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## CORRELATES OF VIOLENCE IN GUINEA'S MAISON CENTRALE PRISON: A STATISTICAL APPROACH TO DOCUMENTING HUMAN RIGHTS ABUSES

Ronald E. Osborn

### ABSTRACT

*Les Mêmes Droits Pour Tous (MDT) is a human rights NGO in Guinea, West Africa that focuses on the rights of prisoners in Maison Centrale, the country's largest prison located in the capital city of Conakry. In 2007, MDT completed a survey of the prison population to assess basic legal and human rights conditions. This article uses statistical tools to explore MDT's survey results in greater depth, shedding light on human rights violations in Guinea. It contributes to human rights literature that argues for greater use of econometric tools in rights reporting, and demonstrates how human rights practitioners and academics can work together to construct an etiology of violence and torture by state actors, as physical violence is perhaps the most extreme violation of the individual's right to health.*

### INTRODUCTION

Les Mêmes Droits Pour Tous (MDT) is a grass-roots human rights NGO in Guinea, West Africa, that focuses on the rights of prisoners in Maison Centrale, the country's largest prison, located in the capital city of Conakry. In 2007, MDT completed a survey of the prison population to assess basic human rights conditions, including levels of illegal detention, levels of pre-charge violence by police and gendarmerie, and access to legal representation by prisoners. The results, which I helped gather in the summer of 2007 while working with MDT (French for "the same rights for all"), reveal that the rights of prisoners in Maison Centrale are widely and systematically denied at every level of Guinea's criminal judicial process. The mere fact of being arrested results for many in unlawful pre-charge detention, violence by state authorities, and/or exposure to improper court proceedings without access to legal representation. The MDT survey did not directly ask prisoners questions about their health apart from whether or not they had experienced physical violence at the time of their arrest. However, MDT's other work in the prison, in partnership with the International Committee of the Red Cross (ICRC), shows that the denial of legal rights to prisoners results in systematic violations of their medical rights as well.

The MDT survey — which offers the most complete picture currently available of the treatment of prisoners in Guinea and possibly in any country in the region — demonstrates that statistical data, although often difficult to obtain, can be gathered on human rights questions in the West African context. Given that physical violence is perhaps the most direct assault on an individual's health and personhood, the MDT data can be fit to tools of regression analysis in order to determine correlates of violence and torture by state actors. This article argues for greater use of econometric tools in rights reporting as well as closer partnerships between rights practitioners and academics.<sup>1</sup> It also sheds new light

on the scale and nature of human rights violations in Guinea, which will hopefully lead to greater involvement by local organizations, state actors, and members of the international community in ensuring that the legal as well as medical rights of Guinea's prison populations are protected.

#### GENERAL BACKGROUND TO HUMAN RIGHTS WORK IN GUINEA

Guinea was the first country in Francophone West Africa to gain its independence, voting alone among France's colonies in 1958 for full and immediate autonomy rather than continued association with France in the Franco-African Community, as was urged by Charles de Gaulle at the time. France reacted swiftly and vindictively to Guinea's decision. All French aid to Guinea was cut off, and French teachers, businessmen, engineers, and civil servants — including the army doctors responsible for providing health services to the civilian population — left the country in a mass exodus, carrying whatever property they could with them and destroying whatever they had to leave behind. Offices were stripped of their furniture, telephones, and even light bulbs; government files and records were burned; the windows of police stations were smashed; and the French doctors took with them most of the country's remaining medical supplies.<sup>2</sup>

Over the next two decades, Guinea's first president, Ahmed Sékou Touré, pursued a disastrous Marxian economic policy while maintaining a brutal, autocratic rule. Soviet-style show-trials, public executions staged as carnival spectacles, arbitrary imprisonment, and torture became regular features of Guinean life. More than 50 of Touré's ministers served prison sentences, many of them dying or "disappearing" in jail. Purges of intellectuals, trade union leaders, and the professional classes (accused by Touré of being pro-French conspirators) resulted in approximately one million Guineans — one fifth of the population — fleeing as refugees to neighboring African countries.<sup>3</sup> Among Touré's more famous victims was Diallo Telli, who had served as the first secretary-general of the Organisation of African Unity. Telli was tortured and then executed at the notorious Boiro Prison in a special section reserved for the punishment of *la diète noire* — the "black diet," or death by starvation.<sup>4</sup>

In 1984, Touré died while undergoing heart surgery in the United States. One of his generals, Lansana Conté,

seized power shortly afterward in a bloodless *coup d'état* and ruled Guinea in a military-style dictatorship until his death from natural causes in 2008. Although Conté condemned the human rights abuses of the Touré era and introduced important political and economic reforms, his regime was marked by similar systematic rights violations, repression, corruption, and atrocities enacted with impunity by the military and police.<sup>5</sup>

A nationwide strike in June 2006 to protest rising basic commodity prices was met with a brutal crackdown in which soldiers and police fired into crowds and committed widespread rape and assault. Amid rumors that Conté's health was failing early in the following year, tens of thousands of Guineans once more took to the streets of Conakry and other major cities in the largest demonstrations in the country's history. The slogan they chanted was a single word, *changement* — change. The events that followed, however, fit the familiar pattern, with state authorities using violence to prevent any change that might threaten their control. The government once more dispatched a coalition of army, police, and gendarmerie (military with police duties) who, after several weeks of tense standoffs, broke the national strike by gunning down unarmed civilians as they marched and by committing beatings, rape, and theft of bystanders in full public view. According to the government's own reports, at least 129 were killed and 1,700 wounded in the crackdown nationwide, although the actual numbers may be much higher.<sup>6</sup>

Within six hours of the televised announcement of Conté's death, in December 2008, a military captain, Moussa Dadis Camara, staged yet another military coup in the name of maintaining public order, promising democratic elections in which he would not run for office in the coming year. When Camara reneged on his pledge to hold elections, opposition groups and members of civil society organized pro-democracy protests that culminated in a rally at the national stadium in Conakry on the morning of September 28, 2009. The event was led by respected political, community, and union leaders and was attended by tens of thousands of people. Just before 11:30 that morning, several hundred Presidential Guard troops supported by gendarmes, police, and irregular militia encircled and stormed the stadium, spraying the crowd with bullets. More than 40 women and girls were stripped and raped by police and soldiers on the stadium grounds and

in the surrounding streets as they tried to flee. The area was then sealed off by the Presidential Guard in a well-orchestrated and seemingly premeditated operation to dispose of the bodies. Over 150 people are known to have been killed and 1,500 wounded in this September 28 “Bloody Monday” massacre.<sup>7</sup>

