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## Human Rights Council

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Agenda items 2 and 10

### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

### Technical assistance and capacity-building

## Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea\*

### *Summary*

In resolution 19/30, the Human Rights Council invited the Office of the United Nations High Commissioner for Human Rights (OHCHR) to report at its twenty-second session on the situation of human rights in Guinea and OHCHR activities there.

The report describes changes in the human rights situation given the contextual and structural challenges identified in the previous report and describes the action taken by the Government on the High Commissioner's recommendations and in fulfilment of the human rights obligations it has voluntarily assumed.

The human rights situation remains worrisome and is characterized by violations arising from structural problems such as impunity, on the one hand, and political tension, on the other. The legislative elections marking the end of the transition period did not take place owing to a lack of consensus. This delay has hindered the adoption of reforms needed to address the root causes of the violations. The main areas of concern are: political violence, especially the breaking up of public demonstrations; cases of bodily harm and acts of torture; and ongoing impunity, in particular for the security forces. Furthermore, the report finds that little progress has been made in implementing the Government's priority actions, thereby impeding the re-establishment of the rule of law. The main issues are the delay in launching the national reconciliation process through national consultations, the slow pace of proceedings against perpetrators of serious human rights violations and the lack of progress on setting up an independent national human rights institution.

In 2012, the Government took measures to strengthen the institutional human rights framework, including the establishment of the Ministry of Human Rights and Public

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\* Late submission.



Freedoms. It also acted on the High Commissioner's recommendation to integrate human rights in security sector reform.

The Office of the High Commissioner in Guinea has continued to collaborate with the Government and other national and international actors on implementing programmes and strategies to address human rights challenges.

The High Commissioner reiterates to the Government the recommendations made in her previous report and invites the international community to assist Guinea with tackling its human rights challenges. The Office of the High Commissioner will continue to support the Republic of Guinea.

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## I. Introduction

1. In the present report, submitted pursuant to Human Rights Council resolution 19/30, the United Nations High Commissioner for Human Rights assesses the human rights situation in Guinea in 2012 and the actions taken by the Government to implement the recommendations of international human rights mechanisms, including those made at the universal periodic review of the Human Rights Council and the recommendations made in the previous report of the High Commissioner (A/HRC/19/49). In the report, she also reviews the activities of the Office of the High Commissioner (OHCHR) in Guinea and makes a number of recommendations for the Government and the international community.

## II. Main political, economic and social developments affecting human rights

2. In 2012, the social and political situation in Guinea was characterized by ongoing dissent within the political class and growing social unrest. This social and political instability undermined the Government's efforts to improve the human rights situation and hindered the roll out of scheduled institutional reforms.

3. The political transition phase that began with the death of President Lansana Conte on 22 December 2008 should have ended in 2010 with presidential and legislative elections to re-establish the rule of law. While presidential elections were held in 2010, legislative elections have been held up by persisting conflicts between the various political groups. The main points of contention relate to the electoral process, and more specifically the institutional framework and technical conditions for organizing elections. Advances such as the rebalancing of the Independent National Electoral Commission in September 2012 and the formulation of the Commission's strategic operational plan on 17 November 2012 give cause for hope that legislative elections may be held without delay in 2013.

4. As in 2011, demonstrations by the opposition to express their disagreement with how elections are organized continued until September 2012. The Government's announcement in February, confirmed by the Independent National Electoral Commission in March, that elections would be held in July sparked a series of opposition marches and general strikes. On 24 and 31 March 2012, militants of the coalition parties belonging to the Alliance pour la démocratie et le progrès (ADP) and the Collectif des partis politiques pour la finalisation de la transition (the Collectif) demonstrated to demand greater electoral transparency. The protest movement grew fiercer with the organization on 10 May 2012 of a protest march in Conakry to demand a more open political dialogue; several people were injured when security forces broke up the crowd. This march was followed by general strikes on 11 and 14 May 2012 during which violent clashes broke out between youths who had erected barricades, and security forces, resulting in at least 28 arrests and a number of injured.

5. On 17 August 2012, as part of an attempt at mediation, the State institutions<sup>1</sup> submitted three proposals for the restructuring of the institutional framework for elections to the President, who opted for a partial reconstitution of the Independent National Electoral Commission. In response, the opposition coalitions, ADP and the Collectif, organized a protest march in Conakry on 27 August, despite the ban by the authorities,

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<sup>1</sup> The State institutions consist of the National Transition Council (legislative body), the Economic and Social Council and the National Communications Council.

claiming that the President's solution did not guarantee them equal representation in the Commission.

