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U.S. Department of State

Guinea Report on Human Rights Practices for 1997

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GUINEA

President Lansana Conte took office as head of state of the Republic of Guinea in 1994, after multiparty elections in which the Government dominated the electoral process. Guinea held its first multiparty legislative elections in 1995, delivering more than 60 percent of Parliament's seats to President Conte's Party of Unity and Progress (PUP). The PUP is one seat short of the majority required to make constitutional amendments. Opposition leaders, some international observers, and segments of the citizenry voiced suspicion of PUP's considerable victories in both parliamentary and municipal elections. Although the PUP continues to dominate all three branches of government, opposition parties have on occasion persuaded PUP members of Parliament, including the National Assembly leadership, to vote with the opposition on specific legislative matters. The judiciary is subject to executive influence, particularly in politically sensitive cases.

The gendarmerie and the national police share responsibility for internal security and sometimes play an oppressive role in the daily lives of citizens. The Red Berets--autonomous presidential guards--are accountable to almost no one except the President. Members of all the security forces, which many citizens view as corrupt, ineffective, and even dangerous, frequently commit human rights abuses.

About 85 percent of the country's 7 million people engage in subsistence agriculture. Annual per capita gross domestic product is about \$750. More than 90 percent of export earnings come from mining, particularly bauxite, gold, and diamonds. Additional exports include coffee and fruit. In July 1996, President Conte appointed a new government, including the country's first Prime Minister, which emphasized economic reform.

The Government continued to circumscribe human rights. The Government's tight control over the electoral process and the lack of an independent electoral oversight mechanism, and a prohibition on nongovernmental broadcast media, call into serious doubt the ability of citizens to change the government. Major human rights abuses include: disappearances; police abuse of prisoners and detainees; use of torture by military personnel; inhuman prison conditions and frequent deaths due to these conditions and lack of medical care; instances of arbitrary arrest and detention; governmental failure to ensure access by attorneys to clients in prison; the executive branch's influence over the judicial system and the electoral process; occasional instances of vigilante justice by unidentified uniformed personnel; infringement on citizens' privacy; restrictions on freedom of speech and the press; restrictions on freedom of assembly; societal discrimination and violence against women; and prostitution and genital mutilation of young girls.

The Government dominated the electoral process. However, the PUP head of the National Assembly and the leaders of the opposition called for the creation of an independent electoral commission. The independent press criticized the Government, but met with a broad range of restrictions, including the arrest of journalists. The Government owns and operates the electronic media, the major medium for reaching the vast majority of the public.

The Ministry of Justice, the National Assembly and local nongovernmental organizations (NGO'S) attempted to educate the citizenry about the judicial process and individual rights. The Ministry of National Defense also sponsored a series of seminars to teach the armed forces and gendarmes about human rights. The International Committee of the Red Cross, trained Ministry of Security officials and customs officers on humanitarian law.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of targeted political killings.

Relief organizations reported scattered rebel incursions into refugee camps to steal livestock and other goods. In contrast to previous years, no one was reported killed in the attacks. In June unknown members of the security forces shot and killed a Sierra Leonean refugee and wounded his brother while the boys were fishing near the Kolomba refugee camp. The Government reportedly investigated the incident, but has not released results from the investigation.

Security forces committed extrajudicial killings during the February 1996 mutiny. Between 30 and 50 persons, mostly civilian victims of stray gunfire, were killed by military forces and mutineers during the 2-day uprising. The Government made numerous arrests of mutinous soldiers following the mutiny. Local NGO's reported that in March and April, the Government released approximately 60 of the soldiers detained in the 1996 mutiny. Several arrests also were made following the mutiny-related killing of Colonel Seny Bangoura, commander of the Alpha Yaya military camp in Conakry, by uniformed soldiers in March 1996. The suspects were charged with voluntary assassination, threatening state security, destruction of state property, and dereliction of duty. The suspects remained incarcerated, awaiting trial with the alleged ringleaders of the February 1996 mutiny. In June the Government activated a State Security Court to try the remaining 30 to 40 alleged mutiny ringleaders still in prison awaiting trial (see Section I.e.). At year's end there had been no trial.

