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P9_TA(2020)0036

The Republic of Guinea, notably violence towards protesters

European Parliament resolution of 13 February 2020 on the Republic of Guinea, notably violence towards protestors (2020/2551(RSP))

(2021/C 294/07)

The European Parliament,

— having regard to its previous resolutions on the Republic of Guinea,

— having regard to the Joint Statement of the United Nations, the European Union and the Embassies of the United States and France in the Republic of Guinea of 5 November 2019,

— having regard to the Communiqué of the Economic Community of West African States (ECOWAS) Commission of 4 November 2019 following the incidents in Conakry,

— having regard to the press release of the African Commission on Human and Peoples' Rights on the suppression of demonstrations in the Republic of Guinea of 9 November 2019,

— having regard to the thirty-fifth session of the United Nations Human Rights Council Universal Periodic Review Working Group of 20 to 31 January 2020,

— having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966,

— having regard to the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part (the Cotonou Agreement),

— having regard to the African Charter on Human and Peoples' Rights, which was adopted on 27 June 1981 and entered into force on 21 October 1986,

— having regard to the Constitution of the Republic of Guinea, which was approved by the National Transitional Council on 19 April 2010 and adopted on 7 May 2010,

— having regard to the Universal Declaration of Human Rights,

— having regard to the 11th European Development Fund National Indicative Programme for the period 2015-2020 allocating funds to the Republic of Guinea,

— having regard to Rules 144(5) and 132(4) of its Rules of Procedure,

A. whereas President Alpha Condé has been in power in the Republic of Guinea since his election in 2010 and re-election in 2015; whereas there have been mass protest demonstrations in the country since mid-October 2019, mainly by the National Front for the Defence of the Constitution (FNDC), amid opposition fears that President Condé will seek to extend his constitutional powers; whereas the Constitution of the Republic of Guinea limits presidential mandates to two terms; whereas President Condé's second term is due to expire at the end of 2020;

B. whereas his election to the Presidency in 2010 was the first step towards democratic reforms and transparency after years of military rule; whereas President Condé is accused of corruption and imposing restrictions on political freedom; whereas a constitutional reform with the sole purpose of extending presidential term limits to allow Alpha Condé to remain in power has sparked violence;

C. whereas President Condé has also recently endeavoured to subvert institutional obstacles to his reform by influencing the Republic of Guinea's Constitutional Court and the Electoral Commission; whereas in March 2018 the President of the Constitutional Court, Kéléfa Sall, was removed from office; whereas the Minister of Justice, Cheick Sako, has resigned over his opposition to changes to the constitution allowing for a third presidential term;

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D. whereas the ruling party, the Rally of the Guinean People, does not have the two thirds parliamentary majority required to amend the constitution; whereas a referendum on constitutional reform would circumvent the Parliament of the Republic of Guinea;

E. whereas on 19 December 2019 President Condé announced plans for a referendum on constitutional reform to be held on 1 March 2020; whereas legislative elections originally scheduled for 16 February 2020 have been postponed and will take place on the same day as the referendum; whereas the proposed new constitution includes an extension of the presidential mandate from five to six years, with a limit to two terms; whereas it is expected that President Condé will use this constitutional change to seek a third presidential term;

F. whereas the National Front for the Defence of the Constitution (FNDC), an alliance of opposition parties, civil society organisations and trade unions, have held protests and plan strikes in opposition to the constitutional change; whereas at least seven members of the FNDC were arrested between 12 October and 28 November 2019 and were prosecuted on the grounds that their calls for protests against the new draft constitution constituted acts or actions likely to disturb public order and endanger public safety before they were eventually acquitted as a result of international pressure;

G. whereas the situation in the country is highly-charged, with heightened political tensions and outbreaks of violent protest; whereas the government response to these outbreaks has been heavy-handed, and the police have reacted with excessive, undue and illegal force against protesters, with human rights organisations reporting barricades, shootings and tear gas, predominantly in the capital Conakry and the northern opposition stronghold of Mamou; whereas police in Wanindara allegedly used a woman as a human shield to protect themselves from stones thrown by protesters;

H. whereas Fodé Oussou Fofana, Vice-President of the main opposition party, Union of Democratic Forces of the Republic of Guinea, has accused the President of a 'constitutional coup d'état' and 'fraud'; whereas opposition parties have pledged to boycott the legislative elections in protest;

I. whereas both ECOWAS and the African Commission on Human and Peoples' Rights have called for the fundamental rights of demonstrators to be respected, and for the security forces to improve their management of demonstrations;

