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PLATFORM TO PROTECT WHISTLEBLOWERS IN AFRICA

WHISTLEBLOWERS IN GUINEA CONAKRY:

Overview of the Legal Framework and
Practices

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Whistleblowers in Guinea Conakry: Overview of the legal framework and practices

The publication of this report was funded by the [European Union](#) as part of the [OCWAR-M](#) project, the West African response to money laundering and the financing of terrorism. The 5-year project started in 2019 and covers ECOWAS Member States and Mauritania. Its main objective is to contribute to the understanding and effective implementation of international anti-money laundering and countering the financing of terrorism (AML/CFT) standards.

To this end, OCWAR-M works with civil society actors involved in the AML/CFT field. In partnership with PPLAAF, the project is implementing a training activity for investigative journalists and lawyers on whistleblower protection and cooperation with these key actors in the fight against financial crime, as part of which this report is published.

List of acronyms

AGT: Guinean Association for Transparency

ANAGRASC: Agency for the Management and recovery of seized and confiscated assets

ANLC: National Anti-Corruption Agency

AGPD: Acting for Peace and Development in Guinea

CAIP: Commission for Access to Public Information

CENTIF: Financial Intelligence Unit

CHF : Club Humanitaire sans Frontières

CNRD: Comité National du rassemblement pour le développement

CPI: Corruption Perception Index

CRIEF: Court for the Repression of Economic and Financial Offenses

FDG: Foundation for Democracy and Governance

FATF: Financial Action Task Force

FNDC: National Front for the Defence of the Constitution

HAC: High Authority of Communication

IPI: International Press Institute

AML/CFT: Anti-Money Laundering/Countering the Financing of Terrorism

NGO: Non-Governmental Organisation

UNODC: United Nations Office on Drugs and Crime

CSO: Civil Society Organisation

RSF: Reporters Sans Frontières

SPPG: Guinean Press Professionals Union

- **Introduction**

In West Africa, transnational organised crime, including financial crime, poses a threat to the stability and security of states. Whistleblowers are essential in combating these crimes. They are individuals who disclose information about illegal, illicit, or contrary-to-public-interest activities that they have witnessed, particularly in the course of their duties, in order to stop them and bring about change. However, these disclosures can put their careers, freedom, and even lives at risk, and whistleblowers are often threatened or prosecuted by the individuals or organisations implicated by their revelations.

Although they play a key role in fighting financial crime, there are few laws in Africa protecting whistleblowers. To date, only about ten out of the continent's fifty-four states have enacted legal instruments to protect these actors, and even those may not always be effective.

Furthermore, to encourage whistleblowing and ensure its effectiveness, it is necessary to have robust laws governing several key areas, such as combating financial crime, freedom of the press, and access to information.

In the field of combating financial crime, the adoption and implementation of specific laws are necessary to enable authorities to rely on whistleblower disclosures to conduct investigations, prosecute offenders, and prevent future offences. The existence of strong legislative mechanisms for fighting financial crimes enhances the credibility and legitimacy of whistleblowers.

Laws guaranteeing media freedom and freedom of expression are also essential to create an environment conducive to whistleblowing. These disclosures can only have a significant impact if they are disseminated to the public by free and independent media. The establishment of laws

protecting media freedom creates an environment conducive to the dissemination of critical information and raises public awareness of the issues raised by whistleblowers.

Finally, laws guaranteeing access to information play a crucial role in promoting transparency and enabling whistleblowers to legally share the information they possess. Access to reliable and relevant information is essential for whistleblowers to document their allegations and provide tangible evidence of the wrongdoings they expose.

The purpose of this report is to assess the legal framework in Guinea in all these areas and analyse the whistleblowing environment in the country. It provides a detailed and critical legal analysis and proposes ways to improve existing legislation.

Through this report, PPLAAF also emphasises the need for African states to establish progressive laws on whistleblowers to protect them and encourage potential whistleblowers to come forward.

This work is intended for whistleblowers, journalists, civil society organisations, anti-corruption agencies, lawyers, magistrates, professionals in the sector, and all stakeholders concerned or interested in whistleblowing and the fight against financial crime.

The Guinea report is one of fourteen reports drafted and published by PPLAAF as part of the OCWAR-M project.