Deaths in custody due to inhuman prison conditions and inadequate medical treatment are frequent (see Section I.c.).

No investigation has been conducted into the deaths in 1996 of two detainees, Dian Oury Kante and Mahamed Diallo, who were awaiting trial for murder and robbery in Telimele.

There has been no investigation into the January 1995 deaths of 16 civilian prisoners while in custody. There has been no further action in the case of the policeman arrested for killing a youth at a rally in Conakry in 1995 or in the case of two police charged with killing a civilian in 1996 in Kissidougou. The Guinean Organization for the Defense of Human and Citizen Rights (OGDH) disputes the official tally, claiming that 24 people actually died while in police custody. A former inmate at the prison reported that the dead were buried in a clandestine cemetery in the prison courtyard.

Government authorities also blocked separate efforts by human rights groups and nongovernmental organizations to investigate political killings that took place in the 1970's under then-president Sekou Toure and to protect victims' burial plots from urban encroachment. Two NGO's representing the victims of those who died in Camp Boiro, the Conakry prison where hundreds of political prisoners and members of the intelligentsia were detained or killed, held a memorial service on April 3 to call attention to their cause. A memorial to the victims is being erected at the site.

Vigilante action by victims or others sometimes resulted in the beating to death of suspected criminals (see Section I.e.).

b. Disappearance

Opposition leaders, local NGO's, and the independent press reported cases of temporary disappearances that ended with the eventual release of the prisoners who had been held by security forces.

In the months after the February 1996 mutiny, hundreds of soldiers and civilians disappeared during neighborhood sweeps conducted by armed members of the security forces, who were often masked to hide their identities. Some of these individuals were subsequently released; others continue to be held awaiting trial. The Guinean Organization for the Defense of Human and Citizen Rights (OGDH) reports that people were taken from their homes in the middle of the night and incarcerated. After interrogations dozens of soldiers were transferred to judicial authorities for legal proceedings related to the mutiny, but in August 1996 prosecutors released 63 detainees for lack of evidence. Baba Sarr, a relative of the mutiny ringleader Major Gbago Zoumanigui, remained missing since his detention following the February mutiny.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Penal Code and the Constitution prohibit torture and cruel, inhuman, or degrading treatment. However, both civilian and military security forces often use beatings to extract confessions and employ other forms of brutality, including holding prisoners incommunicado without charges and under inhuman conditions. Local human rights organizations and former detainees said some prisoners are bound and hung by their feet before being beaten. There were no reported judicial proceedings against officers suspected of committing abuses.

Unidentified uniformed personnel acting as vigilantes used torture, beatings, unsanitary conditions, and restrictions of food in secret prisons to obtain confessions from those suspected of involvement in the mutiny and any cases considered as "national security" (see Section I.d.).

There were reports of sexual assaults by soldiers on refugees, and some soldiers demanded sex in exchange for entry into the country (see Section 2.d. and Section 5).

Prison conditions are inhuman and life threatening. Family members and friends are responsible for feeding prisoners. Guards often demanded bribes in exchange for letting food through to those incarcerated. Standards of sanitation remained poor, and there were several dozen deaths due to malnutrition and disease. A former inmate held in the central prison in Conakry reported being housed with between 60 to 80 prisoners in 1 cell, with 1 toilet and no beds. Prisoners reported threats, beatings, and harassment by guards. There are credible reports from prisoners that female inmates are subject to harassment and sexual assault by guards.

The OGDH determined that prisoners in at least one major prison, located in N'Zerekore, suffered more from neglect and lack of resources than from mistreatment. According to the OGDH, the N'Zerekore prison is a converted grain warehouse built in 1932 for 70 prisoners, but currently houses 120. There is no electricity or running water.

The independent press, a local human rights organization, and a former prisoner reported that inmates are routinely beaten and subjected to other forms of abuse at the prison in Koundara in northern Guinea.

A member of a political opposition party, a soldier, a local human rights organization, and former prisoners reported that the Government houses political prisoners considered a threat to state security at Kassa prison, allegedly located in a former French colonial structure on an island off the coast of Conakry. The Government denies the existence of the Kassa prison and states that prisoners identified as political detainees have been incarcerated for criminal acts and are located in other prisons.

