Crisis in Guinea

I. September 28, 2009 Stadium Massacre

On 28 September 2009, government forces in Guinea interrupted a peaceful political protest in a stadium in Conakry and opened fire on civilians. The protesters were demonstrating against the alleged plans of Captain Moussa Dadis Camara, leader of the ruling junta, to run in the upcoming presidential elections. According to an investigation by Human Rights Watch, the violence of 28 September 2009 resulted in over 150 civilian deaths, at least 1400 wounded, and reports of widespread sexual violence and rape. In its report “Bloody Monday” Human Rights Watch published evidence that the killings, rapes and other abuses committed by Guinea’s security forces on September 28 were widespread and systematic, amounting to crimes against humanity.

According to both Human Rights Watch and International Crisis Group, it has been of concern that independent members of the junta were assembling private militias around ethnic lines prior to the attacks. In addition, Captain Camara reportedly hired South African mercenaries to train 2,000 militiamen primarily of his own ethnicity, adding to the risk of future atrocities.

Soon after the events of 28 September, increased fractionalization within the government was made apparent by the assassination attempt against Captain Camara, committed by Lt. Aboubakar Toumba Diakité. Captain Camara, upon recovering from his injuries in Morocco, entered Burkina Faso. The junta declared that Captain Camara bore no guilt for the attack and that all responsibility fell to Lt. Diakité, who on 5 February announced that he would be willing to face justice, but not in a Guinean court.

As Paragraphs 138-139 of the World Summit Outcome Document outline, States have the responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Guinea, like every other State, carries this responsibility to protect its populations and to prevent these crimes from occurring. The Guinean government failed to prevent these crimes from taking place in allowing the military to enter the stadium and use force against the protestors, and failed again in not halting the attacks once they began. Thus,
the Guinean government did not uphold its responsibility to protect.

a)

Background

Captain Moussa Dadis Camara took power in a military coup in December 2008, promising to hold office temporarily while he paved the way for democratic elections and a civilian government. However, Camara swiftly dissolved the government and parliament, suspended the Constitution and forbade union activity. Both the regional and international community condemned the coup, and formed the International Contact Group on Guinea, chaired by the African Union and ECOWAS. The Group also included representatives from CEN-SAD (Community of Sahel-Saharan States), the Organisation of the Islamic Conference, the EU, and the UN to monitor the situation and work multilaterally to restore constitutional order in Guinea.

While in power, Captain Camara’s party, the National Council for Democracy and Development (CNDD), allowed security forces, under the guise of tax collection and national security, to commit theft and violence against the civilians. According to the Human Rights Watch, Captain Camara’s term in office was characterized by violations of human rights and of the rule of law. Though Captain Camara scheduled democratic elections for 31 January 2010, he went back on his pledge not to run as a candidate to the alarm and dissatisfaction of both the domestic and international communities. This frustration with the junta and with Captain Camara among the population of Guinea led to public political opposition, culminating in the nonviolent protest on 28 September 2009.

b)

Rapid Regional and International Responses

The international community responded rapidly to the crisis by increasing the pressure on the junta with a variety of tools including condemnation, mediation, arms embargoes, sanctions and threats of coercive measures. According to the pledge made at the 2005 World Summit, and reiterated by the General Assembly in a debate and a resolution in 2009 by UN Member States on the ‘Responsibility to Protect’, the international community is committed to preventing and halting mass atrocities to ensure the protection of populations from these crimes. International condemnation and economic pressure effectively halted violations of human rights and mediation ensured a political solution to the crisis.

Rapid Regional Response: Towards A Political Solution
Immediately after the attacks, on 29 September, the AU and ECOWAS both called for an international commission of inquiry. In addition, ECOWAS sent an envoy on 7 October 2009, led by the President of Burkina Faso, Blaise Compaore, to mediate between the umbrella opposition group, Forces Vives, who insisted that Captain Camara should not be allowed to run in the upcoming election, and the junta. Both the AU and the ECOWAS have since commended President Compaore for extensive and fruitful efforts that led to the formation of a national unity government. Moreover, ECOWAS instated an arms embargo on Guinea on 17 October 2009, and the AU implemented travel bans and asset freezes on junta members on 29 October.

International Response: The UN, Member States, and the ICC

On 21 December, the UN Commission of Inquiry in Guinea released its findings in a report making clear that crimes against humanity had been committed on 28 September 2009 by government forces against unarmed civilians. The UN Commission of Inquiry specifically noted the responsibility of the leaders of the ruling junta for the attacks, including Captain Dadis Camara, chief of the Presidential Guard, Lt. Aboubacar Chérif Diakité, and Moussa Thégboro Camara, an officer in charge of special services. The Commission called upon the Prosecutor of the ICC to investigate the perpetrators of the violence. The ICC then announced the launch of a preliminary examination on 14 October to study the abuses committed by members of the government. The Prosecutor for the ICC sent Deputy Chief Prosecutor Fatou Bensouda to Conakry in February 2010 to investigate on the ground. Ms. Bensouda reported that crimes against humanity had taken place and that either the ICC or the Guinean government must try those bearing the responsibility. According to a Security Council Report an NGO that analyses the activities of the UN SC and reports on international crises, on 19 February Prime Minister Doré admitted to the press that the Guinean judiciary would not be able to try the perpetrators of the crimes committed on 28 September, which indicated that the ICC may have a clear role in addressing these atrocities.