Legal sources

[United Nations Convention against Corruption of 2005](#)

[United Nations Convention against Transnational Organized Crime of 2003](#)

[Constitution of 2010](#)

[Constitution of 2020](#)

[Law No. L/2014/072/CNT on the Labor Code](#)

[Law No. 98/036 of December 31, 1998, on the Penal Code](#)

[Law L/2016/059/AN of October 26, 2016, on the new Penal Code](#)

[Law No. 2020/0027/AN on the right of access to public information](#)

[Law L/2010/02/CNT of June 22, 2010, on freedom of the press](#)

[Law L/2010/003/CNT/ of June 22, 2010, on the powers, organisation, composition, and functioning of the High Authority for Communication](#)

[Law L/2016/037/AN on cybersecurity and personal data protection](#)

[Press Release 012/CNRD/2022](#)

[Law No. 2021/0024/AN on the fight against money laundering and the financing of terrorism](#)

[Decree D/2020/072/PRG/PGG establishing the declaration of assets, property, or wealth of personalities referred to in Article 36 of the Constitution](#)

[Ordinance No./2021/0007/PRG/CNRD/SGG, on the creation, jurisdiction, organization, and functioning of the Court for the Repression of Economic and Financial Offenses](#)

[Ordinance No./2021/0008/PRG/CNRD/SGG amending Ordinance No. 2021/07/PRG/CNRD/SGG dated December 2, 2021, relating the Court for the Repression of Economic and Financial Offenses](#)

[Decree D/2017/219/PRG/PGG promulgating Law L/2017/041/AN on the Prevention, Detection, and Repression of Corruption and Related Offenses](#)

Executive summary

Guinea has ratified the [United Nations Convention against Corruption](#), which commits it to introducing protective legislation for whistleblowers into its national law. The country has a legal framework that can be applied to whistleblowers, but it is clear that the efforts made to make it effective are largely insufficient.

Despite the existence of legislative provisions to combat corruption, the country remains in 147th place out of 180 in Transparency International's 2022 Corruption Perceptions Index.

Unfortunately, the contexts of democratic and security transition since the coup of September 2021 have negatively impacted certain public freedoms, such as press freedom, and are not, in this first semester of 2023, conducive to the emergence of a whistleblower culture in Guinea.

1. ANALYSIS OF THE LEGAL FRAMEWORK

1.1 Whistleblower laws and policies

Whistleblower protection is a crucial aspect of the fight against financial crime. This section explores the laws, measures, and mechanisms implemented in Guinea to ensure the protection of whistleblowers. It examines the rights and guarantees afforded to whistleblowers, the protection mechanisms in place, as well as the persistent challenges related to this protection.

□ Decree promulgating Law L/2017/041/AN of July 4, 2017, on the prevention, detection, and repression of corruption and related offences.

At the international level, on May 29, 2013, Guinea Conakry ratified the [United Nations Convention against Corruption](#), whose Articles 32 and 33 emphasise the need for effective protection against retaliation, intimidation, and threats to witnesses, victims, or experts, notably through the establishment of a comprehensive and effective internal legal framework to ensure such protection.

The [decree promulgating Law L/2017/041/AN](#) of July 4, 2017, on the prevention, detection, and repression of corruption and related offences provides for special protection by the State for whistleblowers, repentants, informants, witnesses, experts, and victims of corruption or related offences against potential acts of retaliation or intimidation. For all cases of reporting of funds or seizures of assets, whistleblowers are entitled to an incentive bonus (Article 100).

Article 101 of the decree specifies the modalities of application of this protection in that it applies to "shareholders, directors, company secretaries, employees, registered unions representing employees, suppliers, and supplier employees." The article adds that the protection "extends to any person who discloses objective and disinterested information and who reasonably believed, at the time of disclosure, that such information indicates or tends to indicate that a public or private entity, a joint venture or private company, a director, or the designated officer, acting in that capacity, has committed an offence against laws and regulations that could expose said entity or

company to actual or potential risks or liabilities, or would be detrimental to the interests of that entity or company."

Thus, it appears that the type of whistleblowing recognised by this decree only concerns whistleblowing within companies, making it a limited form of protection.

Furthermore, Article 102 protects the anonymity of whistleblowers when the disclosures are likely to endanger their lives or physical integrity, as well as those of their relatives. Lastly, article 104 states: "The whistleblower or witness may not remain anonymous if, having regard to the circumstances in which the offence was committed, or the character of the whistleblower or witness, knowledge of the identity of the person proves essential for the exercise of the rights of the defence".

Protection is therefore provided for certain whistleblowers, but the question arises as to whether it is effective.

