

GUINEA

Guinea is a state party to the United Nations Convention Relating to the Status of Refugees and its Protocol, as well as to the International Covenant on Civil and Political Rights and its First Optional Protocol. According to the U.S. Committee for Refugee's latest World Refugee Survey 2002, there were approximately 390,000 refugees and asylum seekers in Guinea in 2001, with approximately 300,000 from Sierra Leone and 90,000 from Liberia¹. 1, 129 people have applied for asylum in Guinea according to UNHCR since January 1, 2001 and since that time 1,187 asylum seekers have been recognized as refugees.²

Refugees and asylum seekers have been routinely subject to arbitrary arrest and detention. As detailed in a July 2001 report issued by Human Rights Watch, detention of asylum seekers and refugees has occurred primarily at the border areas and roadblocks, where Guinean authorities conduct security checks³. However, larger groups of refugees have been detained *en masse* during periods when Guinea has been vulnerable to cross border attacks by rebel factions.

In September 2000, after a series of cross border attacks by rebels from Liberia and Sierra Leone, approximately 3,000 refugees were detained⁴. Some were released days later, but arbitrary arrests of refugees continued throughout 2001. In March 2001, Guinean authorities questioned and detained approximately 450 refugees in the area of the Massakoundou refugee camp after rumored rebel attacks. They were later released under pressure from UNHCR.⁵

At borders and checkpoints in Guinea, refugees have been detained. The Guinean government has deployed military personnel to checkpoints and borders to screen refugees in order to prevent rebel infiltration. There has been generally no oversight of the screening practices during security checks. Guinean army, police, and civil defense

¹ U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2002 at 61, *available at* <http://www.refugees.org/WRS2002>. (Immigration and Refugee Services of America 2002) [hereinafter USCR WORLD REFUGEE SURVEY 2002].

² UNHCR, 2001 UNHCR Population Statistics Provisional, Table 15, *available at* <http://www.unhcr.ch/cgi-bin/texis/vtx/home?page=statistics> (last accessed Sept. 16, 2002).

³ Human Rights Watch, GUINEA: REFUGEES STILL AT RISK: CONTINUING REFUGEE PROTECTION CONCERNS IN GUINEA (Vol. 13, No. 5 (A), July 2001) *available at* <http://www.hrw.org/reports/2001/guinea/> (last accessed Sept. 16, 2002) [hereinafter Guinea: Refugees Still At Risk].

⁴ U.S. Department of State, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2000 (2001), *available at* <http://www.state.gov/g/drl/rls/hrrpt/2000/af/806.htm> (last accessed Sept. 16, 2002).

⁵ UNHCR, GUINEA: MASSAKOUNDOU DETAINEES RELEASED (March 29, 2001), *available at* <http://www.unhcr.ch/cgi-bin/texis/vtx/home/+vwwBm2evEudwwwbwwwwwwhFqnN0bItFqnDni5AFqnN0bIcFq3t1oDnwamnBwoDnn5Dzmxwwwwww/opendoc.htm> (last accessed Sept. 16, 2002)

force members can accuse and arrest refugees they believe to be rebels. Those accused of being rebels are detained and have been subject to abuse and torture. They can be held without being charged and without evidence against them.⁶ Individuals who are deemed suspicious are detained, usually for periods from a few minutes to a few days or longer. There are credible reports that refugees are sometimes held for months.⁷ There is no limit on their period of detention⁸ and there are no protections to secure for their release.⁹ Some refugees pay bribes to Guinean security forces in order to secure their release from detention.¹⁰ According to a representative of a Guinean non-governmental organization, arrest and detention of asylum seekers are completely arbitrary. In no Guinean legislative text does it indicate to arrest asylum seekers.¹¹

Is there independent review of the detention decision? No.

As noted above, there are no due process safeguards to prevent arbitrary detention. If the detainee has money, he or she may be freed quickly if he or she pays money to bribe the security forces.¹²

Are there limits on the period of detention? No.

Is there periodic review of detention?

From our research and inquiries, there does not appear to be any periodic review of detention.

Is there government-funded legal aid? No.

Vulnerable groups:

Women refugees in detention are particularly vulnerable, as they are often subject to rape and sexual violence by Guinean authorities.¹³

⁶ GUINEA: REFUGEES STILL AT RISK, *supra* note 3.

⁷ *Id.*

⁸ E-mail from Souleymane Bah, ORGANISATION GUINÉENNE DES DROITS DE L'HOMME (OGDH) and WEST AFRICAN REFUGEES AND INTERNALLY DISPLACED PERSONS NETWORK (WARIPNET) to Anna Mecagni, Lawyers Committee for Human Rights (August 29, 2002 08:07 EST) (on file with Debevoise & Plimpton) [hereinafter OGCH & WARIPNET Correspondence].

⁹ GUINEA: REFUGEES STILL AT RISK, *supra* note 3.

¹⁰ Amnesty International, GUINEA AND SIERRA LEONE: NO PLACE OF REFUGE (October 2001), available at <http://web.amnesty.org/ai.nsf/Index/AFR050062001?OpenDocument&of=COUNTRIES\SIERRA+LEONE> (last accessed Sept. 16, 2002) [hereinafter No Place of Refuge].

¹¹ OGCH & WARIPNET Correspondence, *supra* note 8.

¹² *Id.*

¹³ NO PLACE OF REFUGE, *supra* note 10.