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Human rights situations that require the Council's attention

Written statement* submitted by International Educational Development, Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The Situation in Guinea**

International Educational Development and the Association of Humanitarian Lawyers welcome the first free and democratic presidential elections in Guinea's history since the country gained independence in 1958. We also are also pleased to note the opening of the OHCHR country office in Guinea, as announced by High Commissioner Pillay in her opening statement to the Council's 14th Session.

As we stated in our written statement A/HRC/13/NGO/38, our organizations attribute the unified response of the United Nations system to the massacre of 150 demonstrators by security forces on 28 September 2009 for the successful move to a transitional government in Guinea. The supportive response of the international community in the aftermath of the September violence and for pressure on Captain Camara for alleged human rights abuses, underscores the success of international action and solidarity, which we hope can also be addressed by the Council's Special Rapporteur on international solidarity. We note that the Council undertook its responsibility in this regard in adopting A/HRC/Res/13/21 of 26 March 2010.

Despite skepticism and recent general instability in the country, Guinea held its first democratic presidential elections, with the first round of voting on 27 June 2010. Former Prime Minister Cellou Diallo and veteran opposition leader Alpha Conde received the majority of votes, but the results require a run-off election, initially scheduled for 18 July 2010. The date for the second round of voting was initially postponed due to challenges contesting the election results, ultimately rejected by the Guinean Supreme Court.

The first round of voting was conducted in a relatively fair and transparent manner with the help of the OHCHR and international actors. Alpha Conde was concerned with malpractice at some polling stations, claiming "There were many false voting cards....but I want peace in this country and I am asking the people to stay calm."¹ No outbursts of post-election violence have occurred.

While the African Union urged Guinea to hold runoff elections as soon as possible, preferably before 22 August, the Electoral Commission has set the follow-up elections for 19 September 2010. Some critics have expressed concern that Jean Marie Dore's interim government has delayed elections to try and prolong its time in power. Our organizations did not agree with this assessment. Rather, we think the Electoral Commission took into consideration a number of issues, mostly related to logistics of carrying out another election only a few weeks after the first round in a country that has little experience with elections. As may be recalled, the Council, in its resolution 13/21, requested the international community to provide assistance to ensure the elections of 17 June 2010, but there was no mention of need for additional assistance in case of a need for a run-off. Even so, we assume that the international community, as well as the High Commissioner's office will again assist in any way requested by the Electoral Commission. We also note that presidential sources indicate that the second round of elections have been setback so as not to coincide with Ramadan, which began in mid-August.² We think this is an extremely valid reason to delay the run-off.

** The Association of Humanitarian Lawyers, an NGO without consultative status, also shares the views expressed in this statement. AHL researcher Mairi Sun assisted in the preparation of this document.

¹ <http://www.presstv.ir/detail.aspx?id=133618§ionid=351020506>

² <http://www.france24.com/en/20100809-run-off-elections-be-held-september-gonarky-guinea-diallo-conde-africa>

We also note that Guinea will be before the Council at this session under the Universal Periodic Review procedure. Unfortunately, the timing of this, albeit unexpected, will produce an outdated “snapshot” of the situation in Guinea, as the Working Group for Guinea met at a time of great transition. Accordingly, the Working Group’s report cannot reflect the actual situation. Also, the UPR session will take place during the run-off election and with the interim government as the respondent government. We wonder how a meaningful UPR outcome report will be possible. While this is, perhaps, an unusual situation, it may not be unique as the UPR process continues, so how the Guinea issue is addressed may form an unintended precedent. The Council may wish to consider whether it wishes to carry on with the UPR process when major changes occur in a country in the midst of that process.

We fully support the High Commissioner and her office as they carry out their work to assist the new government of Guinea as it pursues, in conformity with the Declaration of Ouagadougou, restructuring of the judicial system and reforms of the armed and security forces to strengthen the enforcement of human rights law. As always, we urge the High Commissioner’s engagement with national and local human rights groups, not only for their valuable insights into the national and local situation but also to ensure that these groups, not outside human rights groups (including our own), are given the leadership role in articulating key issues in Guinea and suggesting and crafting viable rights-based solutions. We hope that ways can be found to ensure the participation of Guinean human rights groups at the Council when the High Commissioner reports to it at its 16th session in March 2011.
