



# SECURITY COUNCIL REPORT UPDATE REPORT



11 January 2010 No. 3

## PEACE CONSOLIDATION IN WEST AFRICA: GUINEA

### Expected Council Action

On 12 January Council members are expected to discuss Guinea, during previously scheduled consultations on the work of the UN Office for West Africa (UNOWA). The report on the situation in Guinea, of the International Commission of Inquiry (COI) which investigated the 28 September 2009 government forces crackdown on pro-democracy demonstrators in Guinea, is before the Council. A presidential statement is likely.

### Key Recent Developments

On 23 December 2008 a military junta—the National Council for Democracy and Development (or CNDD, using its French acronym)—took power in Guinea. Its leader was Captain Moussa Dadis Camara. Camara's coup came in the aftermath of the death of President Lansana Conté, who had ruled since 1984. The CNDD coup was widely condemned internationally. Both the AU on 29 December 2008, and the Economic Community of West African States (ECOWAS) on 10 January 2009, decided to suspend Guinea from their respective organisations until the return of constitutional order in the country.

The CNDD initially promised to hold national elections by the end of 2009. But by mid-2009 the opposition (which comprises a coalition of opposition political parties, trade unions and civil society known as *Forum des Forces Vives de Guinée*) began to express concern that the CNDD was not committed to a genuine electoral process leading to a national civilian administration. In mid August, Camara, strongly hinted in the media that, contrary to earlier assurances, he was thinking of standing for the presidency in January 2010. He subsequently undertook a nationwide tour in September, apparently to build political support.

The opposition began to protest these developments including organising a peaceful demonstration.

On 28 September 2009 members of the Guinean army opened fire on civilians during a peaceful pro-democracy rally at a stadium in Conakry, Guinea's capital. Several national and international human rights organisations confirmed at least 157 deaths. Other reported human rights violations including numerous rapes and sexual crimes against women, thousands of injuries and the arbitrary arrest of peaceful demonstrators and opposition party leaders. The junta said about 57 people were killed and gave contradictory accounts of events, indicating on the one hand that the security forces present were too few to have been able to carry out the atrocities and on the other hand, blamed the opposition political leaders for provoking the army to react.

On 30 September 2009 Council members discussed the situation in informal consultations. The Assistant Secretary-General for Political Affairs, Haile Menkerios, briefed on the situation in

**Security Council Report** One Dag Hammarskjöld Plaza, 885 Second Avenue at 48<sup>th</sup> Street, 31<sup>st</sup> Floor, New York NY 10017

Tel 212 759 9429 Fax 212 759 4038 [www.securitycouncilreport.org](http://www.securitycouncilreport.org)

Guinea. Subsequently, the president of the Council for the month (the US) made comments to the press, indicating that Council members had:

- expressed concern about the killings and condemned the violence;
- urged the Guinean government to end the violence and bring the perpetrators to justice, release all political prisoners and opposition leaders who were being denied due process under the law and allow a return to democratic rule in 2010; and
- expressed its support for the leadership of ECOWAS and the AU, in particular the mediatory role of President Blaise Compaoré of Burkina Faso.

The events in Guinea on 28 September 2009 also drew strong international condemnation and called for appropriate redress of the situation, including from the UN Secretary-General, the AU, ECOWAS, the EU, and the International Contact Group on Guinea (ICG-G). (The ICG-G, which is tasked with monitoring progress toward restoration of constitutional order, was an outcome of the 30 January 2009 consultative meeting in Addis Ababa, Ethiopia, on the situation in Guinea between the UN, World Bank, AU, ECOWAS and other key regional organizations.)

During the week of 12 October 2009, three ministers in the Guinean government announced their resignations protesting the actions of the military.

On 16 October 2009 the Secretary-General in a press statement expressed his concern about the situation in Guinea and announced his decision to establish an international commission of inquiry to investigate the violent military crackdown on 28 September. He indicated that the Assistant Secretary-General for Political Affairs, Haile Menkerios, would leave that day to consult with the Guinean authorities and regional organisations and leaders regarding the setting up of the investigative mission.

On 17 October 2009 ECOWAS imposed an arms embargo against Guinea under the ECOWAS Convention on Small Arms and Light Weapons, accusing the ruling military junta of mass human rights violations during the 28 September anti-government protests. It stated that the situation in Guinea posed a "real threat to the peace, security and stability of the region." It also expressed support for the decision of the UN Secretary General to establish a commission of inquiry to investigate the 28 September atrocities and emphasised the importance of the establishment of a new transitional authority in Guinea that would ensure credible, free and fair elections.

