

**GUINEA: “YOU DID  
NOT WANT THE  
MILITARY, SO NOW WE  
ARE GOING TO TEACH  
YOU A LESSON”**

THE EVENTS OF 28  
SEPTEMBER 2009 AND THEIR  
AFTERMATH

**AMNESTY  
INTERNATIONAL**



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# INTRODUCTION

## “You did not want the military, so now we are going to teach you a lesson”

Member of the security forces present during the 28 September 2009 violence

On Monday 28 September 2009, Guinean security forces inflicted acts of excessive force and unlawful violence, including sexual violence, and other gross violations of human rights against a group of unarmed civil society organisations and political parties peacefully protesting at the Conakry Stadium. In the space of a few hours, more than 150 people were killed by live ammunition or bladed weapons; over 40 women were raped in public or for some of them in private houses after being drugged; more than 1500 people were wounded; and many others went missing. Demonstrators were arrested and tortured while in detention before being released on payment of a ransom, and the military surrounded hospitals and mortuaries to prevent families from recovering the bodies of relatives.

The protest, organised by a group of civil society organisations and political parties known as the *Forces Vives*, was against the decision of the head of state, ‘Dadis’ Camara, to stand in the forthcoming presidential elections. Soldiers wearing ‘red berets’ (the uniform of the Presidential Guard) and militiamen in civilian clothing carried out the majority of these gross human rights violations, with alleged approval from the Guinean authorities. Acts of violence, albeit on a smaller scale, continued in the days following the protest, which plunged the capital Conakry into a state of fear.

Although the events of 28 September 2009 involved unprecedented acts of violence and brutality by the security forces, the human rights violations committed by Guinean security forces and armed militia on 28 September 2009 and in its aftermath are far from unique in Guinea’s recent history. They add to an established, decade-long pattern of unlawful killing, including extrajudicial executions, rape, arbitrary detention, torture and the grossly excessive use of force by Guinea’s military and security forces.<sup>1</sup> The pattern of human rights violations carried out by the security forces in the name of maintaining public order includes the suppression of peaceful demonstrations by military units deployed inappropriately for public order purposes, and the unlawful use of both military and policing weapons and equipment against demonstrators.

Those responsible for the catalogue of horrific and unlawful acts carried out by Guinea’s

security forces remain unaccountable, and both the formal security forces and non-uniformed militia thrive in a culture of impunity. Despite this, a number of governments and companies have continued to authorize, finance and organise the supply of military and security equipment, training and other assistance to Guinean security forces, despite their continuing decade-long involvement in serious human rights violations.

While foreign training and assistance programs can in some circumstances help improve security forces' adherence to international human rights law, such programs have manifestly failed to do so in the case of Guinea's security forces. Instead arms supplies and training from abroad have in many cases provided the tools and techniques used for serious human rights violations themselves. Amnesty International welcomes the decision by the USA to suspend military cooperation with Guinea following the December 2008 coup, France's decision to suspend such cooperation after the events of 28 September 2009, and the arms embargoes imposed by the Economic Community of West African States (ECOWAS) and the European Union on 17 and 27 October respectively. Nonetheless, arms and international military and security assistance have been provided to Guinean security forces from these regions for several years despite continued human rights violations, as indicated in several reports by Amnesty International.<sup>2</sup> Although suspensions of military and security transfers by the European Union, ECOWAS and the US to Guinea have come late, these regions can still strengthen their arms control standards. The decade-long failure of states to adequately assess the risk that each of their exports of arms and training to Guinea could facilitate serious human rights violations is testimony to the urgent need for all states to adopt international standards to assess arms transfers on a case-by-case basis against international humanitarian and human rights law. This should be enshrined in an objective, non-discriminatory way in the Arms Trade Treaty which the UN General Assembly has agreed should now be negotiated.<sup>3</sup>

The events of 28 September 2009 were immediately condemned by the international community, notably the African Union (AU) and the ECOWAS, which called for the creation of an international commission of inquiry. The United Nations (UN) set up a commission of inquiry on 30 October 2009. In its report, submitted to the UN Secretary General on 17 December 2009 and subsequently published by the press<sup>4</sup>, the commission concluded that the massacres and other violent acts carried out in Conakry on 28 September 2009 and the following days constituted "crimes against humanity". In addition, on 14 October 2009 the prosecutor of the International Criminal Court confirmed that he would conduct a preliminary examination of the events.

Successive Guinean governments in recent decades have all used armed repression every time their power has been contested peacefully in the streets. These repeated human rights violations result from the impunity enjoyed by the security forces, and have been sustained by ongoing international supplies of arms, equipment and training. The international community can no longer accept vain promises by governments and national commissions of inquiry that do not result in any change in the conduct of the security forces. If nothing is done to bring those responsible for these acts to justice and to remove them from any position that may allow them to perpetrate new human rights violations, the terrible precedent of 'Bloody Monday' could help sustain a new era of violence in Guinea.

This report is based on a research mission to Conakry by an Amnesty International delegation

in November and December 2009. Amnesty International interviewed dozens of rape and torture victims, relatives of the disappeared and killed, the authorities, and members of civil society and the security forces. All the names have been changed in order to protect witnesses, victims and their relatives.

# HUMAN RIGHTS VIOLATIONS COMMITTED ON 28 SEPTEMBER 2009 AND DURING THE FOLLOWING DAYS

**"They pointed their fingers at the demonstrators and shouted: 'Shoot them'."**

Witness who attended the 28 September 2009 demonstration

## A coup resulting in brutal repression

On 23 December 2008, a few hours after the death of President Lansana Conté, a group of army officers took power in a bloodless coup. Although the international community condemned the coup, many Guineans welcomed the arrival in power of the new authorities and were hopeful about the future. Their reaction was due to the catastrophic legacy of the deceased president, who governed the country for more than 24 years.

On the day after the coup, the military junta led by Captain 'Dadis' Camara suspended the Constitution (with the exception of Chapter II on fundamental freedoms, duties and rights) and all republican institutions. The new authorities also dissolved the government, promised to hold free and transparent elections in 2009, and pledged that the country's new leaders would not be candidates in that election.

The junta created a *Conseil national pour la démocratie et le développement* (CNDD, National Council for Democracy and Development) to rule the country during the transition period.

The new head of state, 'Dadis' Camara, expressed his concern at the social situation and the profound despair of the Guinean people and denounced the preceding administration's responsibility for plundering the country's resources and its inability to provide the population with basic services. The *Forces Vives* (Living Forces), a coalition of opposition parties, trade unions and civil society organizations, agreed to trust the junta and begin a process of transition within the framework proposed by the military rather than according to the Constitution, which they decided was not very helpful for dealing with the crisis.

However, the popular support for the new authorities quickly dwindled as soon as it became clear, in March 2009, that 'Dadis' Camara had not excluded the possibility of standing for election in the forthcoming presidential elections. Dissatisfaction led to a number of protests, culminating in a call by the *Forces Vives* for a major demonstration in Conakry Stadium on



28 September 2009.

Human rights violations continued after the 28 September 2009 bloodbath, despite a unanimous outcry from the international community. Following these events, ECOWAS nominated Burkina Faso President Blaise Compaoré as mediator to solve the Guinean crisis while the *Forces Vives* refused initially to negotiate with the military junta and called for the end of military rule.

On 3 December 2009, after an attempt to assassinate the head of state, 'Dadis' Camara was transferred to Morocco for medical treatment. Negotiations with ECOWAS were immediately suspended and the Minister of Defence, General Sékouba Konaté, was appointed interim President. General Konaté promised to return the country to peace, and called on the army to be more disciplined. He quickly gained support from the international community, which continued to pressure the authorities to bring the crisis to an end. Negotiations resumed in Burkina Faso's capital Ouagadougou in January 2010.

On 13 January 2010, President Camara was able to travel from Morocco to Burkina Faso, and two days later, an agreement was signed in Ouagadougou by Camara, General Konaté and mediator Blaise Compaoré. It provides that President Camara would stay in Burkina Faso for the rest of his convalescence while General Konaté and a new Prime Minister chosen by the opposition would lead a transition with the objective to organise presidential elections in the next six months. According to the agreement, no-one from the transitional government or the CNDD will be allowed to take part in the upcoming elections. Jean-Marie Doré, spokesperson of the *Forces Vives*, was officially appointed Prime Minister on 21 January 2010. The new government was appointed on 15 February, and includes members of the military junta who served in the former government. Moreover two former ministers, suspected by the UN Commission of criminal responsibility in connection with the events of 28 September 2009 and the days that followed, were appointed to the presidential cabinet.

## Bloody Monday – 28 September 2009

*"It was like a war film."*

Young woman who attended the 28 September 2009 demonstration

The 28 September 2009 demonstration was organized by the *Forces Vives* in order to protest against the decision of the head of state, 'Dadis' Camara, to stand in the forthcoming presidential elections. The authorities were informed in writing five days before the date of the demonstration but did not express any formal opposition to the event. It was only on the eve of the demonstration that the Minister of the Interior announced on national television a ban on all demonstrations "until the national holiday on 2 October [2009]". He gave no reason for this decision. A blanket ban on all demonstrations without any official justification on legitimate grounds clearly violates the right to peaceful assembly. Furthermore, the fact that the demonstration was not authorized does not in any way justify the serious human rights violations perpetrated by the security forces.<sup>5</sup>

Despite the last-minute ban, the demonstration went ahead. A crowd of demonstrators started making its way towards the Conakry Stadium early on 28 September 2009. The security forces first tried to block the entrance to the stadium, then after negotiations with opposition leaders and under growing pressure from the crowd, the stadium gates were opened.

Several incidents took place outside the stadium before the demonstration. Some demonstrators ransacked a police station in the Bellevue neighbourhood after the security forces had fired on demonstrators with live ammunition. A witness told Amnesty International: *"The security forces were level with the roundabout and were preventing demonstrators going along the road leading to the stadium. Police officers and gendarmes launched tear gas grenades and then fired in the air before then opening fire on the demonstrators. Some people fell to the ground right in front of me. Some demonstrators ransacked the Bellevue municipal police station in response. There was nothing in the police station and the protestors set fire to the police station."*

All the witness statements gathered by Amnesty International indicate that the demonstration inside the stadium began with a celebratory atmosphere and that none of the participants was armed. *"The people were happy, some of them were dancing while others prayed"*, said one witness. It was just before 11am, with the arrival of Jean-Marie Doré, one of the opposition leaders, that the security forces began to launch tear gas grenades despite demonstrators being unable to leave the stadium. Immediately afterwards, soldiers wearing 'red berets' and militia in civilian clothing armed with bladed weapons opened fire with live ammunition.

This recourse to force took the demonstrators completely by surprise. One of them told Amnesty International: *"We were surprised to see the 'red berets' appear in closed ranks. They opened fire on the crowd in every direction. It was like a war film; I have never seen anything like it in all my life. Someone told me to hide and so I hid underneath the seats. I heard bullets whistling by."*

All the witness statements gathered by Amnesty International describe a chaotic scene with people trying to escape the enclosed space while under live fire and among tear gas fumes. Women were also being publicly raped in front of fleeing protestors. Several eyewitnesses said that after they had used all their ammunition, some 'red berets' used bayonets and knives to attack demonstrators. These events took place in the presence of senior officers of the Guinean Army as well as a government minister.

Several witnesses told Amnesty International that one of the gates through which the demonstrators were trying to escape was electrified. One of them said: *"I ran towards the gate, I heard people say 'it's electrified, it's electrified'. As it was impossible to get out through the gates, people tried to climb the walls but soldiers were waiting for them below to shoot or beat them."* Another witness said: *"I was caught in a trap between the electrified gate and the 'red berets', who were shooting, stabbing and raping."*

Amnesty International received the following witness statement from a Guinean student who tried to climb the wire netting to get out of the stadium: *"There was a small gate behind the wire netting. Some soldiers cut an electricity cable and put it on the small gate to electrify it."*

*Several people tried to force the gate open but they were unable to do so and fell to the floor blocking the exit so that people could neither go forward nor move back."*

In less than two hours, several hundred people had been wounded, killed or raped. Others were arrested and taken to detention centres where they were tortured. Some of them remain missing.

*"The 'red berets' fired into the crowd, aiming at the head and chest."*

Witness who attended the 28 September 2009 demonstration

All the witness statements gathered by Amnesty International indicate that the security forces used firearms in the stadium with the intention to kill. Demonstrators were shot in the head, chest and back, in the case of those who were running away. The fact that the security forces were shooting to kill surprised some demonstrators who believed that the security forces only wanted to fire warning shots. The brother-in-law of a demonstrator who died from a bullet wound in the back told Amnesty International: *"My wife, Mamadou and I were together in the stadium. When they surrounded the pitch and opened fire, I thought they just wanted to frighten people. But when I saw someone with a bullet wound in the back of their neck, we became frightened and ran towards the gate. Mamadou did not come home that evening, we searched everywhere, we found out that he was at the Ignace Deen Hospital. We were able to recover his body from the mosque. He had bullet wounds in his back."*

According to several witness statements gathered by Amnesty International, these extrajudicial executions were ordered and carried out by well-known army officers. Several witnesses stated that several officers of the presidential guard were present at the stadium and supervised operations. An eyewitness told Amnesty International that they *"pointed their fingers at the demonstrators and shouted: 'shoot them'."* Moreover, several witnesses noted the presence of a government minister among the security forces.