Although the Minister of Justice denounced inhuman prison conditions during televised visits to prison facilities in 1996, no concrete action was taken to improve conditions. The Government, however, does permit visits by local humanitarian and religious organizations, which offer medical care and food for those in severe need. A former prisoner reported that without this assistance, those who do not have families or friends would starve to death.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest remains a persistent threat despite procedural provisions in the Penal Code designed to safeguard detainees. In practice administrative controls over the police are ineffective, and security forces rarely follow the Penal Code.

The Penal Code requires that the Government issue a warrant before an arrest can be made and charge detainees before a magistrate within 72 hours. However, many detainees are incarcerated for longer periods of time before being charged. After being charged, the accused may be held until the final outcome of the case, including a period of appeal. Release on bail is at the discretion of the magistrate who has jurisdiction. The Constitution proscribes incommunicado detention. The law provides for access by attorneys to their clients, but authorities frequently do not respect this provision.

The Government detained about 30 to 40 alleged mutiny ringleaders following the February 1996 uprising, which involved some 2,000 soldiers who had protested low salaries and benefits. The mutiny evolved into an attempted coup d'etat that nearly toppled the Government, during which an estimated 30 to 50 people in Conakry, mostly civilians, were killed.

Bar Association attorneys, the independent press, and government sources describe a parallel system of

justice run by unidentified uniformed personnel who conduct midnight arrests, detain suspects, and use torture in secret prisons to obtain confessions before transferring detainees to prosecutors. Unidentified security forces had rounded up hundreds of soldiers and civilians suspected of involvement in the mutiny. The Government subsequently charged a total of 43 soldiers with murder, looting, armed robbery, and abandonment of post in connection with the mutiny and detained the rest without charges. A government prosecutor released 63 detained soldiers for lack of evidence in August 1996 and security forces allegedly released 60 more detainees in March and April. Judicial authorities denied any responsibility for the arrests, yet took custody of dozens of detainees transferred by security forces.

The Government continues to detain two members of the Rally of the Guinean People following trial for killing a policeman during a demonstration in 1995 that became violent.

The Government does not practice forced exile.

e. Denial of Fair Public Trial

The Constitution provides for the judiciary's independence; however, judicial authorities routinely defer to executive authorities and the executive branch in politically sensitive cases. Magistrates are civil servants with no assurance of tenure. Due to corruption and nepotism in the judiciary, relatives of influential members of the Government are above the law. In 1996 the Cabinet stated that it would pursue those who violate the law but avoid punishment due to judicial corruption, including autonomous Red Berets; however, no action was taken. Judges often do not act independently and their verdicts are subject to outside interference. Influential persons often intervene on behalf of their relatives to prevent a negative judgment from being carried out.

The Judiciary includes courts of first instance, two Courts of Appeal, and the Supreme Court, the court of final appeal. Since 1988 civilian courts have rendered all judgments involving civilians under the Penal Code. A military tribunal prepares and adjudicates charges against accused military personnel, to whom the Penal Code does not apply. The armed services, however, made no use of a military tribunal following the February 1996 mutiny and transferred dozens of detained soldiers to the judiciary (see Section I.d.). The Government announced in September 1996 the creation of a Discipline Council for dealing with civil servants who abuse their positions as government employees, but at year's end, the Council had not prosecuted any cases.

In June Minister of Justice Maurice Zogbelemou Togba activated a Special State Security Court to try the 30 to 40 alleged mutiny ringleaders who remained in custody following the attempted uprising in February 1996. Togba has defended the Special Court's legality, citing statutes predating the 1992 Constitution. Members of political opposition parties and the independent press maintain that the Court is unconstitutional, arguing that the Fundamental Law of 1992 superseded related statutes. They also maintain that because the State presents evidence as well as makes final judgment, the Court infringes on the prisoners' due process rights because the judiciary is beholden to the executive and lacks real independence.

