

The International Response to 28 September 2009 Massacre in Guinea and the Responsibility to Protect

Introduction

On 28 September 2009, government forces opened fire on opposition supporters peacefully protesting in a stadium in Conakry, Guinea. Demonstrators had gathered to contest junta leader Captain Dadis Camara's reported intention to run in the January 2010 elections, and break his promise to cede power to civilian rule. Over 150 civilians were killed in attacks that Human Rights Watch reports were premeditated and that the United Nations Commission of Inquiry concluded amounted to crimes against humanity. Over 1,200 people were injured, rape and sexual violence was widespread, and unknown numbers of protestors and political opponents were detained.

While the events of 28 September have not been repeated, the situation remains fragile. An assassination attempt on Camara has left the country under the control of the Defense Minister, Sebouka Konate, who has expressed a desire to restore peace and accept the formation of a unity government. It is unknown whether a genuine unity government will come to fruition—or if military infighting will block the acceptance of an opposition prime minister or render the office powerless and merely symbolic.

The potential remains for a rapid deterioration in Guinea that could result in mass atrocities and conflict. Should that occur, cross-border flows of arms, fighters, and refugees would threaten the region with instability. Neighboring Sierra Leone, Liberia and Cote D'Ivoire—post-conflict states with their own history of mass atrocities—are particularly susceptible.

The crimes against humanity perpetrated on 28 September were atrocities that states committed to no longer tolerate by adopting the norm of the responsibility to protect populations from mass atrocities at the 2005 World Summit. Regional and

international actors responded swiftly to the massacre in Guinea and their actions have been in accordance with the responsibility to protect. Attention must be sustained as the risk of mass atrocities remains ever present.

Applying the Responsibility to Protect to 28 September and the Risk of Future Atrocities

The primary responsibility to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing lies with the state. As such, the junta—which seized power in a 23 December 2008 coup following the death of President Lansana Conté—bears the responsibility to protect. This includes the responsibility to prevent the massacre before it was perpetrated, halt it once it began, and avert future atrocities. This responsibility includes ensuring that its armed forces exercise restraint, respect international human rights and international humanitarian law, and that individuals who commit crimes against humanity and other responsibility to protect crimes are held accountable. Camara and his cabinet, the National Council for Democracy and Development (CNDD), failed to uphold this responsibility.

Reports suggest that members of the CNDD, including Camara, were aware of the planned protest before it occurred and tried to block it, were informed of plans to attack protestors, and exercised control over the perpetrators who included members of the elite Presidential Guard. The junta alleges that fifty-seven protestors were killed. Camara denies any responsibility, attributing the violence to “opposition demonstrators” and “uncontrolled elements” in the military. Whether the junta was unable (as Camara asserts) or unwilling (as the evidence suggests) to act, the junta failed to uphold its responsibility to protect the protestors.

If the situation deteriorates further there is a risk that crimes against humanity will occur on an even greater scale. The recent attempt on Camara's life by his personal aide Aboubacar Diakité—who was implicated in orchestrating and carrying out the massacre—suggests a lack of unity within the junta and the military more broadly. With Camara's condition unknown, his sudden travel from Morocco—where he was recovering—to Burkina Faso, and possibilities for a unity government uncertain, the potential for a violent power struggle remains real.

As the International Crisis Group has noted, this risk is exacerbated by reports which indicate that individual junta members are amassing their own private militias around ethnic lines, stoking fears that ethnicity might be mobilized to incite violence. Troubling allegations exist that Camara has hired South African mercenaries to train 2,000 militiamen outside the capital Conakry, troops drawn primarily from his own ethnic group. The fact that former Liberian rebels with ties to specific ethnic groups in Guinea were involved in the 28 September massacre compounds concerns.

Guinea's long history of military abuse of power and impunity further highlights the risk of mass atrocities. Military discipline within the ranks—already weak—has deteriorated under the junta. This, combined with the junta's total lack of experience in government, recent weapons purchases from Ukraine, and a growing regional drug trade, underscores the risk that they will follow the path of Guinea's leaders since 1958 and resort to abusive authoritarian rule and atrocities by the military.

Civil society groups and opposition parties continue to call for an international peacekeeping force and press the junta to step down from power. Meanwhile, unions are threatening to strike unless the regime compensates victims' families, releases detained protestors, and informs the public of Camara's true medical condition. Similar strikes in 2007 sparked violence.

The junta's failure to protect Guinea's population, and the country's rapid militarization calls into question the junta's ability and commitment to averting future

atrocities. While Konate's pledge offers hope for a transition to civilian rule, division in the military leadership complicates the equation. Those implicated in the 28 September massacres have demanded total amnesty for their crimes and Camara's attempted assassin, Diakité, remains on the run and is a possible destabilizing element. The militaries' unhesitating resort to violence in the past undermines confidence that a peaceful transition, despite Konate's best intentions, will be easily forthcoming.

In such a situation the United Nations and its member states have a responsibility to protect Guineans. This responsibility includes using appropriate diplomatic, humanitarian and other peaceful means to protect. In the face of a government that is manifestly failing to protect its population from imminent and occurring attacks, this responsibility includes taking timely and decisive action to protect populations under threat.

Regional and International Actors' Responses

Regional and international actors recognized their responsibility to protect in the wake of 28 September and acted. The response has been swift, coordinated and, when compared to past responses to similar situations, firm. The actions of states and multilateral bodies are a positive example of the political will needed to uphold the responsibility to protect. They have sought to increase the pressure that was already placed on the junta following the December 2008 coup.

Much of this response has focused on placing pressure on the junta to adhere to its prior commitment—initially welcomed by the Guinean public—to serve as a temporary caretaker of the Guinean state before handing over power to a civilian government following democratic elections. The impact of the response has benefited from strong regional leadership, harmonization between regional and international efforts, attention from the Security Council, and the use of targeted sanctions, embargos, and threats of more coercive measures.

