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## APPENDIX A: EDUCATIONAL/TRAINING MATERIALS

### **I. EDUCATIONAL/TRAINING MATERIALS FOR REFUGEES**

#### **A. OVERVIEW OF THE LEGAL AID PROJECT**

1. Brief History of the Sexual Exploitation Exposé
2. Clinic's Mandate
  - Education on the legal rights of women and children.
  - Confidential advice to women and children regarding their legal rights.
  - Legal representation of women and children whose rights have been violated.
  - Legislative proposals to improve and reinforce the protections afforded to women and children under Guinean law.
3. Staff
  - Three Guinean lawyers and three legal assistants from the refugee community. Guinean lawyers were hired because violations of the rights of women and children living in Guinea will be governed by Guinean law regardless of the nationality of the survivor or perpetrator, and Guinean lawyers will know the Guinean laws and how to function within the Guinean legal system better than anyone else. This makes them the most qualified group of lawyers to protect the rights of those violated. The legal staff chosen is well qualified and from a reputable firm that does not engage in corrupt practices. The staff is independent and will pursue cases against anyone who violates the rights of women and children, including NGO and government employees, Guineans and refugees alike. The law firm supplying the lawyers for the Clinic was supportive of

refugees throughout the investigation into allegations of sexual exploitation.

- There will be ongoing monitoring and evaluation by independent consultants and project coordinators to ensure that clients are satisfied with their representation, that confidentiality is maintained by staff members, and that the staff is professional at all times.
- In addition to the lawyers, there will be 3 legal assistants who will serve as liaisons between the lawyers and the refugees. The lawyers speak French only and legal assistants are needed to conduct interviews of clients and translate the information to the lawyers. The legal assistants will also be trained on the laws and will be able to provide survivors with initial legal advice, but will ensure the accuracy of the advice being provided by consulting with the lawyers. The legal assistant's primary role will be collecting information from clients and witnesses and providing this information to the lawyers who will then provide advice to refugees, and, upon request, present cases to the authorities and to the judiciary for prosecution. The legal assistants will provide routine status reports to refugees.

**B. TODAY'S FOCUS: EDUCATION ON CASES TO BE HANDLED BY THE CLINIC AND HOW TO SEEK LEGAL ASSISTANCE**

[NOTE to Trainer: Explain that in addition to sexual exploitation, over the past year, refugee leaders have identified the following cases as cases that should be addressed by the Clinic. Read the list and ask which cases should take priority; also ask if there are other categories of cases the refugees would like to see the Clinic consider handling in the future. Ask if they think refugee women will seek advice and legal assistance through the Clinic.]

Cases to be handled by the Clinic:

- Physical and sexual violence
- Domestic violence
- Forced prostitution
- Child prostitution and the pimping of children
- Sexual exploitation
- Threats
- Paternity cases
- Child custody/kidnapping

**1. VIOLENCE AGAINST WOMEN**

1. Violence against women and children is illegal and punishable under the laws of Guinea. Cases involving violence against women and children are of primary concern to the Clinic. Any woman or child who has been the survivor of violence may come to the clinic to receive free and confidential advice regarding her rights and options under the law. She may seek advice, and, based on that advice, she may ask that a case be filed against the perpetrator. The choice is hers.
2. [NOTE to Trainer: During the presentation, encourage refugees to seek advice regardless of whether or not they want to take action; knowledge will empower refugee women who may choose to follow through at a later date – by seeking advice they will at least know that they have options, and they will know of the protections afforded them under the law; they will also know what evidence they will need if they choose to take action at a later date.]
3. What types of violence do women experience?

- Physical (Ask for examples: such as beating, cutting, stabbing, kicking, burning, strangling, stabbing)
  - Sexual (Ask for examples: rape, sodomy (also viewed as rape), molestation, unwanted touching of any kind)
  - Psychological (Ask for examples: forced marriages, intimidation, employment discrimination)
4. Where does violence occur? (Ask for examples: Home, school, work, communities)
  5. Why does violence occur? (Lack of respect, abuse of authority, physically stronger and more powerful, male wants control over female, tradition, ignorance, religion)
  6. What is domestic violence? (Violence in the home – usually refers to spousal abuse)
  7. Is domestic violence common? What are the causes?
  8. What is the most frequent form of domestic violence, i.e., physical, sexual?
  9. Can a married woman be raped? (Marital rape: husband cannot force wife to engage in sex. He may divorce her, but he cannot force her into sex or abuse her in any way for refusing him.)
  10. Is violence or sexual abuse ever justified? What if provoked? (Violence is justified only in cases of self-defense and then only to the extent it is truly necessary to avoid injury. If a man is threatened by a woman and he is clearly able to walk away from the situation unharmed, the law requires that he walk away and refrain from inflicting harm on the woman.)
  11. What consequences do female survivors of violence suffer? (Physical and emotional pain, shame, fear, lowered self-esteem, depression, STDs, death, pregnancy, ostracized)

12. Violence against women is illegal. This prohibition encompasses all forms of sexual and physical abuse, including marital rape and other forms of domestic violence. The law also prohibits and punishes those who attempt, even if unsuccessful, to inflict physical or sexual injuries on women. The law also prohibits and punishes those who assist others in committing any of these prohibited acts. All cases involving physical and sexual violence against refugee women and children are of primary concern to the Clinic, and, upon request, will be prosecuted to the fullest extent allowed under the law.
13. If a refugee woman or child asks that a case be filed against the perpetrator, the Clinic staff member with whom she speaks will have to consult with his or her superior before reaching a decision on whether or not the Clinic will file a case on behalf of the refugee. The Clinic will have to conduct preliminary research to determine whether the facts presented demonstrate an infraction under the law and whether the facts can be substantiated by some evidence. It is important to keep in mind that false claims are also illegal and the person against whom such claims are made has legal rights and may press charges as well; the Clinic will not handle false claims cases but the accused may seek the assistance of a prosecutor at the courthouse.
14. Who may press charges? The survivor. In some cases, the State or women's groups can file charges on behalf of the survivor, parents and spouses can also press charges, depending on the type of case involved. Charges against a spouse may be withdrawn at any time prior to a verdict. In addition to pressing criminal charges, survivors typically are

allowed to seek money damages for material and moral harm.

15. What evidence is required to prove a case of physical or sexual violence? **The best evidence is documentation of a survivor's injuries by a health care provider made immediately after the incident.** The survivor must be sure to advise the health care provider of all injuries, the manner in which they were inflicted, and of all previous incidents of similar nature. Evidence will also be obtained from eye-witnesses to the incident, as well as from anyone who may have seen the survivor immediately before or after the incident, anyone who may have overheard a dispute, or anyone who may have information about the perpetrator's propensity for violence toward the survivor or others.
- It is very important to keep in mind that statements made immediately after the incident provide the most credible evidence. Cases should be reported to the Clinic as soon as possible so that statements can be taken from the survivor and any witnesses soon after the incident. Survivors do have control over your case and should they decide against using certain witnesses, their decision will be respected by the Clinic. However, also keep in mind that the Clinic may have difficulty proving the case if full access to information and/or witnesses is unavailable. They will consult with the survivor and provide her with advice about all of these issues and will always respect the survivor's final decisions. Further, if the collection of evidence places her in danger, the Clinic will attempt to make arrangements to have her placed in a safe house

or transferred to another camp before collecting evidence from witnesses.

- A survivor should always seek medical assistance. If she has difficulty obtaining services, the Clinic will attempt to assist her in the process. Medical assistance will provide for her health and well being, and it will also provide the Clinic with evidence, documents and witnesses to help prove her case. A survivor can always decide against pursuing a case, but if she has not taken these necessary steps soon after the crime, she may not have enough evidence to proceed with a case should she later decide to do so.