The judicial system is plagued by numerous problems, including a shortage of qualified lawyers and magistrates and an outdated and restrictive penal code. The Penal Code provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel, and the right to appeal a judicial decision. Although in principle the Government is responsible for funding legal defense costs in serious criminal cases, in practice it rarely disburses these funds. The attorney for the defense frequently receives no payment. The Government provided counsel for dozens of soldiers charged in connection with the February 1996 mutiny and the

quasi-independent Bar Association started a permanent legal defense fund.

Defense lawyers for the soldiers incarcerated in connection with the 1996 mutiny complained that they had difficulty obtaining permission to meet with their clients, particularly after President Conte activated the Security Court in June. They also reported that prison guards eavesdropped on their conversations, denied family visits to the detainees, and that the Government reduced their clients' salaries by as much as 60 percent to pay for prison meals.

Many citizens are wary of judicial corruption and prefer instead to rely on traditional rules of justice at the village or urban neighborhood level. Litigants present their civil cases before a village chief, a neighborhood leader, or a council of wise men. The dividing line between the formal and informal justice systems is vague, and authorities may refer a case from the formal to the traditional system to ensure compliance by all parties. Similarly, if a case cannot be resolved to the satisfaction of all parties in the traditional system, it may be referred to the formal system for adjudication. The traditional system discriminates against women in that evidence given by women carries less weight (see Section 5).

Many victims of crime fear that they may never achieve justice because of judicial corruption and may resort to exacting their own form of retribution through vigilante violence. Some suspected criminals, notably thieves and rapists, are beaten to death or burned after being soaked with a flammable liquid by their victims or by others, even though there may be insufficient evidence that a crime has actually taken place. OGDH reported a Conakry driver, falsely accused of theft, was beaten to death in 1996 by an angry mob after his car broke down. Police authorities rarely intervene to rescue victims of vigilante justice.

The Government holds less than a dozen political prisoners. Such prisoners are individuals incarcerated for allegedly politically motivated acts, such as protests, meetings and campaigns; but arrested and convicted under criminal laws such as those applying to creating disorder, inciting violence, and corruption. Some of these individuals consequently received disproportionately harsh punishment due to their political affiliation.

The Government denies holding any political prisoners. Members of political opposition parties and a local human rights organization dispute this claim, saying that dozens of political prisoners are being detained or have disappeared.

In June four leaders of the main opposition party, the Rally of the Guinean People (RPG), received 2-year prison sentences. The four opponents were arrested for alleged criminal acts in November 1996 and charged with voluntarily causing injury to others following a rally to welcome their leader, Alpha Conde, back to Guinea. During an impromptu parade en route to Conde's residence, RPG supporters clashed with students, several of whom were injured. The students responded by attacking the nearby RPG headquarters and were joined by local residents who together looted and burned what remained of the offices.

In September 1996, a circuit court settled the cases of 35 RPG detainees held in N'zerekore in a military camp without charges since August 1995. The authorities originally imprisoned the RPG activists after violence broke out during a general strike. One policeman was killed in the clashes. In September 1996, the court released 33 of the activists, sentenced one person to 5 years in jail and another person to 3 years in jail with a fine of \$1,000.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home, and judicial search warrants are required by law. However, police frequently ignore these procedures. Police and paramilitary police often ignore legal procedures in the pursuit of criminals. Private citizens are frequently detained at nighttime roadblocks set up by police and the military for purposes of security and extortion (see Section 2.d.).

It is widely believed that security officials monitor mail and telephone calls.

Local businesses, especially expatriate companies, often complain of intimidation and harassment by public officials and authorities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression, subject to certain limitations; however, despite government statements in support of free speech and a free press, the Government employs a broad range of restrictions that vitiate any real protection. The Government prohibits what it considers seditious talk or chants in public, has established defamation and slander as criminal offenses, and prohibits communications that personally insult the President, or incite violence, discrimination, or hatred, or that disturb the public peace.

The Government publishes the official newspaper, *Horoya*, and operates the official television and radio (ORTG) stations. Reporters for the official press, who are government employees, practice self-censorship in order to protect their jobs. Several younger broadcast journalists reported critically about the Government and posed critical questions at official press conferences.