Individual countries were also quick to decry the events of 28 September. France and the U.S. expressed outrage at the conduct of Guinea’s military in the aftermath of the massacre. French Foreign Minister Bernard Kouchner and U.S. Secretary of State Hilary Clinton harshly denounced the crimes and called for an international investigation into the crimes. The EU and the U.S. implemented punitive policies against Guinea after 28 September by instating asset freezes and travel bans on 27 October and 29 October respectively. France and the EU cancelled military and economic assistance. The EU also instated an arms embargo on 27 October.

II. 2010 Elections and the Resurgence of Ethnic Tensions

On 15 January 2010, the Joint Declaration of Ouagadougou was signed, which established a national unity government led by a Prime Minister chosen by the opposition and elections to be held six months later. Shortly thereafter, power was transferred from post-crisis interim leader, Defense Minister Sebouka Konate to the new interim Guinean Prime Minister Jean-Marie Doré, a leader
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of the opposition who plans to form a unity government and establish more democratic institutions. Captain Camara, in exile in Burkina Faso, endorsed the Joint Declaration of Ouagadougou and agreed to remain in Burkina Faso indefinitely.

Democratic elections have been scheduled for 27 June 2010. On 5 February, Prime Minister Doré called for support for the elections from the international community. Both the UN and the International Contact Group on Guinea, in February 2010, welcomed the upcoming democratic elections. On 26 March, the UN called on the international community to support the democratic elections, and asked for more financial support for the operations of the UN Humanitarian Air Services (UHAS), which have been delivering aid to remote areas of Guinea since 2007.

b)

The Electoral Process and Ethnic Violence

On 27 June three million Guineans went to the polls and voted in what was recognized by international observers as the nation's first free, fair and democratic elections. While the first poll results were challenged by opposition parties as being fraudulent, the Supreme Court swiftly delayed the second round of voting that were scheduled for 18 July and addressed the opposition's complaints. The Supreme Court ruled that former Prime Minister and opposition leader Cellou Dalein Diallo won 43% of the popular vote ahead of Alpha Conde, who claimed 18%. Both candidates respectively represent the two major ethnic groups in Guinea, the Peul and the Malinke.

The Presidential run-off was delayed three consecutive times for technical difficulties and fraud allegations, and scheduled to take place on 7 November. Meanwhile, tensions along ethnic lines pitting the Peul against the Malinke have rose in Conakry and other cities in the country. Particularly worrying were the sporadic episodes of violence that occurred during the last two weeks of October. According to the International Committee of the Red Cross in Guinea, 2,800 people were displaced on October 29-30 alone. International Crisis Group expressed acute concern over an imminent return to violence in Guinea if international, regional and local leaders did not mobilize to prevent such violence in the lead up to the second round and after. While it was reported that the elections unfolded peacefully, lingering tensions still grew stronger in its aftermath.

Indeed, on 15 November, Malinke opposition leader, Alpha Conde, won the Presidential vote with 52% of the Presidential vote, over his opponent of the Peul ethnic group, former Prime Minister Cellou Diallo, who, secured 47% of the votes. Until the Guinean Supreme Court certifies the results, Electoral Commission’s president Sangare declared Conde as the provisional leader. The announcement was followed by renewed ethnic tension and clashes.
throughout the country and on 19 November the OHCHR denounced on 19 November the killings of at least 4 people and the wounding of 300 by heavily armed security forces. After the declaration of a nation-wide state of emergency, security forces, mostly Malinke, have clashed with civilians, mostly among Diallo’s supporters during street protests, while private property was destroyed and businesses burnt down.

c) Responses by the International Community and Civil Society

ECOWAS Communications Director, Sonny Ugoh, said the West African organization was working closely with the Guinean authorities to put the responsibility of ensuring security on the two political opponents in a bid to ease tensions and install peace. In the same vein, the UN Security Council deplored the violence in Guinea when being briefed by DPA during informal consultations on the situation (18 November). Additionally, the US State Department Spokesman Philip Crowley denounced post-electoral episodes of violence that “have no place in the democratic society that Guinea aspires to become”.

International Crisis Group published a Conflict Risk Alert on Guinea that warns of a deteriorated situation and appeals to the national government and the international community to protect civilians from further clashes and hold the military accountable. On 18 November, Amnesty International reported 5 murders committed by Guinea security forces and urged “the Guinean authorities to stop a series of extrajudicial executions, arbitrary arrests and torture as part of a post-election crackdown that has seen several deaths and more than 50 people arbitrarily detained.”

III. Guinea’s Future: Preventing Atrocity and Holding Perpetrators Accountable

While it is evident that violations of human rights and lack of government restraint on the military were part of a historic pattern in Guinea, the perpetrators of the crimes committed in September 2009 must be held accountable. The new leaders of Guinea are equally responsible for preventing the reoccurrence of crimes by implementing necessary reforms in the security sector and by restoring constitutional order and cooperating with the ICC. Regional and international actors will played a significant role in supporting the unity government politically and economically until the presidential elections.
Event though the crisis seemed to have calmed down, it is critical that, in the wake of the resurgence of ethnic violence, the AU, ECOWAS and the rest of the international community remain attentive to recent developments in Guinea. They must be prepared to respond rapidly with a wide range of measures, including diplomatic and economic engagement. If these fail, more coercive means, such as the deployment of regional or international peacekeeping forces, must be strongly considered. On the other hand, as Human Rights Watch points out, the new coalition government must ensure respect of due process for recently imprisoned protesters, and keep the military forces from arbitrarily arrest civilians.