawl in that position. At the military camp, two gendarmes stretched me out on the ground, holding my hands on a table and two others spread my legs apart. While this was happening, another gendarme was beating me on the

buttocks with his baton. They hit me about 20 times, paused for a while, then started again."

He was released that evening, without either being charged or given a hearing, after paying 20,000 Guinean francs (about four euros). This man stated that 22 other people had been arrested at the same time as he had and had received the same treatment.

The security forces also tortured David Camara, a *FM Liberté* (Liberty FM, private radio station) employee. On 12 February 2007, he was taken in for questioning at the same time as a journalist by members of the presidential guard who had surrounded the radio station premises and ransacked them. It appears that the radio station had been attacked after broadcasting citizens' criticisms of President Conté. David Camara told Amnesty International: "I was taken to PM3(13) and then to the President's residence, where I was beaten. They threatened to kill me and stubbed a cigarette out on my neck."

A member of the Union of Guinean Youth (*Union des jeunes de Guinée*)(14), who was arrested in Conakry on 24 February 2007, told the Amnesty International delegation:

"At around four in the morning, four police officers from the Kaporail [district of Conakry]BAC n°1(15) broke down the door of my house and took everything. They hit me with the butts of their rifles. They carted me off, saying: "You're the one who's been on strike, you're going to regret that." They beat me because they wanted me to denounce the people who had ransacked the home of Colonel Cherif Diallo(16)."

He that man was released a few hours later, after his family had paid the police the sum of 800,000 Guinean francs (approximately 160 euros).

Three weeks later, in the middle of the night, he was arrested again at home and was subjected to a form of torture known as "Chinese torture" (see illustration). "They handcuffed both arms behind my back, with my arms crossed. They walked on me, they kicked me in the chest and beat me with batons, saying: 'You want change? You'll get change'." The police used another torture technique, tying both of his elbows behind his back, then inserting a baton between his arms, and pulling on it at regular intervals to increase the pain. The young man was handcuffed like this for three hours. After lawyers intervened, the ill-treatment stopped. He was released over a week later, without charge or trial.

4. SECURITY FORCES ACTING OUTSIDE THE LAW

"The President of the Republic (...) is head of the Army. He is responsible for all appointments to military posts." Article 41 of Guinea's Constitution.

Information gathered by Amnesty International indicates that the members of the security forces who were involved in the shooting during this period came, for the most part, from the Presidential Guard (known as the "red berets"), an army unit answerable to the Chief of Defence Staff and based at the President's residence, from the gendarmerie, which is answerable to the Ministry of Defence and from members of the CMIS police unit which is answerable to the Security Ministry. In the interior of the country, armed civilians in military uniform known as "Volunteers" also took part in the crackdown.(17)

Several sources have confirmed that, before the state of siege was declared, the army had not received orders to deploy to maintain order. This shows that the members of the military who took action to maintain order between 10 January and 13 February 2007 were acting outside the law.

A military source told Amnesty International:

"During the strikes of January and February, not everyone in the army was involved in the shooting. The same is true of the red berets. The military had not been given any order to deploy, but the officers in charge of the garrison were not keeping a check on anything. Three captains who command a unit of the Presidential Guard were responsible for shots fired at demonstrators, in particular on the 8 November Bridge during the incidents that took place on 22 January 2007. That day, two cases of ammunition, each containing 5,000 bullets, were supplied by soldiers to the police. The unit led by one of these captains had received no training and the procedure for recruiting his men had been very poor."

The fact that the army had not officially received orders to deploy on the streets before the state of siege was declared

was confirmed by the Interior and Security Minister, Mamadou Beau Keita, who told the Amnesty International delegation: "It was with effect from the state of siege that the military became involved in maintaining order. From then on, no other body was involved. But between 10 January and 9 February, the military were not deployed. There were no orders for the military to intervene to maintain order. In theory, therefore, they were not there."

Although the military were, therefore, in theory confined to barracks, in actual fact several army units were deployed and openly suppressed the demonstrators' protest movements. Thus, the army acted outside the law for weeks yet the authorities and, most importantly, the Head of State, raised no objections. This silence can be interpreted as tacit agreement to this unlawful and excessive use of force by the army.

