

# BRIEFING PAPER

## Universal Periodic Review

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# THE SITUATION OF HUMAN RIGHTS DEFENDERS IN GUINEA

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During its last UPR in 2015, Guinea accepted 194 recommendations. The government accepted 1 recommendation on human rights defenders and 6 recommendations on freedom of expression, freedom of association and peaceful assembly, civil society, international instruments, and women's rights. These recommendations called on the State to take the necessary measures for civil society, human rights defenders and journalists to carry out their activities, *de facto* and *de jure*, in a safe and conducive environment. However, since its last review, the government has continued to repress any form of political dissent, censor the media and has adopted several restrictive regulations. It is currently discussing a draft anti-terrorism law which could, if adopted, damage enjoyment of the right to freedom of assembly and prohibit peaceful protests<sup>1</sup>.

#### A. RISKS FACING HUMAN RIGHTS DEFENDERS

1. The rights to freedom of expression, peaceful assembly and association are guaranteed by the 2010 Constitution. Despite these legal protections, human rights defenders continue to face challenges in carrying out their work.
2. Indeed, on 20 February 2019, police arrested seven human rights defenders from the People's Voice movement, who initiated a sit-in in Conakry to demand the reopening of schools. They were charged with "disturbing public order" and subsequently with "participation in unlawful assembly". They were released the same evening. Three days after their release, one of them, national television journalist Hassan Sylla, was suspended for six months for serious misconduct; no explanation was provided.
3. The repression of independent media by the Guinean government increased and there were repeated attempts since 2016 to pressure journalists working for private media outlets who criticize the government's human rights policy.
4. In February 2018, Mariam Kouyaté, a reporter for Radio Lynx FM, was arrested by security forces on the request of the hospital's director-general, Dr. Awada, while investigating the quality of health services, including water scarcity and the resulting consequences at Ignace Deen Hospital in Conakry. She was interrogated at a police station after refusing to give her press badge and registration material and was released without charge the same day.<sup>2</sup>
5. In May 2018, Gangan TV journalist Aboubacar Camara was beaten by gendarmes as he filmed a land dispute in a Conakry suburb where he believed the security forces were using excessive force<sup>3</sup>. The officers forced him into

their car, took him to the gendarmerie and released him later the same day after deleting his recordings.

6. On 30 October 2018, four Gangan TV journalists were arrested by gendarmes in Matam, a neighbourhood of Conakry, and charged with publishing false information and offending the head of state by spreading rumours of President Condé's death. Three of them were released hours later and one was released the following day. At least 18 journalists who gathered in solidarity with the arrested journalists at the Matam gendarmerie were beaten and had their equipment broken by security forces<sup>4</sup>.
7. On 31 October 2017, dozens of journalists were attacked by local police and gendarmes while covering the arrest of Aboubacar Camara, director of Gangan Radio. Journalists who gathered at the Matam gendarmerie in Conakry were severely beaten with truncheons, trampled and kicked while their equipment, including telephones, cameras and tape recorders, was destroyed by the gendarmes<sup>5</sup>.

#### B. OFFICIAL RESTRICTIONS ON THE SPACE FOR HUMAN RIGHTS DEFENDERS

8. Threats to freedom of peaceful assembly increased during 2018. The government frequently prohibited protests, citing risks to public security. Security forces were regularly deployed to deter protesters from assembling and often dispersed demonstrators using tear gas and water cannons. Civil society leaders filed a lawsuit challenging the banning of protests, which they said violated the right to freedom of peaceful assembly<sup>6</sup>.

9. Laws intended to protect freedom of the press have not been effectively implemented. The government has censored the media, by dictating to journalists what to publish or broadcast. In 2018, journalists reported having received death threats and attacks by individuals linked to the ruling party, the Guinean People's Rally<sup>7</sup> (RPG)<sup>8</sup>.
10. The counter-terrorism draft law has been under examination by the Parliament since 24 April 2019. Its article 6 includes a vague definition of acts of terrorism and other related offenses. By incorporating notions such as being able to cause "damage to the national economy", "intimidation of the population" and disruption of "normal functioning of public services" this law could seriously impede the enjoyment of freedom expression, association and peaceful assembly<sup>9</sup>. Article 12, limits communication on social networks about the nature of terrorism and article 30 could be used against religious groups expressing a form of dissent. Furthermore, a person arrested under the anti-terrorist law could be held in police custody for 30 days and extradited to countries where he or she would face the death penalty, torture or other forms of ill-treatment<sup>10</sup>.

#### C. HUMAN RIGHTS DEFENDERS FACING PARTICULAR RISKS

11. Homosexuality is illegal in Guinea and people experience discrimination on the basis of their sexual orientation or gender identity. There are no civil society organisations or public support networks openly working on the protection of sexual orientation and gender identity rights<sup>11</sup>. Homosexuality is punishable by 6 months to 3 years in prison and a fine of 100,000 to 1,000,000 Guinean francs according to Article 325 of the Guinean Penal Code<sup>12</sup>.
12. On 7 October 2016, two young activists, Alhassane Souare and Alpha Oumar, wore T-shirts with "Collective for the Defense of the Homosexuals" written on them. They were arrested in Conakry after being attacked by

young people because their awareness campaign was described as obscene and contrary to customary and religious values<sup>13</sup>.

13. Trade unionists face restrictions in their rights to freedom of assembly, often facing arrests during demonstrations. On 22 August 2018, former soldier and trade unionist Jean Dougou Guilavogui was arrested by gendarmes in Matoto, a Conakry neighbourhood, and taken to a gendarmerie detention centre. He was charged with "participating in an unlawful assembly" and was detained without trial at the Maison centrale, Conakry's main prison, until his release on bail on 21 December 2016<sup>14</sup>.