6. As a result of the ban on the march of 27 August, the opposition coalitions suspended the political dialogue by announcing the resignation of their representatives in the transition entities and the Government on 28 August 2012. However, early signs of compromise began to appear among the political class in September. Progress was made, thanks to the parties involved and the support of various international actors,<sup>2</sup> by way of legislative reform and the reorganization of the Electoral Commission to ensure more equal representation of the political groups. The reconstituted National Electoral Commission was established on 29 October 2012 and began work on a strategic operational plan. There are still differences of opinion, however, especially regarding the choice of contractor to revise the electoral register and the vote of Guineans living abroad.

7. In addition to the political tensions, the situation in Guinea was characterized by social unrest. The main demands were for better living conditions and improvements to an environment damaged by mining operations. The Government has adopted measures to combat economic crimes and improve economic governance. As a result, inflation has fallen and the national currency has stabilized, enabling the country to reach completion point in the International Monetary Fund (IMF) and World Bank Heavily Indebted Poor Countries Initiative (HIPC), with two thirds of the country's multilateral debt or US\$ 2.1 billion forgiven on 26 September 2012. Moreover, the Paris Club of Industrial Country Creditors forgave 99.2 per cent of Guinea's debt, or US\$ 655.9 million, on 25 October 2012. Nevertheless, these economic measures have had a limited impact on the population's enjoyment of economic and social rights. To that extent, progress on the Millennium Development Goals remains insufficient, particularly in terms of reducing extreme poverty, fighting unemployment and providing access to education and basic social services.

8. All this led to demonstrations in Guinée Forestière to demand employment for locals, denounce deteriorating living conditions and call for environmental protection, especially in mining areas. Other sporadic actions occurred in other cities, such as Fria, over the closure of the alumina plant, and in some neighbourhoods of Conakry in January and August to protest the inadequate electricity supply. The Government agreed to use the additional resources freed up by debt forgiveness to finance the priority goals contained in the poverty reduction strategy, such as guaranteeing the right to health and education and improving basic infrastructure.

### III. Situation of human rights

9. Some noteworthy progress was made in 2012 regarding the observance of certain civil and political liberties, including freedom of opinion, expression and association. Furthermore, security sector reform has made law enforcement more professional. However, challenges of an institutional, legal and structural nature remain: the fight against impunity, the administration of justice and the protection of economic, social and cultural rights.

10. The Government's policy on impunity has had limited impact on the re-establishment of the rule of law whether in terms of prosecuting offences committed by

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<sup>2</sup> The Special Representative of the Secretary-General for West Africa, the Economic Community of West African States (ECOWAS), the International Organization of la Francophonie, the United Nations system in Guinea and the European Union.

security forces or of reacting to serious human rights violations, including those committed on 28 September 2009. In addition, excessive use of force and the large number of arbitrary arrests during public demonstrations remain a major concern. Regarding economic and social rights, Government efforts to fight financial crime and foster good economic governance have had little effect on the population's standard of living in terms of access to basic social services and essential products, such as water, electricity and food.

#### **A. Right to peaceful assembly, freedom of association, and excessive use of force by security forces**

11. Despite greater freedom to engage in political and trade union activities and join associations, restrictions on the right of peaceful assembly are a cause for concern. The tense political situation led to a resurgence of demonstrations which were at times put down by security forces.

12. Guinean law permits peaceful public gatherings on prior notification of municipal authorities. They can be banned only for reasons of public order and security owing to their effects on the enjoyment of other fundamental freedoms, especially during elections.

13. On 31 May 2012, by a decision of the Minister of Territorial Administration and Decentralization, the Government prohibited marches of a political nature until further notice. The decision, although justifiable given the possibility of unrest arising from the opposition party marches, in fact amounted to a breach of the right to peaceful assembly as it was general, non-specific and not time-bound. The prohibition was lifted on 12 September following talks between the Government and the various parties, in response to the President's plea to observe freedoms during protests, and the right to demonstrate.

14. The administrative authorities in Conakry banned other demonstrations, contrary to the recommendations Guinea had accepted at the universal periodic review to guarantee the unfettered exercise of the right to peaceful assembly during elections. Banned demonstrations included those planned for 10 May and 27 August in Conakry.