Among the troops who intervened to maintain order was an elite corps, the Rangers, which intervened in Siguiri in January 2007. This elite corps of paratroopers is specially trained in bush combat. Set up early in 2001 and based mainly in Soronkoné, the Rangers received training from the United States, followed by further training by China at the training centre in Kindia.

With regard to the gendarmerie and police forces, in particular the CMIS, the Interior and Security Minister said: "The police were not given any orders to shoot. The gendarmerie [which is, as a rule, answerable to the Ministry of Defence] is under the same orders as the police when it is participating in maintaining order. The CMIS has received special training in maintaining order. That's all it does. During the crisis, it was provided with adequate conventional resources: tear gas grenades, riot shields, batons, operational water cannons, oxygen masks."

During this interview the Amnesty International delegation referred to corroborative information demonstrating that certain CMIS elements had actively participated in suppressing demonstrations. The Minister said: "The CMIS has neither the training, nor the resources to shoot at crowds. The inquiry will shed light on this." With regard to the information relating to a delivery of ammunition by the army to the police on 22 January 2007, the Minister said that the police could not receive ammunition from the military camp unless a precise procedure was followed. He said: "The Security Ministry has to sign a letter addressed to the Ministry of Defence. The person who signs such a letter is the head of ministerial cabinet. At the time, I occupied that post and I never signed such a letter."

With regard to the civilian "Volunteers" acting alongside the army, a military source told Amnesty International:

"Thousands of "volunteers" were enrolled in September 2000 when rebel incursions were taking place from Liberia and Sierra Leone. They were armed by the State with Kalashnikovs and fought alongside the regular army against the Liberian rebels. They were in many different places: Macenta, Guékédou, Kissidougou (which was their base), Kindia. They have had uniforms since 2005. They are not paid, but have bed and board in barracks. They have not been trained, but have been shown how to handle weapons. Some of them have joined the army. Others are on standby in the barracks, but they are not supervised and can go in and out at will."

The soldiers themselves do not appear to have had adequate training either in handling weapons or in the respect of human rights and international humanitarian law. In Labé, in February 2007, two soldiers were shot dead and others wounded as a result of incorrect weapons handling by colleagues. Among these soldiers were recruits who appeared not to know the correct procedure for handling rifles.

Furthermore, in some towns in Guinea, several people, including very young children, who were in the general area of the demonstrations, were killed or injured by stray bullets from the many volleys fired by members of the security forces. On 20 February 2007, in Kindia, a two-year-old child was injured in his home by a stray bullet. His parents told the Amnesty International delegation:

"I heard shots, bullets were flying in all directions and people were shouting. I brought my child into the house. After a while, the shots stopped. The child was crying, and wanted something to eat. It was then, when he went into the kitchen, that he got a bullet in the back."

Two days later in Kissidougou, a three-year-old girl, Fatoumata Binta, was killed by a bullet as she played in the courtyard of her home in the Farako district. Her brother told Amnesty International:

"At around 10 in the morning, shots rang out in the Farako district as I was doing my homework in my bedroom. I went out into the courtyard; my three-year-old little sister Fatoumata, was playing in the courtyard. Suddenly she started screaming. I picked her up and noticed that she had been hit by a bullet

in her left shoulder. We took her to hospital, but she died from her injuries that evening."

This use of firearms against non-violent civilian demonstrations seems even more arbitrary and unlawful in that, in several towns including Siguiri, Labé and Mamou, the governor of Mamou and the prefect of Siguiri gave orders that demonstrators were not to be shot at. Although this might explain why these towns have fewer victims than Conakry, nevertheless, on 22 January 2007, gendarmes and Rangers fired on demonstrators in Siguiri, killing two people.

Amnesty International has also gathered information concerning the totally unlawful use of tear gas. On 22 January 2007, soldiers patrolling in their vehicles in Conakry threw a grenade into Donka hospital. The grenade landed in the morgue. A witness told the Amnesty International delegation: "Between 15.00 and 16.00, a vehicle belonging to the red berets was on patrol outside Donka hospital. Suddenly, they threw a grenade into the hospital. Everyone fled, but the grenade didn't explode."

