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Technical assistance and capacity-building

Report of the High Commissioner for Human Rights on the situation of human rights in Guinea*

Summary

The present report is submitted pursuant to Human Rights Council resolution 13/21 inviting the High Commissioner for Human Rights to submit a report on the situation of human rights in Guinea to the sixteenth session of the Council. This report covers the period from April to 31 December 2010.

The final report of the International Commission of Inquiry mandated to establish the facts and circumstances of the events of 28 September 2009 in Guinea recommended, inter alia, that the Office of the United Nations High Commissioner for Human Rights (OHCHR) “monitor the situation in Guinea, at least in 2010, during which the country is likely to remain unstable, by an appropriately significant presence, in both quantitative and qualitative terms, to serve as a deterrent to potential violators of international law.” As a follow-up to this recommendation, on 4 May 2010, OHCHR and the Government of Guinea signed a host country agreement relating to the establishment of an OHCHR Office. Since its establishment in May 2010, the OHCHR office in Guinea has been monitoring and reporting on the situation of human rights throughout the country. During the six first months of its operation, the Office focused on the elections.

The Office also worked with the Government of Guinea and other relevant stakeholders to develop strategies to address the key human rights challenges in the country. These include impunity, in particular, that of the security forces, strengthening the administration of justice, reinforcing national human rights institutions and civil society organizations, addressing the negative impact of corruption on the realization of economic, social and cultural rights, countering discrimination, particularly against women, and gender-based violence.

* Late submission.

On 21 December 2010, Alpha Condé was sworn in as President after Cellou Dalein Diallo conceded and pledged to cooperate with the new Government. President Condé has committed to work towards social inclusiveness and to ensure accountability for past human rights abuses, including through the establishment of a transitional justice mechanism. This provides the opportunity to strengthen collaboration to support Guinea building its capacity to address the culture of impunity and to promote and protect all human rights of all throughout the country. The report concludes with a set of recommendations addressed to the Government of Guinea and to the international community.

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I. Introduction

1. On 4 May 2010, further to the recommendations of the International Commission of Inquiry mandated to establish the facts and circumstances of the events of 28 September 2009 in Guinea, the Government of Guinea and the Office of the United Nations High Commissioner for Human Rights (OHCHR) signed a host country agreement relating to the establishment of an OHCHR Office in Guinea. The Office has been operational since June 2010, and was officially launched on 13 August 2010. The mandate of the Office includes monitoring and reporting on the situation of human rights throughout the country, as well as developing and implementing capacity-building activities for the Government, civil society organizations and national counterparts.

2. This report, submitted in accordance with Human Rights Council resolution 13/21 of 15 April 2010 on the strengthening of technical cooperation and advisory services in Guinea, covers the human rights situation in Guinea and the activities of the Office of the High Commissioner for Human Rights in Guinea from April to December 2010.

II. Background

3. On 28 September 2009, a peaceful public demonstration calling for the organization of free elections in Guinea was violently suppressed by the ruling military junta. This resulted in 156 deaths, 109 documented rapes, 40 people reported disappeared, widespread illegal arrests and detention, and torture in prisons and other detention centres. In response, in the annex to his letter dated 28 October 2009 (S/2009/556), the Secretary-General established an international commission of inquiry to: “(a) establish the facts; (b) qualify the crimes; (c) determine responsibilities and, where possible, identify those responsible; (d) make recommendations, including, in particular, on accountability measures.”

4. The Commission of Inquiry visited the country from 15 November to 5 December 2010, and submitted its report to the Secretary-General on 16 December 2010. The Secretary-General submitted the final report of the Commission of Inquiry to the Security Council on 18 December 2009 (S/2009/693). In its report, the Commission of Inquiry recommended, among other things, that “the Office of the High Commissioner for Human Rights should monitor the situation in Guinea, at least in 2010 during which the country is likely to remain unstable, by an appropriately significant presence ... to serve as a deterrent to potential violators of international law”. An agreement between OHCHR and the Government of Guinea on the establishment of the OHCHR Office was signed by the Government and the High Commissioner in Geneva on 4 May 2010. It provides for a comprehensive mandate which covers technical cooperation and monitoring and protection functions throughout the country, as per standard rules establishing OHCHR country offices.

