

PRESS RELEASE



Advocates for
Community
Alternatives



*Sherpa

Conakry, Guinea

October 31, 2023

ZOGOTA MASSACRE VICTIMS IN PARIS FOR JUSTICE

Survivors of the 2012 massacre by state security forces in the village of Zogota in the West African country of Guinea are asking the Tribunal Judiciaire in Paris, France, to ensure that justice is finally served in their lawsuit against the Guinean state. The massacre survivors are supported by three non-governmental organizations: Guinean human rights defense organization Les Mêmes Droits pour Tous (MDT); Advocates for Community Alternatives (ACA), based in Ghana; and the French corporate accountability and anti-corruption organization Sherpa.

The survivors brought their case to the Abuja-based ECOWAS Court of Justice in 2018 after their complaints were repeatedly stalled and ignored in the Guinean courts. The ECOWAS Court found that Guinea had violated its international human rights obligations and ordered it to pay 4.56 billion Guinean francs (then approximately \$436,000) to the plaintiffs, but the government is yet to comply.

Exequatur suit

The massacre survivors are taking their fight to the tribunal in Paris, which they hope will grant *exequatur*, or recognition, of the ECOWAS Court judgment. The purpose of the *exequatur* suit is to recognize that the ECOWAS Court decision is enforceable in France, on an equal basis with judgments of the French courts. *Exequatur*, if granted, would allow the massacre survivors to locate and seize certain Guinean state assets in France to satisfy the ECOWAS Court's compensation order.

2012 Massacre

“Justice delayed is justice denied,” proclaimed Frédéric Loua, Executive Director of MDT and the massacre survivors' principal Guinean lawyer. “Since Guinea has shown that we will not find justice at home, the massacre survivors' long road to justice now leads to countries like France.”

On MDT's first visit to Zogota in August 2012, homes were still smoldering from fires the attackers had set only hours before. The village, located in southeastern Guinea, bordered an iron ore exploration site controlled by VBG, a mining company owned by Brazilian mining giant Vale and BSG Resources, a company controlled by Franco-Israeli diamond mogul Beny Steinmetz. Conflicts had arisen between the company and community over mining activities causing environmental damage, unfulfilled promises to employ local youth, and alleged mismanagement of VBG's royalty payments intended for community development.

Around 1:00 AM on August 4, 2012 – the night before the government was to meet with the community to discuss these conflicts – state security forces [attacked Zogota](#), firing bullets and tear gas. Five villagers were killed that night and a sixth later died of his injuries. More than a dozen

villagers were arrested, some of whom were tortured by gendarmes. Homes and other buildings were torched, and almost the entire village fled.

Legal tussles

One month later, the community, supported by MDT, filed the first in a series of lawsuits against the individual police, gendarme, and military officers accused of carrying out the attack. Several years later, they expanded their complaint to [include VBG](#) after discovering evidence that the company supplied equipment used in the attack.

These cases have since been shuffled between Guinea's civilian and military courts, languishing for years while the courts have allowed witnesses and defendants to ignore or flee from subpoenas, much to the dismay of Zogota survivors. "After all that we had done, there was no justice. The state had no will to shine a light on what had happened," said Kpakilé Gnadéwolo Kolié, President of Zogota Commune and a spokesperson for the victims.

Faced with national court systems unwilling or unable to deliver justice to the victims, the community turned to the ECOWAS Court of Justice in 2018 to hold the Republic of Guinea accountable for the massacre, torture, and illegal detention of the people of Zogota.

In November 2020, [the Court ruled](#) the Republic of Guinea was responsible for violating the Zogota villagers' rights to life; to be free of torture and cruel, inhuman, and degrading treatment; to not be subject to arbitrary arrest or detention; and to an effective remedy. But despite pleas from the victims and Guinean civil society to the government, the judgment has remained unsatisfied for nearly three years.

"Impunity for corporate-related abuses is not only due to the many obstacles to judicial remedy, but also to the fact that, when judicial decisions are rendered, these are rarely enforced." said Lucie Chatelain, Sherpa's Advocacy and Litigation Manager.

While the Zogota massacre survivors' difficulties in enforcing the ECOWAS Court order are acute, they are hardly unique. Governments regularly ignore the judgments of international and regional human rights courts, despite signing treaties that legally bind them to comply with the courts' decisions. "An *exequatur* order from the Paris court would give hope to victims of human rights violations everywhere," said Lalla Touré, ACA's Legal Director. "We're counting on the French legal system to help turn the decision of the ECOWAS Court into concrete civil justice for the survivors of the Zogota massacre."

Les Mêmes Droits pour Tous (MDT) – MDT focuses on the defense and promotion of human rights; it was founded by Guinean lawyers and young professionals in the legal industry to fight human rights violations in Guinea. MDT conducted the first fact-finding mission to arrive on the site of Zogota after the massacre and has been supporting the villagers in their search for justice since 2013.

Advocates for Community Alternatives (ACA) – ACA helps West African communities that are threatened by the destructive impacts of extractives-led development to take control of their own futures. ACA works directly with communities to design their own sustainable development plans and advocate to achieve those plans, and it builds and supports networks of lawyers and other professionals that will serve communities in need. ACA is

providing strategic legal support to MDT as part of their participation in the Public Interest Lawyering Network for West Africa (PILWA), which ACA coordinates.

***Sherpa** - Sherpa carries out advocacy, strategic litigation, legal research and capacity building activities, in order to strengthen economic actors' accountability and build up a legal framework that better protects the environment, communities and human rights. To implement these activities, Sherpa brings together lawyers, legal experts, academics and many other experts who support its action by putting forward an innovative approach to law.*

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