Camara was wounded in an assassination attempt by a group of his own bodyguards in December 2009 and was flown to Burkina Faso for medical treatment, where he has remained in exile. In January 2010, the military junta appointed an interim government and announced democratic elections in June and July. However, the second round of voting was delayed until September due to allegations of electoral fraud in the first round of voting. Meanwhile, the perpetrators of the Bloody Monday massacre, who included senior level military officials believed to have planned the assault, remain unpunished.

#### BACKGROUND TO THE MDT STUDY

As a grassroots human rights organization, Les Mêmes Droits Pour Tous was formed and began its advocacy work on behalf of Guinea’s prison population during the time when many of these events were unfolding. One of its co-founders (and the author’s sister), Kimberly Osborn-Kim, was an intern with the Adventist Development and Relief Agency International (ADRA) in 2005. During her work with the international development NGO, she visited Maison Centrale prison in downtown Conakry and observed the prisoners’ conditions of severe overcrowding, poor sanitation, and lack of basic medical care. Osborn-Kim made contact with Foromo Frédéric Loua, a Guinean lawyer who was interested in establishing a human rights NGO in the country, and together they began to visit the prison on a regular basis to identify cases of illegal detention that might be brought to trial. MDT was officially registered as a nongovernmental organization with the Guinean government in May 2005. Through the efforts of the ADRA intern and Mr. Loua, MDT’s founding president, a partnership was initiated with ADRA that very month to establish a prisoner advocacy center at Maison Centrale. MDT’s early work included providing photographs and critical information on conditions inside Guinea’s prisons to Human Rights Watch for its August 2006 report, titled *The perverse side of things*.<sup>8</sup>

ADRA closed its operations in Guinea in September 2006. But through the volunteer work of MDT’s

staff and the fundraising efforts of the intern among private donors in the United States, MDT was able to reopen the advocacy center and continue its operations. In October, MDT reached a special agreement with the Ministry of Justice granting the organization unrestricted access to all of Guinea’s prisons. Starting in 2007, human rights lawyer Eric Guttschuss (now a researcher with Human Rights Watch) spent more than one year offering technical and advisory assistance to MDT in Conakry based on his extensive prior experience in Africa. With Guttschuss’s help, the NGO significantly developed its capacity and received a grant from the National Endowment for Democracy to continue and expand its work in Guinea’s prisons.

MDT is currently the only organization in Guinea providing free legal aid to adult prisoners. As of January 2009, it had secured the release of more than 400 prisoners who were illegally detained by authorities or were suffering from severe malnutrition and illness. Since 2007, MDT has also assisted victims of human rights abuses normally denied access to legal remedies in Guinea, including victims of torture and gender-based violence.

#### METHOD

For two weeks in June 2007, three interviewers from MDT who had extensive prior experience working in Maison Centrale prison conducted a survey, designed by Guttschuss, of adult (male and female) and juvenile inmates (included in Table 1). The survey aimed to assess basic legal and human rights issues facing prisoners, including levels of illegal detention, pre-charge violence by police and gendarmerie, and access to legal representation. The survey gathered responses to 20 questions from 733 individuals, or 95% of an estimated total prison population of 773 persons (684 adult male prisoners, 22 adult female prisoners, and 67 juveniles).<sup>9</sup> Interviews were conducted under less-than-ideal circumstances, in the hallways of the cellblock. However, the survey was administered outside the direct presence of prison officials. Survey responses were verbally reported by the prisoners and recorded by interviewers using a coding system with values between zero and two.

My direct involvement with MDT began in the summer of 2007. Through a grant from the Unruh Institute of the University of Southern California, I was able to spend two months working with MDT,

Table 1. MDT survey form for Maison Centrale prisoners, June 2007

No.	A1	Calle	A2	Nom	A3	Prénom	A4	Age	A5
Date d'arrestation	B1	Police (0) ou gendarmerie (1)	B2	Nom du commissariat ou gendarmerie	B3	Durée de detention (jours)	B4		
Violence physique Durant la detention (non=0, ou=1)	C1	Cicatrices et/ou autres visible (non=0, oui=1)	C2	Cicatrices et/ou autres benign (0), grave (1)	C3	Cicatrice avant-bras (0), autre (1), ou les deux (2)	C4		
Mandat de dépôt	D1	Infraction	D2	Tribunal TPI-1 (1), TPI-2 (2), TPI-3 (3) ou autre (4)	D3				
Jugé (non=0, oui=1)	D4	Si jugé, peine [mois, perpétuité (P), ou peine de mort (PM)]	D5	Si jugé, avec avocet au process (non=0, oui=1)	D6	Si non jugé, avocet (non=0, oui=1)	D7		
Note explicative	E1								

including helping to statistically analyze its survey. After the survey was entered into a database, I spent several weeks working closely with MDT staff in Conakry, checking for possible data entry or other errors and analyzing the results. Together with the MDT interviewers, I was able to return a number of times to Maison Centrale — which is approximately 10 minutes walking distance from MDT’s office — to re-interview prisoners and confirm, complete, or correct survey forms.

This article illustrates the findings I obtained, using the statistical regression program STATA to analyze the MDT survey in greater depth; the analysis focused in particular on the question of correlates of violence by state authorities against prisoners. Because my dependent variable was dichotomous (either “yes” or “no” in response to the question “Did you experience violence by the police/gendarmerie?”), I used logit regression in an effort to answer the question: What are the most statistically significant variables in prisoner reports of violence by authorities during or shortly after their arrests?