III. The situation of human rights during the electoral process (June–December 2010)

5. The period under review was dominated by the political transition during which the first-ever free presidential election was organized in Guinea. OHCHR monitored the situation of human rights in this context. It reported widespread human rights violations, committed in particular by the security forces, and the impunity of their presumed perpetrators.

A. Main political developments affecting human rights

6. There have been several key political developments in Guinea since the signature of the Ouagadougou Agreement on 15 January 2010. This agreement was signed by different Guinean political parties to govern the process of the transition from the military ruling to democratic elections. The Ouagadougou Agreement established the Transitional Government of National Unity composed of 36 members, including a President as Acting Head of State and a Prime Minister from the opposition (referred to as the *Forces Vives*). The Transitional Government of National Unity was assigned two main tasks: the organization of presidential elections within six months of its establishment and reform of the security sector.

7. The Transitional Government created the National Transitional Council (CNT) to serve as the transitional Parliament. CNT elaborated various important legal documents, in particular the new Constitution of the Republic of Guinea with strong emphasis on respect for and the protection of human rights and fundamental freedoms. The new Constitution also provides for the creation of an independent national human rights institution.

8. The first round of the presidential elections was held in June 2010. Except for a few irregularities that were addressed by the Supreme Court, the election was considered free, fair and transparent by most international observers. The president of the Independent National Electoral Commission (CENI) released the preliminary results of the elections on 2 July 2010, declaring that Cellou Dalein Diallo, the leader of the Union des Forces Démocratiques de Guinée (UFDG), had received 43.69 per cent of the votes while the Head of the Rassemblement du Peuple de Guinée (RPG), Alpha Condé, had obtained 18.25 per cent thereof. On 20 July 2010, the Supreme Court upheld the results.

9. Because no candidate received the required majority of the vote, a second round of the elections was scheduled to take place. On 3 September 2010, the two presidential candidates signed an agreement to ensure a peaceful period before, during and after the elections.

10. Despite the agreement, there were tensions and violent protests on 11 and 12 September 2010, which resulted in the postponement of the elections. Tensions centred on controversy over the leadership of CENI and allegations of the corruption of Ben Sékou Sylla, the then president of CENI, who had been convicted of corruption by a trials court in Conakry on 7 September 2010. After his death, the election of Lourenci Camara by CENI members as his successor was contested by UFDG on the grounds of allegations of corruption. Following the conviction, in absentia, of Lourenci Camara for electoral fraud, President Konaté appointed a Malian national, General Toumani Sangaré, an electoral expert seconded by the International Organization of la Francophonie, as the new president of CENI, setting the stage for the run-off of the presidential elections.

11. The second round of the presidential elections was held on 7 November 2010, after nearly four months of delay. CENI announced the provisional results on 15 November 2010, confirming that Alpha Condé had received 52.5 per cent of the votes. The release of the election results led to violent acts throughout the country by Cellou Dalein Diallo's supporters, who were disappointed with the results. This violence was particularly bad in Conakry and the region of the Moyenne-Guinée. Following several days of unrest, President Konaté declared a state of emergency on 19 November 2010 and troops were deployed throughout the country to enforce the curfew. According to the decree proclaiming the state of emergency, a curfew was imposed and public demonstrations and meetings were prohibited. The administrative authorities were given powers to move civil servants from one region to another without following the normal procedure for administrative staff movements, in particular the notice deadline. Following the proclamation of a state of emergency and a dusk-to-dawn curfew, a special unit of red

berets troops were deployed in most neighbourhoods in Conakry and throughout the country. There were reports of assaults and intimidation by the troops. In Conakry and Nzérékoré, for example, several civilians and journalists were severely beaten for violating the curfew – in some cases by only thirty minutes.

12. On 2 December 2010, the Supreme Court of Guinea endorsed the provisional results as proclaimed by the Electoral Commission on 15 November, and confirmed the election of Alpha Condé as President. The Supreme Court also dismissed all motions to annul votes filed by the two presidential candidates for lack of merit. Political and social tensions lowered significantly after the losing candidate, Cellou Dalein Diallo, announced that he would accept the election results. Alpha Condé, who was sworn in as President on 21 December 2010, committed to form an inclusive Government that would ensure accountability for past human rights abuses, including through the establishment of a truth and reconciliation commission.

