

Human Rights Defenders Baseline Report – Guinea

By Adam Hornung

The *West Africa Frontline Grassroots Environmental and Human Rights Defender (HRD) Baseline Report* provides an overview of the situation of HRDs who focus on Economic Social and Cultural rights, specifically land and environmental rights on the frontline in communities in West Africa. Historical and current political, social, and economic situation in the region of West Africa have impacted the status of frontline grassroot environmental, land and human rights defenders, and this is especially true for the country of Guinea. The 2000 United Nations Declaration of Human Rights Defenders puts the responsibility on governments to implement and respect provisions, particularly the duty to protect HRDs from harm because of their work. The purpose of this blog is to provide an overview of the situation of HRDs in Guinea by outlining who are the HRDs, who the perpetrators are, what are the strategies used by HRDs to keep themselves safe, as well as what are the potential solutions to this problem.

Who is the HRD Organization in Guinea and What are the Dangers Associated with Being an HRD?

The Center for Commerce and International Development (CECIDE) is the national HRD in Guinea. The CECIDE in Guinea works across the country and carries out important research and supports local communities. HRDs are individuals or groups who, in their personal capacity and in a peaceful manner, strive to protect and promote human rights related to the environment and land that they occupy. Unfortunately, the working environment for this national HRD is not good stemming from a shrinking environment in human rights activism as well as an overall lack of respect for the rule of law. This makes being an HRD a dangerous job.

In Guinea, HRDs have been murdered for no other reason than their association with being an HRD. Furthermore, HRDs in Guinea suffer Human Rights violations such as unlawful arrests, unlawful detention, judicial threats, trumped up charges, and even being forced into exile. In Guinea, HRDs have been referred to as traitors and being both anti-government and anti-country actors as a whole. Unfortunately, these HRDs are being mislabeled in this way due to the limits on free press within the country. As a result of this, the broader society lacks an understanding of the role of HRDs in society. Recently in 2019, the government in Guinea passed a law with regards to the use of arms by the gendarmerie justifying force. The law on its face was “anti-terrorism” but HRDs fear that force will be used even against peaceful protests. Ultimately, this law further limits freedom of expression and limits civic space in Guinea.

Who are the Perpetrators and How do They Operate?

National HRDs in Guinea largely cited government security, security of the company, at times, community leaders or community members who they encountered as the greatest risk to them. They also highlighted that at times, state actors are complicit in the criminalization process.

Multinationals also have a major role in putting HRDs and communities at risk with the backing of the respective governments. Government officials, such as lawmakers, judges and prosecutors were also named. Even when laws that protect HRDs are on the books, the judiciary can also be used to silence detractors.

Since many countries in West Africa such as Guinea are so hungry for direct foreign investment, governments across the West Africa region are inviting multinationals into their countries. The presence of multinationals often appears to be at the expense of the communities rather than in helping in their development and governments largely protect them. Judicial harassments also threaten HRDs, and this occurs when courts use their position to harass individuals and justify the government's position which leaves both National and Frontline Grassroots HRDs in danger. Given that government actors often at various levels-including both at the local and international level are behind it, avenues of recourse cannot be found within their own national institutions.

The Strategies Used by HRDs to Keep Themselves Safe

HRDs have had to strategize in order to keep themselves safe on a daily basis, but this is especially true during times of emergency and political unrest, which in Guinea can see the complete collapse of any law-and-order structure that they could rely upon to keep them safe. The key strategy used in times like this is to quite literally go into hiding, either temporarily from community to community, within their own country or across a border either within Africa or further afield. Almost all the HRDs interviewed in the Baseline Report had gone into hiding and temporarily relocated at least once. In Guinea, it is a regular practice for HRDs including journalists to go into hiding within their own country for short periods especially as the government has increasingly become more repressive.