There is a vocal independent press that is critical of the President and the Government. For example, the weekly satirical newspaper *Le Lynx* publishes front page cartoons lampooning the Head of State and senior government officials. The government-controlled daily (*Horoya*) and five weekly newspapers (*Le Lynx*, *La Lance*, *L'Oeil*, *L'Independant*, and *L'Independant Plus*) publish regularly in Conakry, and up to 10 other publications publish sporadically, although hampered by technical and financial difficulties. One newspaper, *L'Espoir*, is affiliated with the governing political party (PUP), and several other newspapers are affiliated with opposition parties. Other papers offer news and criticism of both the Government and the opposition.

The Government maintains control of the electronic media, and national radio serves as the most important means of reaching the public. The Government authorized in 1996 the temporary FM transmission of Africa Number One, a private Gabonese radio station and promised a permanent license, but the license was not issued and the station is no longer broadcasting. Many citizens listen regularly to foreign-origin short-wave radio, and some have access to foreign television satellite broadcasts.

The Government occasionally detains journalists. Police arrested editor-in-chief, Louis Celestin, and publisher, Ousmane Camara, of the independent weekly newspaper *L'Oeil* on August 1 after the Minister of Justice filed a complaint accusing the two men of libel and publishing false information. The newspaper had printed an article criticizing Justice Minister Togba and his attempts to stifle the country's independent press. The journalists were released on August 11 with no formal charges filed. They were detained again on August 25, after the paper printed a follow-up story again criticizing the Justice Minister, but subsequently released.

Ismael Bangoura, publishing manager of *L'Oeil*, was sentenced in January to a month in jail, and was

fined after conviction a token sum of 1 Guinean franc for "publishing false information and for illegal publication." The Justice and Security Ministers leveled the charges against Bangoura after the paper published an article criticizing a government meeting.

On April 25, President Conte fired Minister of Information and Culture Michel Kamano. Kamano, a senior ranking cabinet minister, was a vocal proponent of establishing independent radio.

Political tracts occasionally circulate in Conakry and other urban areas. Some tracts support the Government, while others specifically criticize senior officials. Foreign publications, some of which criticize the Government, are often available.

The Ministry of National Education and Scientific Research exercises limited control over academic freedom through its influence on faculty hiring and control over the curriculum. In general, teachers are not subject to classroom censorship.

b. Freedom of Peaceful Assembly and Association

The law restricts freedom of assembly, and the Government exercises its power to thwart unwanted political activity. The Penal Code bans any meeting that has an ethnic or racial character or any gathering "whose nature threatens national unity." The Government requires notification 72 hours prior to public gatherings, otherwise the events are considered illegal.

The Government bans all street marches except for funerals. Pursuant to this statute, local authorities may cancel a demonstration or meeting if they believe that it poses a threat to public order. They may hold event organizers criminally liable if violence or destruction of property ensues.

Union organizers of a nationwide teacher strike in April reported being harassed by youths they believed had been recruited by local government officials (see Section 6.b.).

Freedom of association is protected by law, but there are cumbersome requirements to obtain government recognition. Political parties must provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution before the Government recognizes them. There are approximately 46 legally recognized political parties; deputies of 9 different parties are represented in the National Assembly.

There were credible reports of harassment and oppression of the Rally of the Guinean People (RPG) party (See Section I.e.).

c. Freedom of Religion

The Constitution provides for freedom of religion and permits religious communities to govern themselves without state interference. The Government generally respects these rights in practice. The quasi-governmental National Islamic League represents Guinea's Muslims, who make up 85 percent of the population. The League states that it supports peaceful coexistence with other religious denominations, and actively attempts to facilitate dialogue to eliminate ethnic and religious tensions. Although the Government and the National Islamic League have spoken out against the proliferation of Shi'ite fundamentalist sects, which they alleged were "generating confusion and deviation" within Guinean Islam, they have not restricted these groups. Foreign missionaries and church-affiliated relief agencies operate freely.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides citizens with the right to travel freely within the country and to change their place of residence and work. The Government requires all citizens to carry a national identification card, which they must present on demand at security checkpoints. Travelers face harassment by police and at military roadblocks, particularly late at night. The independent press and local NGO's reported that travelers are often pressured into paying bribes to allow free passage. On April 22, President Conte announced the shutdown of the infamo