**INTERPRETING THE RESULTS: ILLEGAL PRE-CHARGE DETENTION**

According to Guinea’s penal code, “Code de Procédure Pénale de la République de Guinée” (hereafter CPPRG), an individual arrested for an

alleged crime must be charged with a crime within 48 hours of his or her arrest.<sup>10</sup> Of the 733 prisoners included in the survey, however, 92% (671) reported being held by police or gendarmerie for more than 48 hours without charge (see Table 2). The median pre-charge detention time was 11 days and the mean pre-charge time was 25 days. Five prisoners reported being held for more than one year before being charged with a crime, with a maximum pre-charge detention time of more than two and a half years (915 days).

Data on pre-charge detention times were gathered by asking prisoners two separate questions: the date of their arrest and their *mandat de dépôt* (date of charge). Almost all prisoners were able to give a precise *mandat de dépôt*, since this is the date from which prison sentences officially begin according to Guinean law, and it therefore determines how much remaining time prisoners must serve. On the other hand, many prisoners were uncertain of the exact date of their arrest, although in most cases they were able to give close estimates. As a separate question, prisoners were asked how long they had been held in police custody before being charged. Their answers to this question were checked for accuracy against the two dates they had provided. In many cases, the reported dates of arrest and charge and the estimated pre-charge detention times closely or exactly matched, suggesting that prisoners are able

to recall chronological details of their arrest and honestly and accurately responded to these questions on the survey. In cases where a prisoner was unable to give an exact date of arrest but could give an exact *mandat de dépôt* and approximate length of detention, interviewers counted back from the *mandat de dépôt* to determine the approximate arrest date.

#### CORRELATES OF VIOLENCE IN MAISON CENTRALE: FOUR POSSIBLE EXPLANATIONS

Guinea's domestic law contains guarantees that prisoners will be protected from violence and torture by state authorities (for example, "Loi Fondamentale de la République de Guinée, Art. 6"). Guinea has also ratified (on November 9, 1989) the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>11</sup> Yet the rights of prisoners to be protected from violence and torture are routinely violated. More than half of all prisoners at Maison Centrale (52%) reported physical violence by members of the police or gendarmerie at some time after being arrested and before being charged and sent to Maison Centrale. More than one-quarter (29%) of all prisoners were able to show visible scars on their bodies from alleged police brutality. Almost all scars shown to interviewers by prisoners were consistent with prisoner narratives, while a significant number of scars were typical or diagnostic of the trauma described.<sup>12</sup> Many prisoners, for example, exhibited immediately visible, raised lesion scars in parallel lines across both forearms caused by behind-the-back binding and/or suspension (known as "Palestinian suspension" in human rights literature). The locations and patterns of these scars or injuries could not have been caused by any known skin disease and are considered by

human rights medical examiners to be one of the most conclusive evidences of torture.<sup>13</sup>

Although some prisoners may have falsely alleged violence by the authorities, it is reasonable to conclude that the high levels of violence reported by prisoners in Maison Centrale demonstrate that such violence is in fact occurring in Guinea and that the survey offered an accurate picture of relative levels of violence even if not their absolute numbers. If individuals detained by a particular station are more than twice as likely as others to report violence, for example, this strongly suggests that the station is engaging in violence towards detainees at a much higher rate than elsewhere.

There are at least four possible and plausible correlates of violence against prisoners that can be analyzed from the MDT survey and using econometric tools: 1) crime type, 2) age, 3) station, and 4) ethnic-tribal cleavages. Each of these is further discussed below.

#### *Crime type*

The MDT survey shows that among the Maison Centrale prison population there is a significant association in levels of reported violence with the nature of the crimes with which prisoners are charged (see Table 3). Whereas 41% of prisoners charged with minor crimes (such as petty theft, fraud, and drug use) reported suffering violence during or after their arrest, 69% of those charged with serious crimes (such as murder, rape, and armed robbery) reported violence by authorities. Of the former group, 20% showed visible scars from the alleged violence to interviewers while, of the latter group, 45% did. Controlling for the independent variables

Pre-charge detention time	#	days	%
Median pre-charge time		11	
Mean pre-charge time		25	
Prisoners (of 733 total) held > 48 hours without being charged	671		92
Prisoners (of 733 total) held > 1 year without being charged	5		
Maximum detention time without charge		915	
Mean pre-charge time for minor crimes		17	
Median pre-charge time for minor crimes		10	
Mean pre-charge time for serious crimes		37	
Median pre-charge time for serious crimes		14	

Table 3. Pre-charge violence by police or gendarmerie (totals)

Pre-charge violence reported or scars observed	#	%
Prisoners reporting pre-charge violence by authorities	380	52
Prisoners with visible scars or injuries from alleged violence	215	29
Prisoners charged with minor crimes who report violence	188	41
Prisoners charged with minor crimes with visible scars	89	20
Prisoners charged with serious crimes who report violence	192	69
Prisoners charged with serious crimes with visible scars	126	45

for tribe, age, and arresting station (with minor crimes being coded as “0” and serious crimes as “1”), logit regression confirms that being charged with a serious crime has a positive (coefficient = 1.079462) and highly significant association ( $P > |z| = 0.000$ ) with reports of violence. This may reveal that the arresting police or gendarmes often presume that prisoners are guilty before they are tried and inflict extra-judicial “punishments” according to the perceived severity of the crime. As some prisoner narratives suggest, it may also be that authorities inflict greater levels of violence on prisoners in more serious criminal cases in order to extract confessions of guilt or to obtain information related to the crime, such as names of accomplices.

*Age*

The ages of the prison population included in the MDT survey ranged from 13 to 75 years. Of these, 77 (11%) were under the age of 18 and thus juveniles according to international law; 447 (61%) were between the ages of 18 and 30; 141 (19%) were between the ages of 31 and 40; 45 (6%) were between the ages of 41 and 50; and 23 (3%) were above the age of 50. The survey reveals that juvenile prisoners were likely to report violence by authorities (52%) in violation of United Nations resolutions protecting minors.<sup>14</sup> Non-juvenile prisoners aged 30 years or younger were the most likely to report violence by authorities at the time of their arrest (54%). However, there was a decline in reports of violence among prisoners above 50 years of age (although this is also a much smaller sample group), perhaps reflecting traditional Guinean values of respect for elders (see Table 4). Controlling for other independent variables, logit regression confirms that age has a negative (coefficient = -0.325848) and highly significant effect ( $P > |z| = 0.000$ ) on reports of violence; younger prisoners were more likely to report violence by authorities than older ones,

regardless of their tribe, the police or gendarmerie station conducting the arrest, or the type of crime they were charged with.