16. Who may be prosecuted? Anyone who inflicts or attempts to inflict sexual or physical harm on a woman, including relatives and spouses. In addition, those who assist others in inflicting physical or sexual harm will be prosecuted.
17. What are the penalties? For rape, the penalty is 5 to 20 years. (If the rapist is a relative of the survivor or a person who abused his authority in carrying out the crime, he will be sentenced to 20 years.) Other forms of physical or sexual violence, including domestic abuse, would likely result in a sentence of 2 to 5 years, depending on the severity of the injuries.
18. In summation, survivors of physical or sexual violence should go to the Clinic to learn about their rights and options under the law. This consultation will be completely confidential. If the survivor decides she wants to file charges after learning of her rights and options, the Clinic will assist her in filing charges and will submit her case to the court for prosecution, provided sufficient evidence exists

to prosecute the accused. If, at any time in the process she fears for her safety, the Clinic will assist her in securing a safe place to live.

19. The legal texts the Clinic will rely upon to prosecute cases involving physical and sexual violence against refugee women and children include:

- Guinean Penal Code, Article 321: Rape by force, constraint, or surprise is covered in Article 321 and is punishable for a term of 5 to 10 years. The punishment is more severe, 10 to 20 years, if:
  - The survivor is under 14,
  - The rapist was a relative,
  - The rapist was a person who abused his authority,
  - The rape was carried out under armed threat, or
  - The rape was committed by 2 or more persons.
- Those found guilty of attempted rape (no penetration involved but the perpetrator engaged in some act demonstrating that he planned to rape the survivor) receive the same penalties as those who actually commit rape. This same principle is true for all crimes of a sexual or physical nature; an attempt to commit the crime is treated as though the crime was committed. However, these cases are much harder to prove and depend almost entirely upon eyewitness testimony and historical evidence that may show a pattern.
- Those found guilty of assisting others in the commission of a crime (referred to as accomplices) receive the same penalties as those who actually commit the crime.
- Guinean Penal Code, Articles 295–298: These articles deal with the other forms of physical and sexual violence,

and would include crimes such as molestation, beatings, and domestic abuse. These acts are crimes of violence punishable according to the injury inflicted. If the survivor is incapacitated (prevented from engaging in routine activities) for less than 20 days, the punishment is 16 days to 2 years depending on the nature of the crime; if the survivor is incapacitated for more than 20 days, the punishment is 2-5 years.

- The Convention on the Elimination of All Forms of Discrimination Against Women and the Declaration on the Elimination of Violence Against Women, adopted by Guinea in 1982, ban discrimination and violence against women, which, as stated in the Convention, include a ban on all forms of traffic in women and the exploitation of the prostitution of women, and impose on Nations the obligation to take all necessary measures to protect women from discrimination, violence and exploitation.
- The African Charter on the Welfare and Rights of the Child, adopted by Guinea in 1999, and the Convention on the Rights of the Child, adopted by Guinea in 1990, ban all forms of violence against children, including physical, mental, and sexual abuse and exploitation, including prostitution, and impose on Nations the obligation to take all necessary measures to protect children from violence, abuse, maltreatment, exploitation and prostitution. Both documents define children as anyone under the age of 18.
- The Universal Declaration of Human Rights, accepted by Guinea through its membership in the Organization of African Unity and its membership in the United Nations,

provides that no one shall be subjected to degrading treatment; that everyone shall receive equal protection under the law; and that everyone has the right to an effective remedy for acts violating his/her rights.

- Economic and Civil Rights Conventions, adopted by Guinea in 1978, provide that everyone shall have a right to legal recourse even if the violator was acting in his/her official capacity; that inhumane or degrading treatment is forbidden; and that discrimination on the basis of sex is prohibited. The U.N. Committee responsible for the protection of women's rights (CEDAW) has interpreted discrimination to include sexual violence.
- The African Charter on Human & People's Rights, adopted by Guinea in 1982, protects women and children from discrimination and requires adherence to various international documents relating to the same.
- Convention Relating to Status of Refugees, adopted by Guinea in 1965, provides equal protection for refugees, which, as stated in the Convention, includes equal access to the courts and all law enforcement mechanisms within the host country's legal system.
- Under these Conventions, Nations are also required to submit country reports to the committees responsible for ensuring compliance with the various Conventions. Guinea is legally obligated to comply with the above-referenced documents and to submit country reports demonstrating its compliance. The Clinic will contribute information for these reports and will also provide pertinent information directly to the committees involved and the UNHCR.

## 2. **FORCED AND CHILD PROSTITUTION, PIMPING**

1. What is prostitution? Prostitution is the exchange of sex or sexual favors for money, food, goods, services.
2. What is a pimp? A pimp is one who does not participate directly in the prostitution exchange, but who helps to organize or aid in the exchange or somehow profits from it.
3. What is forced prostitution? Forced prostitution occurs when the prostitute does not have a choice in regard to whether or not she will have sex in exchange for money, goods, services, etc. For example, a child may be forced into prostitution by her parents, or someone may use threats of violence to force a woman into prostitution.
4. What are the root causes of prostitution? Poverty, desperation, lack of basic needs and resources, need to feed and clothe family, lack of alternatives, a lack of respect for women, and a lack of self-respect result from prostitution.
5. Why is prostitution of special concern in a refugee population? Prostitution in refugee settings is particularly concerning due to the dramatically unequal bargaining power, desperate condition of refugees, lack of resources, and lack of legal protection.
6. What is child prostitution? A child prostitute is anyone under 18 who engages in a sexual exchange.
7. Is child prostitution common in refugee settings?
8. Does the refugee community view child prostitution as morally corrupt? Explain.
9. Is child prostitution something the refugee community would like to see the clinic address? What about forced prostitution?

10. In Guinea, child prostitution and pimping is illegal. Men cannot engage in sex with girls under 18 if the sexual relationship is in exchange for money, goods or services. It is also illegal for anyone to organize, encourage or aid in this type of exchange through actions such as providing the location for the exchange to be made. For example, if a landowner or lessee is aware that this type of exchange is being agreed to or carried out on his or her premises, he or she may be prosecuted for pimping.
11. Who will be prosecuted? The Clinic will prosecute those who organize, protect, profit from, participate or assist in the prostitution of children, or who force women of any age into prostitution against their will. The Clinic will not prosecute prostitutes. Prostitutes who come forward with evidence will not be punished in any way. Under Guinean law, prostitutes cannot be prosecuted. The Clinic will secure a place in a safe house for prostitutes or anyone else who submits evidence and feels they need protection.
12. Who can file a claim? Prostitutes who are under the age of 18 (for purposes of the Clinic's mandate), and anyone who is forced into prostitution. Parents, spouses, women's groups and community organizations can also file charges. Neighbors of hotels, bars and video clubs where child prostitution is known to occur may press charges as well. A suit for money damages for material and moral harm may accompany criminal charges. The court can also award punitive damages in these cases. (Punitive damages are money damages in addition to money awarded for pain and suffering and moral harm and is intended to punish the wrongdoer to prevent further misconduct.) The Clinic will

work closely with community organizations to prosecute cases of child and forced prostitution.