Many witnesses said that the security forces, especially the 'red berets', but also militiamen wearing red arm-bands, shot or used bladed weapons against unarmed demonstrators. One demonstrator described what she witnessed:

*"Blue shirted soldiers [belonging to the gendarmerie] threw tear gas grenades into the crowd. Immediately afterwards, the 'red berets' opened fire on the crowd and people fell to the ground. People trampled the dead bodies underfoot in order to escape. As I was running, there was a boy in front of me who had been stabbed in the neck with a dagger. The blood spurted out, it was like seeing a cockerel that has had its throat cut, running loose. The boy, who was wearing a white shirt, was screaming as he lay on the ground with his arms and legs convulsing. Meanwhile, the 'red berets' fired into the crowd, aiming at the head and chest. I heard one of the 'red berets' say: 'Open the gate, let's get the bastards out of here'. People rushed towards the gate but a 'red beret' grabbed a girl who was running away and knocked her over, she struggled while he tried to undress her. Two other 'red berets' came to help him, held her down and hit her with their black truncheons. Another one undressed and raped her."*

Amnesty International also learned that an already wounded demonstrator was deliberately

killed by a soldier. One witness of this extrajudicial execution told Amnesty International: *"A young person aged about 18, wearing a Lacoste T-shirt and blue jeans, fell, other people trampled him underfoot, he tried to get up, he hit the ground and moved his head. A soldier asked for him to be 'finished off' and another soldier took out a dagger and cut his throat."*

A Guinean doctor told Amnesty International that in the hospital where he was working, nine people died from bullet wounds on that day. Some died after being admitted to hospital but dead bodies were also brought in by the Red Cross and Médecins sans frontières (MSF). The bodies had bullet wounds to the thorax, head and back.

Amnesty International has gathered consistent information indicating that members of the security forces prevented ambulance crews from helping some of the wounded both inside and outside the stadium. One medical staff member told Amnesty International: *"They called me and told me to go urgently to the stadium but when the ambulance crews went to pick up the wounded, some of the 'red berets' insisted they only take away those with light wounds and leave those who were dying. They stopped us from taking away those who had been stabbed."* These acts are violations of the right to health and clearly contravene Principle 5 (c) of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which states that law enforcement officials should *"ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment."*<sup>6</sup>

The security forces also fired live rounds in the streets of Conakry at people who were on their way to the demonstration at the stadium. A young man, Amadou, 19, a pupil at Donka secondary school, was hit by a bullet when he was watching the demonstrators walk by on their way to the stadium. The victim's father told Amnesty International: *"My son was standing at the gate of our house at the Bellevue Seminary, watching the demonstrators go by. The soldiers opened fire on the crowd in the streets, between 11am and 12pm. A bullet went right through my son's body. He was seriously wounded and taken to hospital, where he died."*

In addition, on 28 September 2009, a few hours after the repression in the stadium, the security forces boarded a vehicle and went to Donka Hospital in order to intimidate the wounded that had gone there to get treatment, and the relatives of victims who had gone there for information. One doctor at the hospital told Amnesty International: *"The soldiers arrived at the casualty department. They asked whether demonstrators had come to the hospital. As soon as they came through the hospital door, the people saw them with their guns and ran away. The medical staff asked the soldiers to leave but some of them stayed in front of the hospital mortuary all week to prevent relatives getting information."*

*"He burned me on the calf with the iron."*

Person arrested and detained at the military camp Alpha Yaya Diallo

The security forces also tortured and ill-treated demonstrators arrested in the stadium or at other places in the days and weeks that followed the demonstration.

One demonstrator was arrested at the stadium exit on 28 September 2009 as he was on his

way to Donka Hospital to obtain treatment for wounds sustained during the repression of the demonstration. He was taken by lorry, with others, to the Alpha Yaya Diallo military camp. The detainees were hit with cudgels and belts. Their heads were shaved, leaving their hair in the shape of a cross. He told Amnesty International: *"At each change of the guard, we were beaten, that was four times a day. At the end of the second day of detention, I was told to go up the next floor. A soldier who was ironing clothes told me to put my foot on the table and he burned me on the calf with the iron. They burned three other people with the iron. My parents tried to get me released, the 'red berets' demanded four million Guinean francs (546 Euros). My parents agreed to pay half this amount and I was released."*



*Leg of individual burnt with iron during detention (© Amnesty International)*

Relatives of people killed or missing were also arrested and tortured. For example, a relative of Boubacar, who had attended the demonstration and whose body was seen in the mortuary, was arrested on Wednesday 30 September 2009 at 10am, along with three friends, when he went to Koundara military camp in search of information about his relative. He told Amnesty International:

*"We were beaten on the orders of the camp commander. We were given 60 blows in the morning and 50 blows in the evening. We were in the camp for nine days in a cell with 39 people, 36 of whom had been arrested at the stadium. When the camp commander arrived at the camp, towards 2am or 3am, the soldiers would shout 'sardines' and all the prisoners were put into one cell. We were forced to lie down on top of each other like sardines until the pile touched the ceiling. We were kept in this position for 30 minutes. In the afternoon, we were forced to lie down on sharp stones and stare at the sun for 40 minutes. They forced us to put our knees and elbows on the stones. They told us to make noises like dogs, cats and cows."*

This man was released after his relatives negotiated with a general and paid a sum of 1 500 000 Guinean francs (205 Euros).

Several individuals died following torture after being abducted or taken to detention centres. The husband of a woman who died told Amnesty International: *"My wife left to go to the stadium. When she did not come back, I went to look for her in all the places she might be, including prisons, military camps and hospitals. On the day I recovered her body, she had iron marks on her face and arm."* Amnesty International has obtained a photo of the victim

showing the burns.

*"I want my son's body back"*

Father of a young man killed by the security forces on 28 September 2009

In the hours and days that followed the repression of 28 September 2009, the families of the wounded, the dead and the missing scoured the city looking for their relatives at Conakry's hospitals, official detention centres and military camps. An Amnesty International delegation has gathered information on more than 40 people who attended the 28 September demonstration and whose families and friends have not yet been able to ascertain their whereabouts. Some of these people were killed in the stadium, according to eyewitnesses, but their bodies have not been returned to their families. The presence at the stadium of others who later could not be found has been confirmed by film footage and photographs as well as by the testimonies of parents or friends who also attended the demonstration.

Several relatives of missing people took photographs of their relative to hospitals and detention centres in an attempt to discover what had happened to them. The brother of Adama, an apprentice carpenter aged 26, told Amnesty International:

*"My brother was always discussing politics. He was active in the opposition and he went to the demonstration. I knew what the authorities were like and so I went to work instead of going to the demonstration. When I got home in the evening, he was not there. The young people who were standing at the crossroads in our neighbourhood at Hafia confirmed he was among the demonstrators. They had seen him going to the stadium. I took a photo of him to the Le Démocrate newspaper, which published the photo. When the bodies were laid out at the big mosque, his body was not there. I went to the Alpha Yaya Diallo military camp, the Conakry police, the PM III<sup>7</sup>, and to all the central police stations in Dixinn commune. I showed his photo at all these places. The reply was always the same: 'I would forget about it. Do you think we are going to keep people here? It was their decision to demonstrate and if they get killed, that's their problem.' At the PM III, they told me to get out or I would be detained."*

In other cases, the bodies of people killed by the security forces were recovered, but have not been returned to their families. The father of a young man killed by the security forces on 28 September 2009 told Amnesty International: *"I received a call from Donka hospital. My son was dead and I had already seen his body at the mortuary. I asked the hospital to return the body to me and was told that it first needed to be registered. When I returned on Tuesday morning [29 September 2009], I found that the 'red berets' had surrounded the mortuary and they prevented me from going in. They told me, 'Nobody will be coming home', and hit me with rifle butts. I was unable to gain access to the hospital. I went to the mortuary several times but nobody would speak to me. I went to the mosque, his body was not there. I'm still waiting for them to return the body."*

Several eyewitnesses, including medical personnel, have confirmed to Amnesty International that for several days the security forces prevented access to the Donka Hospital mortuary, from where several bodies have disappeared. The mother of Ibrahim, a fourth year medical student, went to look for her son when he did not come back from the demonstration, but

was refused access to this hospital's mortuary: *"I went with my other children to the different hospital wards, but nobody had seen him so I decided to go the mortuary. The 'red berets' were in front of the mortuary. They told me they had orders not to let anyone in. I went round to the back of the mortuary and saw my son. He was naked from the waist up and covered from the waist down. He had a white bandage around his head. My daughter, who was also with me, became really upset. A lot of soldiers came towards us and chased us away. A communiqué was broadcast on the radio on Thursday evening inviting the relatives of the victims to go to the main mosque where the bodies were laid out. We looked at the bodies but could not see him."*

The presence of Ibrahim's body was confirmed by a member of the medical staff who knew him personally and said: *"I saw his body in the mortuary's second room. He had a compression dressing on his forehead. The gendarmes and police officers would not allow access to the mortuary to people who had come to recover bodies and some doctors were also denied access."* At the time of writing, the body of this young man has still not been returned to his family.

This refusal to notify the families of the fate of relatives wounded and killed by the security forces is a violation of Principle 5 (d) of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which states that law enforcement officials should *"ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment."*<sup>8</sup>

*"They took it in turns to rape her while two others held her down."*

Witness of a rape on 28 September 2009

During the 28 September 2009 demonstration and during the days that followed, dozens of women and girls were raped by members of the security forces. These rapes generally took place in public and in front of witnesses. Amnesty International has been able to gather accounts of these rapes directly from 34 victims and through other eyewitness accounts of these assaults. Several victims were gang-raped, often accompanied by beatings and insults.

For example, a housewife aged about 30 and mother of several children said:

*"On 28 September, I left my home to go to the stadium. We found it was open. We chanted: 'Down with Dadis! Down with Dadis!' After some time, tear gas grenades fell everywhere. We wanted to leave but soldiers arrested my husband and hit him with the butts of their rifles. They kicked and hit him. The 'red berets' also grabbed me; two of them got hold of my hands while another ripped off my skirt with his knife. Then they left me in order to go and look for another woman as though they were at the market. The two soldiers raped me. I was completely naked, the 'red beret' did not undress, he put his penis in my vagina, I was laid on the ground, I did not dare to struggle, they hit me with rubber straps and rifle butts. I was raped by two soldiers. I was then able to get my skirt back and cover myself."*

The security forces used several methods to rape the women, including using their fingers, truncheons, the barrel of their guns and bayonets. One rape victim told Amnesty International what had happened to another woman who was next to her in the stadium:

*"The 'red berets' threw themselves on her, there were five of them. They held her down while others ripped off her clothes with a bayonet. Then they took it in turns to rape her. Afterwards, a 'red beret' thrust a gun into her vagina several times and another one fired a bullet into her vagina. I did not see her again and I think she is dead."*

Several other women were killed in the stadium after being raped. An eyewitness told Amnesty International about a woman who *"tried to escape, she screamed. Four 'red berets' had got hold of her, two held her by the arms and another held her feet, while the fourth undressed and raped her. They then cut her throat."*

Rapes were accompanied by shouting, threats and insults. One of the victims said: *"These rapes took place in a tense atmosphere. They insulted me: 'We are going to throw you in the sea. You call for freedom and democracy but you don't even know what democracy is'."* Another rape victim said: *"One of them raped me while another 'red beret' pointed his gun at my head and said: 'So you do not want Dadis, we are going to kill you, you bastard'."*

Several witnesses said that some members of the security forces were under the influence of alcohol. One rape victim spoke about her attacker: *"As he approached me, I smelled alcohol. Since then, I cannot get rid of that smell, it haunts me."* Another rape victim said: *"They were smoking and drinking beer; they undressed two women in front of me and took it in turns to rape her. One of the soldiers then poured beer on one of them."*

Some women only escaped being raped because of their advanced age or because they were pregnant. One of them told Amnesty International:

*"I asked them to spare me, I told them I was three months pregnant. One of them kicked me in the vagina. They told me to undress. One of them thought I was not undressing quickly enough and ripped my clothes off with his knife. I was completely naked. They kicked me in the vagina, which started to bleed. They told me to cross my arms, pull my ears and do exercises, squatting down and getting back up again. I saw other women being violently raped by 'red berets'. The women were completely naked on the ground, some 'red berets' held them down while other soldiers raped them. Soldiers also thrust their guns into the vagina of the women. They stopped when they saw that I was bleeding. When I reached the home, I was still bleeding and I miscarried during the night."*

Some rapists threatened their victims with reprisals if they spoke about what happened to them. One of these women told Amnesty International: *"After he raped me, the 'red beret' asked me if I intended to tell anyone. I replied that I would not be able to talk about what happened. He told me he would kill me if I said anything. I told him he had done enough and I asked him to spare me."*

*"They would not stop, they helped themselves to me as though they were at a buffet."*

Young woman held as a sex slave for five days

The security forces also abducted dozens of women from the stadium and took them by truck to private houses where they were drugged before being repeatedly gang-raped. Amnesty International has learned that these young women were transported by at least two military



vehicles. Some of these young women were executed because they refused to obey their kidnapper. One student told Amnesty International how she was arrested by the 'red berets' when she tried to flee as soldiers opened fire on demonstrators in the stadium:

*"They put me with about 20 girls. Some of them were dressed, while the clothes of others were torn. We were in a vehicle with tinted windows, with 'red berets' guarding us. They hit us in the back and neck to stop us raising our head; we did not dare look at them. The vehicle drove for quite a while until it reached a house. When we arrived, they asked us if we wanted anything to eat, but how could we eat with our tormentors? As we did not reply, they shot two girls in the head and they fell to the ground. They brought in coffee and told us that if we refused to drink it, they would finish us off in the same way as the two whose bodies were lying on the ground. With the bodies of the girls lying there in pools of blood, we had no alternative other than to drink the coffee. After drinking the coffee, I was no longer myself, it was as though I was unconscious or asleep. I do not know what they did to us. After three days, it felt like I woke from a deep sleep. Only six of the 20 girls brought there were still there and our clothes were torn. I had abdominal pains, my vagina hurt a lot and there was blood on my clothes. They told us that we had been with them for three days."*

During the course of 28 September 2009, it appears that women were not safe from the security forces anywhere, even at the health centres where the security forces took some of them after raping them. Several women were abducted from the health centre in the Ratoma neighbourhood by security forces who took them to private houses. One of these women told Amnesty International:

*"The 'red berets' chose the youngest and prettiest women and drove us to Ratoma health centre. I thought it was so we could get medical treatment. We got out of the vehicle and waited. Thirty minutes later, a black vehicle arrived. 'Red berets' got out of the vehicle and started to pick out some of the girls. The chosen girls were blindfolded with black handkerchiefs and the vehicle then drove off. We got out of the vehicle at a private house and were taken to separate rooms. I was offered coffee but I refused to drink it. They threatened to kill me so I drank it and immediately fell asleep. It felt like I was asleep for a long time. I do not know what they did to me. I felt bad all over when I got up. When I woke up, hooded men raped me three times a day in groups of four. While they had their way with me, another filmed the scene with his mobile phone."*

These women were detained in the houses for five days and one of them told Amnesty International: *"Very early in the morning of 2 October, the 'red berets' asked us where we lived and a vehicle took us to our respective neighbourhoods. We were wearing very little when they left us in the vicinity of our neighbourhoods."*

Hospital sources provide supporting evidence that a significant number of women and girls were admitted who had been raped. For example, Donka National Hospital recorded 32 cases of women subjected to sexual violence. The medical diagnosis of 30 of these women mentions a "suspicion" or "strong suspicion of rape" with lesions to the breasts, buttocks and genitals. In one case, the doctors stated: *"Strong suspicion of post-rape condition and sexual assault (barrel of a gun in the vagina)."* In another case, the diagnosis stated *"strong suspicion of post-rape condition with recent first intercourse [défloraison]."* Amnesty International has interviewed a young woman who stated: *"I went to demonstrate and lost my*

*virginity at the stadium. I do not know what is to become of me because I wanted to remain a virgin for my future husband."*

*"I no longer sleep very well. I often have insomnia and I also suffer from dizziness."*

Female survivor of rape

Almost all the victims of sexual violence met by the Amnesty International delegation continue to suffer pains and ill-health as a result of the physical injuries suffered during rape. Many women have pains in the lower abdomen, uterus and vagina. Following the rapes, some of them have experienced menstrual problems: their periods stop, are sometimes irregular, sometimes last several weeks and are accompanied by severe pain. Many raped women were also tortured; subjected to ill-treatment, including beatings; suffered internal bleeding and now have difficulties sitting down or getting up. Some suffer from uncontrollable trembling, bleeding and deteriorated vision.

One rape victim met by the Amnesty International delegation at the beginning of December 2009 said: *"I have constant pain in my lower abdomen. I have not had a period since 15 September."* Other women complained of insomnia, irregular bleeding and vaginal pain.

Several women told Amnesty International that, since they were raped, they have had nightmares and live in fear that their family will discover what happened to them. One of them said: *"I no longer sleep very well. I often have insomnia and I also suffer from dizziness. I live with my elder brother but he does not know I was raped."* Another woman told Amnesty International: *"I can't get to sleep when I think about what happened to me. I wake up regularly towards one o'clock in the morning and I see images of the 28th passing before my eyes."*

At the time of the Amnesty International mission, only a few of these rape victims had taken a HIV/AIDS test. Most were fearful about taking the test knowing that they might discover they were HIV-positive.

The plight of women subjected to rape and other forms of sexual violence described in this report is reflected in broader concerns expressed by the Committee on the Elimination of Discrimination against Women about the prevalence of violence against women and girls in Guinea, the impunity enjoyed by the perpetrators of such violence, and the victims' lack of access to shelter, legal, medical and psychological support.<sup>9</sup>

*"I didn't say anything to my husband. He might leave me if he finds out."*

Woman detained in a house and subjected to sexual slavery

Some women have not told their husbands because they fear that they will leave them. One of them told Amnesty International:

*"I didn't say anything to my husband. He might leave me if he finds out about it and find another woman somewhere else. He will think I have got HIV because the men who did that to me are irresponsible and dirty. I am ashamed, my husband would no longer trust me. If*

*anyone knew what happened to me, I would feel naked. I have thought about committing suicide but I told myself that there is no one to look after my children and I wouldn't want them to find themselves in the street. I detest myself and I feel like a cabaret prostitute who sleeps with men. They walked all over me. It is better for me to keep quiet. My vagina still hurts. It feels like it's burning. I told my husband that I have been ill. I have still not been to see my gynaecologist because he knows my husband well. I find it very hard to discuss such an intimate issue and would not like to talk about it with anybody at all."*

Amnesty International has since learned that the husband of this victim left her after he found out that she had been raped.

## **Conakry in a state of terror (October–December 2009)**

Although the repression against the opposition became less intense after the events of 28 September, the security forces continued to arrest, harass, torture and extrajudicially execute a significant number of people living in neighbourhoods considered to be hostile to the government.

On the day after the demonstration, the security forces searched certain neighbourhoods of Conakry looking for alleged opposition supporters. For example, on 29 September 2009, 'red berets' and militiamen chased several young people in the Bomboli neighbourhood. A witness, who took photographs of the scene, told Amnesty International: "*Some were arrested and put into the boot of one of the vehicles, a Toyota Corolla. There already were two dead bodies in the boot. The soldiers and civilians wearing cowries<sup>10</sup> on their head and body arrested another young man from the neighbourhood. They hit him with their rifle butts and then made him get into the boot of a car. Some people who had been arrested and were in a Pajero (a Mitsubishi 4x4) tried to escape but the soldiers opened fire and wounded one of them. The soldiers dragged him along the road and one of them finished him off by stabbing him three times with a knife, in the stomach, heart and back."*

Other people were detained in shipping containers at the Alpha Yaya Diallo camp. One of them, who was arrested illegally on 28 October 2009 for commencing a hunger strike to protest against the violence of the security forces, described how several people were placed in a padlocked container for several hours. "*There was a very small ventilation gap, the size of a page of A4 with iron bars across. We had to go to the toilet in the container."*

In addition, at least nine soldiers were arrested in the days that followed the 28 September 2009 demonstration. One of them, Lieutenant Mohamed Lamine Diallo, aged 37, was arrested by the security forces on 7 October 2009 at the Alpha Yaya Diallo camp and held in solitary confinement. Since then, his family has not heard from him. Amnesty International raised his case with the ministers it met, including the Prime Minister and the Minister of the Special Services responsible for Combating Drug Trafficking and Organized Crime, but did not receive any response.

The authorities also attacked NGOs and human rights defenders, claiming that they were

opposition supporters. One human rights defender, Mouctar Diallo, vice-president of the *Commission nationale des droits de l'homme de Guinée* (Guinea National Human Rights Commission), was arbitrarily arrested on 26 November 2009. After being detained for several days at the Alpha Yaya camp, he was transferred to PM III. The Guinean authorities have told Amnesty International that he is accused of "*endangering the security of the state*". Amnesty International considers him to be a prisoner of conscience who has been detained only because he peacefully exercised his right to freedom of expression. He has since been released without charge after more than two months of detention.

# COMMISSIONS OF INQUIRY AND SANCTIONS

**"This is appalling, unacceptable. It must never happen again. Those responsible must be held accountable."**

International Criminal Court's Deputy Prosecutor, Fatou Bensouda

The international community, and particularly African countries, have reacted to the events that followed the death of President Conté. Following the December 2008 coup, the African Union, followed by ECOWAS, suspended Guinea from their organizations until constitutional order was re-established. In addition, shortly before the repression on 28 September 2009, the African Union announced its intention to impose sanctions against the junta unless President Camara confirmed that neither he nor any other member of the CNDD would be a candidate in the presidential election. On 17 October 2009, faced with the junta's refusal and the events of 28 September, ECOWAS imposed an arms embargo on Guinea. The European Union followed suit on 27 October, and added targeted sanctions against some members of the junta, as did the United States and the African Union.

The International Commission of Inquiry, created by the Secretary General of the United Nations with a mandate to investigate the events in Conakry, submitted its report to the Secretary General who in turn presented it to the Security Council on 19 December 2009. The report has not officially been made public but the text has appeared in the media. The report concludes that the massacres and other violent acts perpetrated on 28 September and the following days in Conakry constitute "crimes against humanity". The text states that: *"The Commission believes that it is reasonable to conclude that the crimes perpetrated on 28 September 2009 and in the immediate aftermath can be described as crimes against humanity. These crimes are part of a widespread and systematic attack launched by the Presidential Guard, the police responsible for combating drug trafficking and organized crime and militia, among others, against the civilian population. The Commission also concludes that there are sufficient grounds for assuming criminal responsibility on the part of certain persons named in the report, either directly or as a military commander or supervisor."*<sup>11</sup> The report also states that *"the Commission finds that there is prima facie evidence that President Moussa Dadis Camara incurred individual criminal liability."*<sup>12</sup> Finally, the commission recommended requesting the International Criminal Court to investigate those responsible for these alleged crimes against humanity, and particularly the immediate circle of President Camara. Since the publication of this report, rape victims who testified in front of the UN Commission have received death threats.

On 7 October 2009, the Guinean government announced the creation of a national commission of inquiry to investigate the events of 28 September. The junta asked the *Forces Vives* to participate in the commission's work but the *Forces Vives* quickly declared that it

would boycott the commission. At a meeting with the Minister of Justice on 23 November 2009, the Amnesty International delegation learned that the authorities thus had to issue a new regulation modifying the commission's composition. The commission includes members with different perspectives, including magistrates and members of civil society. When Amnesty International met the Minister of Justice, the commission had already begun work and had a mixed brigade of law enforcement personnel (15 police officers and 15 gendarmes) at its disposal to assist with questioning. On 16 December 2009, the commission of inquiry indicated that it had recorded "33 cases of suspected rape", but at the same time called into question the veracity of the statements made by victims. The president of the commission deplored the fact that victims "refused to give evidence". This reticence can be explained by the fact that no mechanism to protect victims and witnesses has been put in place, in violation of all international standards in this area.

On 2 February 2010, the National Commission of Inquiry submitted its conclusions on "*the events of the 28 September as well as their preparation, and more widely on any matter resulting directly or indirectly from them*".<sup>13</sup> The report of the Commission states that the political leaders, in refusing to cancel the demonstration after it had been forbidden by the authorities, share some responsibilities in the events. It also states that demonstrators committed acts of robbery, looting, and destruction of public and private property.

The Commission acknowledged the violent repression of the demonstration, but blames the "excited crowd" as well as the lack of equipment and coordination of security forces. It also accuses civil society organizations of spreading "*far-fetched figures regarding the number of deaths, rapes and disappearances*".<sup>14</sup> Regarding sexual violence, the report notes that no female victim of rape came to testify before the Commission, and that it therefore relies only on medical records. Finally, the Commission accuses Lieutenant Aboubacar "Toumba" Diakite, the man who allegedly attempted to kill President Camara, and his unit of 'red berets', for being responsible for the violence, and requests that they be tried before Guinean courts. Regarding opposition leaders, the national commission recommends a general amnesty for all misconduct towards members of the administration.

Amnesty International welcomes the decision of the International Criminal Court's prosecutor, Luis Moreno-Ocampo, to conduct a preliminary examination to determine whether crimes falling under the Court's jurisdiction have been perpetrated. Guinea has been a State Party to the Statute of Rome since 14 July 2003. The Court's Deputy prosecutor, Fatou Bensouda, stated in October 2009 that "*from the information we have received, from the pictures I have seen, women were abused or otherwise brutalized on the pitch of Conakry's stadium, apparently by men in uniform, who even used their weapons. This is appalling, unacceptable. It must never happen again. Those responsible must be held accountable.*" Fatou Bensouda visited Guinea between 17 and 19 February 2010, in order particularly to check the commencement of national legal proceedings.

# GUINEAN SECURITY FORCES AND MILITIA: UNLAWFUL USE OF FORCE AND INTERNATIONAL ASSISTANCE

**“Everything that I learned overseas, I am trying to institute here in Guinea.”**

Guinean army officer

Guinean military units have been repeatedly used to maintain public order and suppress peaceful demonstrations during the last decade,<sup>15</sup> despite being trained and equipped for combat roles rather than to perform police functions.

Identifying the security force units reportedly involved and the types of weapons and ammunition used in the 28 September 2009 attacks raises serious questions about recent international assistance and arms supplies provided to those units from China, France, South Africa, the USA and other countries.