#### D. THE RESPONSE OF THE STATE REGARDING THE PROTECTION OF HUMAN RIGHTS DEFENDERS

14. The Criminal Code, which was revised and adopted on 4 July 2016, maintains provisions that criminalise contempt, defamation and insult, including against public figures, with up to five years' imprisonment and a fine. The provisions remain vague and unclear, giving the authorities wide discretion in prosecuting those who express dissenting opinions or denounce human rights violations, including human rights defenders<sup>15</sup>.
15. On 25 June 2019, the National Assembly adopted a law on the use of weapons by the National Gendarmerie<sup>16</sup>. In its current form, this law gives to the gendarmes the discretionary power to decide when to use lethal force, especially during protest and shields them against legal proceedings<sup>17</sup>.
16. In 2014, Guinea established the National Institution for Human Rights. However, since its establishment, concerns remain regarding its independence and compliance with the constitution. Some commissioners quit in 2016 over a lack of fiscal transparency. The National Institution for Human Rights has not been accredited by GANHRI to be compliant with the Paris Principles<sup>18</sup>.

## RECOMMENDATIONS TO THE GOVERNMENT OF GUINEA

- Guarantee the rights to freedom of information and freedom of expression and ensure that human rights defenders and journalists can carry out their legitimate and peaceful activities, including monitoring and documenting human rights violations, without threat to their security and without fear of attack or reprisal;
- End impunity for violations carried out by security forces during public demonstrations and uphold its constitutional commitment and international obligations to ensure enjoyment of the right to freedom of assembly;
- End interference and censorship of media outlets, and release imprisoned journalists in accordance with press law which excludes imprisonment for press offenses in Guinea;
- Strengthen the functioning and independence of the National Institution for Human Rights to guarantee its compliance with the Paris Principle and ensure greater protection for human rights defenders;
- Adopt the draft law on the promotion and protection of human rights defenders currently being discussed at the National Assembly and ensure its conformity with the UN Declaration on human rights defenders and other relevant international and regional human rights norms;
- Amend or abolish the adopted law on the use of weapons by the national gendarmerie.

## ABOUT THIS BRIEFING PAPER

ISHR and Coordination of Organizations for the Defense of Human Rights (CODDH) encourage States to consult UPR submissions by local activists and make recommendations to Guinea regarding the protections of HRDs. This paper is a result of compiling public information and direct contact and experience in the protection of HRDs. Readers should consult sources provided for additional information.

<sup>1</sup> [https://www.podcastjournal.net/Guinee-menace-sur-les-libertes\\_a26477.html](https://www.podcastjournal.net/Guinee-menace-sur-les-libertes_a26477.html)

<sup>2</sup> <https://www.guineetime.com/2017/02/01/chu-ignace-deen-a-ordonne-larrestation-de-journaliste-mariam-kouyate/>

<sup>3</sup> <https://www.amnesty.org/en/countries/africa/guinea/report-guinea/>

<sup>4</sup> <https://www.amnesty.org/en/countries/africa/guinea/report-guinea/>

<sup>5</sup> <https://www.frontlinedefenders.org/fr/statement-report/front-line-defenders-condemns-repression-independent-media-guinea>

<sup>6</sup> <https://www.hrw.org/fr/world-report/2019/country-chapters/326218>

<sup>7</sup> RPG : Le Rassemblement du Peuple Guinéen

<sup>8</sup> <https://comunicats.cat/wp-content/uploads/2018/12/WORLD-REPORT-ON-THE-SITUATION-OF-HUMAN-RIGHTS-DEFENDERS-Mr.-Michel-Forst-.pdf>

<sup>9</sup> <https://www.amnesty.org/fr/latest/news/2019/04/guinee-un-projet-de-loi-antiterrorisme-menace/>

<sup>10</sup> <http://www.afriquesenlutte.org/afrique-de-l-ouest/guinee/article/guinee-un-projet-de-loi-anti>

<sup>11</sup> <https://comunicats.cat/wp-content/uploads/2018/12/WORLD-REPORT-ON-THE-SITUATION-OF-HUMAN-RIGHTS-DEFENDERS-Mr.-Michel-Forst->

<sup>12</sup> LOI N ° 98/036 DU 31 DECEMBRE 1998 PORTANT CODE PÉNAL

<sup>13</sup> <http://afrinews.org/guinee-des-jeunes-militants-pour-la-cause-des-homosexuels-arretes-sur-une-plage-a-conakry/>

<sup>14</sup> <https://www.amnesty.org/en/countries/africa/guinea/report-guinea/>

<sup>15</sup> <https://www.frontlinedefenders.org/fr/statement-report/front-line-defenders-condemns-repression-independent-media-guinea>

<sup>16</sup> <http://www.faapa.info/blog/assemblee-nationale-adoption-du-projet-de-loi-relatif-a-lusage-des-armes-par-la-gendarmerie-nationale/>

<sup>17</sup> <https://www.hrw.org/fr/news/2019/07/04/guinee-une-nouvelle-loi-pourrait-protger-les-membres-de-la-police-contre-toute>

<sup>18</sup> <https://comunicats.cat/wp-content/uploads/2018/12/WORLD-REPORT-ON-THE-SITUATION-OF-HUMAN-RIGHTS-DEFENDERS-Mr.-Michel-Forst->