*Arresting station*

MDT interviewers found no evidence of direct physical violence or abuse being regularly committed against prisoners by officials or guards working *inside* Maison Centrale. Acts of violence against prisoners were typically committed by police in holding cells at local stations prior to prisoners being charged and transferred to the prison. In addition to establishing a strong correlation between crime types and violence against prisoners, the survey shows that illegal pre-charge detention and violence are more frequently used by some police stations than others (see Table 5). For example, prisoners held at station BRB prior to being transferred to Maison Centrale were more than twice as likely to show visible scars to interviewers than prisoners held at Belle-vue, DCPJ, Kaloum, or Petit Simbaya. They were more than nine times more likely to show scars than prisoners held at Mafanco. The highest levels of violence were reported by prisoners held at BSIP station prior to being charged and transferred to the prison. Eighty-four percent of BSIP prisoners reported violence by arresting authorities, often naming the same specific individuals involved in the acts of violence or torture. More than three quarters of BSIP prisoners who alleged violence (76%) were able to show visible scars that they say were inflicted at the station. BSIP prisoners were also subjected to the longest periods of unlawful pre-charge detention (an average of 30 days). Of gendarmerie stations, the highest levels of scarring were shown for Mobile No. 3, although prisoners processed at Mobile No. 1 reported the highest levels of violence and unlawful pre-charge detention.

It is not possible from these facts alone, however, to conclude that the station was statistically the

Age of prisoner reporting violence	#	%
Under age 18	40	52
Age 18–30	243	54
Age 31–40	74	52
Age 41–50	20	44
Over age 50	3	13

Number of cases by station		Unlawful pre-charge (PC) detention			By violence and crime type (%)		
Police station	Cases (#)	Mean (#)	Median (#)	Illegal detention (%)	Reporting violence	with visible scars	charged with serious crimes
Belle-vue	33	9	7	97	28	19	27
Bonfi	12	10	8	67	42	33	0
BRB	84	26	14	93	64	46	63
BSIP	74	37	30	95	84	76	69
DCPJ	39	12	8	92	38	21	36
Dixinn	10	6	5	60	10	10	20
Kaloum	20	13	9	85	30	20	20
Mafanco	19	11	7	89	26	5	11
Matoto	62	17	31	100	56	26	24
Petit Simbaya	64	15	32	84	56	19	31
Ratoma	13	10	7	92	31	8	15
Others	104	16	7	83	51	27	38
TOTALS (police)		19	11	89%	54%	33%	40%
<b>Gendarmerie</b>							
Entag G	31	7	6	97	26	6	26
Mobile No.1	17	29	16	100	53	18	65
Mobile No. 2	40	13	10	95	48	15	33
Mobile No. 3	49	15	8	90	51	22	31
PM3	21	79	12	95	48	38	67
Others	85	52	14	92	40	19	36
TOTALS (gendarmerie)		33	11	93%	43%	19%	38%

\*Note: The figures in this table are based on the number of survey forms with valid answers in each category and on the disaggregation of cases that involved multi-station transfers. There are therefore more cases by station (777) than individuals included in the survey (733). The number of individuals held by each station before being transferred to Maison Centrale or another station is provided above in the column labeled “Cases (#).” Sixty-nine percent of cases included in the survey involved one or more police stations and 31% involved one or more gendarmerie stations.

most important variable in these cases, since it is possible that younger prisoners or those charged with more serious crimes are disproportionately sent to particular stations and that these or other factors were driving outcomes rather than the relative sadism or cruelty of any given station per se. In order to disentangle these variables, therefore, we must look at the results from two separate STATA tests. First, correlation analysis of the independent variables of age, crime type, tribe, and station showed a positive but weak correlation between crime type and station for both BRB (0.1492) and BSIP (0.2210) but not for any of the other stations (see Table 6). There were also very weak positive correlations for BRB, BSIP, and age, indicating that slightly older prisoners were sent to these stations but not at levels that are statistically significant. Second, logit regression analysis that includes independent variables of age, tribe, crime type, and station showed a positive (coefficient = 0.6081288) and significant ( $P > |z| = 0.034$ ) relationship between station BRB and reports of violence, and a positive (coefficient = 1.537532) and highly significant ( $P > |z| = 0.000$ ) relationship between station BSIP and reports of violence. By

contrast, in repeated iterations of regression analysis using different stations as control variables with and without other independent variables included in the testing, station Entag G shows a negative (coefficient =  $-1.027484$ ) and significant ( $P > |z| = 0.022$ ) relationship to reports of violence, indicating that it was statistically the least likely to produce reports of violence of all the major stations (that is, those that processed 30 or more of the study's cases). Therefore, if one were to be arrested in Guinea, one might hope that Entag G would be the station dispatched.

The unusually high levels of violence reported for BRB and BSIP may be partially explained by the fact that they receive higher numbers of prisoners charged with more serious crimes, but this cannot fully explain the observed outcomes. Regression analysis makes clear that a sadist theory of violence against prisoners by certain stations (or individuals at stations) cannot be ruled out. As a concrete policy implication, Guinea's Ministry of Justice should be urged by human rights advocates not only to work harder to promote the humane treatment of

Table 6. Correlation results for independent variables of age of prisoner, crime type, tribe of prisoner, and arresting station