Of four ‘red beret’ military units whose members appear to have been responsible for unlawful killings and other serious human rights violations at the stadium on 28 September 2009, two units - the *Bataillon des Commandos de Kindia* and the *Bataillon des Rangers* – have received combat and tactical training from China (up to 2008) and the USA (up to 2004).

At least one specialized *Gendarmerie* unit, the *Services Spéciaux de la lutte anti-drogue et de grand banditisme*, was present at the stadium and its members used lethal force against demonstrators. Under a military cooperation agreement with Guinea signed in April 1985,<sup>16</sup> France has continued to equip and train the *Gendarmerie Nationale* for several years, and during 2008 and 2009 Amnesty International has learned that France provided public order training assistance for new sections of the *Gendarmerie* rapidly expanded by the new government of the CNDD to maintain internal security.

A further public order police unit at the stadium, the *Compagnie mobile d'intervention rapide*, began the attack on demonstrators by firing tear gas in the stadium. They arrived at the stadium in armoured vehicles supplied from South Africa in 2003,<sup>17</sup> and used French-supplied tear gas launchers and grenades, authorized for export from France to Guinea 14 times between 2004 and 2008.<sup>18</sup>

Security forces at the stadium and in other locations around Conakry used batches of foreign manufactured Kalashnikov-type military assault rifle or light machine gun ammunition manufactured in 2006 and 2008, according to its markings, and thus which appear to have

been recently supplied to Guinea.

Irregular, civilian-dressed personnel armed with knives and other weapons attacked demonstrators in the stadium alongside military and police units. Amnesty International has established that since August 2009 the Guinean army has commenced a major new effort to recruit irregular militia groups, reportedly including children under 18 years old, and to provide them with physical and small arms training. This effort has been assisted by private military trainers from South Africa and possibly from other countries, according to information obtained by Amnesty International.

## Use of inappropriate military units and weaponry against unarmed demonstrators

Numerous testimonies, photographs and video footage of the demonstrations in Conakry on 28 September 2009 indicate the deployment of an elite unit of the armed forces, popularly known as the 'red berets'. The 'red berets' previously constituted Guinea's presidential guard. In January 2009 a CNDD *ordonnance* combined four elite units of the Guinean armed forces - the presidential guards, the *Bataillon Autonome des Troupes Aéroportées* (BATA), the *Bataillon des Commandos de Kindia* (popularly known as the 'Commandos Chinois') and the *Bataillon des Rangers* - into a combined commando regiment.<sup>19</sup> Members of the *Commandos Chinois* told Amnesty International that members of their unit took part in the attacks on 28 September 2009, alongside members of the *Bataillon des Rangers*. In 2007, Amnesty International had documented unlawful killings and the excessive use of force by *Rangers*, BATA and 'red berets' presidential guard personnel deployed to suppress peaceful demonstrations.<sup>20</sup>

Although there are circumstances when military forces may legitimately be used in policing and public order roles, such deployments should be for the shortest time possible, should be authorized on a clear legal basis, and should involve units instructed and trained in applying international law enforcement standards for the use of force, including the use of lethal force only as a last resort when strictly unavoidable in order to protect lives.<sup>21</sup> By contrast, Guinea's elite military units have been repeatedly deployed against peaceful, unarmed civilian demonstrators alongside police and gendarmerie units.<sup>22</sup> Both military and police units have repeatedly committed unlawful killings and used excessive and arbitrary force against unarmed demonstrators.

Eyewitnesses present at Conakry stadium on 28 September 2009, interviewed by Amnesty International, have consistently reported that security forces combined the use of crowd control munitions such as tear gas, creating panic and a stampede, alongside automatic-fire military weapons, designed for lethality and entirely unsuitable for public order law enforcement, particularly since Amnesty International found no evidence that any demonstrator was armed with a firearm.<sup>23</sup> For example, one eyewitness, a female market trader aged 24, told Amnesty International:

*"Soldiers were everywhere in the stands. I ran to try to get out of the right-hand gate. There*



*were maybe a hundred people there, being trampled on, suffocated and also stabbed by soldiers with bayonets. I also saw a beret rouge with a large gun and a chain of ammunition. Then I thought – it's over. They were firing tear gas at the people at the gate. Some of the people were crying "Allah, Allah". Others were leaping from the high part of the stands. I was heading for the gate when I was hit on the back by a Kalashnikov. A soldier seized hold of my shirt, dragged me next to the wall, in full view of everyone. He slapped me across the face. He shouted 'Isn't Dadis a Guinean? We're going to kill you.'"*

Amnesty International viewed 47 cartridge cases gathered from the stadium, of which 46 were 7.62x39mm ammunition cartridge cases suitable for Kalashnikov-type assault rifles.<sup>24</sup> Laboratory examination of three of these cartridges confirmed that they had been fired from different Kalashnikov-type (AKM or RPK) assault rifles or light machine guns.<sup>25</sup> The organization's researchers also viewed 13 cartridge cases gathered from the Kaporo and Kosa districts of Conakry during the week following the 28 September 2009, of which 12 were 7.62x39mm 'Kalashnikov'-type ammunition cases.

Two eyewitnesses also reported seeing 'red berets' soldiers at the stadium carrying heavier weapons fed by 'chains of bullets', characteristic of heavier belt-fed machine guns. Amnesty International was unable to confirm these reports with forensic evidence, and none of the cartridge cases viewed by Amnesty International researchers showed evidence of having been placed in ammunition belts. 'Red beret' personnel have, however, been photographed carrying belt-fed RPD light machine guns while patrolling around Conakry during October and December 2009.<sup>26</sup>

Numerous eyewitnesses also reported to Amnesty International seeing soldiers stabbing protestors with bayonets and also with large combat knives carried in leather sheaths.

A primary school teacher, aged 35, told Amnesty International that: *"The 'red berets' entered the stadium firing immediately and continuously. Others were armed with knives and cutlasses, as long as my arm. Some were wearing 'red berets', others police helmets."*

Combat knives and bayonets are typical combat equipment for commando units such as those deployed against demonstrators on 28 September 2009, but are inappropriate for the use of force in law enforcement and public order situations. Amnesty International interviewed several demonstrators who showed marks of wounds consistent with violent attacks with knives or bayonets. A 32 year-old trader, for example, told Amnesty International that he had been shot *"at point blank range by the side of the stadium by a soldier standing behind me. I continued to run on, and was caught by two gendarmes, one of whom stabbed me three times with a knife. Then I ran onto the road outside the stadium, where the Red Cross found me."* He showed Amnesty International a large wound in his stomach which had been operated on, and three smaller puncture wounds on his chest, armpit and back. Medical personnel verified to Amnesty International that the stomach wound had been caused by a bullet, and that the further three wounds had been caused by a knife. When Amnesty International delegates visited Camp Alpha Yaya Diallo on 30 November 2009 they observed that most of the members of the presidential guard there, as well as some gendarmes of the *Services Spéciaux de la lutte anti-drogue et de grand banditisme*, were carrying large combat knives in leather sheaths. Photographs taken in Bambeto district in Conakry on 1 October 2009 and obtained by Amnesty International also show red-beret-

wearing soldiers carrying such knives and sheaths, and using them to attack an unarmed man in the street whose body they subsequently left on the road.

## International military and policing assistance

The military and policing equipment used on 28 September 2009, from tear gas canisters to small arms ammunition and armoured vehicles, have been supplied from a number of states despite there being a substantial risk when they were supplied that they could be used in further serious human rights violations.

France and the USA have informed Amnesty International that they have now suspended military cooperation with Guinea. On 17 October, ECOWAS imposed an arms embargo prohibiting any ECOWAS state from supplying arms to Guinea, and called on the EU, AU and UN to help implement the embargo.<sup>27</sup> On 27 October, the EU also imposed an arms embargo on Guinea.<sup>28</sup> Neither embargo, however, includes a ban or restriction on the provision of military/police training, except technical assistance related to embargoed military equipment. Thus it is unclear, for example, whether France, Germany or Mali may continue the provision of military training to Guinean personnel (discussed below). Moreover, many of Guinea's recent suppliers of arms and military/security training and assistance, including China, Morocco and South Africa, as detailed below, are not within the EU and ECOWAS regions covered by either of these embargoes.

## AMNESTY INTERNATIONAL'S POSITION ON THE ARMS AND SECURITY TRADE

Amnesty International takes no position on the arms trade per se, but is opposed to transfers of military, security or police (MSP) equipment, technology, personnel or training - and logistical or financial support for such transfers - where there is a substantial risk that such transfers will be used in serious violations of international human rights law or international humanitarian law. To help prevent such violations, Amnesty International campaigns for effective laws and agreed mechanisms to prohibit any MSP transfers from taking place unless it can reasonably be demonstrated that such transfers will not contribute to serious human rights violations. Amnesty International also campaigns for MSP institutions to establish rigorous systems of accountability and training to prevent such violations.

### POLICING WEAPONS AND MUNITIONS SUPPLIED FROM FRANCE

Photographs taken in the Bellevue district of Conakry on 1 October show police personnel carrying 56mm 'Cougar' grenade launchers. Police officers were filmed with similar launchers at the demonstration in front of the stadium on 28 September 2009 itself. These grenade launchers, made in France, are designed to fire tear gas and kinetic impact grenades also

produced by the same French manufacturer.



*Cougar 56mm anti-riot grenade launcher made in France, photographed at Bellevue police station, 1 October 2009 © Private*



*Police with a French made anti-riot grenade launcher, on South African supplied Mamba armoured vehicle, in front of stadium, 28 September 2009 © Private*

The French government informed Amnesty International that during 2006 it exported 500 unspecified anti-riot grenades to the Guinean Ministry of Interior, and in 2008 issued a further pre-export authorization [*agrément préalable*] for the sale to the Ministry of Interior of stun grenades and 56mm GM-2L tear gas grenades, specifically designed for the launchers seen with Guinean police forces on the 28 September 2009 and subsequently; but the French government said that the 2008 pre-export licence did not receive its final export authorisation, and that the 2006 licence was thus the last export licence granted for 'military materials' [*materiels de guerre*] destined for Guinea.<sup>29</sup> However, the French government has subsequently informed Amnesty International that between January 2004 and February 2008 a further 13 authorizations were granted for the export to the Guinean police and

gendarmerie of tear gas grenades and accompanying "*dispositifs de propulsion à retard*" (the latter designed for 'Cougar' grenade launchers) under a separate licensing mechanism.<sup>30</sup> These latter licences have not been published or reported to the French parliament.

France has been committed since 1998 to the EU Code of Conduct on Arms Exports, politically binding since 1998 and legally binding since December 2008, which forbids EU Member States from issuing export licences for controlled military or security equipment "if there is a clear risk that the proposed export might be used for internal repression", and requires them to "*exercise special caution and vigilance in issuing licences, on a case-by-case basis and taking account of the nature of the equipment, to countries where serious violations of human rights have been established by the competent bodies of the UN, the Council of Europe or by the EU*".<sup>31</sup> France nonetheless repeatedly authorised export licences to Guinea for riot control and tear gas munitions, despite the Guinean security forces' ongoing record of using tear gas grenades unlawfully for the exercise of disproportionate and excessive force, and in conjunction with live ammunition.<sup>32</sup>

#### ARMoured VEHICLES SUPPLIED FROM SOUTH AFRICA

Photographs and video footage also show police and gendarmes using South African-supplied Mamba armoured personnel carriers (APCs) in front of the stadium on 28 September 2009, patrolling Conakry on 1 October 2009, and arriving in such vehicles at Conakry's main *Faisal* mosque on 2 October before firing tear gas to disperse relatives of those killed or missing at the stadium, who had gathered there to identify bodies taken to Conakry's mortuaries. Ten Mamba APCs were sold to Guinea in 2003 by a South Africa-based subsidiary of a UK company, whose spokesperson stated at that time that these vehicles would be used for "border control" in Guinea.<sup>33</sup>

#### RECENT SUPPLIES OF SMALL ARMS AMMUNITION AND GENDARMERIE VEHICLES

Evidence suggests that Guinea's security forces have continued to receive international supplies of small arms ammunition in recent years despite their repeated use of small arms for unlawful killings and the violent suppression of peaceful demonstrations. Of 60 spent cartridge cases gathered from the stadium and Conakry's suburbs on 28 September 2009 and afterwards, viewed by Amnesty International researchers, 47 were marked with relatively old manufacture dates ranging between 1943 and 1998, making it difficult to trace their dates or routes of supply to Guinea.<sup>34</sup> Thirteen cartridge cases, however, were of a single distinctive type, of 7.62x39mm calibre suitable for Kalashnikov-type assault rifles, manufactured in an unknown country between 2000 and 2008, according to their markings. Ten appear to have been manufactured in 2006, and one in 2008. This suggests that this ammunition was supplied to Guinea since these manufacture dates (Guinea is not known to manufacture its own ammunition). Amnesty International is continuing its efforts to trace the origin, supply routes and dates of supply of this ammunition.



*Cartridge casing from bullet for Kalashnikov-type assault rifle recovered from stadium on 28 September 2009. Markings suggest that it was manufactured in 2006 (© Amnesty International)*

The *Gendarmerie Nationale* has also acquired a number of new Toyota Land Cruisers and other light vehicles since January 2009, according to information received by Amnesty International. Amnesty International's researchers saw several of these new vehicles, both unmarked and with *Gendarmerie* markings, outside the *Gendarmerie* headquarters in central Conakry on 29 November 2009, including one Land Cruiser which still had the plastic seat covers used during the shipment of new vehicles. Amnesty International has not yet been able to establish their suppliers.