13. What evidence is required? Most of the evidence in these cases will come from witnesses. In the case of charges against a hotel, bar, or video club, this could include customers and those who live in the neighborhood, former prostitutes, security officers and police officers who patrol the area, medical professionals who have provided treatment to prostitutes reporting injuries on the premises, in which case there may be documentary evidence as well.
14. What are the penalties? 2 to 5 years and up to 1 million FG.
15. Legal texts the Clinic will rely upon to prosecute those who aid, protect, profit from, organize or engage in forced prostitution or the prostitution of minors:
  - The Guinean Penal Code, Articles 328-331: These articles prohibit any and all activities designed to organize, aid and/or protect the prostitution of others. Anyone who solicits, promotes, aids, organizes or knowingly protects the prostitution of another will be sentenced to 6 months to 2 years and will receive a fine of up to 400,000 FG. This includes anyone who shares in the profits of prostitution or benefits from prostitution in any way; this also includes anyone who lives with a prostitute and cannot justify his/her resources. The sentence will be more severe, 2 to 5 years and up to 1 million FG, if:
    - The prostitute is a minor,
    - The prostitution was carried out by constraint or through the use of a weapon, directly or indirectly,

- The prostitution is committed through abuse of authority, or deceit, or by a spouse or a relative, teacher, or servant,
  - The perpetrator's job or legal duty involves combating prostitution, promoting public health or maintaining public order, or
  - The perpetrator engaged in efforts to hinder actions of prevention.
- Guinean Penal Code, Article 331, relates specifically to minors and prohibits anyone from engaging in, encouraging or allowing their premises to be used for the purpose of corrupting minors. A "minor" should be construed as anyone under the age of 18. The penalty for this crime is 1 month to 2 years and a fine of 200,000 FG. Further, the landowner and/or the lessee may be required to pay money damages, including punitive damages for disturbing the peace. They could also lose their property rights.
- The Clinic will also rely on the following laws in prosecuting cases of forced and child prostitution: The African Charter on the Welfare and Rights of the Child; The Convention on the Rights of the Child; The Convention on the Elimination of All Forms of Discrimination Against Women and the Declaration on the Elimination of Violence Against Women; The Universal Declaration of Human Rights; The Economic and Civil Rights Conventions; The African Charter on Human & People's Rights; and The Convention Relating to the Status of Refugees. The relevant provisions of these documents were set forth above under the section on physical and sexual violence. Refer back to the previous section for substantive information as needed.

### 3. **SEXUAL EXPLOITATION**

1. What is sexual exploitation? Sexual exploitation results when refugee relief workers and government employees request sexual favors from refugees in exchange for goods, services or jobs provided by their organizations. Sexual exploitation is prostitution with the added component of abuse of authority.
2. Who are the survivors? Any refugee woman or child whose receipt of refugee goods, services or jobs is contingent upon an exchange of sexual favors, or who is coerced into sex by a relief worker or government employee through his abuse of authority.
3. What are the root causes? Poverty, desperation, lack of basic needs and resources, need to feed and clothe family, lack of alternatives, lack of respect for women, lack of self-respect, abuse of authority and a willingness to take advantage of others with no fear of retribution.
4. Is sexual exploitation an issue in the camps? Does it occur frequently? Is it something the Clinic should address?
5. Sexual exploitation is illegal under the laws of Guinea and those who engage in such conduct will be prosecuted by the Clinic.
6. Who can file a claim? The survivors, parents, spouses, community organizations, any registered organization that deals with women's issues; the State may also file charges. The perpetrator's employer will also be notified and will assist in the investigation and take disciplinary action against the employee in the event the allegations are substantiated by sufficient evidence.

7. Who will be prosecuted? Any employee of a refugee relief/aid organization or agency, including UNHCR and Guinean government employees, who exchanges or promises to exchange refugee goods, services or jobs for sexual favors with refugees, directly or indirectly, or who uses his position of power to coerce refugees into sexual relations.
8. What evidence is required to prosecute a case of sexual exploitation? Like cases of prostitution, most of the evidence in these cases will come from witnesses to the incident and/or others who were subjected to similar treatment.
9. What are the penalties? The penalties range from 1 month to 10 years, depending on the statute relied upon, the age of the survivor, and whether the crime was accompanied by violence. In most cases of sexual exploitation, the penalty will be 2-5 years and 1 million FG. If the survivor is a child, however, the perpetrator will receive a sentence of 3 to 10 years.
10. Legal texts to be relied upon by the Clinic in prosecuting cases of sexual exploitation:
  - The Guinean Penal Code, Articles 322-325. These articles prohibit “indecent behavior” which should be interpreted to include sexual harassment and sexual exploitation. Indecent behavior against a child is punishable by 3 to 10 years. If the indecent behavior is accompanied by violence, the penalty is 3 to 10 years without parole.
  - The Guinean Penal Code Articles that deal with pimping activities also apply to cases of sexual exploitation because sexual exploitation is prostitution with the added component

of abuse of power. This is illegal and the person who abused his authority is considered a pimp under Guinean law. For example, under Article 330, an aid worker who abuses his authority or power as an aid worker by using that authority to coerce a woman or child into sexual relations is guilty of pimping and may be sentenced to 2 to 5 years and fined 1 million FG.

- The Guinean Penal Code, Article 331, also applies to cases of sexual exploitation if the survivor is under the age of 18. This Article prohibits inciting minors to debauchery, commonly held to mean corrupt activities, including sexual relations with minors. Accordingly, sexual exploitation of minors is prohibited under this Article and should result in a penalty of 1 month to 2 years.
- Sections dealing with public outrage, Articles 326-327, also apply because sexual exploitation offends the decency and the moral sentiment of persons who are its involuntary witnesses. This crime is punishable by a term of 3 months to 2 years and a fine. If a group conducts the activities, the penalty is doubled.
- The Clinic will also rely on the following laws in prosecuting cases of sexual exploitation: The African Charter on the Welfare and Rights of the Child; The Convention on the Rights of the Child; The Convention on the Elimination of All Forms of Discrimination Against Women and the Declaration on the Elimination of Violence Against Women; The Universal Declaration of Human Rights; The Economic and Civil Rights Conventions; The African Charter on Human & People's Rights; and The Convention Relating to the Status of Refugees. The relevant provisions of these documents

were set forth above under the section on physical and sexual violence. Refer back to that section for substantive information as needed.

11. In summation, if an NGO or UNHCR employee, or a Guinean government employee approaches an individual for sex in exchange for some benefit provided by his organization, or tries to coerce her or him into sex because of his position of power or authority, he has violated the law and he will be prosecuted by the Clinic upon the survivor's request. The perpetrator can expect a sentence of 2-5 years in prison and a fine of 1 million FG if the survivor is an adult, and 3-10 years if the survivor is a child.

#### **4. THREATS**

1. Under the laws of Guinea, a person who threatens to harm another may be imprisoned for 2 to 5 years.
2. The Clinic will handle cases of this nature on behalf of refugee women and children and also on behalf of anyone who has been threatened as a result of their actual or perceived assistance to survivors.
3. These cases may be submitted directly to the prosecutor's office, and the person who threatens such harm may be imprisoned pending investigation.

#### **5. PATERNITY**

1. Under the laws of Guinea, parents must take financial responsibility for their children, and this responsibility includes financial responsibility. If a man has sex with a woman and she becomes pregnant, he is legally and

financially responsible for the child regardless of his marital status.

2. [Note to Trainer: Ask if they see this in the refugee community – do they see cases where refugee women are abandoned by the fathers of their children? Open up the discussion and ask if it is common, and if it is primarily through prostitution that this happens, or if it also involves men and women in long-term relationships. Ask if the refugees would like to see the Clinic handle paternity cases.]
3. Upon request, the Clinic will assist women who wish to hold men legally and financially responsible for their children. These are called paternity cases. In such cases, if fatherhood is established, the court will order the father to take legal and financial responsibility for his child. Keep in mind that these cases are particularly difficult to prove and evidence and witnesses should be provided as to an ongoing and exclusive relationship with the father.
4. Who may file a paternity suit? The mother may file a case while she is pregnant and up to 2 years after the child is born. If the mother is unmarried and under the age of 21, the woman's parents or legal representative must file the case on her behalf. If the woman is under 21, but she is or was married with the consent of her parents, she may file a paternity suit on her own. In situations of unaccompanied minors, the Clinic will work with UNHCR and/or UNICEF to provide legal guardianship. A child abandoned by his/her father may also seek to establish paternity and may do so at the time he/she reaches the age of 21 and may receive payment for all of the previous years.