15. OHCHR observed that some opposition marches were infiltrated by violent agitators, obliging security forces to intervene to restore order. Demonstrators were seen throwing objects at security forces and erecting barricades in the streets, and violent clashes erupted between opposition militants and those loyal to the President, for example during the marches in Conakry on 20 and 21 September.

16. These interventions by the forces of law and order have been labelled as excessive use of force owing to their frequency, their scale and the methods used, in particular the use of lethal weapons to control public demonstrations. The disproportionate use of force, often not justified by the circumstances, has in some cases led to death or serious injury, including from gunfire. The student protest held in Kindia on 26 February following the death of one of their peers, for example, was violently put down by the gendarmerie and two people were injured by gunfire. On 10 May, a banned opposition protest in Conakry was violently broken up by security forces using live ammunition; according to medical sources at least 22 were wounded, including several by gunfire. At least six people were shot dead and several more injured in a clash between security forces and local people in Zoghota on 4 August. On 7 August in Siguiri, one person died of injuries from a lethal weapon, incurred during a protest against rising crime. On 21 September, one demonstrator was killed and two others seriously wounded when security forces opened fire on an opposition protest in the Ratoma district of Conakry.

17. Although the Government accepted the recommendation of the universal periodic review to take all necessary measures to end the excessive use of force by security forces,

the need to further strengthen the capacity of the security forces in that connection remains. Excessive use of force during demonstrations continues, despite measures taken to put regulations in place and reduce the number of officers carrying lethal weapons while controlling public demonstrations. In addition to technical capacity, these shortcomings are also due to the inadequacy of logistical resources. For example, investigations into the incidents in Siguiri<sup>3</sup> revealed that the departmental gendarmerie did not have the human or logistical resources to ensure the safety of a population of over 200,000.

## **B. Unlawful and arbitrary arrests, torture and ill-treatment**

18. Arbitrary arrests and detentions remain a major concern. At least 200 arrests by security forces were recorded during the demonstrations that punctuated 2012. The circumstances of some of the arrests, their scale and the indiscriminateness with which some were carried out amount to unlawful or arbitrary arrest. For example, the political rallies of 10 May and 27 August 2012 gave rise to at least 140 arrests and convictions. Some of those arrested stated that they had not taken part in the rallies, while others claimed to have been arrested in private homes. On 29 June 2012, following a general strike called by opposition leaders, 12 retailers were arrested and held in police custody by the Gueckédou gendarmerie for having shut their shops. They had to pay the equivalent of US\$ 8 for their release and to have their shops unsealed.

19. In addition, OHCHR found that the practice of arbitrary arrest was on the rise for certain types of offences;<sup>4</sup> people may be “remanded”, as it is called, following an extrajudicial arrest made without a warrant or charge by some senior member of the gendarmerie, and detained in police cells for upwards of five months.

20. Arbitrary arrests are often compounded by physical abuse, beatings and torture, which continue unabated and are sometimes inflicted in the course of arrest or during police custody. The main incidents recorded are beatings with rifle butts, clubs or batons and sexual violence, in police custody, including against minors. On 15 February, a person who had been arrested and held incommunicado at No. 2 platoon of the Hamdallaye gendarmerie in Conakry was found dead. Marks found on his body would indicate that he suffered beatings and torture. Other cases of ill-treatment at the gendarmeries in Hamdallaye and Kindia have been reported.

21. Impunity persists in cases of bodily harm despite Government efforts, as demonstrated by the low number of proceedings against alleged perpetrators of such acts. The reasons are legislative and institutional. For example, although Guinea is a party to the Convention against Torture, the Convention has yet to be incorporated into national law and a law criminalizing torture is still being drafted. Moreover, the lack of a torture prevention mechanism, combined with the drawn-out nature of judicial procedures, constitutes a barrier to the protection of victims. Establishing an independent national human rights institution and ratifying the Optional Protocol to the Convention against Torture would help ensure more effective protection.

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<sup>3</sup> People’s protest of 7 August in response to rising crime. The menacing crowd was eventually broken up by military personnel who came as backup from Kourémalé.

<sup>4</sup> Arms dealing, etc.

