

International **CURE**

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Prison and Justice Assessments in Africa

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Guinea Assessment

1. FAIR JUSTICE

1.1 Judicial system capability.

In Guinea, the judiciary is not competent; it is very slow, for it meets obstacles in all judicial functions. The continued imprisonment of detainees in Guinea is generally longer than that provided by law for crimes of lesser importance; they often remain in prison for years. In Guinea, it is very often that the records are lost or not forwarded to the judge by the police, which makes it impossible to convene the trial. The impartiality of the Guinea judiciary leaves doubts.^[1]

Judicial inefficiency, corruption, and lack of political will contributed to high pretrial detention rates. Many detainees have remained in prison for more than 10 years without trial. For example, both Abdoulaye Camara and Mohamed Diasy reportedly have served 12 years at the central prison on burglary charges without judgment or sentencing. At least one of them has suffered permanent paralysis as a result of prison conditions. Another prisoner, Thierno Barry, has been in the Conakry Central Prison without judgment or sentencing since his arrest in 1991.^[2]

1.2 Legal assistance to persons living in poverty.

It is envisaged in the legislation of public defence structures to help those who can not afford a lawyer but in practice these structures do not work. There are mechanisms to resolve a dispute by alternative methods. Legal and para legal services exist in police stations in the country. The inmates have no access to para legal help to understand the law.¹

1.3 Justice for women and juveniles.

To ensure a fair justice in respect of children and women, there are judges for children and a ministry for the advancement of women in Guinea. Children may be detained at the age of 14 years. - The children are usually considered to be adults at the age of 18. - In cases of domestic violence, the first procedure is the separation of conjugal living, after which can follow a ruling declaring the separation and later a divorce. With regard to the dysfunction of the family, women may be allowed to take the home and the man can be condemned to pay alimony. - Those responsible for child abuse may lose parental rights.¹

Rape is a criminal offense, but is rarely prosecuted. Spousal rape is neither punished nor regarded as a criminal offense. Social beliefs and fear of being ostracized prevented most victims from reporting incidents of rape. According to a 2003 study, victims of sexual assault constituted more than 20 percent of women treated in a local hospital. Experts reported that the situation has not changed significantly. Many of these assaults were perpetrated by a person the victim knew and often took place at school; more than half the victims were young girls. Several local NGOs worked to increase public awareness of the nature of these crimes and promote increased reporting. The authorities were reluctant to pursue criminal investigations of alleged sexual crimes. There were no reports of prosecutions against rapists.

Domestic violence against women was common, although estimates were unavailable as to its extent. Due to fear of stigmatization and reprisal, women rarely reported abuse except at the point of divorce. Wife beating is not addressed specifically within the law, although charges can be filed under general assault, which carries penalties ranging from two to five years in prison and fines ranging from 50,000 to 300,000 Guinea francs (approximately \$11 to \$65).²

A local NGO reported that 149 children were incarcerated at Conakry Central Prison. Approximately 85 percent of them had not been formally charged or tried. Several had been imprisoned for more than six years.²

Within the country, girls were trafficked primarily for domestic servitude and sexual exploitation, while boys were trafficked for forced agricultural labor, and as forced beggars, street vendors, shoe shiners, and laborers in gold and diamond mines. Some Guinean men were also trafficked for agricultural labor within the country. Girls from Mali, Sierra Leone, Nigeria, Ghana, Liberia, Senegal, Burkina Faso, and Guinea Bissau were trafficked into the country for domestic servitude and sexual exploitation. Guinean women and girls were trafficked to Nigeria, Cote d'Ivoire, Benin, Senegal, Greece, and Spain for domestic servitude and sexual exploitation.²

1.4 Unfair treatment by discrimination.

In our legal proceedings, the social condition involves preferential treatment, especially for foreign applicants in court where bail is applied.¹

1.5 Arbitrary or severe penalties.

Sometimes, penalties are given outside the formal justice system by police, particularly in civil matters. The local police stations are places of cruel, inhuman and degrading punishment -, beating, violence, torture, etc..

There is still no prohibition of excessive or cruel punishment in our law, relating to modern concepts of human rights and justice. The death penalty does not exist in Guinea. The life sentence is life imprisonment. There were some sentenced to life imprisonment without possibility of parole including war crimes, crimes against humanity, and crimes of genocide.¹

The police force was inadequately staffed and lacked training. In addition, a number of police officers were part of a "volunteer" corps that did not receive a salary. Administrative controls over the police were ineffective, and security forces rarely followed the penal code. Corruption was widespread, and security forces generally were not held accountable for abuses of power or criminal activities. Many citizens viewed the security force as corrupt, ineffective, and dangerous. Police ignored legal procedures and extorted money from citizens at roadblocks. The government did not take any action to train or reform security forces, although several NGOs conducted training programs.²

2. PRISON SYSTEMS

2.1 Structures and alternatives.

There are at least three types of prisons under three separate authorities: the Ministry of Justice, the Ministry of Defense, and the gendarmerie. As access to the military and gendarmerie prisons is strictly controlled with little or no international access permitted, very little is known about conditions in these facilities. NGOs estimate that there are between 2300 and 3500 prisoners (including between 100 and 175 females) incarcerated in 32 civilian prison facilities nationwide²