5. The amount of the father's financial obligation for the child is set according to his ability to pay. If the court orders the father to pay child support and he does not pay, the mother may again present the case to the court (through the Clinic) and the father will be required to pay support or face a jail sentence. The father must also pay back support in order to avoid a jail sentence. Wages may be garnished to satisfy support obligations. For example, if the father works for an NGO, the court can submit an order to his employer stating the amount of his obligation to the mother. The employer will deduct that amount from his paycheck and give it to the court for the mother to collect at the end of each month. The court charges a fee for this service. The court also charges a fee for interviewing witnesses in relation to paternity suits.
6. What evidence is required to prove the paternity of the father? Any child born within 6 months of marriage is deemed to be the child of the husband. For children born outside of marriage, the court relies on blood tests, physical features of the child to determine whether the child resembles the father, the testimony of witnesses, such as neighbors, friends and family members who may testify that the couple lived together or were exclusive. Proof of one sexual encounter is enough to establish paternity as long as there is sufficient proof of the relationship and the lack of other potential fathers. The court will hear from anyone who claims to have knowledge of the couple's relationship, and will also consider proof that the alleged father paid medical bills for the child or engaged in other activities that

suggest he is the father. The court can also order a morality check on the mother.

**6. CHILD CUSOTODY**

1. Children in refugee settings, just like any other society, are fought over and sometimes stolen from one of the parents.
2. [Note to Trainer: Ask the group if they are aware of child custody disputes in the camps, and inquire as to whether this is an area they would like the Clinic to address.]
3. Upon request, the Clinic will handle child custody cases, including cases of kidnapping. Parents should seek the Clinic's advice about child custody disputes before they arise. Learning the laws and personal rights in relation to custody may prevent pain and suffering.
4. Under Guinean law, the mother of the child is entitled to custody of the child until he or she attains the age of 7, at which point the father has the right to custody and can request that the child be transferred to his custody. Both parents have the right to visitation. However, if the father has not paid child support for 2 years, the mother may file a document with the court requesting termination of the parental rights of the father. This will prevent him from seeking custody, but it will also cut off his child support obligations, so, unless the mother fears a custody dispute, the better option typically is to seek child support. However, if 7 years have passed and the father has refused to pay support and there's been no termination of rights, the father can go to court and prove he's the father and pay back support to the mother and take custody of the child any time after his 7<sup>th</sup> birthday. These are all issues that the mother can discuss in detail with the Clinic lawyers. They will

tell her all of her options and possible repercussions and make recommendations accordingly.

5. Kidnapping: If a child is removed from his or her parent without the parent's consent, the crime is kidnapping. This includes situations where the removal is done by the non-custodial parent or another relative. Every person who kidnaps or exchanges a child will be sentenced to 5-10 years. For example, if a father takes a child from his or her mother before the child's 7<sup>th</sup> birthday, the father may be punished for a term of 5-10 years. The same holds true for grandparents or anyone else who removes a child from his or her parent(s) without the parent's consent. Those who assist in this crime will be punished by imprisonment of 16 days to 6 months or a fine of 50-100,000 FG.

### **C. CASE STUDIES / GROUP PRESENTATIONS**

[Note to Trainer: Consider breaking the group into 5 smaller groups, depending on the number of participants, and assign a case study to each group. Five fact patterns are provided below. Have each group review the fact pattern for their assigned case, and, for each fact pattern: (1) identify and explain the type of crime(s) (there may be several in one fact pattern), (2) identify who can file a claim, (3) identify who can be prosecuted, and (4) discuss the evidence the Clinic should use to prosecute the case. Feel free to add facts or let the groups add facts to the scenarios. Give them 30 minutes to answer these questions and prepare a presentation for the larger group. Walk around to answer questions.

#### CASE STUDIES:

1. An NGO aid worker asks a refugee man to assist him in having a sexual relationship with a 14-year-old girl. The refugee approaches the girl and she refuses to engage in the relationship requested. The next day at noon, as she walks by the NGO worker's house, the same refugee man delivers a letter to her stating that she is needed for a discussion with the NGO aid worker. She walks to the door of the house and is pushed inside by the refugee. The NGO aid worker hits her and then holds her down and has sex with her. Afterwards, she goes directly to the health post where a doctor confirms forced entry, found semen and noted bruises on the girl's arms and legs. On her way to the health post, she sees her brother's friend who asks why she is crying and comments on her bloody nose and torn clothing. She doesn't tell him what had happened. The health post refers her to the Legal Aid Clinic. She seeks advice from the Clinic.
2. An NGO truck driver offers a ride to a 14-year old girl in exchange for sex. She agrees and the exchange transpires. Her neighbor sees her leaving with the man. The man has a reputation for sleeping with teenage girls. The neighbor tells the girl's father what he witnessed. When confronted, she admits of the exchange. The girl was impregnated by the NGO truck driver. She identifies the aid worker among photographs. He has refused to take responsibility for his actions or the child. The girl's father recalls seeing a flyer about the Legal Aid Clinic. He goes to the Clinic and tells the story and asks for advice.
3. An NGO teacher tries to coerce a 16-year old student to have sex with him. He repeatedly reminds her that he's her

teacher and she should obey him. When she refuses him, he beats her. There are no witnesses since it was after school, but the girl's family sees bruises on her that night. She denies that she's been beaten but offers no story and refuses to go the medical clinic. The next day she goes to an IRC community worker and tells him the story. He advises her to go to the Legal Aid Clinic for advice and offers to accompany her. She accepts his offer.

4. There is a bar in N'Zerekore town known as a place for men to hire prostitutes, mostly refugee minors. The owner of the bar is Guinean and has owned the bar for 15 years. He lives next to the bar and is at the bar every night. His employees are refugee women, except for his security guard who is a Guinean male and brags to his police buddy that he has sex with a different refugee girl every night. The bar is located in a residential area and there is a community center about a block away where a women's group meets every week to bake bread and discuss issues affecting women. A neighbor of the bar attends a training program presented by the Clinic and submits an anonymous report about the bar.
5. A refugee woman frequently visits the Kola health post with serious cuts. A recent incident leaves her badly injured and she is afraid to return home. She states to the nurse that her husband had beaten her and had done so repeatedly in the past. In speaking with the nurse, she agrees to seek counseling and is also advised about the Clinic. She tells the nurse that she is afraid of being killed by her husband in retaliation. The nurse, having attended a Clinic training session, advises the woman that she could seek confidential advice to learn her rights and options, and could decide later

if she wants to press charges. The nurse also advises the woman that the Clinic staff and/or IRC community workers would assist her in finding a safe place to reside pending the investigation. She decides to go to the Clinic for advice.

#### **D. DISCUSSION OF CASE STUDIES**

1. Rape of a minor (under 18) by an aid worker abusing his authority, and an accomplice. A claim can be filed against both men by the minor, the minor's parents, an organization involved in the protection of women's rights, and/or the State. Money damages can also be sought on behalf of the minor. Article 321 governs the conduct of the aid worker. He will be sentenced to 10-20 years because the aid worker abused his authority in carrying out the crime. Two articles could be used to prosecute the refugee accomplice; he could be prosecuted as an accomplice under Art. 321 and receive the same penalty as the aid worker, or, under Art. 330, he could be prosecuted for pimping and receive 2-5 years. He served as an intermediary. The accomplice route affords stiffer penalties. Immediate and obvious evidence will come from the survivor, medical records, the friend who saw her crying and bloody. In all cases, the perpetrators will be interrogated while incarcerated.

