

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/GIN/CO/1)**

GUINEA

(...)

C. Principal subjects of concern and recommendations

(...)

Generalized practice of torture

9. The Committee is deeply concerned by credible reports of acts of torture and ill-treatment practised in such places as facilities for the deprivation of liberty and especially in gendarmeries and military detention camps. The Committee is particularly concerned by credible reports provided in connection with the cases of the following persons: *Alhousseine Camara*, tortured in October 2011, *Ibrahima Bah* and *Sékouta Keita*, tortured in February 2012, *Ibrahim Sow*, tortured and deceased in February 2012, *Aboubacar Soumah*, subjected to torture and deceased in August 2012, *Ballah Condé*, tortured and deceased in December 2013, and *Tafsir Sylla*, tortured and deceased in February 2014. The Committee is particularly disturbed by the fact that these acts were committed during interrogations conducted by law enforcement officers while the victims were being held in custody and in the course of preliminary investigations for the purpose of extorting confessions (including by means of the “skewer technique”) (arts. 2, 10, 11, 12, 13 and 16).

The State party should:

(a) Take immediate and effective steps to prevent and punish all acts of torture. In this connection, it should conduct thorough, independent and impartial investigations without delay into all allegations of torture and ill-treatment, including the cases of the victims mentioned in the preceding paragraph, and bring the perpetrators of these acts to justice;

(b) Train police officers and gendarmes in the absolute ban on torture and in all provisions of the Convention.

The events in Conakry Stadium

10. The Committee is extremely concerned by the events that took place on 28 September 2009 in Conakry Stadium, which the International Commission of Inquiry on Guinea has qualified as crimes against humanity (S/2009/693, annex, para. 27).

Despite the establishment of a “pool of judges” tasked with investigating and prosecuting the perpetrators of these incidents, the Committee is concerned by the slow pace at which the State party is working to determine responsibility for the acts of torture, summary executions, rapes, sexual abuse, instances of sexual slavery, arrests, arbitrary detention and enforced disappearances perpetrated during those events by law enforcement officers. The Committee is particularly disturbed at the massive sexual violence committed against girls and women during these events which has seldom been prosecuted, thereby contributing to a persistent climate of impunity. The Committee is also seriously concerned at the fact that certain individuals charged by the Guinean authorities with flagrant violations of human rights committed during these events are members of the current Government, namely Colonel Pivi, Minister for Presidential Security, and Moussa Tiegboro Camara, Secretary of State for Special Services, Drug Control and Organized Crime (arts. 2, 12, 13, 14 and 16).

The State party should:

- (a) Ensure, as a matter of priority, that all the human rights violations committed during the events at Conakry Stadium, particularly the cases of torture and sexual violence, are systematically investigated, and promptly and impartially prosecuted, so as to guarantee to victims that the truth will be known, and justice and reparations granted, in accordance with the Convention and the Rome Statute, which Guinea ratified in 2003;**
- (b) Ensure that witnesses are provided with adequate protection and financial resources under a witness protection programme;**
- (c) Temporarily relieve of their duties, for so long as the investigation lasts, those members of the security forces who are suspected of having committed grave violations of human rights during the events at Conakry, while ensuring that the principle of the presumption of innocence is upheld;**
- (d) Temporarily relieve of their duties all members of the Government accused of grave violations of human rights committed during the events at Conakry and in particular Colonel Pivi and Moussa Tiegboro Camara;**
- (e) Cooperate closely with the preliminary investigation opened by the Office of the Prosecutor of the International Criminal Court with regard to these events so as to bring the perpetrators before the Court.**

(...)

Impunity

12. While taking note with satisfaction of the decision in the case of the *Public Prosecutor’s Office v. Margis-Chef of the Gendarmerie Momo Bangoura and others*, the Committee is concerned that most acts of torture and ill-treatment are not investigated or prosecuted and go unpunished. It is also disturbed that the State party

has not conducted investigations in the wake of numerous credible reports regarding acts of torture and ill-treatment that in some cases led to the deaths of detainees (arts. 12, 13 and 16).

The State party should:

(a) Take appropriate steps to ensure that all allegations of torture or ill-treatment are investigated promptly, thoroughly and impartially by independent courts, that the perpetrators of such acts are prosecuted and, if convicted, given sentences that are proportional to the severity of the acts, and that the victims or their families receive adequate compensation and reparation;

(b) Investigate the cases of the individuals mentioned by the Committee and inform the Committee of the results of the investigations opened as well as of any criminal and disciplinary proceedings under way.

Fundamental legal guarantees

13. While taking article 9 of the Constitution and articles 116 and 120 of the Code of Criminal Procedure into account, the Committee is extremely concerned to have learned that, in practice, detainees do not enjoy all fundamental guarantees from the outset of their deprivation of liberty, as the Guinean delegation in fact noted. It is likewise concerned at the fact that the maximum duration of police custody stipulated by law is often exceeded (arts. 2, 11, 12 and 16).