	Age	Crime Type	Tribe 1	Tribe 2	Tribe 3	Tribe 4	Tribe 5	Tribe 6
Age	1							
Crime Type	0.0588	1						
Tribe 1: Peul	-0.0494	0.0555	1					
Tribe 2: Malinke	-0.0221	-0.0229	-0.3931	1				
Tribe 3: Soussou	0.0138	0.0073	-0.4732	-0.4094	1			
Tribe 4: Kissi	-0.0304	0.0142	-0.0941	-0.0814	-0.098	1		
Tribe 5: Toma	0.0363	-0.1018	-0.1039	-0.0899	-0.1082	-0.0215	1	
Tribe 6: Guerza	0.0385	0.0228	-0.0906	-0.0784	-0.0943	-0.0188	-0.0207	1
Station 1: Belle-vue	-0.058	-0.0477	0.024	-0.0208	-0.0545	-0.0303	0.1414	-0.0292
Station 2: BRB	0.0014	0.1492	-0.0361	0.0279	0.0372	-0.0148	0.0071	-0.0457
Station 3: BSIP	0.048	0.221	-0.0342	-0.0496	0.0974	-0.0085	-0.0162	0.0308
Station 4: DCPJ	0.0631	-0.03	-0.0543	0.0017	-0.0212	-0.0312	0.0505	0.1153
Station 5: Entag G	-0.0636	-0.0525	-0.01	0.0644	-0.0466	-0.0293	-0.0324	-0.0282
Station 6: Matoto	-0.0801	-0.086	-0.0674	0.0819	-0.0049	0.0292	-0.0143	-0.0037
Station 7: Mobile No. 2	0.0189	-0.0269	0.1491	-0.0297	-0.092	-0.0335	-0.037	-0.0323
Station 8: Mobile No. 3	-0.0667	-0.0324	0.0158	0.0009	0.0057	0.0449	-0.0403	-0.0352
Station 9: Petit simbaya	-0.1134	-0.0426	0.0313	-0.0138	-0.0527	0.0275	0.0166	0.0683

all prisoners but also to investigate the actions of officers stationed at BRB and BSIP in particular.

### *Ethnic-tribal identity*

There are three major ethnic-tribal groups in Guinea: the Peuhl or Fula (comprising approximately 40% of the population and concentrated primarily in the central highland region), the Malinké or Mandinka (comprising approximately 30% of the population and concentrated in the eastern part of the country), and the Soussou (comprising approximately 20% of the population and centered in Conakry and surrounding areas). The remaining 10% of Guinea's population includes more than 20 other ethnic-tribal groups. The MDT survey did not directly ask prisoners their tribe. Tribal identity in Guinea can be determined in most cases, however, from a person's surname (for example, the surname "Diallo" indicates Peul/Fula and "Soumah" indicates Soussou). With assistance via correspondence with MDT's President in the autumn of 2008, the author was able to code ethnic-tribal identity for 702 (96%) of the prisoners in the survey with reasonable certainty. Given the literature on ethnic cleavages as a factor in

intrastate conflicts, one might hypothesize that ethnic-tribal identity could play a significant role in violence by authorities in criminal cases. Although currently there are not high levels of ethnic-tribal tension in Guinea, violence in the country has been historically linked to the ascendancy of one ethnic party over others.<sup>15</sup> However, despite the fact that Toma prisoners were much less likely and Malinké prisoners somewhat more likely than others to report violence, the regression analysis showed no statistically significant relationship between tribal identity and reports of violence regardless of whether other independent variables were included in the testing and which tribe were used as the control (see Tables 7 and 8).

### ILLEGAL PRE-TRIAL DETENTION

Once prisoners were charged with a crime at police or gendarmerie stations, they were normally transferred to Maison Centrale to await trial. Guinean law requires that prisoners charged with a minor crime (or *délit*, with maximum sentences not exceeding five years) be brought to trial within a maximum of four months of their *mandat de dépôt*.<sup>16</sup> Prisoners charged

Table 6. (continued)

Station 1	Station 2	Station 3	Station 4	Station 5	Station 6	Station 7	Station 8	Station 9
1								
-0.0738	1							
-0.0677	-0.1061	1						
-0.0486	-0.0762	-0.0699	1					
-0.0456	-0.0715	-0.0656	-0.0471	1				
-0.066	-0.1034	-0.0948	-0.0681	-0.0639	1			
-0.0522	-0.0817	-0.0749	-0.0538	-0.0505	-0.073	1		
-0.0568	-0.089	-0.0816	-0.0586	-0.055	-0.0796	-0.0629	1	
-0.0672	-0.1052	-0.0965	-0.0693	-0.065	-0.094	-0.0743	-0.081	1

Ethnic-tribal identity	#	%	% Violence
Peul (Fula)	229	31.2	48.9
Malinké (Mandinka)	186	25.4	55.9
Soussou	242	33.1	54.1
Kissi	14	1.9	50
Toma	17	2.3	23.5
Guerzé	14	1.9	50
Prisoners of unknown ethnic-tribal identity	31	4.2	48.4

with serious crimes (with maximum sentences exceeding five years) must be tried within six months of their *mandat de dépôt*.<sup>17</sup> Yet more than one-quarter (26%) of the prisoners interviewed who had been charged with minor crimes had been held illegally for more than four months without trial, while 68% of those charged with serious crimes had been held illegally for more than six months (see Table 9). The mean pre-trial detention time at Maison Centrale is 340 days and the median pre-trial detention time is 92 days, with one prisoner having been held for more than 15 years (5,688 days) without trial. A total of 250 (42% of all) prisoners included in the survey had been illegally detained without trial.

#### ACCESS TO LEGAL REPRESENTATION AND THE COURTS

There are fewer than 200 lawyers in all of Guinea and most charge high fees by Guinean wage standards. The idea of representing cases pro bono is not part of Guinean legal culture. Prisoners who are poor and illiterate therefore seldom have legal counsel before or during their trials. Of all prisoners (tried and untried) interviewed in the survey, 18% reported having had legal counsel or representation at some time after their arrest (see Table 10). Of prisoners whose cases had already been brought to trial, 36% reported legal representation. There was a significant disparity, however, in legal representation for individuals charged with minor versus serious crimes. Of prisoners convicted of serious crimes, 88% reported having had a lawyer at the time of their trial. Guinean law requires that the state provide a lawyer to the accused in all cases of serious crimes.<sup>18</sup> The survey therefore indicates that 12%

of prisoners charged with serious crimes in Maison Centrale were convicted by the state without regard for their right to legal representation. Prisoners charged with minor crimes have no formal right to a lawyer in Guinean law, and only 6% had legal representation at the time of their trial. The problem of inadequate legal representation is compounded in Conakry by a highly inefficient court system that fails to process cases as required by Guinean law. There are three tribunals in the capital city with jurisdiction over non-serious crimes but only one tribunal, the Cour d'Assis, responsible for trying all serious criminal cases. Excess detention time is in large part due to failure on the part of the Cour d'Assis to convene every four months as required by the law.<sup>19</sup>

