



Guinea
Joint Stakeholder Report for the United Nations Universal Periodic Review:
The Death Penalty

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status

and

The World Coalition Against the Death Penalty

for the 49th Session of the Working Group on the Universal Periodic Review
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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on postconviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition Against the Death Penalty.

The World Coalition Against the Death Penalty (WCADP), an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. Guinea abolished the death penalty for ordinary crimes in 2016.¹ Lawmakers removed the death penalty from the Code of Military Justice in 2017.² Guinea’s last execution took place in 2001.³
2. Guinea ratified the International Covenant on Civil and Political Rights in 1978 but has neither signed nor ratified or acceded to the Second Optional Protocol to the ICCPR.⁴

Scope of international obligations; Ratification of & accession to international instruments

Status of Implementation: Accepted, Not implemented

3. In the third cycle of the Universal Periodic Review in 2020, Guinea accepted 11 recommendations to take steps toward ratification of or accession to OP2.⁵
4. Since then, however, there has been no evidence that authorities have taken any steps toward ratification of or accession to OP2.

Death penalty

Status of Implementation: Accepted, Not implemented

5. In 2020, Guinea accepted 6 recommendations to commute the sentences of people sentenced to death prior to the abolition of the death penalty.⁶
6. A 2022 Amnesty International report stated that “several” prisoners were still under sentence of death, some for their involvement in the 2011 clashes in the N’Zérékoré region.⁷ Amnesty International’s subsequent annual reports have not mentioned the issue.⁸

I. RECOMMENDATIONS

7. This stakeholder report suggests the following recommendations for the Government of Guinea:
 - Take all necessary steps to ratify or accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, without reservations.
 - Commute the sentences of anyone currently under sentence of death and replace those penalties with sentences that are fair, proportionate, and aligned with international human rights standards.

¹ Amnesty International, “Abolitionist and Retentionist Countries as of December 2022,” accessed July 23, 2024, <https://www.amnesty.org/en/documents/act50/6591/2023/en/>.

² Amnesty International, “Abolitionist and Retentionist Countries as of December 2022,” accessed July 23, 2024, <https://www.amnesty.org/en/documents/act50/6591/2023/en/>.

³ Amnesty International, “Abolitionist and Retentionist Countries as of December 2022,” accessed July 23, 2024, <https://www.amnesty.org/en/documents/act50/6591/2023/en/>.

⁴ UN General Assembly, International Covenant on Civil and Political Rights, 1966, IV, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en.
UN General Assembly, Second Optional Protocol to the International Covenant on Civil and Political Rights, 1989, IV, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-12&chapter=4&clang=_en.

⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guinea*, (Mar. 24, 2020), U.N. Doc. A/HRC/44/5. ¶113.30 Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Namibia); ¶113.8 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Germany); ¶113.8 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Honduras); ¶113.8 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Iceland); ¶113.8 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Portugal); ¶113.9 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and commute all death sentences (Australia); ¶113.10 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Uruguay); ¶113.11 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Azerbaijan); ¶113.12 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and ensure that the sentences of persons who remain under sentence of death are commuted without delay (Slovakia); ¶113.13 Continue its actions and initiatives to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Benin); ¶113.14 Enhance its efforts towards abolishing the death penalty, including through ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Rwanda). Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guinea: Addendum*, (July 28, 2020), U.N. Doc. A/HRC/44/5/Add. 1.

⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guinea*, (Mar. 24, 2020), U.N. Doc. A/HRC/44/5. ¶113.67 Ensure that sentences of persons who remain under capital punishment are commuted without delay (Portugal); ¶113.68 Ensure that the sentences of persons sentenced to death are commuted (Timor-Leste); ¶113.69 Consider commuting the sentences of persons who had been sentenced to death prior to the entry into force of the Criminal Code (Uruguay); ¶113.70 Abolish definitively the death penalty and commute all death sentences that predate the new Criminal Code (Cabo Verde); ¶113.71 Ensure that the sentences of persons sentenced to the death penalty prior to its removal from the Criminal Code of 2016 and the Code of Military Justice of 2017 are commuted without delay (Fiji); ¶113.72 Ensure that sentences of persons who remain under a sentence of death are commuted without delay (Namibia). Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guinea: Addendum*, (July 28, 2020), U.N. Doc. A/HRC/44/5/Add. 1.

⁷ Amnesty International, *The State of the World's Human Rights: 2021/22*, (London: Amnesty International, 2022), 184, <https://www.amnesty.org/en/documents/pol10/4870/2022/en/>.

⁸ Amnesty International, *The State of the World's Human Rights: 2022/23*, (London: Amnesty International, 2023), 181-183, <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>.

Amnesty International, *The State of the World's Human Rights: April 2024*, (London: Amnesty International, 2024), 187-189, <https://www.amnesty.org/en/documents/pol10/7200/2024/en/>.