### **C. Administration of justice and detention conditions**

22. The administration of justice faces many challenges in terms of compliance with the State's national and international human rights obligations – for example, the independence and effectiveness of the judiciary, access to justice and improvements to the physical and legal conditions of detention. In her previous reports, the High Commissioner recommended speeding up the judicial reform launched in 2011. In that connection, the Government has taken measures to reorganize judicial districting, by recruiting 50 trainee judges, strengthen the criminal justice system, tighten prosecutorial oversight of the police, by training 729 investigative police officers, and build capacity among justice officials regarding human rights, with the support of OHCHR. In addition, the Government intends to give priority to the judicial aspect of the reform of the security sector, especially as regards strengthening the independence of the judiciary, by revising the Act on the Supreme Council of Justice and applying the regulations governing the judiciary.

23. Nevertheless, the shortage of courts, the uneven distribution of justice officials and the lack of financial resources hamper public access to justice. Some are discouraged by the distance to court: there are only two appellate courts countrywide. Others blame the financial cost, which is prohibitive as there is no budget for legal aid. These barriers, in combination with the uneven distribution of lawyers, perpetuate the public's lack of confidence in the justice system to solve their legal problems.

24. The length of pretrial detention and physical detention conditions are also a cause for concern. In 2012, an average of 65 per cent of the inmates of Nzérékoré prison were in pretrial detention, and 75 per cent in Conakry. Moreover, the lengthy nature of judicial proceedings creates situations of arbitrary detention insofar as statutory time limits, set at four months for minor offences and six months for serious offences, are not observed. OHCHR also came across instances of unlawful detention of people who have served their sentence, or as a means of making someone pay a fine, although efforts have been made in practice to ensure that the legal limits on custody in police and gendarmerie cells are observed. In 2012, OHCHR observed that suspects are no longer held in police custody for several months before being brought before a judge. This is the result of regular visits by OHCHR to places of detention and its training programmes for investigative police officers and judges responsible for compliance with limits on police custody.

25. Physical detention conditions need to be improved to meet the Standard Minimum Rules for the Treatment of Prisoners. For example, inadequate infrastructure in certain places of detention, such as Yomou prison in Guinée Forestière and some gendarmerie and police cells, means that men are not separated from women or minors from adults. As a result, some places of detention are at 200 per cent of real capacity.

### **D. Combating impunity**

26. The international commission of inquiry tasked with establishing the facts and circumstances of the events of 28 September 2009 recommended inter alia that the United Nations urge Guinea to prosecute those responsible and provide reparation to the victims. The High Commissioner repeated this recommendation in her previous report and invited the Government to take the necessary measures to assist the judges investigating these violations.

27. The team of judges formed in 2010 by the prosecuting authority of Conakry to investigate the violations committed in September 2009 moved forward on its mandate in 2012. On 1 February, it indicted Lieutenant Colonel Moussa Tiégboro Camara, Director of the National Agency against Drugs, Organized Crime and Terrorism, the international



commission of inquiry having found reasonable grounds for the presumption of individual criminal responsibility. On 13 September 2012, the judges indicted Colonel Abdoulaye Chérif Diaby, Minister of Health at the time of the events, whose possible direct criminal responsibility was mentioned in the report of the international commission of inquiry.

28. Thus, six individuals have been indicted in relation to this case since 2010; in addition, a request for judicial assistance has been issued for a hearing of Captain Moussa Dadis Camara (president of Guinea at the time of the events) and an international arrest warrant issued for Lieutenant Aboubacar Sidiki Diakite (aide-de-camp and head of the presidential guard at the time of the events). The judges also continued to hear statements from victims, some 250 people since the start of the proceedings.

29. However, the investigations launched in 2010 have been relatively slow. The courts have faced various challenges in the form of a lack of financial, logistical and even security resources, difficulties in making proper investigations and the need to provide a response to victims within a reasonable period.

30. Since 1 December 2012, the courts have had the services of an expert legal consultant to advise them primarily on the protection of victims and witnesses, the establishment of appropriate relations with civil society, judicial cooperation and the preparation of a communication strategy. The expert was brought in thanks to technical assistance from the Team of Experts on the Rule of Law and Sexual Violence in Conflict,<sup>5</sup> and works in cooperation with OHCHR. Moreover, the prosecutor of the International Criminal Court made his third visit to Guinea in April 2012. The Court stated that, although the national investigation into the human rights violations committed on 28 September 2009 had produced some results, it needed to be completed. Accordingly, the preliminary examination of Guinea begun by the Court on 14 October 2009 remains open and Guinea continues to monitor the progress of investigations.