#### MALNUTRITION AND INADEQUATE MEDICAL CARE: THE LEGAL AND HEALTH RIGHTS NEXUS

Prisoners at Maison Centrale are typically kept in overcrowded cells without sufficient access to clean water and light. The facility was originally constructed in 1930 to house no more than 300 people. At the time of the MDT survey, it held nearly 800 men, women, and juveniles. These persons are highly vulnerable to infectious illnesses such as tuberculosis, malaria, cholera, and diarrhea. Authorities have systematically failed to provide adequate food and medical care. Prisoners are normally given just one meal a day consisting of a few handfuls of rice with palm oil. Those who do not have access to a secondary food source are therefore at risk of malnutrition and starvation.

In February 2007, MDT staff discovered a prisoner (identified by the pseudonym, “Yamoussa Barry”) lying nearly naked behind a cellblock of Maison Centrale in

Table 8. Logit regression results for reports of violence by authorities, based on tribe of prisoner, arresting station, crime type, and age of prisoner\*

Reports of Violence	Coefficient	Standard error	z	P>  z	[95% Conf. Interval]	
Tribe 1: Peul	-0.4575398	0.4114058	-1.11	0.266	-1.26388	0.3488008
Tribe 2: Malinke	-0.0189898	0.4153071	-0.05	0.964	-0.8329768	0.7949972
Tribe 3: Soussou	-0.1996267	0.4106437	-0.49	0.627	-1.004473	0.6052201
Tribe 4: Kissi	-0.5835373	0.6886611	-0.85	0.397	-1.933288	0.7662137
Tribe 5: Toma	-1.081059	0.7123309	-1.52	0.129	-2.477202	0.3150841
Tribe 6: Guerze	-0.2283132	0.7332301	-0.31	0.756	-1.665418	1.208791
Station 1: Belle-vue	-0.5067842	0.410467	-1.23	0.217	-1.311285	0.2977163
Station 2: BRB	0.6081288	0.2861175	2.13	0.034	0.0473487	1.168909
Station 3: BSIP	1.537532	0.3688478	4.17	0	0.8146034	2.26046
Station 4: DCPJ	-0.593897	0.4060864	-1.46	0.144	-1.389812	0.2020178
Station 5: Entag G	-1.027484	0.4472447	-2.3	0.022	-1.904068	-0.1509008
Station 6: Matoto	0.5132772	0.2998826	1.71	0.087	-0.0744818	1.101036
Station 7: Mobile No.2	0.3821021	0.3585159	1.07	0.287	-0.3205762	1.08478
Station 8: Mobile No.3	0.0803369	0.3301429	0.24	0.808	-0.5667314	0.7274051
Station 9: Petit simbaya	0.7404667	0.3005207	2.46	0.014	0.1514569	1.329476
Crime Type	1.079462	0.1755834	6.15	0	0.7353254	1.4236
Age	-0.0325848	0.009048	3.6	0	-0.0503185	-0.014851
Cons.	0.6008062	0.4953628	1.21	0.225	-0.370087	1.571699

\*Number of observations = 733

Prob &gt; chi2 = 0.0000

Log likelihood = -446.70598

Pseudo R2 = 0.1199

Table 9. Illegal pre-trial detention

Pre-trial detention time	#	days	%
Awaiting trial	597		81
Median pre-trial detention time (as of June 14, 2007)		92	
Mean pre-trial detention time (as of 14 June 2007)		340	
Untried prisoners held > 4 months without trial	255		43
Maximum detention time of a prisoner without trial		5688	
Charged with minor crimes held > 4 months without trial	96		26
Charged with serious crimes held > 6 months without trial	154		68
Held > 1 year without trial	141		24
Held > 5 years without trial	24		4
Held > 10 years without trial	4		1
Untried prisoners illegally detained (total)	250		42

Table 10. Legal representation

Status of reported legal representation	#	%
Prisoners who report having legal representation at any time of their detention	133	18
Prisoners who report having legal representation at their trial	49	36
Untried prisoners who report having legal representation	84	14
Those convicted of minor crimes who have a lawyer at their trial	5	6
Those convicted of serious crimes who have a lawyer at their trial	44	88

critical condition. He had neither received any medical care nor been transferred to the prison's sick ward — a single overcrowded room without any medical supplies or attending physicians but with the benefit that prisoners were permitted to lie outside on a shaded stretch of dirt known as the *calle malade*. A Brazilian physician, Mônica Guarnieri, of the Catholic charity, Saint Gabriel Medical Clinic, was volunteering with MDT at the prison on the evening Barry was discovered and provided him with emergency medical care. However, the care came too late, as Barry died a short time later from complications due to malnutrition.

Malnutrition at Maison Centrale was especially acute due to the political crisis in the country between December 2006 and February 2007 (described above). In response to several weeks of demonstrations and strikes organized by Guinea's labor unions, the government declared mandatory curfews and restricted access to central Conakry where the prison is located. Cut off from their families for weeks at a time, prisoners were also cut off from the food necessary for their survival. On February 1, 2007, the International Committee of the Red Cross (ICRC) found that 26% of prisoners at Maison Centrale were suffering from severe malnutrition. ICRC implemented an emergency food intervention program, providing high-protein food biscuits and other rations to 280 of the most vulnerable inmates.

