MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on Guinea-Conakry, notably violence towards protesters (2020/2551(RSP))

on behalf of the Renew Group
European Parliament resolution on Guinea-Conakry, notably violence towards protesters
(2020/2551(RSP))

The European Parliament,

- Recalling its previous resolutions on Guinea-Conakry,
- Having regard to the Cotonou Partnership Agreement signed in June 2000,
- Having regard to the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966),
- Having regard to the African Union Charter on Human Rights and Peoples’ Rights,
- Having regard to the Constitution of the Republic of Guinea,
- Having regard to the Statement of the ACP-EU JPA on the 31st of October 2019,
- Having regard to the ECOWAS Treaty,
- Having regard to the United Nations concluding observations on the third periodic report of Guinea (CCPR/C/GIN/CO/3),
- Having regard to Rule 144 of its Rules of Procedure,

A. Whereas, there have been mass demonstrations in Guinea since mid-October 2019; Whereas, these protests concern a Constitutional reform, amid opposition fears that President Alpha Conde will seek to extend his constitutional powers; whereas the President’s second and final five-year term in office is coming to an end; whereas, President Alpha Conde, published a draft Constitution in January 2020; whereas this constitutional reform would extend the limit of two presidential terms to three; whereas the current President Alpha Conde has announced that he will be seeking a third term in office;

B. Whereas, the political violence, due to civil unrest ahead of national elections and a referendum on the constitution on the Republic of Guinea is further fuelled by ethnic tensions; whereas Guinea already suffered in the past from ethnic violence for instance during Guinea’s first democratic elections in 2010

C. Whereas during the elections of the Republic of Guinea, there were numerous accusations of fraud by opposition parties; Whereas several independent international observers such as the United Nations and ECOWAS noted significant irregularities during these parliamentary elections, that led to some votes not being counted; whereas despite these accusations, the election result of was upheld by the Supreme Court of the Republic of Guinea; whereas violent protests during a parliamentary election in 2018 left 12 dead and many more wounded;

D. Whereas, the Republic of Guinea is classified as a Least Developed Country (LDC);
E. Whereas, under Guinea's current Constitution, in order to amend the Constitution a two-thirds majority in parliament is required; whereas, currently, President Alpha Conde's ruling party Rassemblement du peuple de Guinee does not currently hold a majority to seek a third term in Parliament, as required;

F. Whereas, the country was scheduled to hold new parliamentary election on the 16th of February 2020; whereas these polls were already scheduled to be held in late 2018 but the electoral commission delayed the vote for "technical" reasons; whereas a presidential election is scheduled sometime later this year, as well as a possible referendum on the Constitution;

G. Whereas, overriding Guinea’s Constitutional Court and the Electoral Commission (CENI), is a deeply problematic development that risks further triggering a constitutional crisis and political instability; whereas a constitutional reform with the sole purpose of extending a presidential term for Alpha Conde risks sparking violence as a result;

H. Whereas, recently, the President has also endeavoured to subvert institutional barriers to his reform by influencing 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 constitutional changes allowing for a third Presidential term;

I. Whereas, in September 2018, the Government decided a ban on public protest until further notice that goes against freedom of expression; whereas three protests have taken place since the invocation of this ban; whereas the Guinean government has deployed severe security measures ahead of protests on the 14th of January 2020;

J. Whereas in July 2019, the National assembly passed a law that expands on existing laws on the use of firearms "in the event of a terrorist attack, an offensive launched against the gendarme soldiers on mission. State, armed robberies and disobedience of stop orders by the drivers of vehicles, boats or other means of transport whose occupants are likely to perpetrate in their flight"; whereas these provisions are perceived as giving a green light to disproportionate use of force;

K. Whereas, Guinea's government said, it will respond strongly to any violence at opposition rallies, accusing the organisers of wanting to plunge the country into "disorder"; Whereas government security forces have deployed in neighbourhoods held by protesters of opposition groups in Conakry;

L. Whereas opposition parties such as the FNDC accused government security forces in these areas of indiscriminate killings, arbitrary arrests and intimidation of political dissidents; whereas the people of Guinea have increasingly become subject and vulnerable to politically motivated violence, arbitrary arrests and intimidation; whereas perpetrators of politically motivated killings in previous periods of civil unrest in 2017 and 2018 were acquitted without a due and independent trial; whereas there continues to be an atmosphere of impunity and lack of accountability of human rights abusers in the Republic of Guinea; whereas several human rights abusers during the civil unrest of 2009 have still not stood trial;
M. Whereas, the state judiciary continues to face serious shortcomings, ranging from lack of resources and material, to a lack of accountability;

N. Whereas on the 14th of January 2020, two people were killed during the open-ended protests; whereas during a demonstration on the 30th of January in the capital, Conakry, at least 12 people were wounded, while hundreds of protesters have been jailed; whereas, according to Human Rights Watch (HRW), six civil society leaders and opposition leaders are among hundreds detained; whereas on May 31st of 2018, a student protester was killed by security forces; whereas since protests began in October 2019, more than 20 civilians and one gendarme have been killed in clashes between protesters and security forces;

O. Whereas, opposition groups vowed they will continue marching despite bans and measures to restrict public manifestations; whereas opposition groups have claimed they will hold "huge" and "open-ended" protests; whereas these protests heighten fears of increased violence;