The systematic failure to respect international standards on the use of force and the state of virtual anarchy in the Guinean army constitute a permanent threat to the civilian population. This was once again demonstrated during the recent revolt by some soldiers who, in May 2007 took to the streets in Conakry and in the interior of the country killing at least eight people and injuring more than 70. The soldiers were demanding payment of outstanding wages and the dismissal of senior army figures, accused of corruption and misappropriation of funds earmarked to pay their wages.

5. HOPES FOR A COMMISSION OF INQUIRY

Three weeks after the disturbances began, the then Minister of Justice, René Alcény Gomez, decided to set up a "commission charged with supervising and monitoring the conduct of the on-the-spot inquiry into offences committed during the strike of January 2007".⁽¹⁸⁾ This Commission was criticized by the Guinean Human Rights Organization (*Organisation guinéenne des droits de l'homme, OGDH*) and also by the Guinean Bar Association (*Ordre des avocats de Guinée*), which questioned the independence of this body which included, notably, representatives of the Ministry of National Defence, the Security Ministry and the National gendarmerie. The Commission was finally disbanded on 10 April 2007 by the new government appointed some ten days earlier.

At the initiative of the new Minister of Justice and Human Rights, Paulette Kourouma, a new "Independent National Commission of Inquiry" was established by law on 18 May 2007. This Commission is "charged with conducting investigations into grave human rights violations and offences committed during the strikes of June 2006 and January-February 2007". It has 19 members, most of whom are judges or lawyers and, unlike the previous commission, none of its members represent ministries with responsibility for the security forces.

Under the terms of article 3 (2), "The Commission shall have all the powers of the judicial police, including investigation, and shall conduct itself in accordance with the provisions of the Code of Criminal Procedure". Article 3 (4) states:

"The Commission shall have powers to take statements from, to interrogate, to confront, to hold in detention and to place under judicial supervision anyone suspected of having committed human rights offences or abuses in accordance with article 1(2), in particular in relation to:

- a) Homicide,
- b) Bodily harm,
- c) Destruction of buildings and movable property and looting;
- e) Arbitrary arrest and illegal confinement or restraint;
- f) Torture;
- g) Rape and any other form of physical violence;
- h) Other inhuman acts."

Civil and military authorities are required to cooperate with the Commission, including by facilitating access for members of the Commission "to the necessary places, persons and documents for the purposes of the inquiry" (article 18 (1)). In carrying out its functions, the Commission will be assisted by a secretariat (article 8) as well as a "special combined gendarmerie-police brigade (*brigade spéciale mixte gendarmerie-police*) (article 4.6).

Suspects appearing before the Commission are afforded the right to a lawyer of their choice and, if they cannot afford legal representation, to have a lawyer assigned free of charge (article 15). The presumption of innocence and other fair trial safeguards are also guaranteed (article 16).

According to the Law setting up the Commission, once it completes its investigations on particular cases, the Commission can seize the relevant judicial authority for the prosecution of the suspected perpetrators (Article 4.12). The Commission's mandate expires in 12 months, although the Prime Minister may extend it (Article 21.1). The results of the inquiry will also be made public (Article 21.2).

Amnesty International believes that the law establishing the Commission of Inquiry gives it the powers and means to conduct an effective investigation into the events described in this report. The law establishing the Commission contains guarantees for the independence and effective functioning of the Commission.

Amnesty International encourages the Prime Minister to ensure that members of the Commission are appointed on the basis of their recognized impartiality, competence, integrity and independence. Given the scope of the human rights violations which will be subject of the inquiry, members of the Commission should have knowledge and expertise in human rights law and standards, including in particular investigations of extra-judicial executions, torture and other ill-treatment, standards on the use of force as well as investigation of gender based violence, such as rape. The Commission should also be able to request and obtain independent expert advice, including by pathologists.