*[NOTE to Trainer: Advise refugees that the more "immediate and obvious" evidence they have, the better.* There's no substitute. The best examples are medical and psych/social records, and eyewitnesses to the incident or injuries. Such evidence has multiple benefits: it makes the case easier to prove, it drastically shortens the investigation and trial phase, fewer people have to be

involved, and there is less risk of harm to all involved. Stress the need for documentary evidence from any source. Refugees must seek help and ***get their pain and suffering*** treated and ***documented***; they can always decide to press charges later, but the injuries need to be recorded as soon as possible.

2. Sexual exploitation by an NGO employee. The survivor, the survivor's parents, or women's groups can file a criminal charge against the NGO employee. The employee can be prosecuted for sexual exploitation under Art. 322, which deals with indecent behavior, and provides for a term of 3-10 years. He can also be prosecuted under Art. 331, which deals with inciting a minor to debauchery and provides a penalty of 1 month to 2 years and a fine of 50-200,000 FG. Further, under Article 330, an aid worker who abuses his authority or power as an aid worker by coercing a woman or child into engaging in sexual relations is guilty of pimping and may be sentenced to 2 to 5 years and fined 1 million FG. Guinean Penal Code sections dealing with public outrage, Articles 326-327, also apply because sexual exploitation offends the decency and the moral sentiment of persons who are its involuntary witnesses. Women's groups affected by the crime could bring suit under this provision. This crime is punishable by a term of 3 months to 2 years and a fine. These arguments can be made stronger by reliance upon international laws that prohibit all forms of exploitation. The NGO employee can also be sued for paternity. Immediate and obvious evidence will come from the neighbor who witnessed the lift. The Clinic will also rely on blood tests and testimony of the parties involved. The court may want to hear from the girl's father and others about any promiscuity and/or other potential

fathers. If paternity is declared, he will be ordered to pay child support and his wages will be garnished through his employer.

3. Physical abuse of a student. She will be advised to seek medical treatment, if needed, and that her parents can file charges on her behalf. Groups involved in the protection of children could file charges. The teacher could be prosecuted for physical violence. He could also be prosecuted for indecent behavior. Finally, he could be prosecuted for abusing his authority and attempted debauchery of a minor and/or attempted prostitution of a minor, and receive a sentence of 2-5 years. Immediate and obvious evidence will come from community worker records and family members who saw her injuries.
4. Prostitution of minors. The owner could be charged by the parents of anyone who works as a prostitute on the premises. Charges could also be filed by women's groups, neighbors of the establishment, and/or the spouse of a woman who works as a prostitute on the premises. The owner could be prosecuted under Art. 329 for aiding in the prostitution of others by providing a meeting place, and could receive a term of 6 months to 2 years and a fine of up to 400,000 FG. Further, under Art. 331, he could be prosecuted for habitually promoting the debauchery of minors and sentenced to 1 month to 2 years and a fine of 50,000 to 200,000 FG and required to pay money damages and punitive damages for material and moral harm to minors. He would also lose his property. Immediate and obvious evidence will come from neighbors, community center employees, the women's group, the employees of the bar, and interrogation of the police officer and guard. Most likely, the women's group will want to press charges and may even

provide the testimony of former prostitutes for evidence. Since the owner lives next door and has owned the place for 15 years and is there nightly, he will not be able to claim lack of knowledge.

5. This is a case of domestic violence. She will be advised that her husband can be arrested and imprisoned pending trial, and that she can change her mind any time prior to conviction. She will also be advised of a safe house and/or possible transfer to another camp, as desired. The survivor may also file for divorce. Immediate and obvious evidence would be medial records and medical history. [NOTE to Trainer: Remind the refugees that, as with sexual assault, it is critical for women who are the survivors of domestic abuse to seek medical treatment and document evidence of abuse. This empowers women who might at some point decide to press charges.]

## **E. QUESTIONS**

## **F. SUMMARY & REMINDERS**

1. Cases to be handled by the Clinic:
  - Physical and sexual violence
  - Domestic violence
  - Forced prostitution
  - Child prostitution and the pimping of Children
  - Sexual exploitation
  - Threats
  - Paternity cases
  - Child custody/kidnapping
2. Survivors of any of these crimes should seek advice regardless of whether or not they intend to press charges. Advice alone is worth seeking in order to determine one's rights, whether or not they were violated, and to determine

- possible options. Advice is also helpful to determine what type of evidence is necessary in order to pursue a case.
3. Evidence should be fresh. The closer in time to the crime that the survivor seeks assistance, the more likely it is that the Clinic will be able to help her.
  4. Survivors are entitled to receive free medical, psychological, social and legal services. In addition, survivors will be protected from further harm. There is currently a safe house in N'Zerekore, Kola, and one is being built in Laine. Efforts to establish additional safe houses in N'Zerekore are currently underway. Transferring to another location is also an option. Survivors will be assisted in this process. In addition, in cases of violence or threats of violence, the accused will be imprisoned pending the investigation and trial.
  5. The first step should always be to seek medical assistance and the assistance of IRC community workers who will help the survivor through the entire process, providing her with safety and counseling as needed, and escorting her to the Legal Aid Clinic if desired. In addition, arrangements can be made for the legal advice to take place in another location; the Clinic staff will consult with the survivor wherever she is most comfortable. [NOTE to Trainer: Provide names of contacts and locations in camps and in town for medical assistance, IRC community workers, safe houses, psychological/social services, and the hours of operation for each, including emergency contacts.]
  6. ***The more "immediate and obvious" evidence the survivor can provide, the better.*** There's no substitute. The best examples are medical and psycho/social records,

and eyewitnesses to the incident or injuries. Such evidence makes the case easier to prove, it drastically shortens the investigation and trial phase, fewer people have to be involved, and there is less risk of harm to all involved. Refugees must seek help and ***get their pain and suffering*** treated and ***documented***; they can always decide later if they want to press charges, but at least it's recorded if they decide to do something about it.

7. Advice is free and confidential and the survivor can decide against pursuing a case. Her decision will be respected by the Clinic.
8. In the case of an individual who is not the survivor of a crime, but knows of a crime that has occurred and is afraid of the consequences of reporting the crime, the Clinic accepts anonymous reports. The Clinic will have forms to complete which do not include a request for one's name. For example, if an individual witnesses a child prostitution ring at a local bar, he or she can report it anonymously.
9. False claims will not be tolerated and will not be accepted by the Clinic. Further, if there is sufficient evidence that the charge was false, those falsely accused of crimes may take legal action against their accusers. The State will prosecute the person who made the false claim. Mistaken identity is a different situation and is not considered a false claim. False claims require some type of intent.
10. Attempts, accomplices, and threats are all crimes under the law.
11. Coming forward and prosecuting cases is essential for four main reasons: (1) to punish offenders and place them in jail and thereby protect the survivor *and other refugees* from

further harm; (2) to deter others from engaging in criminal activity since they will know after hearing about prosecutions that they will likely be held accountable; (3) to provide a visible, reliable and effective source of support for survivors; and (4) to improve the overall standard of living in a community.

**G. CLINIC SCHEDULE**

The Clinic will be located in N'Zerekore town, but each week a lawyer and legal assistant team will travel to Kola and Laine camps to consult with clients. Clients may seek advice at the following locations during the hours indicated:

1. N'Zerekore Client Consultation Hours

Monday – Thursday, 10 a.m. to 3 p.m.

Friday, 9 a.m. to 1 p.m. The office hours are 8 a.m. to 4:30 p.m., Monday through Thursday, and 8 a.m. to 2:00 p.m. on Friday. If the client consultation hours are inconvenient or in case of emergency, one may come to the office anytime. The office is located in the old PMU building.

2. Camp Hours

Kola: Every Tuesday, from 10 a.m. to 3 p.m. at the Women's Center.

Laine: Every Thursday from 10 a.m. to 3 p.m. at the ARC Compound. (This location is temporary until the Women's Center is completed.)