□ **Protection under criminal law**

At the domestic level, in the preamble of the new [Guinean Penal Code](#), it is mentioned that the country "reaffirms its commitment to building a state governed by the rule of law through the promotion of good governance and also to combating corruption and economic crimes." Despite this, this text does not provide any measures to protect whistleblowers. Indeed, this code could have included provisions to criminally sanction those who are guilty of acts of retaliation against whistleblowers. Article 367, in fact, punishes breaches of secrecy; it states: "The disclosure of information of a secret nature by a person who is the custodian, either by status or by profession, or by reason of a temporary function or mission, is punishable by imprisonment of 6 months to 1 year and a fine of 500,000 to 2,000,000 Guinean francs, or one of these two penalties only."

However, Article 705 of the same code stipulates that it is necessary to inform judicial and administrative authorities of "any crime that can still be prevented or limited in its effects, or whose perpetrators are likely to commit new crimes that can be prevented (...)." Failure to

comply with this provision exposes individuals to sanctions. However, this provision does not apply to persons subject to secrecy as provided for in Article 367.

Finally, Article 722 states: "The act, for any person who has publicly declared knowledge of the perpetrators of a crime or offence, of refusing to answer questions posed to them in this regard by a judge is punishable by imprisonment from 6 months to 1 year and a fine of 500,000 to 1,000,000 Guinean francs." The same code specifies that false testimony is punishable by imprisonment from 1 to 3 years and a fine of 500,000 to 1,000,000 Guinean francs (Article 723).

□ **Protection under labour law**

Article 8 of the [Labor Code](#) provides that "no one may be sanctioned or dismissed for having undergone, reported, or testified" acts constituting harassment in the workplace. It also prohibits "violence, sexual harassment, and moral harassment" (including the creation of an intimidating, hostile, degrading, humiliating, or offensive environment). However, there is no specific reference to whistleblowing.

Article 13 states that "(...) Opinions that workers, regardless of their position in the professional hierarchy, express in the exercise of the right of expression cannot be grounds for disciplinary sanctions or dismissal."

Fixed-term contracts cannot be terminated before their term except in cases of force majeure or "serious misconduct" (Article 171.4), but in the absence of additional details in the Labor Code, it is difficult to say whether whistleblowing could fall into this latter category. Indefinite contracts can be terminated for "personal reasons," including professional incompetence or misconduct (Article 172.7). It is the employer's responsibility to prove wrongful conduct in case of dispute.

The disclosure of "confidential information about the company to third parties" exposes the employee to disciplinary sanctions under Article 212.1 of the Labor Code even when it occurs outside of working hours and premises.

Article 513.12 specifies that "labour inspectors and controllers are bound by professional secrecy. They swear not to disclose, even after leaving the service, trade secrets or processes of operation they became aware of in the exercise of their function. As such, they are also bound by confidentiality regarding the source of complaints reporting a defect in the installation or a violation of legal provisions as well as regarding the possible link between a complaint and the inspection visit." This provision could ensure the anonymity of the whistleblower who reports illegal activities.

□ **Mechanism for referring cases to the National Anti-Corruption Agency (ANLC)**

The [ANLC](#), established by [Decree D/2017/219/PRG/SGG](#) promulgating Law L/2017/041/AN of July 4, 2017, on the prevention, detection, and repression of corruption and related offences, is an institution responsible for the prevention, detection, and repression of corruption. With national jurisdiction, it is placed under the direct authority of the President of the Republic. With the advent of the National Rally for Development Committee (CNRD), which took power in Guinea after the September 2021 coup and whose president is Colonel Mamadi Doumbouya, all citizens, including those in the diaspora, whether employed or not, from the public or private sector, from civil society, the media, and any foreigner have the right to submit complaints of corruption and related offenses to the ANLC.

Without an official website, it is on its Facebook page that the ANLC has invited citizens to contact it to report illegal activities they witness. Thus, on Facebook, a tool available and accessible to all, the agency aims to reach as many people as possible and encourage the population to blow the whistle. However, it would be advisable to support this agency in creating a website or a more secure platform because the use of Facebook to denounce illicit acts could expose citizens to certain risks.

According to the [United Nations Office on Drugs and Crime \(UNODC\)](#), the ANLC is one of the least [financially supported](#) anti-corruption institutions in West Africa. Furthermore, it was established by decree, which would make its legal basis relatively weak. [Bernard Goumou](#), Prime Minister and Head of Government since August 2022, reportedly urged the Executive Secretary

of the ANLC, Saikou Amadou Diallo, "to promote data collection, improve the effectiveness of the public communication system, and strengthen the whistleblower protection mechanism."

1.2 Laws and measures related to combating financial crime

This section focuses on the measures taken by the government of Guinea to combat financial crime. It examines legislative reforms, policies, and initiatives aimed at promoting transparency, integrity, and accountability in the management of public affairs. While acknowledging the efforts made, it also highlights persistent challenges and prospects for improvement in the fight against financial crime in Guinea.