The Commission should pursue all available sources of information, including statements from victims, witnesses and alleged perpetrators; material evidence from sources such as government reports, medical records, and police investigation files; court files; media reports; and information from NGOs, families, and lawyers. In this regard it is crucial that the Commission embarks immediately in a comprehensive outreach policy, in order to establish contacts with victims, witnesses, NGOs and other interested parties, and to widely publicize its mandate and encourage the participation of all in this inquiry process.

While the law expressly states that the Commission shall safeguard the safety of witnesses and experts (Article 17.4), it is silent on the steps that need to be taken to ensure such safety. The Commission should therefore consider taking effective protection measures to guarantee that witnesses, victims, experts and other individuals providing information to the Commission are protected against possible reprisals. These should include concealing the identities of the victims and witnesses, seeking restraining orders against anyone who poses a threat to the victim, witness or their family, organizing police protection, safeguarding the whereabouts of the victim, witness or their families from disclosure and providing them with medical and psychological treatment and support.

The Commission should also have the power to require the relevant authorities to suspend from duty officials accused of involvement in human rights violations under investigation, or to transfer them to other departments or duties where they would have no contact with victims or witnesses, if there is reason to believe that they may try to influence victims or witnesses or otherwise interfere with the investigation.

The Commission will hold its session in private, although the decisions will be pronounced publicly (Article 7.6).

Amnesty International regrets the adoption of this provision: so far as possible the media and public should be informed of the proceedings of the Commission and the evidence on which it bases its findings. However, the media and public may be excluded from all or part the inquiry, the identities of victims or witnesses may be withheld, and material may be omitted from the Commission's report if the commission considers that such measures are necessary to protect the rights of individual victims or witnesses or that publication of such information could prejudice the public interest.

In any event, victims, their families and their legal representatives should be kept informed of the progress of the inquiry, have access to hearings and information and relevant documents, be consulted where possible or appropriate, and be entitled to present evidence. They should be given financial assistance to enable them to travel and follow the proceedings of the Commission.

6. CONCLUSION AND RECOMMENDATIONS

In Guinea, maintaining public order has always taken precedence over respecting the first right guaranteed by the Constitution of Guinea and by every standard of international law; the right to life and to physical integrity. The recurrent recourse to excessive use of force and the impunity enjoyed by the perpetrators of extrajudicial executions illustrate clearly how the highest authorities of the State have covered up these acts and even encouraged them, in order to stifle any form of opposition as it expressed its discontent on the streets.

Throughout its fact-finding mission, the Amnesty International delegation saw the extent to which the formation of the new Government of Guinea buoyed up the country on a wave of hope. Amnesty International sets out below some

recommendations for the Government of Guinea and for the international community to ensure that these hopes for justice and the rule of law are not dashed.

Amnesty International urges the Guinean authorities, in particular, to:

- Give clear instructions to the security forces always to act in compliance with international human rights law; the security forces, should, in particular, respect the right to life and the total prohibition of torture and other ill-treatment as stipulated in international instruments;
- Take effective steps to ensure that the security forces apply the standards relating to the conduct of law enforcement officials and on the use of force and firearms in order to maintain and uphold the right to life and physical integrity in accordance with international instruments, the UN Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Suspend from duty anyone reasonably suspected of having committed offences under international law or other human rights abuses, or of having participated in such offences, until the allegations against them can be independently and impartially investigated.
- Create an independent selection and verification mechanism to ensure that no-one reasonably suspected of having committed offences under international law or other human rights abuses, or of having participated in such offences, can be engaged in the army until the allegations against them can be independently and impartially investigated.
- Study without delay the methods used to maintain order at demonstrations so that, in future, their security forces use means that comply with international standards on human rights to contain protest movements;
- Bring to justice anyone suspected of having committed extrajudicial executions, torture, ill-treatment and other grave human rights violations, including any identified by this fact-finding body or any other judicial procedure, respecting international standards of fairness;
- Uphold the right to freedom of expression and of assembly, in particular in the context of future electoral campaigns;
- Ensure that the Commission of Inquiry set up in May 2007 relies on the legal framework of international human rights law and conducts itself in accordance with international standards on investigation; the individuals responsible for this inquiry must have the necessary resources to carry this work through to a successful conclusion; they must have completely unrestricted access to witnesses to these events, including within the Guinean security forces and must have complete freedom of manoeuvre to enable it to obtain whatever information is deemed necessary in the context of the inquiry. The findings of this inquiry should be made public;
- Ensure that the victims of human rights abuses and violations and their families can obtain full reparation in the form of restitution, compensation, satisfaction, rehabilitation and guarantees non-repetition;
- Submit forthwith the outstanding reports that Guinea is obliged to present to the Human Rights Committee and the Committee against Torture concerning application of the International Covenant on Civil and Political Rights and the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment respectively;
- Submit forthwith the outstanding reports that Guinea is obliged to present to the African Commission on Human and Peoples' Rights concerning the application of the African Charter;
- Ratify the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Invite the UN Special Rapporteur on Extrajudicial Summary or Arbitrary Executions to come to Guinea.