31. In addition to these investigations, on 29 May 2012, the Conakry prosecuting authority filed two applications to investigate human rights violations committed in 2007 and 2010,<sup>6</sup> after two actions for damages were brought by 65 victims, the Guinean Organization for Human Rights and the International Federation for Human Rights. These applications should shed light on the events, establish responsibility and provide reparation to victims.

32. The slowness of decision-making in these cases underscores the difficulties the justice system faces in combating impunity, especially with respect to human rights violations committed by members of the security forces in the course of their duties. Although a few judicial investigations have been launched,<sup>7</sup> impunity persists, not only owing to a dysfunctional justice system but also because some members of the security forces are refusing to obey a summons by the investigating judge.<sup>8</sup> Accordingly, OHCHR continues its technical cooperation programme and recommends that the high command of

<sup>5</sup> Established in 2009 by the Secretary-General of the United Nations, pursuant to Security Council resolution 1888 (2009), to assist national authorities in strengthening the rule of law and resolving matters of sexual violence in conflict.

<sup>6</sup> In January and February 2007, unions and civil society organized demonstrations across the country for greater purchasing power and the establishment of the rule of law. Their suppression by security forces reportedly resulted in several hundred dead and injured. The events of October 2010 related to allegations that members of the presidential guard of the interim president for the transition period were arrested and tortured by order of senior military officers.

<sup>7</sup> Indictment of a sergeant and seven gendarmes for acts of torture causing the death of a student in Kindia in February.

<sup>8</sup> Refusal to obey a summons following the suspicious death on 15 February of a person arrested and detained incommunicado at No. 2 platoon of the Hamdallaye gendarmerie in Conakry.

the gendarmerie and the judicial authorities take measures to correct the situation and guarantee reparation to victims.

## **E. Transitional justice and national reconciliation process**

33. In the light of the violence marring the history of Guinea, the international commission of inquiry had recommended a truth process to help move reconciliation forward. President Alpha Condé made that process a pivotal part of his term of office and accordingly, in June 2011, established the Provisional Commission on National Reconciliation with, as joint chairs, the imam of the Fayçal Grand Mosque in Conakry and the Archbishop of Conakry, and with a mandate to stimulate discussion of reconciliation and propose ways of achieving it.

34. Reconciliation is largely dependent on the situation in the country. In 2012 this was characterized by political and social circumstances whose main effect was to slow the national reconciliation process. On the political level, the commitment of State actors was tepid mainly because of the failure to grant the logistical and financial means for the Provisional Commission to operate. On the social level, the persistence of inter-community tensions and the complexity of the episodes of violence in Guinean history mean that an enormous amount of sensitization is needed before the country as a whole can take ownership of the reconciliation process.

35. Accordingly, the Provisional Commission did some groundwork in preparation for the national consultations, helped in part by an international expert seconded from the United Nations and paid for by the United Nations Peacebuilding Fund. Preparations included: (a) holding prayer and forgiveness meetings; (b) consulting with the political parties; (c) holding an information exchange with technical and financial partners; and (d) drafting a national consultation plan.

36. OHCHR continued to rally national and international actors round the national reconciliation process. Throughout the year, it provided technical and financial support to the Provisional Commission — in the form of advice, information and training sessions and missions abroad to share the experience of other countries that have gone through similar processes — in order to strengthen the Provisional Commission's ability to conduct participatory and inclusive national consultations. It also continued its capacity-building work among relevant actors to ensure greater understanding of the principles and challenges of national reconciliation and transitional justice and to bring the highest authorities and non-State actors into a participatory process. Thus two national seminars were held in June and November 2012 involving key State and non-State actors, the Commission's co-chairs and their support team. Moreover, decision makers were continually urged to provide effective support to the national actors and keep all parties focused on national reconciliation.

37. This technical assistance from OHCHR helped clarify the population's expectations regarding the transitional justice process and change the view of most of the actors involved in the national reconciliation process.

38. Furthermore, OHCHR and other United Nations bodies supported action by local organizations to provide psychological and medical support to victims of torture and sexual violence, thanks to financing from the United Nations Peacebuilding Fund. The initiative is one of several taken since 2010 and ultimately aims to establish a collection of disaggregated data on sexual violence in Guinea, which will be useful for ongoing judicial proceedings.