□ Fight against corruption

In its [2022 report on the Corruption Perceptions Index \(CPI\)](#) worldwide, Transparency International¹ ranks Guinea 147th globally out of 180 countries, with a score of 25 out of 100. The country had obtained the same rank and score in 2021.

However, the [Guinean Constitution](#) expresses the will of the Guinean people to combat corruption and economic crimes. It protects public property and punishes acts "of diversion, squandering, or illicit enrichment." In this regard, Article 49 states: "After the investiture ceremony and at the end of his mandate, within 48 hours, the President of the Republic solemnly submits to the President of the Constitutional Court a written declaration on honour of his assets." This requirement also applies to ministers (Article 64).

These declarations are published in the official journal, and any difference between the initial declaration and the one at the end of the mandate must be justified.

¹ Transparency International is a non-governmental organization (NGO) dedicated to combating global corruption. Founded in 1993 and based in Berlin, Germany, the organization advocates for transparency, accountability, and integrity in both public and private sectors. It conducts research, publishes reports, and promotes policy changes to address corruption worldwide. Transparency International is renowned for its Corruption Perceptions Index (CPI), which ranks countries based on perceived levels of corruption within their public sectors.

[Decree D/2020/072](#) regulates the procedures for the declaration of assets, property, or wealth. The fifth chapter is devoted to sanctions related to the failure to declare.

The [Penal Code](#) sanctions the corruption of public officials with imprisonment from 3 to 10 years and a fine of 5,000,000 to 10,000,000 Guinean francs. The penalty does not exceed five years for the private sector. When the accused are foreign public officials or public international organisations, they are punished with imprisonment from 3 to 10 years and a fine of 50,000,000 to 100,000,000 Guinean francs. Correctional measures are also provided against corruption involving minors and the concealment and/or laundering of the proceeds of corruption. In these latter cases, the fine can be up to five times the amount of concealment or laundering.

Finally, [Decree D/2017/219/PRG/SGG](#) promulgating Law L/2017/041/AN of July 4, 2017, on the prevention, detection, and repression of corruption and related offences, establishes the obligation for the ANCL to communicate the information it holds to the judicial authority or any other state body responsible for protecting public funds or combating money laundering, charged with prosecution. Non-compliance with procedures, communication obligations, and rules is equated with corruption (Article 34).

• Court for the Repression of Economic and Financial Offenses (CRIEF)

The [Court for the Repression of Economic and Financial Offenses \(CRIEF\)](#) was established by the CNRD through [Ordinance No. 2021/0007/PRG/CNRD/SGG](#) of September 16, 2021. It is a judicial body tasked with combating financial crime. It examines acts of embezzlement, corruption by public officials, foreign, international, or private sector agents, as well as money laundering of at least one billion dollars (Article 6).

Since its establishment, the CRIEF has been very active and has initiated prosecutions against officials, including former Minister of Agriculture [Jean Marc Telliano](#) and staff members of the National Social Security Fund, for, among other things, embezzlement of public funds, forgery and use of false documents, illicit enrichment, and money laundering.

In July 2022, [Sidiki Sylla](#), former Administrative and Financial Director of the Constitutional Court, was sentenced to 10 years imprisonment and ordered to pay over 75 billion Guinean francs for embezzlement of public funds and illicit enrichment. His assets, including a sum of 12,721,368,250 Guinean francs in his bank accounts, were also seized.

However, some accuse the junta of instrumentalising the CRIEF and using it as a tool for [settling scores](#) and judicial harassment. The Air Guinea case, in which the former Minister of Transport and presidential candidate is involved, is emblematic of the divisive nature of the Court's activities. According to Aliou Condé², former Secretary General of the Ministry of Transport: "There is no reason to interrogate Cellou Dalein Diallo in this case, except the unspoken one of excluding him from the next presidential election by trying to tarnish his criminal record."

□ **Fight against Money Laundering and Financing of Terrorism**

Guinea adopted [Law L/2021/024/AN on August 17, 2021, on the fight against money laundering and the financing of terrorism \(see below\)](#), which establishes the legal framework related to the fight against money laundering and the financing of terrorism (AML/CFT).

In accordance with the recommendations of the Financial Action Task Force (FATF), Article 75 of the law establishes the [National Financial Intelligence Unit \(CENTIF\)](#). CENTIF is an administrative authority under the supervision of the Central Bank of the Republic of Guinea. It collects, analyses, and prepares reports on suspicions reported by the entities listed in Article 5 of Law No. /2021/024/AN. These reports are then transmitted to the competent judicial authorities, including the CRIEF.