On 21 October 2009 the Council members were briefed again in private consultations by Menkerios, on conclusions following his trip to the region. He outlined the desire expressed by ECOWAS and the AU to see some form of international investigative mechanism created to pursue redress of the 28 September incident in Guinea.

On 28 October 2009 the Secretary-General advised the Security Council, informing it about his decision to create the COI. He noted that the approach had support from a wide spectrum of UN member states, including members of ECOWAS and the AU. He also noted that the Government of Guinea supported the proposal as well. He indicated that the mandate of the COI would be to:

- determine the facts and circumstances in relation to the events of the 28 September 2009 in Guinea and its immediate aftermath;
- identify the nature of the crimes committed and determine responsibility for them;
- determine responsibilities, and where possible, identify those responsible; and
- make recommendations, including, in particular, on accountability measures.

Also on 28 October, the Council adopted a presidential statement which:

- expressed concern about the situation in Guinea and the potential risk to regional peace and security following the violence that occurred in Conakry on 28 September;
- called on the Guinean national authorities to fight against impunity and redress the situation through the rule of law;
- welcomed the 17 October 2009 “ECOWAS Summit’s statement supporting the Secretary-General’s decision to establish an international commission of inquiry to investigate the events of 28 September”; and
- expressed the Council’s intention to follow the situation closely and requested the Secretary-General to update it as appropriate on the situation on the ground, the potential implications for the subregion, the international investigation of the killings of the 28 September 2009 and the measures taken by ECOWAS and by the AU.

On 30 October 2009 the Secretary-General appointed three people to serve on the COI, Mohamed Bedjaoui (an Algerian diplomat and jurist), Françoise Ngendahayo Kayiramirwa (a former Burundian Minister of National Solidarity, Human Rights and Gender) and Pramila Patten (a barrister-at-law from Mauritius).

In early December 2009 Camara was shot (reportedly in the head) by his then aide-de-camp, Lieutenant Aboubacar Chérif Diakité. Diakité, who has since been on the run, has indicated publicly that he shot Camara because the latter intended to use him as a scapegoat regarding responsibility for the 28 September violence. Camara has since been evacuated to Morocco for medical treatment. (Observers noted that Morocco, which allowed Camara into its national territory on humanitarian grounds, presented a sanctuary for the military leader since Morocco is neither a member of the AU nor party to the statute of the International Criminal Court (ICC).) Guinea’s defence minister, Brigadier General Sekouba Konate, was subsequently installed as interim leader of the junta.

On 17 December 2009 the Commission submitted its findings to the Secretary-General, after visiting Conakry between 25 November and 4 December 2009, and also carrying out some of its investigations in neighbouring Senegal.

On 18 December 2009 the Secretary-General submitted to the Council the report of the COI. On 21 December Council members were briefed by the Department of Political Affairs on key elements contained in the report.

Council members were advised that after the 28 September atrocities Guinean authorities systematically attempted to destroy incriminating evidence.

The Commission concluded that the 28 September violence and its aftermath constituted crimes against humanity, with reasonable grounds to allege individual criminal responsibility, either directly or based upon command or superior responsibility. It singled out three people as bearing responsibility for the violence. The three were CNDD leader Moussa Dadis Camara, his aide-de-camp and chief of the Presidential Guard, Lt. Aboubacar Chérif Diakité, and the head of Guinea’s special services, Moussa Thegboro Camara.

The Commission recommended that:

- the Council remain seized of the situation in Guinea;
- the Office of the UN High Commissioner for Human Rights should establish an office in Guinea, at least for 2010;
- the individuals alleged to have committed crimes against humanity should be referred to the ICC;

- national and international actors undertake to help Guinea reform its military and judiciary;
- Guinea engage in a truth seeking process;
- adequate reparation should be made to victims;
- targeted sanctions should be imposed against principal perpetrators of the violence;
- the Guinean government should ensure protection for victims and witnesses; and
- capable countries should welcome any victim or witness seeking asylum from Guinea.

Following the briefing by the Department of Political Affairs, France reportedly requested that the Council should take immediate action. However, Council members eventually decided to await the translation of the report (from the original French version) before formally considering it.

On 6 January 2010 the interim leader of the ruling CNDD military government Konaté, proposed in a national broadcast that a transition government should be formed and led by a civilian Prime Minister designated by the opposition. A new date for the presidential election would be announced by the new transition authority. This gesture was made following a visit to Camara in Morocco by Konaté earlier that day. He subsequently said that even though Camara's life was not in danger it would take time for him to recover from his injury. The opposition expressed cautious optimism and called for clarification on the details of a framework for consultations on the institutions of the transition, including the length of the envisaged transition period, as well as assurances about the non-candidacy of members of current military government members in elections.

