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Political context

In 2007, Guinea had been faced with a revolt of the people against the Government of late President Lansana Conté, who had been in power for 23 years. Following negotiations, an agreement had been reached on January 27, 2007¹ regarding the formation of a new Government led by Mr. Lansana Kouyaté, appointed Prime Minister by consensus and given extensive executive powers for a three year transitional period, during which parliamentary and presidential elections were to be organised.² The dismissal of the Prime Minister in May 2008, and his replacement by Mr. Ahmed Tidiane Souaré, clearly demonstrated the lack of willingness from the General-President to carry out reforms and to organise transparent elections before the end of 2008, with a view to presidential elections being held in 2010.³ In addition, the President of the National Independent Election Commission (*Commission électorale nationale indépendante* – CENI) announced on October 20 that the election could not be held within the allotted time due to considerable delays in organising the voting process.

From the beginning of 2008, trade unions and civil society organisations led peaceful protests against the violations of the January 27, 2007 agreements. The commission of enquiry in charge of elucidating the circumstances of the human rights violations committed during the demonstrations in 2007 and those responsible for such violations was unable to complete its mission due to lack of resources,⁴ and its mandate ended in December 2008. In addition, the National Observatory on Democracy and Human Rights (*Observatoire national de la démocratie et des droits de l'Homme* – ONDH), set up by the Prime Minister in July 2008 to investigate and report on human rights violations, to lead initiatives in human rights education, essentially with the security forces, and to advise the Government on matters relating to human rights and humanitarian law, was still not operational as at the end of 2008, due to finance problems.

Following the announcement of the death of President Lansana Conté on December 23, 2008, the National Council for Democracy and Development (*Conseil national pour la démocratie et le développement* – CNDD) came to power in a coup led by Captain Moussa Camara. In accordance with an EU demand, the CNDD appointed a civilian Prime Minister, Mr. Kabine Komara.⁵ The CNDD met with civil society, the political parties and women's and young people's associations from the beginning, leaving hopes of a new start within the public opinion. However, some civil society organisations, including the Guinean Human Rights Organisation (*Organisation guinéenne des droits de l'Homme* – OGDH), showed their

concern regarding the presence, amongst the members of the CNDD and within the Government, of individuals responsible to varying degrees for human rights violations, acts of corruption, and other serious crimes. They also alerted public opinion on the risks of jeopardising the rule of law and establishing arbitrary justice, especially after a statement made by some CNDD members according to which "if there's a criminal around, he must be killed on the spot".⁶ They called on CNDD to repeal the ban on all political and union activity that had been imposed on December 23, 2008. At the end of 2008, the NGOs were still waiting for a response to their views.

Abusive use of force during peaceful demonstrations

Amid the context of impunity that reigned throughout 2008, particularly regarding human rights violations committed during the 2007 demonstrations, the Guinean security forces used excessive force every time peaceful demonstrations called for political reforms or improvements in the economy. This was particularly the case during the demonstrations that took place in several regions of the country between September and October 2008 against the high cost of living and the shortage of basic commodities, focusing in particular on demands for improved access to electricity, water and land to cultivate. At least five people were killed, around twenty were injured and many people were tortured in detention following the repression by the security forces. Furthermore, following a demonstration on October 31, 2008, at least ten people were arrested and taken to a military camp, where they were tortured. All these people were later released without charge.⁷

1 The agreements were signed by the trade unions, the employers, the National Assembly, the Supreme Court and the Economic and Social Council.

2 The last parliamentary elections, in 2002, had been boycotted by most of the opposition parties. The current National Assembly is consequently largely dominated by the presidential party and its allies, who hold 90 of the 114 seats.

3 See International Crisis Group, Africa Briefing No. 52, June 24, 2008.

4 The funds allocated in particular by the European Union for the functioning of this commission were blocked with no official reason given by the Presidency.

5 The EU also called for presidential and parliamentary elections to be held before the end of the first half of 2009. See Declaration by the EU Presidency on the situation in Guinea, December 31, 2008.

6 See OGDH.

7 Idem.