The new law on AML/CFT in Guinea has allowed for the consolidation of texts related to the fight against money laundering and the financing of terrorism, while also addressing aspects related to the proliferation of weapons of mass destruction.

² "Air Guinea Case: CRIEF Accused of Settling Scores", RFI, <https://www.rfi.fr/fr/afrique/20220719-affaire-air-guin%3a9e-la-crief-accus%3a9e-de-r%3a8glement-de-co mptes>, consulted on 22/09/2023.

Furthermore, the current law has expanded the category of Designated Non-Financial Businesses and Professions (DNFBPs), which are essentially non-financial institutions that can be used for money laundering or terrorist financing purposes due to their nature.

The AML/CFT law requires the country to establish a national AML/CFT framework covering several aspects, including the following:

1. The country must conduct its national risk assessment and identify vulnerabilities to money laundering (ML) and terrorist financing (TF).
2. Obligated entities (financial institutions and DNFBPs) must conduct their risk assessments.
3. Obligated entities must implement an effective AML/CFT framework to significantly mitigate ML/TF activities and submit suspicious transaction reports to the financial intelligence unit (CENTIF).
4. Obligated entities failing to meet their obligations must face administrative and disciplinary sanctions.
5. CENTIF must be autonomous, operational, and adequately resourced with technical, financial, and human resources to fulfill its missions. CENTIF is an independent administrative authority under the supervision of the Minister of Finance. Its mission includes processing and transmitting information for the fight against ML and TF. CENTIF also handles suspicious transaction reports and can oppose the execution of a transaction based on serious, consistent, and reliable information. When operations reveal facts that may constitute the offense of money laundering or terrorist financing, CENTIF submits a report to the Public Prosecutor, who must refer the case to the investigating judge.
6. The country must establish mechanisms to freeze the assets of terrorist individuals and organisations.

7. Both individuals and legal entities can be held criminally liable for offences related to money laundering and/or terrorist financing.
8. The country establishes mechanisms to seize, manage, and confiscate the assets of criminals. Guinea has thus established the Agency for the Management and Recovery of Seized and Confiscated Assets (AGRASC). The decree appointing the Director General of AGRASC and his deputy was issued on August 17, 2023.

1.3 Media rights and freedom of expression

Freedom of expression, press freedom, and media rights play a crucial role in whistleblowing. These fundamental rights enable whistleblowers and journalists to disclose sensitive information safely, shed light on wrongdoing, and protect the public interest. Respecting these rights promotes an environment conducive to transparency, accountability, and the disclosure of information in the public interest.

□ Legislation on freedom of the press and media rights

According to the [Constitution](#), freedom of the press is "guaranteed and protected"; citizens are "free to believe, think, and profess their religious faith, political, and philosophical opinions" and "to express, manifest, and disseminate their ideas and opinions through words, in writing, and through images" (Article 10).

The High Authority for Communication is a regulatory body for the production and dissemination of content by the media to ensure transparency and media plurality. Under Article 5 of the organic [law L/2010/003/CNT/ of June 22, 2010, regarding the powers, organisation, composition, and functioning of the High Authority for Communication](#), its mission is to "ensure respect for the right of access to public information." However, under [the press freedom law](#), "the preservation of public order and the requirements of national unity" may justify restrictions on this right (Article 1).

In cases of defamation, the press freedom law does not provide for custodial sentences but imposes heavy fines (Articles 108, 109, 110). In the event of a repeat offence of defamation against a person or group of people based on their origin, membership, or non-membership in an ethnicity, nation, race, or religion, the press entity may be suspended for three to six issues. For broadcasting, the incriminated program can be suspended for three to six editions (Article 111).

The [Penal Code](#), on the other hand, provides for a prison sentence of 1 month to 1 year and a fine of 500,000 to 1,000,000 Guinean francs or one of these two penalties only for "defamation committed against public administrations, constituted bodies, the army, courts, and tribunals through speeches, cries, threats, uttered in public places or meetings, or through writings sold or distributed, put up for sale, or exhibited in public places or meetings, in any case by means other than those of the press." The same penalties apply for "defamation against members of ministerial departments, the National Assembly, officials entrusted with or agents of public authority, citizens performing a public service or mandate, jurors or witnesses because of their depositions" (Article 364).

In 2016, [five union members](#) were sentenced to six months in prison and ordered to pay damages for defamation and insulting the President. They were eventually released after serving sentences ranging from two to fifteen days.