On 7 January 2010 France circulated to Council members a draft presidential statement. It is expected that a meeting at expert level will be held to consider draft on 11 January. Subsequently, Council members are expected to discuss the draft in informal consultations on 12 January when they meet on the agenda item "Peace Consolidation in West Africa".

The draft presidential statement reportedly:

- acknowledges the report of the commission and its recommendations;
- renews the Council's condemnation of the atrocities committed in Conakry on the 28 September 2009 and its aftermath, and the need for the Guinean authorities to bring the perpetrators to justice;
- recognises the Commission's findings that the events of the 28 September could be described as "crimes against humanity";
- notes the Commission's concern that the Guinean government has neither the will nor the capacity to prosecute the perpetrators, and the Commission's recommendation that jurisdiction be taken up by the ICC;
- concludes that the situation in Guinea is a matter of concern and a potential threat to regional peace and security;
- urges the national authorities to cease all violence and uphold the rule of law, including respect for human rights and due process;
- welcomes ECOWAS's consideration of a possible deployment of an international mission of observation in Guinea;
- urges the relevant international actors to extend sanctions they have already imposed in line with the COI's recommendation; and
- expresses its intention to remain seized of the situation, to act as appropriate to prevent any further deterioration of the situation and requests the Secretary-General to continue to update it as appropriate on the issue.

## **Key Issues**

The key issue for Council members is the fragile security situation in Guinea and its potential regional destabilising effect on peace and security especially the Manú River region.

A closely related second key issue is the most appropriate Council action including possible political support for UN and AU efforts and how far to go in endorsing the findings of the COI.

Another closely related issue is maintaining consistency with its own presidential statements of 5 May and 28 October 2009 expressing concern about the resurgence of unconstitutional changes of government in some African countries and the situation in Guinea, respectively.

## **Options**

Options for the Council on this issue include:

- strongly conveying its support for the recommendations of the COI;
- explicit mention of the possible prosecution by the ICC of those alleged to be primarily responsible for the 28 September 2009 atrocities;
- reiterating its position about the unacceptability of repeated delays in the voter identification and registration processes ;
- considering a visit to Guinea (and the other politically fragile states in the region on the Council's agenda: e.g. Cote d'Ivoire, Guinea-Bissau, etc) by a Council mission (possibly a small one) to demonstrate the Council's resolve to prevent a return to conflict which has proved contagious in the region in the past; and
- reinforcing the harmonising and coordination work of the UN regional office to supplement the country-specific format the Council usually uses.

## **Council Dynamics**

At press time Council members were still developing their views on the draft presidential statement in preparation for the experts-level meeting scheduled for 11 January. However, a general sense prevails in the Council that it needs to clearly convey its political support for the recommendations of the COI, not only because of the nature of the event which took place but because of the risks of serious violence and the attendant security implications for the West African subregion.

The African members of the Council seem to support such sentiments, especially in view of the ECOWAS and the AU positions on the issue. Members like the US, the UK and France have been firm in their condemnation of the Guinea junta. (On 23 October the US imposed travel restrictions on some members of the military government, "as well as other individuals who support policies or actions that undermine the restoration of democracy and the rule of law in Guinea." France which initially decided to continue providing aid to Guinea after the December 2008 coup, has now announced it would cut military aid and suspend most official cooperation with the junta and has spearheaded Council efforts to bring its political pressure to bear on the regime. The Embassies of the UK and France in Conakry each urged citizens to leave and/or defer travel to Guinea.

Austria was reportedly the first Council member to broach the idea in the Council of an international investigation into the 28 September incident, in September 2009 during the US presidency.

The 28 October 2009 presidential statement enjoyed the general support of Council members. However, Russia was reportedly unhappy with the level of advanced consultation by the Secretary-General with the Council before announcing his decision to set up the Commission. This is said to have accounted for the ambiguous (and convoluted) compromise language

conveying support for the decision to set up the Commission. That past dynamic seems less likely to affect the Council's decision this coming week.

France has taken the lead on this issue in the Council.