B. The human rights situation during the elections

13. OHCHR monitored the human rights situation during both rounds of the presidential elections. In addition to the staff of the OHCHR Guinea office, four further staff were deployed to Guinea during the first round of the elections and three others during the second round. The presence of OHCHR was well-received by voters and the representatives of the political parties, and was perceived as having contributed to calming the situation and preventing violence. OHCHR also provided human rights training to the Special Forces for Election Security (*Forces spéciales de sécurisation des élections*, FOSSEPEL),¹ focusing on respect for human rights during the electoral process and the maintenance of order. Thirty national human rights monitors, called “correspondents”, were deployed by OHCHR across the country. The “correspondents” monitored and documented the human rights situation and were seen to be instrumental in preventing violence.

14. While the Office reported relatively free and peaceful elections during the first round of elections on 27 June 2010, it registered serious human rights violations before and after the second round.

15. During protests staged by UFDG activists on 11 and 12 September, from 18 to 22 October and from 15 to 17 November 2010, it was reported that FOSSEPEL police and gendarmerie agents used excessive force and live ammunition on unarmed civilians. The protests consisted in organized rallies on the main roads and spontaneous gatherings of youths throwing stones at the security forces. According to eyewitness accounts, the security forces did not use tear gas or fire warning shots before shooting at the protestors with live bullets. On several occasions, OHCHR staff witnessed FOSSEPEL troops firing indiscriminately at unarmed civilians in Conakry. According to reports from victims and the members of their families, FOSSEPEL was also involved in beating unarmed people in their custody. More than 140 people were reported injured and 4 people were confirmed to have been killed.

16. From 15 to 17 November 2010, amid widespread protests staged by UFDG militants in Conakry in the aftermath of the proclamation of Alpha Condé as the winner of the run-off of the presidential elections, FOSSEPEL agents reportedly shot dead four young men aged between 20 and 32 years. According to several witnesses interviewed by OHCHR and doctors who examined the bodies of the deceased, the killings appeared to be deliberate

¹ FOSSEPEL, composed of 8,000 police officers and gendarmes, was created to ensure security during the electoral process.

summary executions. OHCHR immediately reported these events to the Chief of Staff of the National Gendarmerie, which, however, had not opened investigations into these allegations at the time this report was finalized.

17. There was inadequate protection for civilians during the demonstrations and resulting violence in Conakry and, subsequently, in Haute-Guinée. Many houses and shops were reportedly attacked, looted and burned; in some cases, it appears that such actions were motivated by the ethnicity of the owners. Local hospitals treated a large number of the injured. The violence and lack of protection from local authorities led to a displacement of populations in late October and throughout November 2010, creating an influx of internally displaced persons to the region of Moyenne-Guinée.

18. OHCHR also received reports of attacks on law enforcement officials. Some defence and security agents who went to restore order in certain areas were injured by angry mobs carrying machetes, knives and stones. Families and houses of military personnel were also reportedly attacked.

IV. Human rights challenges in Guinea

19. The situation of human rights in Guinea presents a number of challenges. These include: impunity, in particular of the security forces; sexual and gender-based violence and harmful traditional practices, e.g. female genital mutilations; and widespread corruption, which has impeded the full realization of economic, social and cultural rights. The ability of Guinea to address these challenges has been constrained by a weak legislative framework, the weakness of the judiciary, its lack of independence and weak civil society organizations.

A. Key human rights challenges

1. Impunity for human rights violations

20. Lack of discipline within the Armed Forces and abuses committed by security forces have been a long-standing threat to human rights in Guinea. The country's Armed Forces have been involved in serious human rights abuses in their attempts to quell a series of public protests, for example in June 2006, January and February 2007 and September 2009. Exacerbated by mutinies and strike actions by the Army and police over salary arrears and poor living conditions, there has been recurrent insecurity over recent years.

21. There have been numerous reports of various human rights violations committed by members of the Army and security forces in Guinea over decades, including extrajudicial killings, the violent suppression of public protests, torture, arbitrary arrests and detentions, unlawful interference with privacy, and interferences with the exercise of the right of peaceful assembly and freedom of association.