The [press freedom law](#) also provides for fines for a range of "press offences," including publications of seditious propaganda and incitement to discrimination, hatred, or violence (Article 98). Those who offend the President and other heads of state are subject to particularly significant fines (Article 105). [In 2021](#), a journalist was fined for "insulting" President Alpha Condé. He had stated on a private radio that "Mr. Condé's only project was to exterminate the Fulani community in Guinea."

Additional restrictions prohibit the media from publishing information on criminal or correctional proceedings before being read in court and prohibit the publication of information relating to the deliberations of the High Council of the Judiciary (Article 115).

Since the military junta took power in 2021, press freedom has faced unprecedented attacks, according to [Reporters Sans Frontières \(RSF\)](#)³. Thus, press organisations representing private and public television, radio, newspapers, and news websites denounce "internet and social media shutdowns, radio signals jammed, equipment confiscated, and intimidation against the media."⁴ It appears that these restrictions come in the context of protests and calls for demonstrations launched by those opposing the ruling junta.

[The 2016 law on cybersecurity and the protection of personal data](#) has raised concerns about its ambiguous terminology and the imprisonment penalties it provides. Indeed, Article 44 states that: "when the disclosure of personal data without the authorization of the person concerned or the competent authority harms the consideration, dignity, honor of the individual, or the privacy of their private life, the offender will, like any accomplice, be punished with imprisonment from two to ten years and a fine of 100,000,000 to 400,000,000 Guinean francs or one of these two penalties only (...)."

It appears that this provision could endanger journalists and whistleblowers by justifying the arrest and detention of journalists and media directors. Unfortunately, this legal context does not favor the disclosure of corruption involving government members or their associates.

□ **Press Freedom: a concerning situation**

In [January 2021](#), the High Authority of Communication (HAC) ordered the one-month suspension of the radio show "Africa 2015" and three journalist hosts. The regulator claimed that during the show, the head of a coalition of opposition political parties from the [National Front for the Defense of the Constitution \(FNDC\)](#) intervened and made statements inciting popular revolt.

³ Reporters sans Frontières (RSF) is an international non-governmental organisation founded in 1985 with the mission to defend press freedom, promote independent journalism, and protect journalists worldwide. The organisation actively works to denounce censorship, repression, and infringements on freedom of expression. RSF yearly publishes a World Press Freedom Index, which assesses the state of media freedom in each country based on criteria such as pluralism of opinions, access to information, and safety of journalists.

⁴ "Guinea: the junta attacks press freedom in an unprecedented manner", Reporters Sans Frontières (RSF), <https://rsf.org/fr/guin%C3%A9-la-junte-attaque-de-mani%C3%A8re-in%C3%A9dite-la-libert%C3%A9-de-la-presse>, consulted on 06/22/2023.

The FNDC is a movement that emerged following a series of unprecedented protests in October 2019, protesting against the modification or adoption of a new constitution that led President Alpha Condé to a third presidential term. According to the High Authority of Communication, following the statements made, the journalists did not demonstrate professionalism.

In 2022, the HAC suspended journalist [N'Faly Guilavogui](#), deputy director of the media outlet Groupe Evasion Guinée, for ten days for "allowing the dissemination of a statement from a youth association in Konia, a community located 62km north of Conakry." The HAC accused the journalist of "violating the ethics and professional code of conduct of Guinean journalists." In the video, the youth reportedly demanded that "light be shed on the fate of their brothers arrested by the Guinean military authorities." Civil society has asserted that these suspensions reflect the "ambitions of the Guinean authorities to censor critical voices against the military government and send a chilling message to journalists in the country" and that "the military in power have positioned themselves as a force of repression against all dissenting voices in Guinea."⁵

The [2023 Freedom House report on press freedom](#)⁶ classifies Guinea as "not free" with a score of 30/100 (a degradation, as the country scored 34/100 in [2022](#)). This ranking is attributed to the military coup in September 2021.

Although the 2020 [Constitution](#) guarantees media freedom, social media users [denounced the interruption](#) of telecommunications services during the 2020 referendum and parliamentary elections. In October 2021, [media coverage](#) of the installation of the transitional Prime Minister Mohamed Béavogui was denied to several television stations.

In 2023, the context is not very different. Guinea's media landscape is pluralistic with about a dozen active media outlets, over sixty private radios, and hundreds of news websites. Despite

⁵ "Guinea: Journalist Suspended by Regulatory Authority", Media Foundation for West Africa (MFWA), <https://www.mfwa.org/fr/country-highlights/guinee-un-journaliste-suspendu-par-lautorite-de-regulation/>, consulted on 22/06/23.