Significantly, several new *Gendarmerie* vehicles viewed by the organization's researchers had had their number-plates either removed or obscured with black paint. Security forces' use of deliberately unmarked vehicles makes it even more difficult to identify the perpetrators of human rights violations carried out by such forces, contributing to their impunity. Several victims of attacks or arbitrary arrests by Guinean security forces during 2009 described to Amnesty International the use by security forces of such vehicles without number-plates. For example, one woman arrested on 28 September 2009 and held for several days while being continually raped, described being released back to her *quartier* after her ordeal:

*"It must have been 2 October in the early morning when I was blindfolded and forced to get into a vehicle. They asked me where I live and they dropped me off there towards 5.30am. When I got down from the lorry, they took the blindfold off. The car did not have number plates, it was a black Land Cruiser."*

#### TRAINING OF MILITARY AND SECURITY FORCES

Several Guinean military and security units whose members have been implicated in extrajudicial executions, other unlawful killings, rapes and the grossly excessive use of force on the 28 September 2009 and in previous years, have received training from states including France, the USA and China. Although Amnesty International is not opposed to

military, security and police training and assistance per se, the organization is concerned that some of the techniques and capabilities imparted during such training, particularly operational and combat training, may themselves have contributed to these units' capacities to commit further serious human rights violations.

Two elite commando units reportedly involved in the 28 September 2009 attacks, the *Bataillon des Commandos de Kindia* (known as the 'Commandos Chinois') and the *Bataillon des Rangers*, have received specialized combat training from Chinese and US military instructors respectively.

Documents obtained by Amnesty International show that during 2005-6 Guinean armed forces personnel, including members of the *Commandos Chinois*, underwent training courses in China covering command and national security, the command of special operations units, 'national security strategy for young officers', armament and communication engineering, 'military sports', and parachutist training.<sup>35</sup> Members of the *Commandos Chinois* interviewed by Amnesty International also described receiving a nine-month course of commando training from a team of seven Chinese instructors at Kindia in western Guinea during 2007 and 2008 which included small arms training, martial arts, hand-to-hand fighting in water and other environments, and combat with knives: close-quarter combat methods matching some of those used by soldiers against peaceful protestors on 28 September 2009, according to the numerous witness testimonies described above.<sup>36</sup>

The *Bataillon des Rangers* reportedly received in-country instruction from US army rangers in 2002 and 2003, as well as small arms ammunition and vehicles; it is not known when this assistance ended, or what skills and capabilities were imparted.<sup>37</sup> Much US military training of Guinean personnel since 2004, however, has constituted professional and organizational assistance rather than operational and combat training, including in-country courses on civil-military relations and military legal seminars delivered to the *Ranger* battalion, personnel of the 3<sup>rd</sup> Military Division of the *Armée de Terre*, and other branches of the Guinean armed forces between 2004 and 2008, alongside journalists and members of civil society.<sup>38</sup> One small exception is the receipt of 'pre-ranger' training during 2007 by one Guinean armed forces member at the USA's Army National Guard Warrior Training Center at Fort Benning, USA, an institute intended to provide US and international armed forces "with highly skilled and qualified personnel imbued with the Warrior Ethos and ready to conduct operations in support of the Global War on Terror", according to its mission statement.<sup>39</sup> Information about US training during 2008 and 2009 is not currently available.<sup>40</sup>

Other countries have also reportedly trained Guinean military and law enforcement personnel abroad. For example, a 2006 Guinean Ministry of Defence document seen by Amnesty International, detailing the return of military personnel from overseas training, indicates that Guinean soldiers and gendarmes were trained during that year at the French-sponsored *École Militaire d'Interarmées* (EMIA) in Mali; the *École des Officiers* in Morocco; a military training academy in Nigeria; the "École de l'Air" in Germany;<sup>41</sup> and the *École des officiers de la gendarmerie nationale* in Melun, France.<sup>42</sup> During 2008 France financed the training of 11 Guinean military personnel in military academies in France, and 26 in military training programmes in West Africa. France has also provided tactical training suites and training activities at Guinea's own military academies in Manéah between 2005 and 2007. These have formed part of a package of military aid costing €11.38m between 2005 and 2009,<sup>43</sup>

in addition to training activities costing €907,850 in the last five years.

France has also supplied extensive in-country training and assistance to Guinea's *Gendarmerie Nationale*, in addition to the provision of anti-riot weapons and munitions detailed above. Significantly, this has included technical assistance from French advisors for the training in public order and '*intervention professionnelle*' techniques<sup>44</sup> for up to 4000 new, young Gendarmerie recruits since 2008: recruits whose rapid recruitment and deployment, detailed below, is of concern to Amnesty International. In addition, a €750,000 multi-year programme of technical cooperation in the field of internal security was started in 2008.<sup>45</sup> French-supplied Gendarmerie assistance has included training assistance in the use of tear gas grenades.<sup>46</sup> Amnesty International has learned that after the CNDD took power in December 2008, these French advisors were retained within the Gendarmerie during much of 2009, although France suspended military and security cooperation with Guinea following the 28 September 2009 attacks. The day after the appointment of the new government, France declared its intention of resuming military assistance.

Amnesty International does not oppose military and police training, and some of this assistance, such as French-supplied assistance for the Guinean armed forces' human resources, planning and healthcare does not appear to be at risk of contributing directly to human rights abuse. Nonetheless some of this assistance, such as the Chinese-supplied commando training described above, appears to have developed the combat capabilities of units known to have been involved in serious human rights violations. *Gendarmerie* training supplied by the French government since 2008 has included training assistance in the use of French-supplied riot control weapons used unlawfully by Guinean security forces in 2007 and during the September 2009 events; and French training personnel have provided training assistance for a massive expansion of public order units [*escadrons mobiles*] with young Gendarmerie recruits since the CNDD came to power, whom Amnesty International is concerned have been rapidly recruited and almost immediately deployed, apparently without adequate regulations covering their use of force in internal security situations.<sup>47</sup>

Amnesty International calls on all military, security and policing training to include rigorous management and operational exercises to ensure respect for both international humanitarian law and international human rights law and standards, including systems of training and accountability to implement the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Amnesty International urges the governments of China, Mali, Morocco, Germany, France, the USA, and any other suppliers of military and security training or assistance to Guinea, not to supply any assistance to Guinean military, gendarme or police units implicated in serious human rights violations - particularly operational, tactical and weapons training - which could be used to facilitate any further violations of human rights by those units.

### **Rapid recruitment and inadequate training of military and security forces since the CNDD took power**

As well as facing military combat units not properly instructed, trained, equipped or made

accountable for public order functions, peaceful demonstrators in Guinea have also during 2009 faced deployments of new mobile gendarme and non-uniformed militia personnel who have been rapidly recruited with inadequate training, accountability and management, and who appear to include many young people and reportedly even children in some cases. Eyewitnesses have reported that foreign 'white' military trainers have been active at the militia training camps.

Since the death of Lansana Conte in December 2008, several hundred young men have been recruited into the *Gendarmerie* without an entrance test [*concours*], and have received rapid induction at training schools at Sonfonia in Conakry, and Kalia near Forecariah. During its mission, Amnesty International obtained confirmation that in order to maintain public order, the CNDD have expanded the gendarmerie from three to ten *escadrons mobiles* units, formed from new recruits and equipped with new vehicles. This expansion of *escadrons mobiles* with "young recruits" was also confirmed to Amnesty International by the French government, which has been involved in their training at Sonfonia.<sup>48</sup> Despite their rapid recruitment and limited training, Amnesty International has learned that these new *unités d'intervention* have already been deployed to maintain order during protests at Mamou and Labé, where there were demonstrations on 25 and 26 September 2009 against the candidature of President Camara.<sup>49</sup> The French government has stated that their training included sessions on international humanitarian and human rights law, but Amnesty International is concerned that training has not operationalised these laws and standards. When asked what manuals or regulations existed for the use of force by these gendarme units, a military source told Amnesty International that such written regulations or manuals were not yet available:

*"We had to start this year from the ground up. Each escadron, in Kaloum, Dixinn and Matam [in Conakry] had less than 50 people each. So we had to flood them with young, efficient people. We also added seven more escadrons, but initially with no base of infrastructure. So first we had to find appropriate equipment; then you have to train them; then I can show you the manual."*

The French government has told Amnesty International that although these recruits were recruited on the basis that they should not be minors, this selection criterion was assessed entirely by the Guinean authorities, and French personnel did not take part in or verify the assessment.<sup>50</sup>

Other actions of the CNDD suggest the expansion of military and security forces at the expense of recruitment standards and military disciplinary procedures. For example, an early decree issued by the CNDD after they took power stated that the military authorities had reintegrated into the armed forces, "*under observation*", 214 soldiers previously dismissed for "*alcoholism, desertion, banditry, drugs and undesirability*", by command of the Minister of Defence.<sup>51</sup>

As well as this rapid and irregular expansion of Guinea's formal security forces, Amnesty International has also gathered evidence about the use of non-uniformed militia personnel alongside uniformed armed forces, and their expanded recruitment since August 2009. Numerous eyewitnesses at the stadium on 28 September 2009 consistently reported seeing individuals in civilian clothes but armed with firearms, knives and other weapons operating alongside security forces.



A 27 year-old female market trader told Amnesty International: *"It was when Jean-Marie [Doré] arrived that the military began to fire. Some were dressed in black trousers and red T-shirts with white lettering, reading 'Cellcom' [a Guinean mobile phone network]. They wore cloths on their heads, coloured red and green [the colours of the Guinean flag]. They were armed with pistols."*

Amnesty International received the following testimony from a 25-year old male driver: *"I saw soldiers inside the stadium firing at people and stabbing people - they were wearing 'Cellcom' T-shirts and military trousers, others wearing blue T-shirts and military trousers. I've never seen this kind of uniform before. The 'blue T-shirts' stabbed people and beat them with their rifle butts."*

Video footage taken in front of the stadium on the 28 September 2009, obtained by Amnesty International, does appear to show a group of men in red T-shirts with logos similar to the Cellcom company, interacting with police personnel during discussions amongst police units, and during arrests of demonstrators, although it is difficult from the footage alone to confirm that they were operating together.<sup>52</sup>



*Still from footage of security forces and others in front of Conakry stadium, 28 September 2009 (© Private)*

Guinean security forces have previously used militias in internal security operations. In 2007 armed forces were accompanied in actions against demonstrators by armed civilian 'Volunteers', a group originally recruited in September 2000 following an appeal by President Conté for the mobilization of Guinean civilians and military personnel to defend the country against armed incursions from Liberia and Sierra Leone.<sup>53</sup>

Amnesty International is also concerned by evidence of up to 2000 people being recruited into new armed units by the Guinean government since August 2009, which reportedly include children under 18 years old. It remains unclear whether these children and young men are due to form part of a paramilitary unit, or to be integrated into one or more of the

existing security forces following this unofficial training. The logistical scale of this recruitment and training effort is considerable. According to consistent eyewitness testimonies obtained by Amnesty International, from both soldiers and civilians, newly recruited youths are currently being trained at two camps to the south-east of Conakry: a former gendarme training camp in Kalia, outside of Forecariah, which previously served as a refugee camp; and a camp at KM66, between Coyah and Forecariah. Amnesty International was also informed that since early September 2009, groups of youths have been brought to the Kaporo district of Conakry itself, housed in a former school near the house of President Camara, and have been regularly seen marching around the neighbourhood accompanied by Guinean army officers. Eyewitnesses believe that this location is being used as a transit point for the recruits. Amnesty International delegates were unable to verify the presence of such recruits at this location, which is guarded by military trucks and personnel stationed outside the President's residence. However, the organization separately interviewed three Kaporo residents who provided consistent testimony to support this information. Finally, two military sources stated that training of the new recruits was also taking place at a third location, Camp Kwame Nkrumah, a 'red beret' camp at the foot of Mount Kakoulima north of Conakry.<sup>54</sup>

Amnesty International is particularly concerned by consistent eyewitness accounts that these recruits include some well below 18 years of age. Amnesty International opposes the recruitment – whether voluntary or compulsory – and participation of any children under the age of 18 in armed forces. It believes that the participation of children in hostilities jeopardizes their physical and mental integrity. Any military recruitment of under-18s would also be contrary to Guinea's international obligations. The African Charter on the Rights and Welfare of the Child, which Guinea has ratified, prohibits States Parties from recruiting any child, defined as those under 18 years of age.<sup>55</sup>

One eyewitness described the training camp near Forecariah in detail:

*“Inside Kalia there are several areas for different groups within the camp: Kalia 1, 2, and 3. The first group of recruits to arrive had 1000 people in it: young men between about 15 and 25 years old. They were divided into two groups: 'Titan' group, with 250 people, and 'Bravo' group, with 750 people.*

*The recruits are dressed in football uniforms – T-shirts and football shorts - with different colours for each group. Titan group is red, others were yellow, blue/green and pink. They are ordinary football kits, but with 'Regiment Commandos' written in black paint on their backs.*