MDT documented 13 prisoner deaths at Maison Centrale from malnutrition and/or illness during this period. Eleven of those who died were untried detainees awaiting trial, and 10 were the victims of prolonged unlawful detention. Simple detainment proved to be a death sentence for these individuals. Fortunately, during this period MDT was able to secure the release of 21 detainees who had been either unlawfully detained or were in need of urgent medical care (mostly due to malnutrition). In one case, MDT lawyers discovered a severely malnourished prisoner, who had been released from Maison Centrale through MDT's advocacy work,

“dumped” across the street from the prison, too weak to walk. MDT transported him to the emergency room at Donka Hospital and paid for the medical care that led to his recovery. As under Sékou Touré's regime, state authorities in Guinea in 2007 thus continued to enact *la diète noire*. No longer a prolonged method of executing political dissidents, this was simply a matter of willful negligence and contempt for the basic rights of those charged with even very minor crimes.

The food crisis at Maison Centrale eased after February 2007, in part due to the interventions of MDT and ICRC and in part because the national strike and military curfews came to an end, allowing families to resume regular visits and food deliveries to the prisoners. But MDT continued to identify and secure the release or hospitalization of malnourished and gravely ill prisoners. Medical data obtained by MDT from Donka Hospital on 18 of these individuals who were hospitalized between February and December of 2007 (see Table 11) show that prisoners suffer not only from lack of adequate nutrition but also from preventable and treatable illnesses that are either caused or exacerbated by their imprisonment. Of 16 prisoners whose hemoglobin levels were tested at Donka Hospital, all tested below normal; the average and median hemoglobin levels of the men were both 8 grams per deciliter (normal for adult males is between 13.8 and 17.2). Thirteen out of 15 prisoners tested were suffering from malaria. Of nine prisoners tested for tuberculosis, eight tested positive. Both prisoners tested for cholera were positive. Of the fifteen prisoners tested for HIV/AIDs, none tested positive, a fact which reflects the significantly lower levels of infection in Guinea as a whole compared with other African nations.

## CONCLUSIONS AND POLICY RECOMMENDATIONS

There are a number of limitations to the MDT survey that make it impossible to build strong causal narratives from the data alone. For example, it does not reveal variables on the enforcement side of the

Table 11. Medical data on 18 hospitalized prisoners		
Medical data	#	%
Hemoglobin levels below normal (of 16 tested for anemia)	16	100
Malaria (of 15 tested for malaria)	13	87
Tuberculosis (of 9 tested for TB)	8	89
HIV/AIDs (of 15 tested for HIV/AIDs)	15	0
Cholera (of 2 tested for cholera)	2	100

equation (such as the ages, education levels, and tribes of arresting officers). It also has considerable gaps in the knowledge of the prisoners themselves (such as levels of education and income, which could be significant variables that affect their treatment by authorities). Temporal factors could be significant as well; periods of political instability and violence in the country as a whole (such as the mass demonstrations and violently suppressive governmental responses in January and February 2007) might be correlated with violence by police against suspected criminals. While the dates of prisoners' arrests were recorded, time factors cannot be accurately analyzed from the survey because it is not known how many prisoners from any given previous month were already released at the time of the survey. In order to track the significance of time in relation to the reports of violence, the survey would need to be administered to all entering prisoners over an extended period of time. Perhaps the most serious weakness of the survey is that it is based entirely on the self-reporting of prisoners. Although prisoner narratives are highly consistent with reports from other human rights organizations and observations of MDT staff, some prisoner reports of violence or mistreatment will invariably be inaccurate. It is not known how many or by how much the accounts were inaccurate.

Despite these limitations, MDT's survey clearly reveals widespread and systematic disregard of the legal and human rights of prisoners precisely by those responsible for enforcing Guinean law. Guinea's judicial system fails its citizens at every level of authority, from local police stations up to the courts themselves, and at every stage of the criminal justice process, from the moment of arrest through the time of incarceration. This legal failure includes direct physical violence against prisoners by authorities, and prisoner detainment, often without charge, in an environment where they are denied access to basic medical care and adequate food supplies. Many have died in Guinea's prisons as a result. Regression

analysis of the MDT survey demonstrates the usefulness of econometric tools in constructing an etiology of violence, torture, and abuse by state actors against prisoners and in illuminating the legal/health rights nexus. Although statistical approaches to human rights are often plagued with problems of definition, data collection, methodology, and interpretation, Herbert Spierer notes that these are substantially the same problems faced by political science in general. What is needed, Spierer argues, are interdisciplinary teams that "can make up for gaps in individual subject-matter knowledge"; improved statistical gathering techniques based upon methods such as those used in epidemiology; a clearer focus on violations of the most basic human rights to generate more systematic measurements; and increased cooperation and partnerships between human rights practitioners, academics, and statisticians.<sup>20</sup> Although the causal pathways leading to reports of violence in Maison Centrale remain unspecified, it is clear that variables of age, crime, and station are significantly correlated with reports of violence. A plausible alternative hypothesis — namely, that of the ethnic-tribal identity of prisoners — has also been eliminated as a significant cause of violence by authorities. A deeper understanding of the mechanisms of violence and human rights abuses by authorities in Guinea requires continued field work and data collection, political and strategic negotiation by proactive MDT staff and other human rights actors, and process-tracing research to uncover the causal pathways that underlie the survey results. By introducing tools of statistical regression analysis to human rights reporting, members of the academic community might also make small but significant contributions to the ongoing work of human rights investigations and advocacy in Guinea and elsewhere.

The MDT survey highlights the need for greater involvement by members of the international human rights community, working alongside state and local actors such as MDT to protect the rights

of Guinea's prison populations. Concrete policy recommendations that emerged from this study are summarized below.

### *Prison officials*

Guinea's prison officials have so far failed to ensure the health and safety of all inmates. No matter how limited their resources, officials must make further efforts to do so. One suggestion is to develop systematic bookkeeping methods and monitoring practices to assess the wellbeing of prisoners, minimize overcrowding in cellblocks, prevent the incarceration of juveniles in adult wards, and ensure that all prisoners have daily access to fresh water, recreation, adequate food, and light, without facing extortion or abuse from other prisoners or guards. Officials should inform Guinea's courts whenever those charged with crimes have been unlawfully detained without trial and should also send all prisoners in dire need of medical care to a hospital.