The State party should take all necessary steps to ensure that under the law and in practice any persons deprived of liberty enjoy, from the outset of their deprivation of liberty, all fundamental legal guarantees as understood in the Committee's general comment No. 2, namely:

(a) The right to be informed of the reason for their arrest in a language they understand;

(b) The right to have access to an independent lawyer or legal assistance in the event of insufficient resources;

(c) The right to be examined by an independent doctor, preferably of their choice;

(d) The right to contact and to see a member of their family or the consular authorities if the person in detention is a foreigner;

(e) The right to appear before a competent, independent and impartial court within 48 hours;

(f) The right to an effective and prompt remedy as regards the legality of the detention.

(...)

Violence against women

16. The Committee is extremely concerned at reports of widespread violence affecting more than 90 per cent of women and girls. It deplores that prompt and effective investigations are conducted only rarely because of, inter alia, the difficulties that victims of sexual violence or domestic violence have in gaining access to justice and the lack of shelters where they can take refuge. The Committee is extremely concerned that articles 321 and 322 of the Criminal Code classify rape and sexual abuse, which are extremely widespread, as “immoral acts” and “indecent assault”, respectively, and not as crimes against the person, particularly given the impunity that prevails in this area, whether they are committed by law enforcement officers or by private individuals (arts. 2, 12, 13 and 16).

The State party should:

(a) Step up its efforts and urgently enforce effective mechanisms to and punish all forms of violence against women and girls, including by ensuring that all acts of violence are promptly, effectively and impartially investigated and prosecuted, that perpetrators, including law enforcement officers, are brought to justice and that victims are provided with redress. The State party should establish not only an effective complaints mechanism for women and girls but also a monitoring mechanism to fulfil its positive duty to prevent all forms of violence against them;

(b) Ensure that the Legislative Reform Commission categorizes rape and sexual abuse, in the legislative texts under revision, as crimes against the person and not as “immoral acts and indecent assault”, and includes in the Criminal Code the various forms of sexual violence, including marital rape and domestic violence;

(c) Launch prevention programmes for combating the stigmatization of women victims of violence, create empowerment programmes for women, set up shelters for victims, and conduct awareness-raising campaigns, since rape is still a major taboo in the country and a cause of exclusion from both the family and society.

Female genital mutilation

17. Despite the adoption of Act No. L010/AN/2000 of 10 July 2000 and articles 405 et seq. of the Children’s Code, the Committee notes with great concern the statement of the Guinean delegation that there has been no prosecution or conviction under that law to date. The Committee therefore doubly deplores the fact that, in January 2013, 96 per cent of girls and women were still subject to female genital mutilation, as indicated by the Guinean delegation during the consideration of the State party’s second periodic report to the Committee on the Rights of the Child at its sixty-second session, in 2013 (arts. 2, 12, 13, 14 and 16).

In light of the high prevalence of female genital mutilation and the of the relevant laws, the Committee recommends that the State party should,

with a view to eradicating this practice, adopt a holistic approach and formulate a national plan of action incorporating the following measures:

(a) Urgently strengthen measures to prevent and eliminate the practice of female genital mutilation by ensuring that its existing laws on the subject are effectively enforced in accordance with the Convention. To this end, it should facilitate the submission of complaints by victims, conduct prompt and effective investigations, prosecute those responsible and impose appropriate penalties on the guilty parties commensurate with the serious nature of their crimes;

(b) Expand national awareness-raising campaigns, in particular among families, on the harmful effects of the practice and devise programmes to offer alternative sources of income to those who perform female genital mutilation as a means of livelihood, as recommended in 2007 by the Committee on the Elimination of All Forms of Discrimination against Women at its thirty-ninth session (CEDAW/C/GIN/CO/6, para. 25);

(c) Provide adequate redress, suitable compensation, and the fullest possible rehabilitation to victims;

(d) Set up shelters for girls and women who have left their homes to avoid being subject to such practices.

In general, the State party should ensure that its customary law and practices are compatible with its human rights obligations, particularly those arising from the Convention.

(...)

31. The Committee requests the State party to submit, by 23 May 2015, information on the follow-up given to the following recommendations: (a) introduce or strengthen legal safeguards for persons held in custody; (b) conduct prompt, effective and impartial investigations; and (c) prosecute suspects and impose penalties on the perpetrators of torture or ill-treatment (see paragraphs 9, 10, 12 and 13 above). The Committee further requests additional information on the violence against girls and women mentioned in paragraphs 16 and 17, along with any pertinent statistical data.

(...)