⁶ Freedom House is an American non-governmental organization founded in 1941. Its main objective is to promote and defend democracy, human rights, and fundamental freedoms worldwide. Freedom House evaluates the state of political rights and civil liberties in each country and produces reports and indices to measure the degree of freedom and democracy.

this, freedom of expression and the press are seriously impeded. Freedom House considers the prospect of genuine press freedom to be "fragile" in light of recent efforts to ban opposition and civil society demonstrations. Indeed, on March 13, 2022, the CNRD declared in [press release No. 012/CNRD/2022](#) that "any demonstration in public places, likely to compromise social peace and the correct execution of activities contained in the schedule until the electoral campaign periods, is prohibited." This declaration prompted [public reaction](#) from eight human rights defence organisations such as Amnesty International, Turn the Page, CCFD-Terre Solidaire, etc., urging the CNRD to reconsider its decision.

In its 2023 World Press Freedom Index, RSF ranks Guinea 85th out of 180 countries and specifies that the transitional regime is "still expected to address press freedom issues." This represents an improvement of 24 places compared to 2021 when the country was ranked 109th.

RSF has not recorded any arrests or deaths of journalists since January 2022. However, the [International Press Institute \(IPI\)](#) has noted several cases of journalists being assaulted by law enforcement under the passive gaze of authorities. Summons for publishing articles are common and sometimes require the intervention of the Guinean Press Professionals Union (SPPG), a local group advocating for press freedom. In July 2022, [several journalists](#) were assaulted, and one of their cars was damaged while covering FNDC protests.

1.4 The Access to Information Act and Secrecy Laws

In this section, we will discuss the importance of access to public information for whistleblowers and journalists. These individuals who expose illicit behaviours within the public administration require reliable information to support their disclosures. The right to access public information ensures transparency and accountability, thereby providing enhanced protection to whistleblowers and journalists who can rely on concrete facts when disclosing sensitive information.

□ **Law No. 2020/0027/AN on the Right of Access to Public Information**

Under [Law No. 2020/0027/AN on the Right of Access to Public Information](#), access to information is a fundamental right; any citizen can request and obtain access to information and administrative documents without having to justify the reason for the request (Article 2).

However, documents considered non-communicable as administrative documents include "acts and documents prepared or held by parliamentary assemblies, documents of the Court of Auditors and the Constitutional Court, documents instructing complaints addressed to the Ombudsman, documents relating to ongoing judicial matters, documents classified by the State in accordance with the current regulations on archives" (Article 5).

Documents that would affect the following are also not communicable: "the confidentiality of the Government's deliberations and the responsible authorities under the executive branch; national defense secrets; the conduct of Guinea's foreign policy; the economic, monetary, or financial policy of the State; the security of the State, public safety, or the safety of individuals; currency and public credit; the course of proceedings before the courts or preliminary operations to such proceedings; the investigation, by the competent services, of tax and customs offenses; or, in general, secrets protected by law" (Article 6). Some documents are only communicable to those concerned or their close relatives (Article 8). Remedies are provided for refusal to disclose information (Articles 38, 39, 40).

This law establishes the Commission on Access to Public Information (CAIP), which is responsible for regulating the right of access to public information. To this end, it has the power of sanction and injunction (Articles 46, 47). [Two years after its adoption](#), it appears that access to information is still not a reality in Guinea. Civil society organizations are therefore requesting the effective implementation of the law.

□ **Provisions of the Penal Code (2016) regarding offenses against State security**

Regarding confidentiality, under Article 536 of the [Penal Code](#), "Any Guinean who: 1. delivers to a foreign power or its agents, in any form and by any means whatsoever, information, object,

document, or process that must be kept secret in the interest of national defense; 2. ensures, by any means whatsoever, the possession of such information, object, document, or process with the intention of delivering it to a foreign power or its agents; 3. destroys or allows to be destroyed such information, object, document, or process in order to favor a foreign power, is guilty of treason and punishable by life imprisonment."

Article 538 of the same code lists classified defense information. Thus, "Any Guinean or foreigner who, with the intention of delivering them to a foreign power, gathers information, objects, documents, or processes whose collection and exploitation are likely to harm national defense, is punishable by the maximum penalty of imprisonment for a definite term" (Article 539). Article 540 specifies that any guardian, custodian by function or by status of information, object, document, or process that must be kept secret in the interest of national defense, who, without intention of treason or espionage: "1. destroys it, removes it, allows it to be destroyed or removed, reproduces it, or allows it to be reproduced; 2. carries it or allows it to be brought to the knowledge of an unqualified person or the public. The penalty is imprisonment for a definite term of 5 to 10 years, if the guardian or custodian acts through clumsiness, imprudence, inattention, negligence, or failure to observe regulations."