22. The International Commission of Inquiry into the 28 September 2009 events highlighted impunity as a priority concern in Guinea. The Government of Guinea has been cooperating with the Office of the Prosecutor of the International Criminal Court, which visited the country on several occasions in 2010.

23. In this connection, a panel of three renowned judges was appointed by the Minister of Justice to investigate the human rights violations committed on 28 September 2009 and its aftermath. The ability of the panel of judges to carry out their mandate and conduct investigations has been limited by the lack of material and human resources. There was also a lack of political support to their work, the Government focusing more on the political transition than on the prosecution of the presumed perpetrators of the above-mentioned

crimes. The judges have reportedly interviewed more than 200 victims. However, as of December 2010, none of the survivors of rape and other sexual violence of 28 September 2009 known to OHCHR-Guinea had been interviewed. In addition, most of the persons named in the final report of the International Commission of Inquiry still held office as of December 2010 and had not been prosecuted. OHCHR-Guinea is envisaging closer cooperation with the panel of judges in 2011.

24. For the last five decades, civil society organizations and human rights defenders have faced difficulties in promoting and protecting human rights in Guinea, as illustrated by the repression of demonstrations in January and February 2007. In January 2007, the Guinean labour unions provoked general unrest in protest against the interference of the Government in the administration of justice, after the release from prison of the trade union leader, Mamadou Sylla, by President Lansana Conté. In two months, the violence had spread throughout the country. The military, in particular the Presidential Guard, killed 226 people, according to the report issued by the Coalition pour la Défense des Victimes des Événements de Janvier et Février 2007 en Guinée. While the then Government approved the establishment of a national commission of inquiry, including eminent and reputed human rights activists, to investigate the alleged human rights violations committed during these events, it never functioned, due to a lack of political will.

2. Sexual and gender-based violence and harmful traditional practices

25. Following extensive national consultations, in September 2010, the Ministry of Social Affairs and the Advancement of Women and Children in Guinea adopted a national strategy to combat gender-based violence. The strategy includes a number of long-term actions for the prevention of sexual and gender-based violence and the support of survivors. The United Nations Country Team, with OHCHR assistance, and the Government are in the process of adopting a joint programme based on the national strategy, for implementation in 2011. In the meantime, the issue of sexual and gender-based violence in Guinea remains worrisome given the several shortcomings in the relevant legislation, the prevailing culture of impunity and cultural barriers, as described below.

26. Under the Penal Code, only rape is recognized as sexual violence and rape is defined narrowly to consist exclusively of sexual penetration. As a result, prosecutors often have to invoke other offences such as assault in order to prosecute other types of sexual violence that do not constitute rape as defined in the Penal Code. Moreover, rape is not considered as a crime against the person, as is the case with murder, but as a crime against morality. While the penalty for rape is consistent with international practice and trends (from 5 to 20 years' imprisonment), the aggravating elements for the crime of rape are not in conformity with the provisions of the Convention on the Rights of the Child. Article 321 of the Guinean Penal Code provides that rape is only aggravated if the victim is under the age of 14. There is no provision for children aged between 14 and 18.

27. Between September and November 2010, OHCHR documented numerous cases of rape committed by civilians that appeared to be politically motivated and in the context of angry "retaliatory" attacks perpetrated by mobs in response to political events. Some victims appeared have been targeted according to their community and, to a lesser extent, their political affiliation. Members of the security forces allegedly also raped several young women and girls during the large-scale violence against UFDG activists from 15 to 27 November 2010, in Conakry and Labé.

28. Medical and psychological care for victims of sexual and gender-based violence is generally inadequate. The few hospitals, especially those in rural areas, lack sufficient staff and proper equipment. Survivors are usually directed to the maternity wards of public hospitals where doctors reportedly give very little consideration to their condition. Furthermore, owing to fears of persecution, doctors are often reluctant to provide medical

certificates confirming rapes, especially if the alleged perpetrator is a member of the security forces. In addition, victims themselves are sometimes reluctant to seek immediate medical assistance and often first consult with neighbourhood practitioners and traditional doctors who are perceived as a more confidential recourse. Some national and international NGOs are seen to offer better medical and psychological care to survivors, with trained doctors and equipped clinics. In addition, they deliver medical certificates more easily and are generally more empathetic to the survivors' plight.