*50 recruits in this first group were chosen as leaders. They would be trained first and the others would follow them. They had already started small arms training, using 'PMAK' ['Pistolet Mitrailleur AK' - Kalashnikov assault rifles], with magazines like bananas. The rest of the two groups had to construct hangars in the camp with wood, bamboo and palm leaf roofs, for stocking arms, equipment, beer and food.*

*Some of the white instructors were responsible for commando and arms training. Others did boxing training with gloves. Others led the construction work in the camp. The whites said that they were going to turn the recruits into the best commandos ever trained in Guinea. The instructors wore black T-shirts with a 'GLS' logo in white on their left breast and 'instructor'*

*written on the back, and caps with 'GLS' logos. After about 5 days they changed and took all the 'GLS' logos off, keeping just black T-shirts with 'Instructor' on the back in white, and black caps."*

A second separate eyewitness corroborated this account in detail to Amnesty International, listing the first names of nine 'white' military trainers which matched those given by the first eyewitness. He stated that the training, which was harsh and physically demanding, was overseen by specific *gendarmerie* personnel from the previous *gendarmerie* academy at Kalia:

*"The 'Titan' group was composed of several sub-groups (Titan 1 to 9) with 22 or 23 recruits in each group, and with Guinean commandants composed of soldiers and gendarmes, some wearing the camouflage trousers and black T-shirts of the Gendarmerie Nationale. 'Bravo' group had another 23 recruits in it.*

*'Titan 1' wore football uniforms, on which was written 'regiment de commando' on the back of the shirt, along with the number of the unit, for example 'Titan 1'.*

*The recruits were young – in some cases under 18 years of age. Some of them were unable to keep up with the physical training, which included an exercise where they crossed their hands behind the nape of their necks and were hit in the stomach and the chest by one of the trainers. Many fell, and were passed out for twenty to thirty seconds. They also received kicks to their calves to ensure that they were strong enough. The trainees also undertook muscular exercises and press-ups, firing practice, boxing, and self-defence. They constructed sheds with foliage, and were shown how to take apart and reassemble a gun in 45 seconds.*

*Some of the youths were punished by making them soak themselves in a puddle of mud, 10 meters square. They made the youths throw themselves into it, turn themselves on their back and stomach, and plunged their head into the mud, for up to thirty minutes according to their mood."*

Two further eyewitnesses to this training interviewed by Amnesty International stated that they believed that ethnically discriminatory recruitment had excluded almost all recruits not from the Guerze group.

Amnesty International is concerned by evidence that this training is being partly undertaken and facilitated by foreign private military trainers. These trainers were seen by several eyewitnesses, including a journalist who visited the hotel in Forecariah, near the Kalia training camp, where the trainers were reportedly being housed. The journalist also reportedly confirmed that the Director of Operations of a Dubai-based private security company, Omega Strategic Services LLC, was staying at this hotel during November 2009.<sup>56</sup> Omega Strategic Services is a Dubai-based company which offers armed protection and risk advisory services, according to its website.<sup>57</sup>

According to email correspondence seen by Amnesty International, a second Dubai-registered private security company which operates from Pinetown near Durban in South Africa, Global Maritime Security Solutions LLC, arranged the travel of a group of fourteen foreign personnel, mostly South Africans, from Johannesburg to Guinea on 13<sup>th</sup> and 16<sup>th</sup> October. The email also refers to the involvement of 'Omega' in the arrangements:

*"all persons will meet at a designated point (to be finalized) to meet me or an Omega representative....Omega will take care of flight, airport tax etc from Jhb to West Africa and back to Jhb. This is a great opportunity to get into future work on the African continent as we all know work in other regions are now few and far between. Omega will supply cell sim cards for Guinea, if you have laptops with modems, take them with".<sup>58</sup>*

The manager of Global Maritime Security Solutions LLC refused to confirm to Amnesty International the details of the email or the nature of its activities in Guinea, and referred Amnesty International to the CEO of Omega Strategic Services. Repeated attempts to contact Omega by phone and email have failed.

Amnesty International has been unable to confirm the nature of the activities in Guinea of the companies or individuals listed in this correspondence. The organization has, however, received evidence that during October 2009 several of these listed individuals travelled to Forecariah and Dubreka: two locations where Amnesty International has received information that militia training activities are taking place. One of the individuals, contacted by Amnesty International on 16 December, confirmed directly that he had recently returned from Guinea, although he refused to discuss the nature of his trip. Photographs taken in late October 2009, obtained by Amnesty International, appear to show two of the other listed individuals in Guinea. Further photographs distributed by another of these individuals, listed in the email correspondence as leaving Johannesburg for Guinea on 13<sup>th</sup> October, appear to confirm this itinerary: they show images of Dakar airport in Senegal, taken on 14<sup>th</sup> October; of Forecariah in Guinea on 22 October; and of Dubreka in northern Guinea on 28 October.<sup>59</sup> Amnesty International has also obtained photographs which appear to show several of these South African individuals undertaking and delivering military training in other countries during 2008 and 2009, including with the UAE armed forces.

South African law requires South African citizens, residents and companies to obtain government authorization to provide any foreign military assistance, including "advice and training", to parties to an armed conflict, or in countries where the South African government has declared there exists a conflict, or may imminently be one.<sup>60</sup> This law may not regulate military assistance provided outside a declared situation of armed conflict. However, South Africa's National Conventional Arms Control Act also requires South African persons to obtain authorization to provide any aid, advice, assistance or training relating to conventional arms, and authorization for acting as an intermediary for the provision of such services.<sup>61</sup> In the light of the Guinean armed forces' record of using militias to assist in perpetrating serious human rights violations, Amnesty International believes that no governments should authorize foreign or Guinean individuals or companies to provide training or other assistance to government forces involving militia within Guinea, particularly those which include children.

Two eyewitnesses also told Amnesty International that ancillary staff for the Kalia camp were recruited during September 2009 by a Guinean trading company with an office in an international hotel in Conakry, on behalf of an Israeli security company called 'GLS'. When Amnesty International's staff visited the offices of the Guinean trading company in Conakry, they found it staffed partly by *beret rouge* military personnel who declined to give further information about the company. Subsequent attempts to contact this company by telephone have been unsuccessful.

A senior staff member of Global-CST, an Israeli security company with a subsidiary called 'GLS' (Global Law Enforcement & Security), told Amnesty International that it had signed a contract to "provide a presidential guard" to Guinea's government in August 2009, but that since it had subsequently failed to receive authorisation from the Israeli government, it had "diverted the project to a foreign company to comply directly with the Israeli law requirements", and insisted that "Global [CST] had no people in the connection mentions in your report. We have no knowledge of actions described in your report." The company official denied that any of his company's personnel had been engaged in military or security activities in Guinea since August 2009, but stated that company personnel were currently in Conakry engaged in "various areas such as, water purification, assisting with technical preparation to election, and agriculture consulting". They provided Amnesty International with two photographs apparently showing this water purification infrastructure under construction.<sup>62</sup> The company's website states that its services encompass "National Security Strategy", "Intelligence", "Security Forces buildup", "Homeland Security Systems & Law Enforcement", "Defense Ecology" and "National Policy & Strategy" (including Policy Planning, International lobbying, State Buildup and National Infrastructure); Global CST explained to Amnesty International that such civil development projects "save people, increase stability, and bring pride to our company (even though you will not find anything in our modest website)."<sup>63</sup> Israeli officials have publicly stated that no permits have been issued to Israeli companies or individuals to operate in the security sector in Guinea, and that "[t]hose doing so are acting in violation of Israeli law and may face criminal charges in Israel".<sup>64</sup>

When asked by Amnesty International about this irregular recruitment and training, Guinea's Prime Minister also denied any knowledge of it beyond unconfirmed newspaper reports. He told Amnesty International, however, that under Lansana Conte's regime, "the rules governing recruitment into the armed forces were not respected", and that "the decision-making process is corrupted." It appears, therefore, that these features have continued and worsened under the current government. Guinea's security forces are currently engaged in increasing levels of rapid, irregular and discriminatory recruitment, with inadequate training, and lacking detailed regulations regarding the use of force. This risks perpetuating the grossly excessive use of force, extrajudicial executions and other unlawful killings which have characterized the internal security operations of the armed forces, gendarmerie and police since Conte's rule.

These problems underline the urgent need for the transparent and thorough reform and restructuring of Guinea's military and security forces: instituting clear chains of command and independent, impartial and effective systems of accountability; bringing to justice members responsible for previous serious human rights violations; and ensuring that international humanitarian and human rights law and standards are incorporated into the policies and rules of these forces as well as into the systems of accountability and training of their members.

Amnesty International has learned that the Guinean government has recently approached the government of Morocco for advice on its restructuring, and that in late 2009 US military personnel also undertook their own assessment of Guinea's armed forces.<sup>65</sup> Any programme of security sector reform in Guinea must be undertaken openly, after transparent public scrutiny, and in partnership with the UN, ECOWAS, the African Union, and other members of

the International Contact Group on Guinea. It must prioritize the incorporation and operationalization of international human rights and humanitarian law, and end impunity for those guilty of serious violations of IHRL and IHL. Security sector reform must not be a substitute for bringing to justice individual members of the armed and security forces responsible for crimes.

# REACTION OF THE AUTHORITIES

**"The decision-making process regarding the maintenance of order is in a bad state."**

Prime Minister of Guinea

During its visit to Guinea in November and December 2009, the Amnesty International delegation met the Guinean authorities, including the Prime Minister, Kabiné Komara; the Minister of Justice, Siba Loalamou; and the Minister of the Special Services responsible for combating drug trafficking and organized crime, Moussa Tiégboro Camara.

Amnesty International expressed its concerns about the human rights violations committed by the security forces on 28 September 2009 and in the following days. The organization also raised the issue of the military personnel detained without charge since the beginning of the year.

The Prime Minister described the events of 28 September 2009 as "disgraceful" and emphasized that the main issue was the fight against impunity. He stated that *"if the national commission of inquiry appointed in 2007 had been able to function, it would have served as a warning to certain people tempted to commit abuses."* In response to the Amnesty International delegation's questions on the maintenance of order, he said that the government he led was a hybrid government composed of military and civilian personnel and that *"the decision-making process regarding the maintenance of order is in a bad state."* He said he felt it was important to restructure the army while recognizing that *"under the preceding administration, army recruitment procedures had not been respected."*

The Minister responsible for the fight against corruption and organized crime said he was present at the stadium on 28 September 2009 and that he had protected opposition leaders. He also accused the demonstrators of having *"forced open the entrance to the stadium."*

The Minister of Justice told Amnesty International that he could not deal with the issue of rape unless evidence was presented. He criticized the organization for exaggerating the number of victims. He also said that he had no information about the arrest and detention of military personnel because the detention centres in question, including the camp on the island of Kassa, were not under his jurisdiction.

The Minister of Justice said that the Guinean authorities were unable to punish the officers who had commanded the security forces at the stadium, but then he added that it would first be necessary *"to establish the facts and the role of the person in question."*

# SYSTEMATIC DISRESPECT FOR HUMAN RIGHTS

**"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."**

Article 2 of the UN Code of Conduct for Law Enforcement Officials

The events of 28 September 2009 involved the violation of human rights enshrined in Guinea's Fundamental Law of December 1990, the Universal Declaration of Human Rights and many international and regional human rights instruments signed or ratified by Guinea.

## The right to life

Extrajudicial executions are a violation of the right to life, as guaranteed by Article 6 of the International Covenant on Civil and Political Rights (ICCPR) and Article 4 of the African Charter on Human and People's Rights (henceforth African Charter), as well as a crime under international law. Such killings also breach Special Provisions 9, 13 and 14 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Under international law, the obligation to respect and protect the right to life means that the intentional lethal use of firearms by security forces is lawful only when it is strictly unavoidable in order to protect life. Deliberate killings outside these strict constraints are an arbitrary deprivation of life and a violation of international law. When such killings are part of an official policy or where the government orders, condones or acquiesces in them, which may be evidenced by a consistent failure by the authorities to condemn and to investigate and prosecute such killings, they are extrajudicial executions.

## The right to not be subjected to torture or to cruel, inhuman or degrading treatment or punishment and other ill treatment

Article 6 of the Guinean Fundamental Law of December 1990 states that every human being has "the right to life and physical integrity; no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Torture and other cruel, inhuman and degrading treatment and punishment, including rape, is banned by Article 7 of the ICCPR, 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, 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."

## **Rape and other sexual violence as torture**

Article 321 of the Guinean Penal Code condemns and punishes rape. Under international human rights law, rape by public officials always amounts to torture. The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person, for purposes such as obtaining information, punishment, intimidation or coercion, or for any reason based on discrimination of any kind, by or with the consent or acquiescence of a public official. Rape causes severe physical or mental suffering, is a deliberate act by the perpetrator and is carried out with the intention to intimidate, degrade or humiliate the victim.