## F. Integration of human rights into security sector reform

39. Guinea has undertaken institutional, legal and regulatory reforms to strengthen the legal framework ensuring that defence and security forces uphold human rights. The purpose of these measures is to remedy deficiencies in security sector institutions, in particular by improving discipline and professionalism, increasing respect for the rule of law and the criminal justice system and placing the sector under judicial authority.

40. Accordingly, human rights considerations have been incorporated into the regulations and laws governing the defence and security forces, namely, the code of conduct of the defence forces, the Armed Forces regulations, the Code of Military Justice and the national strategy for the security sector. The inclusion of human rights results in part from the training programmes set up by OHCHR — human rights modules were introduced in the curricula of police and gendarmerie academies and military training centres, for example — education centres, and in part from its technical advice input to the drafting of legal documents.

41. OHCHR also carried out capacity-building activities for officials responsible for enforcing human rights laws. For example, as part of its support for security sector reform, and notably the strengthening of the criminal justice system, it ran training programmes for at least 200 investigative police officers in Conakry, Kankan, Kindia, Labé and Nzérékoré.

42. Observer missions have been one of the primary means of educating security forces about human rights. Through its offices in Conakry and Nzérékoré, OHCHR deployed its teams countrywide and in 2012, was thus able to carry out several dozen missions across the country, either routine monitoring missions or investigations, when warranted by violations, such as in Beyla, Boffa, Boke, Dubreka, Guéckédou, Kamsar, Kankan, Kindia, Kissoudougou, Faranah, Labe, Siguiri and Zoghota. Moreover, OHCHR has been visible in places where there was a high risk of violations, especially at demonstrations, and in regular visits to places of detention, and also at high-profile trials, such as the one following the attack on the presidential residence. After every such observer mission or investigation, OHCHR prepared a confidential report containing recommendations for the authorities, to encourage them to take corrective measures and put an end to violations.

43. Efforts are still needed at the institutional level regarding cooperation with the justice system and public relations. In that connection, the launch on 5 December 2012 of the programme on democratic and civil oversight of the defence and security forces in Guinea is a promising start. Its goal is to increase transparency and good governance in the defence and security forces by building oversight capacity, establishing communication mechanisms and drafting and disseminating legal texts.

44. The comments made above regarding the impunity of the security forces, especially in relation to the events of 28 September 2009, will be taken into consideration in the implementation of the human rights due diligence policy on United Nations support to non-United Nations security forces<sup>9</sup> in conjunction with other types of support provided to the national security forces by the United Nations system, including assistance financed by the United Nations Peacebuilding Fund.

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<sup>9</sup> This policy stipulates that the United Nations cannot provide support to national security forces when there is a real risk that beneficiaries might commit serious violations of international humanitarian law, international human rights law or international refugee law or when the relevant authorities are not taking the necessary measures to correct or mitigate the risk.

## IV. Cooperation on promoting and protecting human rights

### A. Role of civil society in promoting the defence of human rights

45. In her previous report, the High Commissioner encouraged the Government to establish close cooperation with civil society organizations. In follow-up to that recommendation, the Government made room for civil society to express its views and do its work. Structures have gradually been put in place and an active network of associations for the promotion and defence of human rights has taken shape. One result has been the broad social mobilization for the national reconciliation process, achieved through information meetings and by recording the population's expectations for transitional justice in Guinea. Civil society was also prominent in the provision of psychological and medical support to victims of the events of 28 September 2009,<sup>10</sup> while other civil society organizations sued for damages in the criminal proceedings relating to the events of 2007, 2009 and 2010,<sup>11</sup> as part of efforts to combat impunity and obtain reparation for victims.

46. Civil society actors are also involved in building the legal framework for the protection of human rights in Guinea, drafting, for example, a law on an independent national human rights institution and a bill criminalizing torture. It should be noted that human rights defenders were able to carry out their activities in 2012 without being intimidated or threatened.

47. OHCHR played a significant role in driving and developing the capacity of civil society. It held four training sessions on techniques of human rights research and report-writing in the various administrative regions. It also lends technical support to a civil society training programme on transitional justice, designed by Open Societies for West Africa, an NGO.<sup>12</sup> Regarding education and human rights awareness, OHCHR worked in cooperation with the Government to organize events for the International Day in Support of Victims of Torture and Human Rights Day. It also helped set up at least seven human rights clubs in schools in Conakry and Nzérékoré. On 28 May 2012, OHCHR opened a multimedia documentation centre at its Nzérékoré office. The centre has documentation on human rights and gives free access to online resources for academia, civil society and students at all levels.