## UN Documents

<b>Selected Presidential Statements</b>
<ul style="list-style-type: none"><li>• S/PRST/2009/27 (28 October 2009) was on the situation in Guinea.</li><li>• S/PRST/2009/11 (5 May 2009) was on the resurgence of unconstitutional changes of government in some African countries.</li><li>• S/PRST/2009/2 (3 March 2009) condemned the assassinations of Guinea-Bissau's former President João Bernardo Vieira and Army Chief Tagme Na Waie.</li><li>• S/PRST/2008/30 (19 August 2008) condemned the coup in Mauritania.</li><li>• S/PRST/2007/42 (6 November 2007) was on the role of regional and subregional organisations in the maintenance of international peace and security (stressing, among other things, "the need to develop effective partnership between the Council and regional and subregional organisations in order to enable early response to disputes and emerging crises").</li></ul>
<b>Selected Letters</b>
<ul style="list-style-type: none"><li>• S/2009/693 (18 December 2009) was from the Secretary-General to the president of the Council conveying the report of the COI on Guinea.</li><li>• S/2009/556 (28 October 2009) was from the Secretary-General informing the Council about his decision to create the COI on Guinea.</li><li>• S/2009/541 (19 October 2009) was from the Secretariat transmitting a press statement issued on 15 October by the AU PSC on the situation in Guinea.</li><li>• S/2009/166 (20 March 2009) was from Libya forwarding to the Council the 20 March communiqué of the AU PSC on the suspension of Madagascar.</li><li>• S/2009/140 (11 March 2009) was from Burkina Faso transmitting the text of the communiqué of the first session of the International Contact Group on Guinea.</li><li>• S/2009/85 (10 February 2009) was from Libya forwarding to the Security Council the 5 February AU PSC communiqué imposing sanctions on Mauritania.</li></ul>
<b>Secretary-General's Reports</b>
<ul style="list-style-type: none"><li>• S/2009/189 (8 April 2009) was on enhancing mediation and its support activities.</li><li>• S/2008/628 (29 September 2008) was on developments in Guinea-Bissau, including an account of the alleged August 2008 coup attempt.</li><li>• S/2008/186 (7 April 2008) was on the relationship between the UN and regional and subregional organisations.</li><li>• S/2006/590 (28 July 2006) was <i>on the cooperation between the UN and regional and other organisations and the prevention of armed conflict</i>, entitled <i>A regional-global security partnership: challenges and opportunities</i>.</li></ul>
<b>Other</b>

- Communiqué of the Extraordinary Summit of SADC Heads of State and Government on Madagascar (30 March 2009)
- Assembly/AU/Dec.220 (XII) (3 February 2009) was the Decision of the AU Assembly of Heads of States and Government on the Resurgence of the Scourge of Coups d'Etat in Africa.
- PSC/PR/Comm (CLXV) (10 January 2009) was a communiqué of the Extraordinary Summit of ECOWAS Heads of State and Government on Guinea, 10 January 2009.
- Communiqué of the 165<sup>th</sup> Meeting of the AU Peace and Security Council on Guinea (29 December 2008)
- PSC/MIN/Comm.2 (CLI) (22 September 2008) was a communiqué by the AU PSC condemning the coup in Mauritania and demanding a return to constitutional order.
- S/PV.5868 and resumption 1 (16 April 2008) was the debate combining the thematic issues of UN cooperation with regional organisations and conflict prevention and resolution, in particular in Africa.
- S/PV.5735 and resumption 1 (28 August 2007) was the discussion on the role of the Security Council in conflict prevention and resolution, in particular in Africa.
- S/2005/828 (22 December 2005) was the report on a seminar held by the Council's Ad-Hoc Working Group on Conflict Prevention and Resolution in Africa on cooperation between the UN and African regional organisations in the field of peace and security, held at UN headquarters on 15 December 2005.

#### **SECURITY COUNCIL REPORT STAFF**

**Colin Keating**, Executive Director

**Joanna Weschler**, Director of Research

**Amanda Roberts**, Programme Coordinator

**Robert Afriyie**, Research Analyst

**Ikram Hussein**, Research Analyst

**Shamala Kandiah**, Research Analyst

**Nina Pregellio**, Research Analyst

**Troy Prince**, Research Analyst

**Astrid Forberg Ryan**, Research Analyst

**Tim Caughley**, Research Consultant

**Brian Lockstone**, Communications Consultant

**Robbin VanNewkirk**, Publications Coordinator

**Jamaal A. Young**, Programme Assistant

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**Security Council Report** One Dag Hammarskjöld Plaza, 885 Second Avenue at 48<sup>th</sup> Street, 31<sup>st</sup> Floor, New York NY 10017

**Tel 212 759 9429 Fax 212 759 4038 [www.securitycouncilreport.org](http://www.securitycouncilreport.org)**