Rape and other forms of sexual violence are recognized as crimes against humanity and war crimes under international criminal law and are acknowledged to be among the most serious crimes.<sup>66</sup>

Rape is a crime of violence, aggression and domination, which affects women disproportionately and is therefore an act of violence against women. Article 4 of the UN Declaration on the Elimination of Violence against Women, adopted in 1993, provides that "*states should pursue by all appropriate means and without delay a policy of eliminating violence against women.*" In addition, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted by the African Union in 2003, specifically places an obligation on state parties to take appropriate and effective measures to adopt and ensure compliance with the laws prohibiting all forms of violence against women, including unwanted or forced sexual relations, to punish the perpetrators of violence against women and to implement programmes for the rehabilitation of women victims. Guinea has signed this Protocol and although it has not yet ratified it, it is obliged to refrain from acts that would deprive the Protocol from achieving its objective and goal. Finally, General Recommendation 19, adopted by the Committee for the Elimination of Discrimination against Women, in 1992, states that the definition of discrimination against women "*includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.*"

## **Respect for standards on the use of force**

International human rights law requires that any use of force by security forces must comply strictly with principles of necessity and proportionality. These principles are set out in Article

3 of the UN Code of Conduct for Law Enforcement Officials<sup>67</sup> and elaborated in the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials<sup>68</sup>. While these standards are not in themselves legally binding, their core provisions on the use of force are an elaboration of legal rules applicable to states by way of their treaty obligations or obligations under customary international law.

Principle 5 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials requires that security forces should, as far as possible, apply non-violent means before resorting to the use of force and firearms, which they may use only if other means remain ineffective or without any promise of achieving the intended result.

Principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials strictly limits the conditions in which force may be used. This instrument clearly establishes that security forces should only use firearms as a last resort and with the only aim of saving 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 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 to not be subjected to arbitrary arrest**

Article 9 of the Guinean Fundamental Law states that "No one shall be arrested, detained or sentenced 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 ICCPR, which states: "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 peaceful assembly and the right to freedom of expression**

The Guinean Fundamental Law guarantees these two fundamental rights. Article 7 states

that:

"[each person] *is free to believe, think and profess his ideas and opinions, in words, writing or images.*" Article 10 of this same law states that "*all citizens have the right to demonstrate and march.*" The rights to the freedom of expression and peaceful assembly are also enshrined in the ICCPR (Articles 19 and 21 respectively) and the African Charter (Articles 9 and 11 respectively).

# CONCLUSION AND RECOMMENDATIONS

The sudden and extreme violence perpetrated by certain security forces and militia in Conakry on 28 September 2009 surprised almost the entire population, including some military personnel who have privately expressed their astonishment and distress to Amnesty International.

However, these unprecedentedly grave events can be explained by the lack of training, inadequate laws and regulations, and a culture of impunity enjoyed by the security forces for decades in Guinea as well as, more recently, the political manipulation and deployment of security forces and newly created irregular militia. None of the perpetrators of crimes such as extrajudicial executions, torture and forced disappearances committed under Sékou Touré and Lansana Conté has been brought to justice. Even when the authorities were compelled, under international pressure, to set up a commission of inquiry, as it was the case after the repression of demonstrations in 2007, no inquiry has been effective and those suspected of having committed these acts have continued on active service in the army. Some have even been promoted.

The condemnation by the international community following this repression is not enough. States that have equipped and trained the Guinea security forces failed to adequately assess the substantial risk of their support for those units that have perpetrated such severe violations of human rights. It is now urgent to properly address those risks, to support the judicial process to identify those responsible for these serious crimes and attacks, to bring them to justice, and to provide reparations to the victims and their families. The international community has an obligation to assist. In this regard, the follow-up to the work of the International commission of inquiry will be a decisive test of the international community's political will to ensure that impunity is no longer allowed to continue, and that such violence never takes place again.

The events of 28 September 2009 showed that the Guinean people are not being protected by the Guinean security forces. It is the responsibility of the Minister of Defence, who is acting president following the attempted assassination of the head of state, to instruct the security forces that such acts will no longer be tolerated and that those responsible will be brought to justice. However, this will not be enough to prevent the recurrence of serious human rights violations. The government must reform Guinea's military, security and police institutions, consistent with international standards. The international community should carefully assist this process as long as it is based on respect for international human rights and humanitarian law, while maintaining pressure on the Guinean authorities to remind them at every step of their fundamental duty to protect the life and security of the Guinean people.

The following actions must be taken urgently to show the Guinean people that lessons have been learned from these terrible events, that such acts of violence will not be repeated, and

that perpetrators will be brought to justice.

## Recommendations

Amnesty International urges the Guinean authorities to:

### **Condemn violence against women and girls in all circumstances**

Acknowledge and publicly denounce gender-based violence, whatever the circumstances and wherever the location, by sending a clear message to the security forces and militias that violence against women will not be tolerated and that anyone responsible in any way for violence against women will be made accountable for these acts and brought to justice.

Ensure that crimes of sexual violence are defined consistently with international law and standards, including the Rome Statute of the International Criminal Court and the Elements of Crimes, and international jurisprudence.

Provide immediate and effective remedy to women victims of violence and take the necessary measures to prevent violence against women in the future:

- Establish, with the assistance of the UN, donors and national and international NGOs, humanitarian aid programmes to help the victims of rape and other forms of violence against women, including emergency medical treatment and exhaustive rehabilitation programmes dealing with physical, psychological and economical consequences ;
- Ensure that women who are victims of rape and other forms of sexual violence have access to appropriate medical treatment, and that the costs of such treatment are free;
- Ensure funding for appropriate medical treatment, including for women and girls with HIV/AIDS, especially for victims who were raped during the current political and military crisis.

Begin to take practical measures to end the climate of impunity regarding violence against women:

- Ensure that laws, regulations and rules and orders applying to the armed forces and other security forces are effective in preventing violence against women;
- Establish and implement effective human rights training programmes in accordance with international standards, including Amnesty International's *12-Point Guide for Good Practice in the Training and Education for Human Rights of Government Officials*<sup>69</sup>, with regard to crimes of sexual violence;
- Ensure that any military or security personnel reasonably suspected of committing rape or other acts of violence against women are suspended from their duties while under investigation;

- Ensure that victims of crimes of sexual violence or others on their behalf can initiate criminal prosecutions without burdensome conditions and with legal assistance;
- Ensure that victims of crimes of sexual violence and their families are fully informed in a timely fashion of their rights under international and national law and of developments in all relevant criminal and civil proceedings ;
- Establish an effective programme to protect victims of crimes of sexual violence and witnesses of such crimes so that victims can make complaints and participate effectively in criminal or civil proceedings against the suspected perpetrator and witnesses can provide information in complete safety;
- Ensure that all victims are able to benefit from all forms of reparations, including measures of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;
- Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and introduce laws to facilitate its implementation;
- Submit forthwith the outstanding reports that Guinea is obliged to present to international and regional treaty monitoring bodies, in particular to the Committee for the Elimination of Discrimination against Women and the Committee against Torture;
- Invite the United Nations Special Rapporteur on Violence against Women and the Special Rapporteur of the African Commission on the Rights of Women in Africa to visit Guinea.

### **Condemn the excessive use of force, extrajudicial executions, acts of torture and ill-treatment**

Give clear instructions to the security forces to comply in all circumstances with international human rights law, in particular with the right to life and the total prohibition on torture and other ill-treatment, in accordance with international instruments;

Take effective steps to ensure that the security forces act in accordance with international standards regarding the use of force and firearms, with a view to respecting and protecting the right to life and physical integrity, in accordance with international instruments, the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

Establish and implement effective human rights training programs in accordance with international standards, including Amnesty International's *12-Point Guide for Good Practice in the Training and Education for Human Rights of Government Officials*;

Suspend from duty anyone reasonably suspected of having committed crimes under international law or other human rights abuses, or of having participated in such crimes, until the allegations against them have been independently and impartially investigated;

Establish an independent selection and vetting mechanism to ensure that no-one reasonably suspected of having committed crimes under international law or other human rights abuses, or of having participated in such crimes, can be employed in the army, gendarmerie, police and other security forces, until the allegations against them have been independently and impartially investigated:

Review without delay the methods used to maintain order at demonstrations so that, in future, the security forces only use means that comply with international human rights standards for the policing of demonstrations;

Define crimes under international law, where this has not yet been done, as crimes under national law, including torture, extrajudicial executions and enforced disappearances, in accordance with the strictest standards of international law.

Promptly, thoroughly, impartially and independently investigate all reports of violations of human rights before, during and after the 28 September 2009 events in accordance with international standards such as the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, recommended by Economic and Social Council resolution 1989/65 of 24 May 1989; and the Principles on the Effective Prevention and Investigation of Torture and other Cruel, Inhuman or Degrading Treatment, adopted by the United Nations General Assembly on 4 December 2000 (Resolution 55/89 Annex) ;

If there is sufficient admissible evidence, prosecute persons presumed responsible for extrajudicial executions, torture, ill-treatment and other grave violations of human rights, particularly those designated by this investigation mechanism or other judicial procedures, in accordance with international standards of justice;

Ensure that victims of human rights violations and abuses and their families can obtain full reparation, in the form of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;

Facilitate the identification and ensure the prompt return to their families of the bodies of those killed on 28 September 2009.

### **Arbitrary detentions and prisoners of conscience**

End arbitrary detentions and immediately and unconditionally release all prisoners of conscience detained only for the peaceful exercise of their rights to the freedom of expression, demonstration and assembly;

Charge other detainees with recognized criminal offences or release them. All detainees should have access to a lawyer and a doctor of their choice and should be able to have contact with their relatives. They must also be brought promptly before an independent judicial authority which is competent to determine the legality of their detention.

### **Freedom of expression and assembly**

Take immediate measures to guarantee freedom of expression and peaceful assembly in



accordance with international law and Guinean legislation.

Adopt, publish and implement a comprehensive policy to protect the freedom to defend human rights so that human rights defenders are able to carry out their legitimate activities without fear of reprisals or punishment.

### **Cooperate with international human rights monitoring bodies and ratify international treaties**

Immediately submit the outstanding reports that Guinea is obliged to present to the Human Rights Committee and the Committee Against Torture concerning implementation of the International Covenant on Civil and Political Rights and the United Nations Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment ;

Immediately submit the outstanding reports that Guinea is obliged to present to the African Commission on Human and People's Rights concerning the implementation of the African Charter;

Cooperate fully with the Prosecutor of the International Criminal Court (ICC) and enact effective legislation implementing Guinea's obligations under the Rome Statute, as recommended in Amnesty International, *The International Criminal Court: Checklist for effective implementation*<sup>70</sup>, AI Index: IOR 40/011/2000, July 2000;

Ratify the Agreement on the Privileges and Immunities of the International Criminal Court;

Ratify the Optional Protocol to the United Nations Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment;

Ratify the International Convention on the Protection of All Persons from Forced Disappearances and enact effective implementing legislation;

Invite the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions to visit Guinea.

### **Reform the security forces while ensuring respect and protection for international humanitarian and human rights law**

Restructuring and training of the armed forces, police and other security forces must be undertaken openly, with public scrutiny, and with the participation of the UN, African Union, ECOWAS and other members of the International Contact Group on Guinea. It must:

- Prioritize the establishment of rigorous training and systems of accountability consistent with international human rights and humanitarian law and best practices;
- Disband and disarm all irregular militia
- Particularly include operational training exercises that uphold international human rights standards in law enforcement;

- Include training in lawful public order techniques, including ensuring that the use of chemical irritants to disperse crowds is in compliance with international human rights law and best practice standards;
- Operationalize these standards into national laws, regulations and best practices;

The Guinean government must end any recruitment of children under 18 years of age into their national armed forces, or into militia units;

The Guinean government should ratify the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, and declare the minimum age for recruitment into the armed forces to be 18 years.

**Amnesty International also urges other states and intergovernmental organisations to:**

Strengthen and support the work of human rights organisations and other NGOs, including women's groups, who offer medical support, counselling and legal advice to women victims of sexual and gender-based violence;

Suspend transfers of arms and other military, security or police equipment to Guinea's armed, security and police forces as long as there remains a substantial risk that such transfers will be used to facilitate serious violations of human rights, especially as indicated by the failure to bring perpetrators of such violations to justice, by inadequate training and systems of accountability of such forces, and by the maintenance of irregular militia;

Ensure that their nationals, residents and companies in all countries do not engage in breaches of the European Union or ECOWAS arms embargoes on Guinea;

Refuse any assistance or training to Guinean military, gendarme or police units implicated in serious human rights violations - particularly operational, tactical and weapons training - which could facilitate any further violations by those units;

Take steps to ensure that the basic rule requiring all states to stop international transfers of arms and other military, security or police equipment, training and technical assistance from taking place where there is a substantial risk that such items will be used in serious violations of international human rights or humanitarian law, becomes enshrined globally and non-discriminately in an international Arms Trade Treaty, which is to be negotiated under the mandate of the UN General Assembly during 2010, 2011 and 2012;

Stop any assistance or training to irregularly-recruited Guinean military, paramilitary, security or police units, and investigate any of their nationals alleged to have undertaken such training without authorizations required under their national laws. Such investigations should particularly consider whether evidence exists that such individuals have aided or abetted the conscription or enlistment of children under the age of eighteen years into Guinea's national armed forces;

Institute national laws requiring their citizens, residents and companies to obtain prior authorization, on a case-by-case basis, when seeking to provide military, security and police

assistance, training or other services in other countries – and to prohibit such authorization from being granted if there is a substantial risk that these services will facilitate serious human rights violations.

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1 Amnesty International, *Guinea: Excessive use of force and torture following demonstrations against the high cost of living* (AI Index: AFR 29/001/2008), 20 November 2008; Amnesty International, *Guinea: 'Soldiers were shooting everywhere': the security forces' response to peaceful demands for change* (AFR 29/003/2007) 27 June 2007; Amnesty International, *Guinea: Maintaining order with contempt for the right to life*, May 2002 (AFR 29/001/2002).