## **II. EDUCATIONAL MATERIALS FOR BRIGADE MIX, POLICE, QUARTER CHIEFS, GENDARMERIE, MILITARY**

- Present a summary of the materials outlined above, stressing the sections most relevant to the target group and omitting others. Be sure to provide them with the details of the Clinic, including the Clinic's background (sexual exploitation exposé) and purpose, information about the staff (including the Managing Lawyer's expertise in the field), the location and hours of operation, and the types of cases that will be handled by the Clinic.
- Explain the problems refugee women have had in reporting crimes due to the language barrier and fear of retribution. Explain that our goal is to educate women about their rights under the laws of Guinea and to assist them in presenting their cases to law enforcement and the judiciary. We want to protect women and punish offenders and we want to work as partners with law enforcement and the judiciary in accomplishing this goal.
- Walk through the substance of the laws we'll be dealing with, as outlined above, but focus more on the punishment aspect and explain that abuse of authority by those charged with the responsibility of protection warrants more severe penalties.
- Discuss their role in protecting women and children and walk through the steps of law enforcement procedures in N
- N'Zerekore, Kola and Laine and explain the interplay between law enforcement and the prosecutor's office and our role in the process. Provide them with a modified version of our procedures handout, removing anything that might be negative towards law enforcement. (Be sure to get everything approved through Gaspar first; have him assist in the creation of the handout.) Stress our desire to work with them in achieving the goal of protecting women and children.
- Stress the need for immediate delivery of convocations and arrest warrants and explain the danger women face while the suspect is at large; explain that women are reluctant to report because of fear that the accused will attack again in retribution for the report. Ask for their help and discuss ways to improve the speed of delivery – discuss this with Gaspar before the presentation.

### **III. EDUCATIONAL MATERIALS FOR NGO STAFF, MEDICAL, PSYCHOLOGICAL AND SOCIAL SERVICE PROVIDERS**

- Present a summary of the materials outlined above, stressing the sections most relevant to the group and omitting others. Be sure to provide the group with the details of the Clinic, including the Clinic's background (sexual exploitation exposé) and purpose, information about the staff (including the Managing Lawyer's expertise in the field), the location and hours of operation, and the types of cases that will be handled by the Clinic.
- Discuss the substance of the laws the Clinic will be dealing with, as outlined above, focusing on cases related to sexual and physical violence and the evidence required for prosecution of these cases.
- Stress the need for detailed, accurate and thorough records for purposes of proving that a crime has been committed and for purposes of determining the length of the sentence and money damages where appropriate.
- Discuss the fact that our clients give us permission to request and review records on their behalf and that law enforcement and the judiciary are also entitled to these records by virtue of the fact that our clients have pressed charges.
- Ask for copies of blank forms used by these providers and review the forms and discuss ways to improve them, and the need to have such records translated into French.
- Get statistics from the group; ascertain the number of cases they see each month, per category. Discuss whether or not women volunteer that they have been violated; discuss the manner in which such determinations are documented and the injuries that are considered as evidence.
- Discuss root causes and ways to combat root causes on an educational level. Seek their assistance in public awareness campaigns.
- Discuss the referral system and ask the group to send referrals to the Clinic. Stress the importance of encouraging women to seek advice; advice provides empowerment and the decision to take action will always be left in the hands of the survivor.
- Discuss problems encountered by refugees seeking medical, psychological and social services in N'Zerekore and devise a plan for making the process easier for survivors.

#### **IV. EDUCATIONAL MATERIALS FOR WOMEN'S GROUPS, NEIGHBORHOOD ASSOCIATIONS, HOTELS, AND NEIGHBORS OF DISREPUTABLE ESTABLISHMENTS**

- Present a summary of the materials, stressing the sections most relevant to the group and omitting others. Be sure to provide them with the details of the Clinic, including the Clinic's background (sexual exploitation exposé) and purpose, information about the staff (including Managing Lawyer's expertise in the field), the location and hours of operation, and the types of cases that will be handled by the Clinic.
- Walk through the substance of the laws the Clinic will be dealing with, focusing on forced and child prostitution and pimping, and the penalties associated with these crimes.
- Ask the group to describe the types of crimes being committed in this context and provide as many details as possible. Be sure to cover physical and sexual violence in the context of prostitution, and address issues related to forced prostitution and aiding and abetting in the commission of these crimes.
- Ascertain information related to the average age and nationality of the commercial sex workers and the same for the men who frequent these establishments. Ascertain the number of commercial sex workers found in these establishments and their living arrangements, and financial arrangements with premise owners. Discuss threats and actions taken against girls for leaving pimps. Present the results of the UNICEF study, with permission from UNICEF. Consider having speakers from UNICEF and TWIN or WOT. Discuss issues related to the use of birth control and pregnancy, and STD/HIV rates among commercial sex workers.
- Discuss root causes and alternative sources of income currently available. Discuss ways to improve the services and alternatives available. Discuss ideas for educational campaigns to address these issues.
- For the women's groups, neighborhood associations, and clean hotel owners, discuss the requirements for formal registration and the need for their assistance in pursuing these cases. Discuss their role in criminal prosecution and civil cases yielding money damages for survivors. Discuss protection issues and safe houses for survivors and those

who come forward with evidence. Discuss the referral system and resources available through NGO and Guinean partners. Ask group to identify establishments, and property owners who are involved in or aware of these activities.

- It is recommended that establishments where prostitution is known to occur not be educated on the Clinic's agenda until after the first prosecution. These groups are aware that their conduct is illegal; it is very profitable for them and they have no fear of prosecution. Due to the financial gain, educating them on the intention to prosecute will not cause them to stop. It will only cause them to increase their hold on the girls and seal the lips of those who might be willing to come forward, and it will make it more difficult to investigate crimes. I recommend that the Clinic begin collecting and documenting information on these establishments, and then, when ready, prosecute two or three of the large-scale operators at once. Prosecuting a few of the large operators will serve as a deterrent effect for the other operators who may decide that the profit may not be worth the fine assessed and the prison term.
- It is recommended that prosecutions be delayed until a plan is devised for providing child sex workers with alternative sources of income and for protecting child sex workers who come forward.

## APPENDIX B: SELECTED SECTIONS OF THE GUINEAN PENAL CODE

### Section 7, Paragraph 1, Outrage to Morals:

Article 321: All acts of **sexual penetration**, of whatever nature it may be, committed on another person by **violence, constraint or surprise, constitute a rape**. Rape will be punished by imprisonment for a term of 5 to 10 years. However, rape will be punished by imprisonment of 10 to 20 years when it will have been committed against a person vulnerable for reason of . . . or on a minor under the age of 14, or under armed threat, or by two or more persons or accomplices, or by a legitimate ascendant, natural or adoptive, of the survivor or by a person who will have abused the authority of his functions. Attempted rape will be punished on the same terms as rape itself.

### Section 7, Paragraph 2, Indecent Behavior:

Article 322: Constitutes indecent behavior all indecent behavior directly committed; immediately and intentionally against a person, attempted or consummated, with or without violence.

Article 323: **All indecent behavior consummated or attempted without violence** against a child of one or the other sex aged less than 13 will be punished by imprisonment for a term of 3 to 10 years. Will be punished by the same penalty indecent behavior committed by any ascendant of the minor even if older than 13 but not emancipated by marriage.

Article 324: **All indecent behavior consummated or attempted with violence** on a child of one or the other sex aged less than 13 will be punished by imprisonment for a period of 3 to 10 years without the possibility of parole. If the perpetrator is an ascendant of the minor or a person having authority the minor or if he was assisted in the execution of his crime by one or more persons, the penalty will be imprisonment for a period of 3 to 20 years without the possibility of parole. If the act is accompanied by the internment of the minor, whatever his gender, the penalty will be the one described in the paragraph above.