29. In its report submitted to the Secretary-General in December 2009 (S/2009/693), the International Commission of Inquiry documented at least 109 instances of rape and other sexual violence following the events of 28 September 2009 and made a number of recommendations in this respect, namely that survivors receive medical and psychological care (particularly for HIV/AIDS and other sexually transmitted diseases) and protection from intimidation and threats.

30. At the time this report was being finalized, OHCHR was not aware of any case where a survivor or victim of rape during the 28 September events had received financial compensation. There is no evidence either that the Government has started a plan to identify victims for the purposes of compensating them as recommended by the International Commission of Inquiry.

31. During the reporting period, OHCHR also investigated cases of violence against children and other harmful traditional practices. Despite criminalization in the Children Code and several national campaigns and sensitization on the subject, female genital mutilation remains common practice in Guinea.

3. Poverty and economic, social and cultural rights

32. The long-standing dictatorship, bad governance, widespread corruption and a collapsing infrastructure have exacerbated the vulnerability of population, particularly in terms of health, access to water, sanitation, nutrition and education. Food security remains extremely fragile in most regions and an increasing number of households cannot afford the rising food prices. These challenges constitute the main obstacles to the realization by many Guineans of their economic, social and cultural rights including the right to food, health, education and development.

B. Institutional capacity to promote and protect human rights

33. An inadequate legislative framework, insufficient institutional capacity and a nascent civil society characterize the human rights architecture in Guinea. In addition, cooperation between Guinea and the United Nations human rights mechanisms remains tentative.

1. Administration of justice

34. Generally, the judicial system in Guinea suffers from understaffing, a shortage of trained personnel and resources, and the lack of independence and corruption, which seriously hampers access to justice for victims of human rights violations and favours the general state of impunity in the country. There are fewer than 300 magistrates and 200 lawyers in the country, the vast majority of them based in Conakry. The judicial system is composed of the Supreme Court, the Assize Court, 2 appeals courts, 10 trial courts and 26 district courts. The Assize Court does not convene regularly.

35. During the period covered by this report, OHCHR-Guinea monitored several trials in Conakry and Nzérékoré and expressed concern about their inconsistency with international standards. In particular, the Office identified concerns with respect to

disregard for procedural rules pertaining to the handling of evidence, the basis for initiating prosecutions, prior access by defence lawyers to their clients' files and the independence of the judges. Judges seemed reluctant to order the provisional release of detainees but, at the same time, appeared to readily reject defence claims of police brutality and illegal pretrial detention.

36. OHCHR-Guinea visited several places of detention and is particularly concerned about the large number of people who are currently being held in prolonged pretrial detention. Many of those arrested in connection with the political protests in September, October and November 2010 were released and only a few of them were charged. Seven army/military officers who have been detained since 31 March at Platoon No. III of the Mobile Gendarmerie (Matam) in Conakry are yet to be charged in court and are not allowed to meet with their lawyers or family members.

2. National human rights institutions

37. Guinea has not established an independent national human rights institution. In the context of the political transition and with the support of OHCHR, the National Democracy and Human Rights Monitoring Body (Observatoire national de la démocratie et des droits de l'homme) was established in 2008 and placed under the supervision of the Prime Minister's Office. However, the body remains understaffed, lacks financial resources and has not been empowered to investigate human rights violations. The National Directorate for the Protection of Human Rights and Fundamental Freedoms in the Ministry of Justice, which is tasked to promote human rights throughout the country, faces similar challenges.

3. Civil society organizations

38. Human rights actors have not yet found an appropriate space to advocate for the respect of human rights and bring human rights issues to the forefront of public debate. This has been due to the reluctance of the authorities to address human rights issues and the lack of knowledge of and education on human rights principles and mechanisms. Most Guineans are unaware of their rights and are therefore unable to exercise them adequately. Similarly, civil society and other human rights actors lack the capacity and confidence to adopt robust strategies to promote human rights. Increasing the space for human rights remains a major challenge for civil society organizations.