Any Guinean or foreigner without status guilty of the same acts is punishable by imprisonment for a definite term of 5 to 10 years (Article 541).

Finally, Article 543 specifies: "Any Guinean or foreigner who, without intention of treason or espionage, brings to the knowledge of an unqualified person or the public, military information not made public by the competent authority and whose disclosure is clearly likely to harm national defence, is punishable by imprisonment for 1 to 5 years and a fine of 500,000 to 1,000,000 Guinean francs."

2. ANALYSIS OF FACTS: WHISTLEBLOWER CASES

The objective of this section is to list known and public cases of whistleblowers to assess the treatment afforded to whistleblowers in the country.

There are no known cases of public whistleblowers in Guinea Conakry.

3. RECOMMENDATIONS: WEAKNESSES AND NEEDED REFORMS

In this section, the focus will be on suggesting areas for improvement for the State regarding the protection of whistleblowers, current legislation against financial crime, the government's commitment to combating this problem, and the respect for individual liberties, including the right to information, freedom of the press and expression, as well as media rights.

- **Whistleblowing and Anti-Corruption Efforts**

Despite the existence of legislative measures to fight against corruption, the country remains in 147th place out of 180 in Transparency International's 2022 Corruption Perceptions Index.

- To promote the establishment of an environment conducive to whistleblower disclosures, it is necessary to strengthen the enforcement of existing laws in this regard. It would also be opportune to enhance the authority and resources of the National Anti-Corruption Agency.

While Guinea has a law providing protection for whistleblowers, there have been no public whistleblowers reported in the country to date. Furthermore, the scope of protection offered by the current law is limited and does not fully shield these individuals from potential retaliation.

- Expanding the scope of protection offered to whistleblowers by law would be beneficial. Moreover, to encourage citizens to blow the whistle, it is necessary to raise awareness of this concept, which is still unfamiliar to many, even as there is a noticeable citizen push for more transparency in Guinea.

4. KNOWLEDGE, SUPPORT, AND ACTION CENTRES:

In this section, we will explore the landscape of civil society organizations, NGOs, and citizen movements that actively engage in promoting good governance. These entities represent valuable sources of knowledge and expertise, playing a crucial role in strengthening democratic practices.

The [Foundation for Democracy and Governance \(FDG\)](#), established in 2015 and registered under Belgian law, aims to support all judicial procedures aimed at criminally prosecuting behaviours contrary to the public interest. In this regard, it proposes to host a dedicated page on its website for whistleblowers and citizens holding information that could establish operations involving embezzlement, corruption, and influence peddling.

Contact: Gregory Mathieu, President

Tel: +45 12345678

infos@fondationdg.org

The [Guinean Association for Transparency \(AGT\)](#) is a non-profit organisation specialising in the fight against corruption and the promotion of good governance in Guinea. This organization engages in advocacy and regularly organizes capacity-building activities for local actors.

Contact: Oumar Kana Diallo, President

Tel: +224 622 40 41 42

agtguinee224@gmail.com

[Acting for Peace and Development in Guinea \(APDG\)](#) is a non-political, non-profit organisation. In addition to its awareness-raising and security-strengthening activities, it fights against corruption and promotes democracy and good governance.

Contact: Aminata Tounkara, President

Tel: +224 622 90 41 82 / 820 98 44 44

ongapdguinee@gmail.com

The [Citizen Broom Cell](#) of Guinea is a non-governmental organisation promoting good governance and social dialogue. The Citizen Broom of Guinea is "an organisation to clean up democratic, economic, and financial mismanagement and to purify peacefully."

The [Club Humanitaire sans Frontières \(CHF\)](#) is an NGO established in 2014. Apolitical, non-denominational, and non-profit, its mission is to contribute to the promotion of good governance to foster the socio-economic and sustainable development of states. It worked with OCWAR-M in raising awareness among Guinean civil society organisations about the fight against money laundering and the financing of terrorism. CHF played a coordinating and animating role in this training activity and effectively identified relevant participants for the two sessions held in January and March 2022.

Contact: Chérif Diallo, President

Tel: +224 621 946 705 / 623 124 176

info@club-humanitairesansfrontieres.org / chfguinee224@gmail.com



Get In Touch



Email Us

info@pplaaf.org



Website

www.pplaaf.org



Social Media

[@pplaaf](https://www.instagram.com/pplaaf)