P. Whereas, opposition parties, at present, refuse to take part and vote in a new parliamentary election, threatening to stop the referendum from taking place; whereas according to opposition leader Cellou Dalein Diallo, opposition parties have vowed to prevent the referendum for constitutional reform and the subsequent elections under a changed constitution from taking place;

Q. Whereas, a solution to the current crisis can only be found in an open and accessible inter-Guinean dialogue between government and opposition groups; whereas press-freedom in the Republic of Guinea is enshrined in the 2010 constitution of Guinea, but attacks and harassment of independent journalists and media houses persist; whereas in 2016, the maximum punishment for defamation or insult of public figures, was increased to 5 years in prison; whereas a similar legislation criminalizes online expressions of defamation or insult of public figures; whereas this severely restricts online freedom of speech, opinion and expression; whereas state censorship remains a continual practice in the Republic of Guinea;

R. Whereas, social and political stability, good governance and peace and prosperity go hand in hand with freedom of speech, freedom of the press and freedom of assembly; whereas civil society space in the Republic of Guinea is severely restricted and lacks public participation; whereas freedom of expression, freedom of speech and access to information are vital to ensuring free and informed elections; whereas free, independent and non-partisan journalism represents an extension of the fundamental human rights of freedom of speech and therefore enables informed and free elections;

1. Deplores that, Guinea's electoral history has been marked by violence, which has cost the lives of hundreds of people;

2. Expresses deep concern about the intention by the Guinean government to reform the constitution for the purpose of allowing a third term for President Alpha Conde; Calls on Guinean authorities, therefore, to thwart any efforts to change the constitution, as set out in 2010, for the sake of reelection; Urges Guinean authorities
to take all necessary measures to ensure that the Independent National Electoral Commission (CENI) remains neutral and impartial;

3. Expresses concern over the recent developments in the Republic of Guinea, which were characterised by rising political tension and violence that led to the loss of many lives since October 2019;

4. Emphasises the need for an inter-Guinean dialogue; Notes the role that can be played by the African Union and countries neighbouring the Republic of Guinea in encouraging and maintaining inter-Guinean dialogue; Urges Guinean authorities to implement the political agreement of 12 October 2016 and to resume peaceful political dialogue between the ruling party and the opposition groups; Calls on the Economic Community of West African States (ECOWAS) to work closely with Guinean authorities to establish a peaceful dialogue and aid in preventing the escalation of violence and worsening of the current crisis;

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 and show responsibility and to engage in a constructive dialogue, in order to achieve a lasting, consensual and peaceful solution; Calls on the EU to continue its efforts to strengthen the role of civil society and encourage non-state actors to play an active role;

6. Urges the government to ensure respect for the fundamental right to freedom of assembly and freedom of expression of all Guineans; in this respect, urges the government of Guinea to lift measures that restrict or obstruct the work of civil society, especially with regards to ensuring freedom of speech; encourages, therefore, the engagement with and protection of civil society by Guinean authorities; calls on Guinean authorities to respect and ensure the provisions for freedom of assembly and associations as set out in the Associations Act of 4 July 2005;

7. Condemns the violence and human rights abuses perpetrated by Guinean government security forces and others; Urges the Guinean authorities to uphold the highest standards of justice and to conduct independent investigations into any and all human rights violations committed by its security forces and to combat impunity; urges Guinean authorities to investigate and prosecute all perpetrators of death or injury as a result of the national elections in February 2018 as well as politically motivated crimes during recent clashes; calls on the Guinean government authorities to ensure that jailed opposition leaders have access to a fair and independent trial; urges the Guinean government to strictly abide by the UN Principles of the Use of Force and Firearms;

8. Calls on the immediate release of protestors and those detained for the exercise of their right to freedom of assembly, protest and freedom of speech;

9. Deplores the lack of a fair, transparent and independent judicial process by the Guinean government; Urges the international community, such as the European Union, the African Union and the United Nations, to call on and work closely with Guinean authorities to bring perpetrators of human rights abuses to justice; calls on the Guinean government to establish an independent jury and panel of investigation
to prosecute violations of human rights by national security forces and to hold unlawful acts by the gendarmerie to account;

10. Call for Guinean authorities to meet the June 2020 deadline announced by Guinea's justice minister as the latest time by which the trial of the September 28, 2009 trial will commence, irrespective of any eventual protests around the planned-2020 presidential elections;

11. Urges Guinea to uphold the highest standards of human rights as enshrined in the ICCPR, to which they are a state party; urges, equally so, for the promotion and protection of the principles of rule of law, freedom of expression, freedom of assembly and good governance; calls on Guinean authorities not to jail civilians or journalists on the basis of expressions of defamation;

12. Calls on Guinean administrative authorities to abide by their neutrality and impartiality during local elections, as set out within the framework of their duties as public authorities;

13. Calls on the EU to establish an Intensified Political Dialogue with Guinea, within the framework of the Cotonou Agreement, in an effort to work towards an effective, tangible and sustainable solution;

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

15. Urges that the coming electoral process be conducted in the presence of credible and transparent international observers who are free to act and share their independent observations; Expresses its readiness to assist such an election process if conditions are met and calls on the VP/HR to deploy a fully-fledged EU Election Observation Mission;

16. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the African Union, ECOWAS, the United Nations Secretary-General, UN Human Rights Office, in Guinea, the Special Representative of the Secretary General for West Africa and the Sahel, and the African Commission on Human and Peoples' Rights.