4. Cooperation with international human rights mechanisms

39. Guinea is party to the main international human rights treaties.² However, it did not ratify the First and Second Optional Protocols to the International Covenant on Civil and Political Rights. It has not consistently complied with the reporting obligations and 13 State party reports to 5 treaty bodies are currently overdue. Moreover, Guinea has not received a visit by any special-procedure mandate holders of the Human Rights Council or issued a standing invitation. A planned visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions in 2007 was postponed sine die.

40. On 4 May 2010, Guinea was examined under the universal periodic review. Guinea was represented by a delegation led by the Minister of Foreign Affairs. During the review, 36 delegations took the floor and expressed their appreciation of the Transitional

² These include the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child.

Government's commitment to cooperating with the Human Rights Council. They also recognized the difficulties and challenges faced by Guinea in the field of human rights. They formulated 114 recommendations. Most of them stressed the importance of: ratifying international human rights instruments to which Guinea was not yet party; establishing an independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles); promoting the human rights education for the security forces; developing strategies to address human rights violations stemming from its political and social instability; and working in close cooperation with OHCHR in order to establish an OHCHR Office in Guinea. Of the 114 recommendations made by the Council, the Government of Guinea accepted 105 and issued reservations for the other 9, pending their review and approval by the National Transitional Council (CNT).

V. OHCHR advocacy and capacity-building activities

41. During the reporting period, OHCHR-Guinea carried out monitoring, advocacy and capacity-building activities to assist the authorities to address the most pressing human rights challenges, in accordance with its mandate. These activities, especially assisting the Government to establish and/or strengthen national institutions and mechanisms related to accountability, justice and reconciliation will continue to be implemented in 2011.

A. Advocacy

42. During the period under review, the Office regularly discussed its findings regarding human rights violations with representatives of CNT, the National Human Rights Directorate, the Ministry of National Solidarity and the Promotion of Women and Children, and the Chief of Staff of the National Gendarmerie (representing FOSSEPEL) and the Chief of Staff of the Armed Forces. In particular, OHCHR raised those cases that required urgent consideration, particularly those in which the perpetrators had been identified.

B. Promotion and capacity-building activities

43. Since its engagement with Guinea, OHCHR has developed and implemented capacity-building activities to strengthen the capacity of governmental institutions and civil society organizations in the field of human rights.

44. OHCHR trained over 300 FOSSEPEL commanding officers, in Conakry, Kankan, Nzérékoré, Labé, Faranah, Boké, Kindia and Mamou, in July and August 2010, in preparation for the second round of the presidential elections. Taking into account the implication of FOSSEPEL in serious human rights violations during the electoral process, OHCHR is planning more systematic and in-depth training in human rights. The Office is also supporting the drafting of a code of conduct on human rights for security and defence forces and, with the assistance of the International Organization of la Francophonie, OHCHR-Guinea plans to conduct a series of workshops on transitional justice for soldiers and officers in 2011.

45. The International Commission of Inquiry recommended reform of the judiciary and that a truth-seeking mechanism be put into place. In cooperation with the United Nations Country Team, OHCHR-Guinea worked closely with the Ministry of Justice and its National Directorate for the Protection of Human Rights and Fundamental Freedoms, as well as CNT, towards strengthening the rule of law and the administration of justice, particularly for the establishment of a national truth, justice and reconciliation commission.

A draft bill to establish such a commission was developed but has not yet been promulgated into law. With reference to a request from the Government, OHCHR plans to provide technical support for the organization of national consultations and training for the members of the proposed Commission.

46. In addition to supporting the National Democracy and Human Rights Monitoring Body, OHCHR-Guinea is assisting the Government in the preparation of a draft law on the establishment of an independent national human rights commission in accordance with the Paris Principles.

47. In order to support national authorities' efforts to combat impunity, the Office funded Lawyers without Borders (*Avocats sans frontières* ASF Guinea), a local NGO, to provide pro bono legal aid to people prosecuted for their alleged involvement in the September 2009 clashes in Conakry. The trials took place in various courts in Conakry and ended with the release of all but a few detainees who were convicted of various offences.