In one instance a Guinean HRD was stopped at the airport and prevented from flying which meant that he could not attend an important meeting in the region. Realizing he was in danger in his country, he immediately went into hiding in Guinea. Unsure how long he would be safe in Guinea, he decided to leave the country for a cooling off period. Through a contact with a local police officer based at the airport, he was able to get on a plane and leave the country undetected. The responsible police officer had been his student and the personal relationship allowed him safe passage.

How Are HRDs Overcoming These Immense and Dangerous Obstacles?

There are a number of ways that HRDs are adapting to continue to combat injustice in the safest way possible. First and foremost, the importance of having secure offices and data security. Many HRD offices are set up in areas with few neighbors, and these offices are constantly changing locations as well. Furthermore, HRDs experience hacking in Guinea amongst other Western African countries, which made them wearier of potential data security breaches using public internet. Therefore, HRDs have adapted and now communicate only through secure measures with one another. They do this by using open-source software (software where the

programming code is open to the public to verify its security) is the best way to share and disseminate tools and protocols when these very tools and protocols must be shared through often unprotected, unencrypted means.

HRDs are also making changes at the community level by using judicial mechanisms to lodge their complaints in Justice of Peace courts and Paramount Chief courts throughout Africa. In Guinea, HRDs were specifically able to take advantage of Legal and Policy Framework by using an Environment and Social Impact Assessment (ESIA). ESIA is a process for predicting and assessing the potential environmental and social impacts of a proposed project, evaluating alternatives, and designing appropriate mitigation, management and monitoring measures.

Some of the HRD interviewed talked about these including one used by Guinea civil society organization in March 2019. The ESIA's were used with success in Guinea with a Guinean NGO and others found that the agreement between the government and multinational company had no grounding in Guinean law and failed to respect the economic and cultural needs of the communities regarding development projects. Other informal strategies highlighted by HRDs in Guinea strategized to engage directly with the security agencies such as the police and the army which included developing personal relationships with key figures in key positions to inviting key government actors to conferences and other events. This strategy was to educate others of what the HRDs are actually doing in Guinea and to gain useful allies within the country.

Where the Gaps Are and Possible Solutions

As of 2010, Guinea was back under civilian rule. While the Constitution was amended in 2020 to limit presidents to two terms, President Condé claimed that the Constitutional amendment reset his two-term limit and ran for, and won, a third term. HRDs who spoke out against the changes to the Constitution received threats and nine protesters were killed. Results from local elections held in 2018, the first held since 2005, were disputed and officials were accused of bribery.

President Cordé's opponent in the most recent 2020 election claims he has proof of fraud. The National Anti-Corruption Agency is underfunded and reports directly to the president. A new body, the Provisional Commission for National Reconciliation was established in 2011 to address human rights abuses. Though the country does not have a law pertaining to protection of HRDs in the same manner as countries like Côte d'Ivoire, Article 23 of the 2010 Constitution states that "the State shall promote the well-being of its citizens and protect and defend human rights and HRD."

The Baseline Report recommends the Guinean government to enforce Article 23 of the Constitution, for the NHRC to be brought in line with the Paris Principles, for police forces to be held accountable for the violence they carry out against protesters, and for legislation limiting freedom of the press to be removed. These recommendations are a good place to start. I agree it is imperative for the government to enforce Article 23 of the Constitution as well as for the police to be better trained, and for the Guinean citizens to have access to freedom of press. However, it is hard for me to picture how close we are for these changes to be realistically made in Guinea.

The reality is the current president unilaterally changed the Constitution in order for him to be able to serve a third term in an election that was most likely rigged. Guinea is a prime example of a country that has fallen victim to the resource curse. The mining industry in Guinea has massive bauxite reserves as well as gold, diamond, and uranium deposits and with these great resources comes great wealth and unfortunately great corruption.

It is essential to the success of HRDs and for the success of Guinea for there to be greater checks and balances at play in their corrupt government. The danger and hardships to HRDs and the Guinean citizens stem from the corruption in government and until there is immense changes to this structure, it is hard to believe that any “amendment” to the Constitution will provide any real change.