Amnesty International calls on the members of the international community to:

- Support the efforts of the government to shed light on the events of June 2006 and January and February 2007 by providing material and expert support to the Commission of Inquiry that has just been established;
- Assist the Government of Guinea in providing comprehensive training on human rights standards to all its security forces.

(1) A document from the Guinean Ministry of Public Health (Crisis Committee, Situation at 1 March 2007) reports 136 dead and 1,667 injured.

- (2) The Guinean security forces violently suppressed, in particular, demonstrations organized during the December 1998 presidential elections, the local elections of June 2000, the 2001 referendum and, more recently, during the demonstrations of February and June 2006. See, in particular, Amnesty International, Guinea: Maintaining order with contempt for the right to life (AI Index: AFR 29/001/2002).
- (3) Lansana Conté has been re-elected President of the Republic three times, after having made changes in 2001 to Guinea's constitution, which limited the Head of State's tenure to two terms of office.
- (4) The trade unions were angry at the release by President Conté in mid-December 2006, of the former president of the employers' federation, Mamadou Sylla, who had been found guilty of misappropriation of public funds and imprisoned.
- (5) See Amnesty International press release, Guinea: Fundamental freedoms must not be jeopardized by the state of siege (AI Index: AFR 29/002/2007).
- (6) In an appeal on 16 February 2007, the African Commission declared itself to be "concerned about the martial law imposed by the government on 12 February 2007, which limits the enjoyment of many rights and freedoms enshrined in the African Charter, including the right to liberty and the security of the person (Article 6), the right to information and freedom of expression (Article 9), freedom of assembly (Article 11), and freedom of movement (Article 12). The African Commission would also like to recall that unlike other international human rights treaties, the African Charter does not allow for states to derogate from the rights and freedoms they are obliged to guarantee, which shall be observed even during emergency situations".
- (7) Lansana Kouyaté was chosen by President Conté from the four "consensual" individuals put forward by the trade unions and by civil society. The new Prime Minister is a career diplomat who held the post of Under-Secretary General of the United Nations between 1994 and 1997.
- (8) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.
- (9) Code of Conduct for Law Enforcement Officials, adopted by General Assembly resolution 34/169 of 17 December 1979.
- (10) Guinean army unit (See Part 4: Security forces out of control).
- (11) Ignace Deen national hospital and Donka national hospital.
- (12) After the security forces had fired on civilians, and especially on children, they were accused of cowardice and the population nicknamed them "Madame Conté" or "Tantie".
- (13) Mobile post n°3, a military camp in Conakry.
- (14) Set up in January 2007.
- (15) Anti-Crime Brigade (Brigade anti-criminalité)
- (16) The colonel was, at that time, commander of Military Engineering in Conakry.
- (17) These "Volunteers" belong to the group of people engaged in September 2000 following an appeal by President Conté for a general mobilisation of Guinean civilians and military personnel to defend the country against armed incursions from Liberia and Sierra Leone. See Amnesty International document, Guinea: Prisoners of conscience must be released and refugees' rights respected, 13 September 2000, AI Index: AFR 29/003/2000.
- (18) Memorandum No 06 MG/CAB/07 of 1 February 2007. The Commission's supervisory and monitoring powers extended to the events relating to the strike that began on 12 June 2006.

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