48. With regards to the elections, OHCHR trained 188 members of civil society to monitor human rights before, during and after the elections. The first round of training was held in Conakry from 10 to 15 June 2010. For the run-off of the elections, OHCHR trained 180 human rights monitors from 6 to 14 September 2010 in Conakry, Labé, Mamou, Faranah, Kankan and Nzérékoré. The training was aimed at reinforcing the capacity of the civil society to monitor and investigate human rights violations during the electoral process, spread the OHCHR information-gathering network throughout the country and to establish an effective early warning system in the electoral context. Based on the experience gained from the presidential elections, the Office will continue its work in this field during the forthcoming legislative elections.

49. The Government of Guinea has requested OHCHR assistance in drafting a national plan of action to implement the recommendations from the universal periodic review adopted by the Human Rights Council at its fifteenth session in September 2010. In that regard, the Office has worked closely with the Directorate for Human Rights and Fundamental Freedoms of the Ministry of Justice on the follow-up to the universal periodic review recommendations. In October 2010, in collaboration with a local NGO, the National Coalition for Human Rights Organizations (*Coalition nationale des organisations de défense des droits de l'homme*, CODDH), OHCHR organized a workshop in Conakry to disseminate the recommendations adopted by Guinea.

VI. Conclusions and recommendations

50. **Guinea has undergone an important political transition over the last year and a good foundation has been laid to improve the human right situation in the country. On 7 May 2010, the National Transitional Council adopted the new Constitution, with very extensive provisions devoted to freedoms, duties and fundamental rights (arts. 5–25). The Constitution provides for the establishment of an independent national human rights commission. Draft legislation on the establishment of a national human rights commission is being discussed with national stakeholders.**

51. **The new President appealed for national unity and reconciliation and issued several pronouncements affirming his Government's commitment to the promotion and protection of human rights. During his inauguration on 21 December 2010, he committed to establishing a truth and reconciliation commission to deal with past human rights violations and ensure accountability.**

52. **These positive developments provide opportunities for strengthening national capacities in the field human rights in Guinea. However, serious concerns remain, in**

particular, regarding the impunity for the perpetrators of serious past abuses and the numerous human rights violations committed during the electoral process.

53 There is an urgent need for accountability. The Government has expressed its intention to investigate and prosecute allegations of human rights violations committed by members of its Army and other security forces, including notably in September 2009. This needs to be carried out without further delay. No prosecution has taken place.

54. Based on the above, it is recommended to the Government of Guinea that it:

(a) Take the necessary measures to combat impunity, including in implementing the recommendations of the International Commission of Inquiry, and in particular to investigate and hold accountable the perpetrators of the human rights violations committed on 28 September 2009;

(b) Incorporate international crimes into domestic law and provide the judges in charge of the investigations into the crimes perpetrated on 28 September 2009 and its aftermath with the necessary means and support to carry out their duties;

(c) Take the necessary steps for the early adoption of national legislation to establish truth and reconciliation mechanisms;

(d) Undertake judicial and security reforms in accordance with international human rights norms;

(e) Adopt a national plan to combat all forms of discrimination, including ethnic discrimination, in accordance with the Durban Declaration and Plan of Action and the Review Conference Outcome;

(f) Establish a new national human rights institution in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

(g) Follow-up on universal periodic review recommendations, including the development of close cooperation with treaty bodies and special procedures of the Human Rights Council and extend standing invitation to the latter to visit Guinea;

(h) Adopt measures to prevent, punish and eliminate all forms of violence against women and girls and bring the country's legislation on sexual and gender-based violence in line with international standards and Security Council resolution 1820 (2008);

(i) Adopt measures for an enabling environment for civil society organizations.

55. It is recommended to the international community that it:

(a) Provide further assistance to the Government of Guinea, in particular for the strengthening of its judiciary, in accordance with the recommendation made by the International Commission of Inquiry (S/2009/693, para. 267);

(b) Provide the appropriate assistance to the Government of Guinea for the establishment and operation of truth and reconciliation mechanisms;

(c) Encourage the Government of Guinea to continue to cooperate with OHCHR and to provide it with the necessary support to fulfil its mandate, including through the provision of access to all places of detention.