### *Guinea's Ministry of Justice*

The Ministry of Justice (MoJ) in Guinea must perform periodic audits of its prison populations to assess prison conditions and rights violations. It must investigate police stations involved in committing violence and torture of detainees prior to their transfer to prisons and hold accountable those who are responsible. The MoJ should implement training programs for all police officers and gendarmerie to end the use of violence as a method of interrogation and extra-judicial punishment. The MoJ must also ensure that all prisons in Guinea provide prisoners with adequate food and medical care. This means ending a culture of corruption and extortion that prevents dedicated food supplies from reaching prisoners and places the burden of care on either their families or international aid agencies. In addition, the MoJ must guarantee that Guinea's courts convene regularly and that those charged with crimes have proper legal representation. Given the incredibly small number of professional lawyers in Guinea, this may require a far-sighted and multi-tiered strategy that involves training paralegal aids to assist with minor criminal cases. Such a strategy should also vigorously promote the concept of pro bono work among Guinea's legal association in order to further standards of justice over self-interest, and re-establish traditional methods of conflict mediation rather than forcing all cases — major and minor — through a broken legal system

inherited from a colonial model that lacks supporting institutional frameworks.

### *International organizations*

International human rights and advocacy groups have often failed to closely monitor and promote the rights of non-political prisoners in lesser-publicized nations such as Guinea that rarely appear on the evening news. Aid agencies, meanwhile, increasingly refuse to concentrate their energies on populations that are unpopular among their donors. In difficult economic times, it is far easier to raise funds for programs targeting orphans or vulnerable women than programs aimed at improving the lives of convicted criminals. This needs to change.

In conclusion, prisoners, whether guilty or innocent, also have a right to be treated with basic dignity and respect as human beings. When the criminal justice system of any nation leads to unnecessary death, in confinement, of individuals who may have committed petty thefts or perhaps no crime at all, it is the justice system itself that is at fault. Given the clear rights violations that the prisoners in our study experienced in Guinea, international organizations should make prison populations in Guinea and elsewhere a more central focus of their work. Improved close partnerships with local NGOs such as MDT may help to hold States fully accountable for adhering to international norms and laws to protect the health and human rights of all of citizens.

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### REFERENCES

1. See, for example, R. J. Goldstein, "The limitations of using quantitative data in studying human rights abuses," *Human Rights Quarterly* 8/4 (1986), pp. 607–627; and H. F. Spiner, "Violations of human rights: How many? The statistical problems of measuring such infractions are tough, but statistical science is equal to it" *American Journal of Economics and Sociology* 49/2 (1990), pp. 199–210.
2. M. Meredith, *The fate of Africa* (New York: PublicAffairs, 2005), p. 68.

3. Ibid., p. 271.
4. V. T. Le Vine, *Politics in Francophone Africa* (Boulder, CO: Lynne Rienner Publishers, 2004), p. 222.
5. In annual surveys of corruption perceptions among analysts and investors by Transparency International (TI), Guinea consistently ranks among the most corrupt nations in the world. In 2006, it was listed by TI in a “Corruption Perceptions Index” as the most corrupt nation in Africa and received (together with Iraq and Myanmar) the second worst corruption score in the world (just above Haiti). Available at [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2006](http://www.transparency.org/policy_research/surveys_indices/cpi/2006).
6. “Dying for change: Brutality and repression by Guinean security forces in response to a nationwide strike,” *Human Rights Watch Report* 19/5(A) (2007), p. 3.
7. Human Rights Watch, *Bloody Monday: The September 28 massacre and rapes by security forces in Guinea* (New York: Human Rights Watch, 2009). Available at <http://www.hrw.org/en/reports/2009/12/16/bloody-monday>; and “Guinea: Reform of security forces must deliver justice for Bloody Monday massacre” (New York: Amnesty International, 2010). Available at <http://www.amnesty.org/en/for-media/press-releases/guinea-reform-security-forces-must-deliver-justice-bloody-monday-massacre-2>.
8. Human Rights Watch, *The perverse side of things: Torture, inadequate detention conditions, and excessive use of force by Guinean security forces*, Human Rights Watch Report 18/7(A) (New York: Human Rights Watch, 2006). Available at <http://www.hrw.org/en/reports/2006/08/22/perverse-side-things-0>.
9. Guinea’s prisons are marked by extremely poor record-keeping practices (there was not a single computer at Maison Centrale and hand-written prisoner files were often lost or accidentally destroyed), so even prison officials did not know the precise prison population on any given day. Cell records collected during the survey, however, yielded the figure of 773 prisoners. Individuals not included in the survey may have been working in the kitchen or other parts of the prison when interviews were conducted, may have voluntarily chosen not to come forward to be interviewed, may have been shifted by guards between cells during the two-week period that the survey was conducted, or may have been imprisoned after interviews in their cellblocks were already completed.
10. Loi no. 037 du 31 Décembre 1998 Portant Code de procedure pénale [Guinea], Loi no. 037 (1998), Art. 60. Available at <http://www.unhcr.org/ref-world/publisher,NATLEGBOD,,GIN,44a3e20b4,0.html>.
11. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, (1984). Available at <http://www2.ohchr.org/english/law/cat.htm>.
12. For definitions of these diagnostic terms, see United Nations, *The Istanbul Protocol: Manual on effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment*, United Nations High Commissioner for Human Rights Professional Training Series No. 8 (Geneva: United Nations, 2004), pp. 36–37. Available at <http://physiciansforhumanrights.org/library/documents/reports/istanbul-protocol.pdf>.
13. See O. V. Rasmussen, S. Amris, M. Blaauw, and L. Danielsen, “Medical, physical examination in connection with torture,” *Torture* 14/1 (2004), pp. 48–50.
14. United Nations Rules for the Protection of Juveniles Deprived of their Liberty, G.A. Res. 45/113 (1990). Available at <http://www.un.org/documents/ga/res/45/a45r113.htm>.
15. D. Horowitz, *Ethnic groups in conflict* (Berkeley, CA: University of California Press, 1985), p. 365.
16. CPPRG (see note 10), Art. 142–1.
17. Ibid., Art. 142–2.
18. Ibid., Art. 311.
19. Ibid., Art. 235.
20. H. Spierer, “Violations of human rights: How many?” *American Journal of Economics and Sociology* 49/2 (1990), p. 208.