### Section 7, Paragraph 3, Public Outrage to Decency:

Article 326: Constitutes a public outrage to decency all **acts intentionally accomplished publicly and susceptible to offend decency and the moral sentiment** of persons that are its involuntary witnesses.

Article 327: A person who commits a public outrage to decency will be punished by imprisonment for a term of 3 months to 2 years and a fine of 50,000 to 450,000 Guinean francs or of one of the two penalties only. When the outrage will have been committed by a group of individuals, a sentence of twice the penalty described above will be pronounced.

Section 7, Paragraph 4, Pimping:

Article 328: Pimping is the activity of he or she who ***promotes debauchery of another person by serving as an intermediary.***

Article 329: Will be considered a pimp and punished by imprisonment for a term of 6 months to 2 years and a fine of 50,000 to 400,000 Guinean francs, without prejudice to more severe penalties, if they apply, he or she:

- 1) who in whatsoever manner, ***aids, abets or knowingly protects the prostitution of others or solicitation*** in view of prostitution;
- 2) who in whatsoever form, ***shares in the profit of prostitution*** of another persons or receives subsidies from a person who habitually engages in prostitution;
- 3) who, knowingly living with a person habitually engaging in prostitution and is unable to justify resources corresponding to his/her lifestyle;
- 4) who ***hires, encourages or maintains, even with his/her consent, a person***, even an adult, ***in view of prostitution*** or delivers her to prostitution or to debauchery;
- 5) who ***serves as an intermediary***, in whatever manner, between the persons who engage in prostitution or debauchery and the individuals who exploit or remunerate the prostitution or the debauchery of others.

Article 330: The penalty will be a prison term of 2 to 5 years and a fine of 100,000 to 1,000,000 Guinean francs, in cases where:

- 1) The crime has been committed with a minor involved;
- 2) The crime was accompanied by constraint, abuse of authority or by deceit;
- 3) The perpetrator carried either a concealed or apparent weapon;
- 4) The perpetrator is a spouse, ascendant, tutor, teacher, servant of the survivor or servant of people designated above, an official or preacher of a cult;
- 5) The perpetrator is called by his function to combat prostitution, to promote health or to maintain public order;

- 6) He/she who by threat, pressure, maneuver, or by any other means, hinders actions of prevention, of control, of assistance or of reeducation undertaken by qualified organisms in favor of persons engaged in prostitution or in danger of engaging in prostitution.

Section 7, Paragraph 5, Inciting Minor to Debauchery:

Article 331: Will be punished by imprisonment for a term of 1 month to 2 years and a fine of 50,000 to 200,000 Guinean francs, except application of a more severe sentence if applicable, whoever will have **habitually** perpetrated outrage to morals by **encouraging debauchery or promoting corruption of minors under 18** years of age or even **occasionally minors under the age of 16**.

The same penalty will be applied against **whoever tolerates the habitual exercise of debauchery by persons engaging in prostitution on premises** or places he holds in whatever title it may be.

The occupant and the person engaging in debauchery are both responsible for the payment of damages and **punitive damages** that can be assessed for disturbing the peace.

In cases of habitual practice of acts described above, the **termination of the lease and the expulsion** of the lessee, sub-lessee or occupant who engages in these acts or tolerates them is pronounced by the judge according to the emergency procedure **at the request of the owner, of the principal lessee, the occupant or neighbor** of the building.

The attempt to engage in acts described in the present article will carry the same punishment as the actual crime.

## APPENDIX C: SELECTED PROVISIONS OF INTERNATIONAL DOCUMENTS SIGNED AND RATIFIED BY GUINEA

Under Guinean law, any international instrument that has been ratified by Guinea is part of Guinean law and trumps inconsistent domestic law. See Art. 79 of the Guinean Constitution. In addition, pursuant to the Preamble of the Guinean Constitution, the "Guinean people proclaim their adherence to the ideals, principles, rights, and obligations contained in the UN Charter, Universal Declaration, OAU Charter and the African Charter on Human and People's Rights, and proclaim equality for all without regard to sex."

The provisions of the international documents signed and ratified by Guinea that the Clinic may rely upon in pursuing their cases include:

### **Universal Declaration of Human Rights/Bill of Rights**

Art. 3: Everyone has the right to life, liberty and security of person. Art. 5: No one shall be subjected to degrading treatment. Art. 6: Everyone has the right to recognition everywhere as a person before the law. Art. 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Art. 16: Marriage shall be entered into only with the free and full consent of the intending spouses. Art. 21: The will of the people shall be the basis of the authority of government.

### **Economic & civil rights conventions and optional protocol (ratified by Guinea 24 Jan. 1978):**

Civil: Everyone has a right to legal recourse when their rights have been violated, even if the violator was acting in an official capacity; everyone has a right to equality before the law; inhumane and degrading treatment is forbidden; everyone has the right to freely chose who to marry; sex discrimination is prohibited; children's rights must be protected. This document also establishes the United Nations Human Rights Commission. The optional protocol allows the Commission to investigate and judge complaints of human rights violations submitted by individuals from signatory countries. Economic: Everyone has the right to equal pay for equal work and to equal opportunity; economic exploitation of children is prohibited; nations are required to submit annual reports demonstrating compliance.

### **Convention on the Rights of the Child (ratified by Guinea on 13 July 1990 by accession):**

This convention bans discrimination against children; a child is defined as "every human being below the age of 18 unless, under the law applicable to the child, majority is attained earlier." Art. 19: Parties/Signatory States must protect

children, through all appropriate measures, from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. Art. 22: States must take appropriate measures to ensure refugee children or those seeking refugee status receive protection and humanitarian assistance in the enjoyment of rights in this convention and other instruments. Art. 32: States must recognize the right of children to be protected from economic exploitation and from performing any work likely to be hazardous or interfere with education or be harmful to child's health or physical, mental, spiritual, moral or social development. Art. 34: States must undertake to protect children from all forms of sexual exploitation and sexual abuse. States must take all appropriate national and multilateral measures to prevent the inducement or coercion of children to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices, the exploitative use of children in pornographic performances and materials. Art. 55: States must take measures to prevent the abduction of, sale of or traffic in children for any purpose. Art. 36: States must protect children against all other forms of exploitation prejudicial to any aspects of the child's welfare. This convention established the Committee on the Rights of the Child.

### **Convention against discrimination of women (ratified by Guinea on 9 August 1982)**

This convention bans discrimination against women. Parties have the obligation to ensure the equal right of men and women to enjoy all economic, social, cultural, civil and political rights. Art.1: Discrimination against shall mean any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing the recognition, enjoyment or exercise of human rights and freedoms in the political, economic, social, cultural, civil or any other field. Agree to adopt legislation. Art. 6: ***States parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.*** Art. 15: Women are entitled to equality before the law. This convention established the Committee on the Elimination of Discrimination Against Women (CEDAW). CEDAW has stated that gender-based violence is a form of discrimination because it seriously inhibits a woman's ability to enjoy rights and freedoms on an equal basis with men.

### **UN Charter (Guinea membership 12 December 1958)**

Art. 55(c): Establishes the universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. Art. 56: All members will take action to achieve this.

**OAU Charter (entered into force 13 Sept. 1963):**

The Charter of the Organization of African Unity incorporates the U.N. Charter and the Universal Declaration on Human Rights.

**African Charter on the Rights and Welfare of the Child (Guinea ratified 27 May 1999 and deposited 21 January 2000):**

Applies to all members of the OAU Charter. Art 2: "A child means every human being below the age of 18 years." Art. 27: ***States Parties shall undertake to protect the child from all forms of sexual exploitation and sexual abuse and shall in particular take measures to prevent the inducement, coercion or encouragement of a child to engage in any sexual activity, the use of children in prostitution or other sexual practices, the use of children in pornographic activities, performance and materials.*** Art. 29: Prohibits trafficking. This document established the African Committee of Experts on the Rights and Welfare of the Child under the OAU.