48. The challenges human rights defence organizations continue to face include: (a) ongoing political and ethnic divides, which limit the multiplier effect of their work; (b) the need to improve methods of cooperation with human rights protection mechanisms; and (c) the need to strengthen dialogue with State bodies. In that connection, the Government, as represented by the Ministry of Justice, undertook to increase their protective capacity by holding a forum with the intention of setting up a joint committee to monitor and report cases of human rights violations.

### B. Cooperation with international human rights mechanisms

49. During the universal periodic review, Guinea accepted the recommendation to improve further its cooperation with international human rights mechanisms. The

<sup>10</sup> Association des parents et amis des victimes du 28 septembre (AVIPA), Centre mère et enfant, etc.

<sup>11</sup> Association guinéenne d'orientation et de réflexion pour l'action (AGORA), Association des familles des disparus du 28 septembre 2009 (AFADIS), Organisation guinéenne des droits de l'homme et du citoyen (OGDH), etc.

<sup>12</sup> An international NGO in the area of democracy and security.

Government was urged to set, in cooperation with OHCHR, a timeline for submitting overdue initial and periodic reports to the treaty bodies and to cooperate with Human Rights Council special procedures mandate holders.

50. Despite Government initiatives taken in 2011, the backlog persists and as of 31 December 2012 15 reports, 5 initial and 10 periodic, remain overdue. However, a draft decree to establish an interministerial committee responsible for preparing and submitting State party reports to the treaty bodies is awaiting adoption and promulgation. In addition, a national action plan for the implementation of the recommendations of the universal periodic review was completed in August 2012, with the support of OHCHR. The plan's priority actions include aligning national legislation with international texts, submitting reports to the treaty bodies and establishing an independent national human rights institution.

51. Regarding cooperation with the special procedures, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence is awaiting a reply from the Government to the visit request made on 24 July 2012. OHCHR will continue to lobby for the visit and support the Government in meaningfully improving its cooperation with the international human rights protection mechanisms.

## V. Conclusions and recommendations

52. **Despite the measures taken by the Government regarding human rights, the re-establishment of the rule of law and the strengthening of national cohesion continue to face hurdles – the main challenge being the holding of the legislative elections that are required in order to complete the transition. The political impasse has made it impossible to speed up the reforms planned for the security and justice sectors and has hampered the holding of the national consultations that are meant to set in motion the national reconciliation process. Moreover, the situation has also made it impossible to act on most of the recommendations contained in the previous report.**

53. **Accordingly, the High Commissioner reiterates her recommendations and calls on the international community to increase its support to the Government of the Republic of Guinea.**

### A. Recommendations to the Government of the Republic of Guinea

54. **The High Commissioner recommends that the Government of the Republic of Guinea take the necessary measures to:**

- (a) Ensure fundamental rights and freedoms are observed, especially the right to peaceful demonstration;**
- (b) Allocate to security forces the resources they need to fulfil their public security mandate in accordance with the relevant international principles;**
- (c) Speed up the process of harmonizing and aligning national legislation with the international texts ratified by Guinea, in particular the finalization and enactment of the law criminalizing torture;**
- (d) Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**
- (e) Intensify efforts to combat impunity, especially by prosecuting those suspected of human rights violations on 28 September 2009;**

- (f) Ensure that victims and witnesses are protected and that victims receive assistance and appropriate reparation;
- (g) Speed up the establishment of transitional justice mechanisms, in particular by:
  - Ensuring that the process is participatory;
  - Ensuring that the mechanisms comply with international human rights standards;
  - Allocating sufficient resources for the Provisional Commission on National Reconciliation to fulfil its mandate;
- (h) Speed up justice sector reform;
- (i) Continue close cooperation with civil society organizations, including victim associations;
- (j) Strengthen cooperation with United Nations treaty bodies and ensure that recommendations are implemented;
- (k) Cooperate with special procedures mandate holders and, more specifically, reply to the visit request of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence;
- (l) Establish an independent national human rights institution in line with the Paris Principles.

## **B. Recommendations to the international community**

55. The High Commissioner recommends that the international community:
- (a) Support the process of reform of the Guinean security and justice sectors;
  - (b) Provide the necessary assistance to the Government to reduce poverty and improve the realization of economic, social and cultural rights.
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