Regional Response

The Economic Community of West African States (ECOWAS) led the way, immediately condemning the

acts of repression, calling for an International Committee of Inquiry into the events of 28 September, enacting an arms embargo against Conakry, and appointing a regionally recognized arbitrator to mediate disputes between the junta and its opposition. Nigeria's president, Umaru Musa Yar Adua, defended ECOWAS's proactive stance to the events of 28 September by noting that "we cannot fold our hands and watch the situation degenerate into conflicts of monumental proportion without employing appropriate intervention mechanisms to effectively arrest the drift."

The African Union (AU), while slower to act, fulfilled its pledge to levy sanctions against the junta as well. Nearly a month after the violence of 28 September, the AU's Peace and Security Council implemented targeted sanctions against individual members of the regime, freezing assets, denying travel visas, and restricting freedom of movement within the union. The AU released its list of sanctions targets to the UN, the Arab League, and the Organization of Islamic Conference (OIC) to insure a broadly unified position. Still, while the AU's statements and action have been unequivocal and far reaching, some of the individual country statements have expressed divergent positions. The union's current president, Libya, has been particularly vocal in its opposition to involvement by actors outside the region. Acting in its capacity as AU president, Libya issued a statement on 20 October "strongly reject[ing]" a UN investigation into the massacre, declaring it "interference in the internal affairs of an independent country."

International Response

Beyond the continent, response to the 28 September massacre has been no less concerted. French Foreign Minister Bernard Kouchner called for the junta to relinquish power, the establishment of a commission of inquiry and the deployment of international peacekeepers. United States Secretary of State Hillary Clinton echoed the position of her French counterpart, deploring "the indiscriminate killing and raping that took place under government control by government troops." The United States also implemented targeted travel sanctions, suspended assistance with the exception of humanitarian aid, endorsed the ECOWAS arms embargo and announced plans to collaborate with

the AU in developing a targeted sanctions regime against the junta. For its part, the European Union (EU) has rejected an economic investment proposal for Guinea, adopted an arms embargo against the country, and targeted its own economic and travel sanctions against individual junta members.

International organizations were also quick to speak out against the violence. The International Contact Group—established in January 2009 and boasting a broad membership that includes representatives of ECOWAS, the AU, the EU, the Mano River Union, the OIC and permanent members of the UN Security Council—has been especially strident in supporting intervention for the protection of civilians. It endorsed the establishment of an UN-sponsored international commission of inquiry into the events of 28 September, and exhorted ECOWAS to deploy an international observation and security mission to Guinea to "help provide security to the population" against further "gross human rights violations."

On the day of the massacre, United Nations Secretary-General Ban Ki-moon issued a statement of condemnation, and urged Guinean security forces to apply maximum restraint in upholding the rule of law. Shortly thereafter, the Secretary-General exercised his Charter powers to create an International Commission of Inquiry, under the direction of Assistant-Secretary-General for Political Affairs Haile Menkerios. The junta agreed to participate in the inquiry while also carrying out their own investigation. On 20 December, the Secretary-General received the report which recommended that the situation be referred to the International Criminal Court. The Secretary-General has shared the report with ECOWAS, the AU and the Security Council.

Despite initial concerns that a Security Council response might be frustrated by China—at the time a semi-independent Chinese energy corporation was brokering a \$7 billion contract with the junta—and Russia—which publicly questioned the Secretary-General's authority to establish a commission of inquiry—the council on 30 September issued remarks to the press after the 28 September massacre calling for an end to violence and a return to democratic rule of law and order. The council

followed these remarks with a Presidential Statement—released on 28 October—expressing support for ECOWAS mediation efforts and the creation of the Secretary-General’s commission of inquiry, yet the Council did not endorse sanctions measures against Guinea.

That the massacre was discussed by the council offers encouraging signals. The Presidential Statement reveals the council’s desire moving forward to deter similar crimes and violent upheaval in Guinea as well as to prevent broader destabilization in a region that has long occupied its attention. Yet as the council’s relative silence on violence in Sri Lanka earlier in 2009 demonstrates, the body’s consistent attention and determination to uphold its responsibility to protect is far from certain. A unified and sustained commitment to averting future atrocities in Guinea by council members will be critical as the council addresses the findings of the commission and discusses future measures.

Conclusion

Thus far, regional and international responses to 28 September have been effective in pressuring the junta. The regime’s reaction, including its acceptance of the UN commission of inquiry and Konate’s recent proposal for a unity government demonstrates that the junta is concerned with maintaining stability and some degree of legitimacy in the eyes of the Guinean public, states, and regional and international organizations.

Yet the threat of mass atrocities and conflict persists. Thus, in keeping with the responsibility to protect, member states and multilateral organizations should continue pressuring the junta and strengthen their response to ongoing threats to Guinea’s population. Pressure should most immediately be placed on the regime to fulfill Konate’s promise to form a unity government, to refrain from resorting to violence and to uphold the responsibility to protect. In addition, more robust measures should be fashioned to deter future conflict and atrocities. In the event that the junta, or breakaway elements employ violence against civilians or that upcoming elections ignite conflict,

regional peacekeeping forces must also be prepared to respond to prevent and halt atrocities.

Multilateral organizations must continue to act in concert and not—as has occurred in the past—allow individual states to provide refuge for those intent on perpetrating crimes against humanity. The international response from this point forward will play a significant role in determining if Guinea, a country that has thus far escaped internal conflict, comes to share the tragic and violent history of atrocities experienced by many of its neighbors—or takes crucial steps towards a more peaceful future.