There are penalties other than incarceration; there are also different levels of incarceration with levels of security and freedom variables. There is no effective treatment for alcoholism, drug addiction or mental illness. In Guinea, there are penalties that require financial reimbursement. Outside the prison, there is a possibility of mediation between the victim and the offender.¹

Many citizens wary of judicial corruption preferred to rely on traditional systems of justice at the village or urban neighborhood level. Litigants presented their civil cases before a village chief, a neighborhood

leader, or a council of "wise men." The dividing line between the formal and informal justice systems was vague, and authorities sometimes referred a case from the formal to the traditional system to ensure compliance by all parties. Similarly, if a case was not resolved to the satisfaction of all parties in the traditional system, it could be referred to the formal system for adjudication. The traditional system discriminated against women in that evidence given by women carried less weight.²

2.2 Physical space and separations.

Prisons were overcrowded, and conditions remained inhumane and life threatening. Neglect, mismanagement, and lack of resources were prevalent. Some Conakry prisoners reported sleeping on their knees because their cells were so small. The Conakry Prison was originally built to hold 200 prisoners, but held 1,055 prisoners at year's end.²

In most prisons, men and women were held separately, but juveniles generally were held with adults in prisons outside the capital. Local NGOs reported that male juveniles were held separately from adult males at Conakry's Central Prison. However, juvenile and adult females were confined together, and were not given the same freedoms as their male counterparts, such as access to fresh air.²

Overcrowding in the prisons of the country is a real problem, in the prisons of Conakry, Zerekoré, Faranah and Pita. The central prison of Conakry was originally planned to accommodate 240 to 300 inmates, now houses nearly 1,500 people. Most adult prisoners spend 24 hours each day in the cells where there are tuberculosis and other respiratory and skin diseases.¹

It is necessary that defendants who are subject to preventive detention be tried. - We must increase the number of judges in the country. In our prisons, women are segregated from men, children from adults, and defendants from those convicted.. It should be noted that prisons in Guinea have no space dedicated to minors. A unit responsible for monitoring the education of incarcerated juveniles was located within the prison of Conakry.¹

2.3 Pretrial services and process.

In Guinea, there are no pretrial services that assess the needs of inmates. There is a possibility of releasing defendants on bail or following the recognition of fault. This detention time is subtracted from the total sentence.¹

2.4 Standards.

Living conditions in prisons are governed by written documents; however, these regulations are not applied by prison officials. Unfortunately, there is no independent body whose function is to monitor the prisons; however, prisons are the concern of good offices of the ministries of religious groups. In the court settlement, the Attorney inspects prisons, but these visits did not necessarily impact on living conditions in prisons.¹

3. PROTECTION OF INCARCERATED PERSONS

3.1 Grievances.

There are regulations for prisons, and prisoners are required to comply under the supervision of prison guards. Inmates can not complain. Permission is granted to members of the community, the press and civil society to have access to prisons, of course, with permissions, but photo sessions are strictly prohibited.¹

3.2 Abuse of incarcerated persons.

In Guinea, we can not say that a general line of treatment of prisoners is being followed. Corporal punishment, torture, the black hole and other cruel, unusual and degrading treatment are prohibited in the legislation, as are threats or collective punishment. People who are victims of abusive treatment or injury from an officer of the law receive no compensation, no support. In all the prisons, there are gangs who mistreat others.¹

Guinea participates in the instruments for the protection of human rights that exist at international and regional level. Guinea has ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment on October 10, 1989. In reality, all these instruments are applied only in part.¹

Although the law condemns torture and other abuse, the government took no action against alleged torturers. Prisoners, including children, bore similar wounds and shared common stories. According to NGOs, prisoners claimed that guards routinely threatened, beat, and otherwise harassed them. According to a local prisoner advocacy NGO, 52 percent of the prisoners at the Conakry Central Prison displayed evidence of torture, including scars from cigarette and plastic burns, head injuries, burned hands, and skin lacerations. Prisoners were reportedly routinely tortured to extract confessions or to extort money.²

3.3 Sexual security.

Inmates are not at all protected against sexual abuse on the part of supervisors. The protection of men and women prisoners from other inmates is not enough. Homosexuality is indeed present in all prisons. HIV / AIDS is in full swing in prisons. Homosexuality is not recognized by the Guinean government and the practice is punished.¹

Reports from NGOs indicate prison guards routinely harassed and sexually assaulted female inmates. One NGO reported that girls under the age of 18 were regularly subjected to sexual exploitation and harassment by prison guards in exchange for favors, especially provision of additional food or water. According to a prisoner advocacy NGO, a prison administrator in Kankan routinely sexually abused a female prisoner serving out a life sentence, and she subsequently gave birth to a child during the year. No action was taken against the administrator by year's end.²

3.4 Correctional Officers.

The detention officers receive adequate training. The staff of detention facilities receives quality training with practical courses that emphasize the social character of their work. All these courses teach human rights and the principles of their function. What is important to emphasize is that these agents have no respect for texts and prisoners. Also, remember that Guinean prisons employ a large number of "volunteer" guards who have no training and are not paid by the State for the services they provide. Therefore, they engage in acts of fraud; they make money by extorting prisoners; they sell cigarettes; and some guards will use the placement cell with adults as a means of extortion.¹