J. whereas the UN Human Rights Commission has noted that security forces reacting to the protests which began in Conakry on 14 and 15 October 2019 'failed to comply with international norms and standards on the use of force'; whereas the funeral of the demonstrators killed during these protests was marred by further violence and deaths;

K. whereas the Republic of Guinea is ranked 101st out of 180 countries in the 2019 World Press Freedom Index; whereas since 2015 at least 20 journalists have been summonsed, detained or faced prosecution; whereas since the start of the demonstrations in October 2019, journalists, human rights defenders and civil society activists have been arrested, including Abdourahmane Sanoh (the FNDC coordinator) who was subsequently released, while others are still being detained and subjected to violence; whereas at least 28 civilians and one *gendarme* have been killed in the protests; whereas human rights organisations estimate that at least 70 protesters and bystanders have been killed since 2015, including Amadou Boukariou Baldé, a student who was beaten to death by police officers during protests at the University of Labé in May 2019;

L. whereas several local NGOs have condemned prison conditions in the Republic of Guinea, particularly the 'serious inadequacies in terms of overcrowding, food and nutrition, and the lack of training given to most prison warders' (according to the Human Rights Watch report); whereas, these conditions give cause for concern throughout the country, but are particularly serious in the central prison in Conakry;

M. whereas the Republic of Guinea is one of the poorest countries in Africa, still suffering from years of economic mismanagement and corruption, despite having the world's largest reserve of bauxite in the mines surrounding Boke; whereas two thirds of its 12,5 million inhabitants live in poverty and the Ebola crisis between 2013 and 2016 significantly weakened the country's economy; whereas young people under the age of 25, who make up over 60 % of the population, are particularly affected by unemployment;

N. whereas in the current context of protests against the reform of the Constitution, which has exacerbated confrontation between the Government and opposition parties, the OGDH (the Republic of Guinea Human Rights and Citizen's Rights Organisation) has denounced repeated human rights violations in the Republic of Guinea; whereas these violations lead to the destruction of public buildings and facilities, attempts to stir up ethnic divisions and forced evictions from private property; whereas between February and May 2019, the Government of the Republic of Guinea forcibly evicted more than 20 000 people from neighbourhoods in Conakry in order to provide land for government ministries, foreign embassies, businesses, and other public works projects;

O. whereas, between 2014 and 2020, the European Union provided support to the Republic of Guinea through the 11th EDF (European Development Fund) National Indicative Programme amounting to EUR 244 000 000, which was focused on institutional reform and the modernisation of the administration, urban sanitation, health, road transport and support to the National Authorising Officer;

1. Deplores the ongoing violence in the Republic of Guinea; strongly condemns the breaches of freedom of assembly and freedom of speech, as well as acts of violence, killings and other human rights abuses; calls for restraint to be immediately exercised by government forces, and for legitimate, peaceful protests to be allowed to take place without any intimidation;

2. Calls on the Government of the Republic of Guinea to initiate a prompt, transparent, impartial and independent investigation into the deaths and injuries of protesters, the allegations of excessive use of force or other human rights violations by law enforcement officials, and for those responsible, including those in the police and security forces, to be held to account and not benefit from impunity; reminds the Government of the Republic of Guinea that the fight against corruption and ending impunity should also be made priorities;

3. Deeply regrets any plans to change the country's constitutional provisions on presidential term limits; strongly reiterates that a functioning democracy must include respect for the rule of law and all constitutional provisions including, where applicable, limits on presidential mandates; calls on the President of the Republic of Guinea to respect the Constitution of the Republic of Guinea, in particular Article 27 thereof;

4. Calls for respect of the right to freedom of demonstration, assembly, association and expression guaranteed by international standards and the UN treaties and conventions ratified by the Republic of Guinea; calls on the Government of the Republic of Guinea to take urgent measures to ensure that the right to demonstrate freely and peacefully is respected, and to create a safe environment free from harassment, violence, and intimidation, and to facilitate dialogue with the opposition;

5. Urges all parties concerned to prevent the further escalation of tension and violence; calls on the Government of the Republic of Guinea, as well as opposition groups and civil society, to exercise restraint, act responsibly, and engage in a constructive dialogue in order to achieve a lasting, consensual and peaceful solution; calls on the EU to continue its efforts to enhance the role of civil society and encourage non-state actors to play an active role;

6. Urges the Government of the Republic of Guinea to ensure transparent, credible and free legislative and presidential elections to be held in a timely manner, with the full participation of opposition parties, including allowing them to register, campaign, have access to the media, and enjoy freedom of assembly;

7. Recalls the importance of an autonomous national electoral commission acting independently of the government and any political party; urges the Government of the Republic of Guinea and President Condé to ensure the National Independent Electoral Commission (CENI) in the Republic of Guinea can operate in a fully transparent manner free from interference, intimidation or coercion by incumbent politicians or parties;