2 Amnesty International indicated the misuse of military and security equipment in Guinea, including small arms and tear gas, in reports published in 2002 and 2007: see Amnesty International, *Guinea: Maintaining order with contempt for the right to life*, (AI Index: AFR 29/001/2002) ; *Guinea: 'Soldiers were shooting everywhere'* (AI Index: AFR 29/003/2007). In 2008 the organisation identified the misuse of specific items of foreign-supplied military and security equipment in serious human rights violations by Guinea's security forces: Amnesty International, *Blood at the crossroads: making the case for a global arms trade treaty* (AI Index: ACT 30/011/2008).

3 See Amnesty International, *How to apply human rights standards to arms transfer decisions* (AI Index: ACT 30/008/2008).

4 The report can be obtained in full on the Radio France Internationale website at [http://www.rfi.fr/actufr/images/120/Rapport\\_Commission\\_Enquete\\_Internationale.pdf](http://www.rfi.fr/actufr/images/120/Rapport_Commission_Enquete_Internationale.pdf) (accessed 25 January 2010).

5 Under international human rights law (article 21 of the ICCPR and article 11 of the African Charter on Human and Peoples' Rights) no restrictions may be placed on the exercise of the right to peaceful assembly other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others. The Human Rights Committee has stated that "no provision of the Covenant, however validly derogated from, will be entirely inapplicable to the behaviour of a state party" (See General Comment No 29 on States of Emergency).

6 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

7 'Poste militaire'.

8 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

9 See Concluding Comments on the Committee on the Elimination of Discrimination against Women, CEDAW/C/GIN/CO/6, paragraphs 26 and 27.

10 Necklace made of shells.

11 International Commission of Inquiry on Guinea, *Report of the International Commission of Inquiry appointed to establish the facts and circumstances of the events of 28 September 2009 in Guinea*, p. 2.

12 *Ibid*, page 46, paragraph 216.

13 Independent National Commission of Inquiry, Report of the Independent National Commission of Inquiry on the events of 28 September 2009 in Conakry, page 3.

14 *Ibid*, page 8.

15 The Guinean security forces violently repressed demonstrations organised at the time of the December 1998 presidential elections, the June 2000 *commune* elections, the November 2001

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referendum and, more recently, the demonstrations of February and June 2006 and January and February 2007. See the following Amnesty International reports: *Guinea: Maintaining order with contempt for the right to life*, May 2002 (AI Index: AFR 29/001/2002); *Guinea: 'Soldiers were shooting everywhere'*, April 2007 (AI Index: AFR 29/003/2007).

16 Correspondence to Amnesty International from French Ministry of Foreign and European Affairs, 18 December 2009.

17 Footage of 28 September demonstration, obtained by Amnesty International; see also Amnesty International, *'Guinea: Military and Police Weapons Transfers must be suspended'* (press release, 8 October 2009)

18 Correspondence to Amnesty International from French Ministry of Foreign and European Affairs, 18 December 2009.

19 Ordonnance No. 18 creating a parachute commando regiment, January 2009.

20 Amnesty International, *Guinea: 'Soldiers were shooting everywhere': the security forces' response to peaceful demands for change* (AI Index: AFR 29/003/2007).

21 UN Code of Conduct for Law Enforcement Officials, adopted by UN General Assembly resolution 34/169 of 17 December 1979, Article 3; UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, Special Provision 9.

22 Photographs and video footage taken at and around Conakry stadium on 28 September show the presence of police and gendarmerie units including members of the *Services Spéciaux de la lutte anti-drogue et du grand banditisme*, and a specialised public order unit, the *Compagnie mobile d'intervention rapide* (CMIS).

23 Guinea's national Commission of Enquiry, which published its report in February 2010, cited a police report stating that a significant number of small arms and ammunition had been stolen during attacks on two police stations at the stadium and Bellevue district on 28 September: 14 Kalashnikov-type (PMAK) assault rifles and ammunition, 9 SKS rifles, 4 'cougard' launchers and 15 tear gas grenades, 8 .44 carbines, 7 'muskets', and 3 pump-action firearms. Amnesty International was unable to verify this report, and none of the testimonies received by Amnesty International researchers, nor the film footage or photographs of the events of 28 September made available to the organisation, show civilians with firearms. The report of the UN Commission of Inquiry notes a similar (but not identical) list of stolen firearms from the Bellevue police station, and film footage shown to them by the Guinean authorities showing two civilian-dressed men holding firearms in front of the Bellevue police station. They noted that this film footage showed these men leaving the police station in the opposite direction of the stadium.

24 The other cartridge was an old .45ACP pistol round, probably manufactured in the USA in 1943.

25 Analysis undertaken by Key Forensic Services Ltd, Warrington, UK. AKM assault rifles and RPK light machine guns share a number of parts, including firing pins and ejectors, making it difficult to distinguish through forensic examination of the recovered bullet casings alone which type of weapon has been used.

26 See e.g. photograph taken in Conakry, 11 December 2009, showing guard convoy for Sekouba Konate (©AP Photo/Rebecca Blackwell); and photograph of presidential guards patrolling Conakry on 2 October 2009 (© Ceyllou).

27 ECOWAS Heads of State communiqué, 17 October 2009.

28 Council Common Position 2009/788/CFSP of 27 October 2009 concerning restrictive measures against the Republic of Guinea.

29 Correspondence to Amnesty International from the French Ministry of Foreign and European Affairs, 29 September 2009.

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30 Correspondence to Amnesty International from the French Ministry of Foreign and European Affairs, 18 December 2009. '*Dispositifs de propulsion à retard*' (DPRs) designate propelling devices specifically for the 56mm grenades fired by 'Cougar' launchers of the kind seen in use by Guinean police. See 'Lanceur de munitions de maintien de l'ordre type COUGAR' in Ministry of Defence (France), *TTA 207: Mesures de sécurité à appliquer à l'instruction et à l'entraînement: Lors de l'exécution des tirs techniques et tactiques, approuvé le 11 février 2005 sous le n°196/DEF/EMAT/BPO/ICE/32*, pp. 202-203.

31 European Union Code of Conduct on Arms Exports, adopted by the Council of the European Union on 8 June 1998, Article 2.

32 In October 1999, December 2001, and January/February 2007. See Amnesty International, *Guinea: Maintaining order with contempt for the right to life* (AI Index: AFR 29/001/2002); Amnesty International, *Guinea: 'Soldiers were shooting everywhere': the security forces' response to peaceful demands for change* (AI Index: AFR 29/003/2007), 27 June 2007

33 For fuller details of this transfer, see Amnesty International, *Stopping the Terror Trade: how human rights rules in an Arms Trade Treaty can help deliver real security* (AI Index: ACT 30/006/2009), 5 October 2009.

34 The 'headstamp' markings on these cartridges suggested that they were originally manufactured in the USA, the USSR, China, Czechoslovakia, Hungary, Ukraine and North Korea. This does not indicate, however, that they were supplied to Guinea directly from those countries.

35 Ministry of Defence document Dec. No. PRG/MDN/CAB/05, seen by Amnesty International.

36 Interview with military personnel, November 2009.

37 For references see Human Rights Watch, *Weapons Sanctions, Military Supplies, and Human Suffering: Illegal Arms Flows to Liberia and the June-July 2003 Shelling of Monrovia* (3 November 2003). Detailed questions regarding US military and security training and assistance to Guinea were submitted to the US Department of State on 16 December 2009, but have not yet received a response.

38 Military-civil relations courses and Mobile Education Courses delivered by the US Defense Institute of Legal Studies: see the annual US Department of State publication *Foreign Military Training and DOD Engagement Activities of Interest, Vol. 1* for Fiscal Years 2004 to 2008. This publication does not include classified or covert training delivered under funding other than the USA's Foreign Military Sales (FMS), Foreign Military Financing (FMF), International Military Education and Training (IMET), International Narcotics and Law Enforcement (INL), Global Peace Operations Initiative (GPOI), DOD Regional Centres for Security Studies, Mine Action, Counter-Drug Training Support or Regional Defense Combatting Terrorism Fellowship (CTFP) programmes.

39 US Department of State, *Foreign Military Training and DOD Engagement Activities of Interest, Vol. 1* (2008), Section 4-1 p.21. Mission statement at <https://www.benning.army.mil/wtc/> accessed 17 December 2009.

40 Amnesty International requested details of 2008 and 2009 training and military/police assistance from the US State Department in December 2009, but at the time of writing had not received a response.

41 Amnesty International has been unable to identify this training school in Germany. German media reports have claimed that between 1996 and 2005 Guinean army officers, including Captain Moussa 'Dadis' Camara, were trained in German military academies in Dresden and Bremen. 'Bundeswehr bildete brutalen Junta-Chef aus', *Die Welt*, 30 September 2009; 'Oberst Camara - der "deutsche" Putschist', *ARD*, 8 December 2009.

42 Guinean Ministry of Defence document Dec. No. 1127/PRG/MDN/EMGA/06, seen by Amnesty International.

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- 43 Communication to Amnesty International from the French Ministry of Foreign and European Affairs, 5 January 2010: this covers €2,264,240 in direct aid under the purview of military cooperation between 2005 and 2009; and the salaries of French military personnel involved in military cooperation with Guinea, costing €9,120,000 between 2005 and 2009.
- 44 Website of the French Embassy in Guinea ([http://www.ambafrance-gn.org/france\\_guinee/spip.php?article506](http://www.ambafrance-gn.org/france_guinee/spip.php?article506)) accessed 17 December 2009; Communication to Amnesty International from the French Ministry of Foreign and European Affairs, 5 January 2010.
- 45 Communication to Amnesty International from the French Ministry of Foreign and European Affairs, 5 January 2010.
- 46 Communication to Amnesty International from the French Ministry of Foreign and European Affairs, 5 January 2010.
- 47 Communication to Amnesty International from the French Ministry of Foreign and European Affairs, 5 January 2010: *"Ces jeunes gendarmes n'étaient pas encore affectés dans des unités et devaient ultérieurement compléter les 3 escadrons de gendarmerie mobile existants ou être incorporés aux 7 nouveaux escadrons en cours de constitution.... Nous avons également aidé les cadres guinéens à élaborer le programme de formation des jeunes"*.
- 48 Communication to Amnesty International from the French Ministry of Foreign and European Affairs, 5 January 2010.
- 49 See reports at <http://www.infoguinee.com/beta3/content/view/3163/34/> accessed 8 February 2010.
- 50 Communication to Amnesty International from the French Ministry of Foreign and European Affairs, 15 February 2010.
- 51 Order No. 005/PRG/CNDD/MDN/009 on the reintegration of dismissed soldiers.
- 52 Film footage circulated by Guinean political party, obtained by Amnesty International.
- 53 Amnesty International, Guinea: 'Soldiers were shooting everywhere': the security forces' response to peaceful demands for change (AFR 29/003/2007) 27 June 2007.
- 54 Amnesty International has been unable to confirm activities at this last location, but has obtained photographs of Dubreka and the surrounding area, taken on 28 October 2009 according to the photographs' metadata, and circulated by one of the South African individuals reportedly involved in the militia training, detailed here.
- 55 African Charter on the Rights and Welfare of the Child, Article 22.
- 56 'Civil War Feared in Guinea as Militia Grows', Associated Press, 6 December 2009.
- 57 [www.omegastategicsservices.com](http://www.omegastategicsservices.com) accessed 17 December 2009; telephone interview with manager of Global Maritime Security Solutions LLC, 6 December 2009.
- 58 Email correspondence dated 9 October 2009, seen by Amnesty International.
- 59 Digital photographs and captions obtained by Amnesty International; dates taken from digital image metadata.
- 60 The Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act, 2006 (No. 27 of 2006).
- 61 The National Conventional Arms Control Act, 2002 (No. 41 of 2002).
- 62 Telephone interview with senior staff member of Global-CST, 6 January 2010. Correspondence from Global-CST, 9 February 2010.
- 63 [www.global-cst.com](http://www.global-cst.com) accessed 6 January 2010. Letter from Global-CST, 9 February 2010.
- 64 Rukmini Callimachi, 'Civil War Feared in Guinea as Militia Grows', *Associated Press*, 6 December 2009.
- 65 Interview with diplomatic source, Conakry.
- 66 The Rome Statute of the International Criminal Court to which Guinea is a party defines rape, sexual

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slavery, and any other form of sexual violence as crimes against humanity when such crimes are committed as part of a widespread or systematic attack against any civilian population.

67 Code of Conduct for Law Enforcement Officials, adopted by the United Nations General Assembly on 17 December 1979 (Resolution 34/169).

68 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on Crime Prevention and Criminal Justice, Havana, Cuba, 27 August – 7 September 1990.

69 Amnesty International, *A 12-Point Guide for Good Practice in the Training and Education for Human Rights of Government Officials* (AI Index: ACT 30/001/1998), February 1998, available at <http://www.amnesty.nl/documenten/phrp/12%20point%20guide%20for%20HRE%20for%20gvt%20officials.pdf> accessed 25 January 2010.

70 Amnesty International, *The International Criminal Court: Checklist for effective implementation* (AI Index: IOR 40/011/2000), July 2000.



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