3.5 Research and statistics.

The number of deaths is recorded with the circumstances of each death. University research on prisons in Guinea is not thorough. A local organization of Human Rights has reported that in 2005 in the Central Jail, about 8 people die every month from malnutrition. According to the same organization, an authority of the local prisons release prisoners who are about to die in order not to record their deaths in prison.¹

4. HEALTH SERVICES FOR INCARCERATED PERSONS

4.1 Health Care.

Prisons do not provide adequate health care to prisoners. There are no medical checks on arrival at the prison or upon release. The sanitary facilities in prisons are in default and overcrowding is very harmful to the health of inmates in prisons in the country. Epidemics crawl into cells.¹

In the country's prisons there is a bad diet. There is not enough water to drink let alone wash. One meal per day consists of two handfuls of rice watered with a spoon of palm oil or sauce. Inmates do not have their own bed and the adults emerge in the open air very rarely. Prisons do not provide clothes or soap for inmates. The lives of prisoners in Guinea are on the brink of survival. In the prison structures, there is neither light nor air enough for the prisoners. With the lack of food, and no medicine, epidemics spread rapidly. The water supply is almost non-existent in prison Faranah, where water is provided daily by tanker trucks.¹

NGOs reported endemic malnutrition throughout the prison system. On a routine visit to a small prison in Telimele, a medical doctor working for an NGO estimated that 10 of the prison's 12 inmates suffered from

life-threatening levels of malnutrition. Prisoners reported eating one meal a day consisting primarily of white rice and occasionally dried fish. Most inmates relied on assistance from families or friends to maintain their health, or benefited from NGO-sponsored nutrition programs. Guards often demanded bribes in exchange for delivering food to those incarcerated, and routinely confiscated food, which was seldom delivered to the intended beneficiary.²

Toilets did not function, and prisoners slept and ate in the same space used for sanitation purposes. Poor sanitation, malnutrition, disease, lack of medical attention, and poor conditions resulted in dozens of deaths. No estimates were available as to the nationwide mortality rate of prisoners, although a local prisoner advocacy NGO reported 92 deaths in Conakry's main prison during the year.²

In 2006 an international NGO reported the prevalence rate of HIV/AIDS among incarcerated male minors was as high as 50 percent, suggesting sexual abuse. A 2008 study by a local NGO reported skin lesions on 41 percent of juvenile inmates, which it attributed to sexual abuse.²

4.2 Women-Care.

Inmates have no access to gynecological and pediatric care before, during or after childbirth.¹

4.3 Mental Illness and Addictions.

Inmates with mental disorders are emotional, and sometimes receive care from competent staff.¹

5. RESTORATIVE PRACTICES

5.1 Rehabilitation Programs.

In detention facilities, there is no real curriculum and vocational training, there is no real program to develop a general knowledge for life. These existing programs can not bring the prisoner to a good rehabilitation. Due to this lack, detainees re-offend after their release from prison. They become dangerous to society. Inmates are not paid for the work they do. There is no service advisory or medical treatment. In reality we do not know other rehabilitation programs, and existing programs often do not work.¹

5.2 Reentry Programs.

There is no re-entry or rehabilitation assistance. An inmate, on the basis of its rehabilitation efforts, can not obtain an early or conditional release. There are criteria for early release especially because of presidential clemency. Inmates do not have the opportunity to leave prison for anything. They do not leave at the approach of their release. There is no half-way facility with semi-freedom. Once free, the prisoners are left to themselves, with no care or medical help. There is little family support, and even less help from the community, in the job search. There is no awareness of the re-entry process among families and the community. In Guinea, once out of prison, that's it; there is no therapy; there is no rehabilitation program for ex-offenders.¹

6. SOCIAL RIGHTS OF INCARCERATED PERSONS

6.1 Voting.

Prisoners, accused or convicted, have no right to vote. As soon as the prisoners, accused or convicted are free, they regain their civil and political rights including the right to vote.¹

6.2 Visitation.

The State provided no means of transport for visitors. There is the opportunity for inmates to be alone with some close family members. The detainees are not entitled to the phone; they have the ability to send and receive mail. Religious volunteers are encouraged to be present in prisons. Of course there are chaplaincy services in prisons.¹

The government permitted prison visits by the International Committee for the Red Cross (ICRC) and other local humanitarian and religious organizations which offered medical care and food for those in severe need. The ICRC was allowed regular access to all official civilian detention facilities; however, no international organization was permitted access to the military detention facilities. The ICRC continued partnership programs with prison and security authorities to improve prison conditions. During the year a local NGO attempted to visit a major military prison on Kosa Island, but government officials claimed that the facility was not a prison. The government generally provided open access to prisoners and allowed interviews to be conducted without the presence of prison guards or other government authorities, but only in civilian-run prisons.²

^[1] Guinea chapter of International CURE.

^[2] U.S. Human Rights 2008 Country Reports, <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119005.htm>