8. Urges the authorities of the Republic of Guinea to fully respect all domestic and international obligations in relation to civil and political rights, including the right to freedom of speech, assembly and association, the right to freedom from torture, ill-treatment and arbitrary detention, and the right to a fair trial; emphasises that respect for human rights must be at the heart of any political solution to the crisis;

9. Calls on the authorities of the Republic of Guinea to investigate and prosecute, in accordance with international standards, members of the security forces against whom there is evidence of criminal responsibility for past and current abuses;

10. Recalls that a vibrant civil society able to operate without fear, intimidation and violence is a necessary prerequisite for consolidating democracy; urges the Government and security forces to promote an environment conducive to the safety and security of representatives of non-governmental organisations and civil society, including a revision of the legislation on the use of force in public gatherings;

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11. Emphasises the importance of ensuring and promoting a pluralist, independent and free media landscape that serves democracy; urges the authorities of the Republic of Guinea to immediately cease all harassment and intimidation of journalists, including an end to the arbitrary suspension of media licences, to respect the individual rights of journalists and human rights defenders working in the country, and guarantee their safety so that they can cover or monitor the political and human rights situation in the country;

12. Strongly criticises the imprisonment of Abdourahmane Sanoh and other opposition and civil society leaders; calls for the immediate release of political prisoners in the country, and an investigation into the widespread allegations of mistreatment of prisoners;

13. Calls on the authorities of the Republic of Guinea to halt any further evictions of the population from their land or property until it can guarantee respect for the rights of residents, including adequate notice, and compensation and resettlement prior to evictions; stresses that adequate compensation should be provided to all forcibly evicted individuals who have not yet received such compensation;

14. Recalls the importance for the Republic of Guinea to work with regional partners to collectively strengthen democracy, development and security; urges the authorities in the Republic of Guinea to work closely with regional organisations, including ECOWAS, to restore basic freedoms, fully investigate human rights abuses committed during the demonstrations, and bring about a peaceful democratic transition; recalls that the solution to the current crisis can only be found in an open and accessible inter-Guinean dialogue between government and opposition groups; recalls, similarly, that ECOWAS and countries neighbouring the Republic of Guinea can play a vital role in promoting inter-Guinean dialogue and ensuring its continuation; calls on the Government of Guinea and ECOWAS to work together closely to ensure that the 2020 elections take place peacefully and are representative; calls on the Commission and the Member States to follow up on the recommendations made in the Universal Periodic Review (UPR) of the Republic of Guinea in January 2020, in particular on the right to life, physical integrity, freedom of expression and freedom of peaceful assembly, as well as on the use of force and impunity; urges the authorities of the Republic of Guinea to engage meaningfully in the upcoming United Nations Human Rights Council Universal Periodic Review, including providing full access to the UN on the ground, and to fully implement the subsequent recommendations of the Working Group;

15. Urges the European Union to closely monitor the situation in the Republic of Guinea, and to hold the Government to account for any violation of commitments to international human rights law and agreements, especially with regard to Articles 8, 9 and 96 of the Cotonou Agreement;

16. Calls on the Vice-President of the European Commission / High Representative of the Union for Foreign Affairs and Security Policy, and the European External Action Service (EEAS) to maintain political dialogue, including dialogue held within the framework of Article 8 of the Cotonou Agreement, with a view to rapidly reducing tensions in the country and assisting, where requested, in the preparations for peaceful elections, including mediation and measures to combat pre- and post-electoral violence; calls, further, on the VP/HR and the EEAS to work with the authorities of the Republic of Guinea, ECOWAS, the UN Human Rights Office in the Republic of Guinea, the African Commission on Human and People's Rights, and the Special Representative of the Secretary-General for West Africa and the Sahel to shape a common strategy to resolve the current political crisis;

17. Welcomes the focus of the 11th EDF on supporting the rule of law in the Republic of Guinea; urges the Commission and the EEAS to maintain support for strengthening civil society and independent state institutions;

18. Calls on the Delegation of the European Union to the Republic of Guinea to continuously monitor the situation of the country's independent civil society, observe the trials of political prisoners, and continue addressing the human rights situation in the country in its dialogue with the authorities of the Republic of Guinea; calls on the Commission to closely follow the situation in the Republic of Guinea and report back to Parliament on a regular basis;

19. Instructs its President to forward this resolution to the Council, the Commission, and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the President and Parliament of the Republic of Guinea, the institutions of ECOWAS, the ACP-EU Joint Parliamentary Assembly and the African Union and its institutions.