**African Charter on Human & Peoples' Rights (ratified by Guinea 16 February 1982 and deposited 13 May 1982):**

This document declares that every individual enjoys the rights enumerated without distinction based on sex. The Charter provides for equality before the law, equal protection, respect for life and integrity. Art.5: The Charter prohibits all forms of exploitation and degradations of man, particularly slavery, inhuman or degrading punishment and treatment. Art. 18(3): Pursuant to the Charter, States shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and children as stipulated in international declarations and conventions. The Charter established the African Commission on Human and Peoples' Rights whose mandate is to undertake studies and research on African problems and give recommendations on cases and legislation to governments.

**Convention relating to status of refugees (ratified by Guinea 28 December 1965):**

All refugees are entitled to equal access to the courts of host countries and to the rights and protections afforded under the law.

## APPENDIX D: STEPS FOR PURSUING CRIMINAL CASES

### **N'ZEREKORE PROCEDURES**

- STEP 1:** Potential client enters office. Notify the lead lawyer. If he is not available, notify a junior lawyer. The potential client will then be assigned to a lawyer/legal assistant team.
- STEP 2:** The team will interview the client together using the client intake form. Legal assistant will walk through the client intake form with the client, writing down her answers and translating them to the lawyer, verbally. The client intake form must be completed during the first interview. Be sure to have the client sign both the release of records form and the verification and authorization statement.
- STEP 3:** Based on the facts provided by the client, the lawyer will provide legal advice to the client (through the legal assistant), and the team will provide referral advice regarding medical treatment, and psych/social and safety issues.
- STEP 4:** If the client decides she wants to press charges, the team will assist the client in drafting a statement and will accompany the client to the police station to press charges by filing her statement with the police. The client's statement will need to be made verbally as well. **Before going to the police station**, the team will attempt to learn the residence and/or location of the suspect so that they can inform the police. **In cases of rape, murder, or threats, the lead lawyer will take the client and/or evidence and client statement directly to the prosecutor** who will issue an arrest warrant to be delivered directly to the suspect.
- STEP 5:** At the police station, a convocation will be written by a police officer. This document will direct the suspect to come to the police station for questioning at a certain time. The lawyer will ask for a copy of the convocation. If a copy is not available, be sure to write down the contents of the convocation and transfer the information to the client follow-up form upon return to the office. Be sure to note the name of the officer responsible for delivery, and be sure to inform the officer of the suspect's location and the location of the crime. Also ask if the officer will deliver the convocation to the quarter chief or directly to the suspect. If the officer plans to deliver the convocation to the quarter chief, ask to accompany the delivery to the quarter chief as a witness.
- STEP 6:** While the legal assistant accompanies the officer to the quarter chief, the lawyer will return to the office with the client and contact an IRC community worker, who will then come to the office and

accompany the client through the steps of receiving medical care (Nze hospital), psychological (ACT or TWIN), social and safety assistance (IRC).<sup>1</sup> Before the client leaves with the IRC worker, the lawyer will give the client and the IRC worker a time to return to the office in order to go to the police station to identify the suspect.

**STEP 7:** When the legal assistant returns to the office, he/she will work with the office manager to create a client folder and assign a number to the client. This folder will contain every document pertaining to the client. The client folder will contain multiple individual files for specific types of documents. Files will be created and labeled by the office manager in accordance with the organizational system established by the Clinic. The legal assistant is responsible for inserting the documents into the appropriate files and making sure that the relevant documents are translated into French, and that the documents are in chronological order, and neatly organized for quick access.

**STEP 8:** Once both team members are back in the office, the team will meet to discuss tasks to be accomplished and to work on the client follow-up form. During this meeting, the team should begin **a timeline** and a **list of names and contact information**, both of which will be updated throughout the case and attached to the follow-up form. Both lists will be maintained and kept orderly by the legal assistant, but the team must meet regularly to update the information. (The purpose of a timeline is to help the team stay on top of cases and deadlines, and to make sure that we keep track of what law enforcement should be doing and when, so that if they are not following through, we can ask the police commissioner or the prosecutor to intervene, and we will have proof of law enforcement's failure.)

**STEP 9:** The next day, the team will meet with the client and take her to the police station to identify the suspect at the time stated by the police officer. The lawyer will ask to observe the interrogation of the suspect. If the suspect does not arrive at the time stated on the convocation, the lawyer will ask the police to issue an arrest warrant.<sup>2</sup> (If there was a failure in the delivery of the convocation,

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<sup>1</sup> If IRC has difficulty getting treatment for the client, the HCR protection officer and/or medical coordinator should be able to provide a form granting permission for treatment from the various providers. In cases of emergency, the hospital is required to treat the client without question and the permission form will come later. If HCR is not available, advise IRC to contact the Red Cross.

<sup>2</sup> By law, only one convocation is required. The use of quarter chiefs to deliver the convocations and the failure of police to follow through has led to the practice of issuing 2-3 convocations. This is to make sure the suspect is notified and given a chance to respond voluntarily before resorting to an arrest warrant. If the team provides the location of the suspect and accompanies the delivery of the convocation to the quarter chief, there should be fewer delivery failures and a

the lawyer will find out why and will request direct and immediate delivery by another officer.)

- STEP 10:** After identifying the suspect, the team will return to the office to meet and discuss the case and tasks to accomplish. During this meeting, the team will also work on the follow-up form and update the contact list and timeline.
- STEP 11:** The team will provide the police with evidence (as directed by the lawyer), such as witnesses and medical records that will help to prove the case and warrant the transfer of the case to the prosecutor. The lawyer will ask to observe all law enforcement proceedings, including interrogations of the suspect, witnesses, etc.
- STEP 12:** The police must transfer the case or release the suspect within 48 hours of taking him into custody. After the suspect has been in custody for 48 hours, the lawyer will ask that the case be transferred to the prosecutor. The police may request an additional 48 hours to finish their investigation. If so, the team will assist the police in collecting more evidence, if requested, and after 48 additional hours (a total of 96 hours) have passed since the suspect was brought into custody, the lawyer will ask again for the case to be transferred to the prosecutor. If the police refuse, and/or decide to release the suspect and we have some proof that he is the guilty party, the team will notify the lead lawyer who will go directly to the prosecutor to prevent the police from releasing the suspect. (If, at any stage of the law enforcement process, the team observes misconduct, or misuse or tampering with evidence, or any other failure by the police, the team will inform the lead lawyer who will take the case directly to the prosecutor.)
- STEP 13:** Once the case is transferred to the prosecutor, the team will actively participate in all investigative proceedings, all court hearings, presentation of evidence to the court, etc. The lawyer will seek the assistance of the legal assistant for purposes of preparing and participating in these proceedings, as deemed necessary and appropriate. The team will continue to meet regularly to discuss case status, tasks to accomplish, and to update the timeline, contact list and follow up form.
- STEP 14:** The legal assistant will schedule weekly status meetings with the client throughout the process. However, in the beginning, the client should be kept informed of all law enforcement proceedings, such as convocations, arrest of the suspect, his interrogation, the interrogation of witnesses, and the information provided. Additional information will need to be collected from the client as well,

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higher degree of accountability. Therefore, in most cases, if the suspect does not show up in response to the convocation, an arrest warrant should be issued.

especially for use in questioning witnesses and for addressing their responses.

- Clinic's biggest task and most challenging job will be getting the suspect arrested, charged, and the case transferred to the prosecutor.
- Board meetings should be attended by Doumbuya and Gina and will be conducted each Monday at 4 p.m. During these meetings, Doumbuya will be expected to provide (1) statistics relating to the number and nature of cases to date and where the cases are in the process; (2) a confidential list of names of clients who have requested services provided by HCR and IRC. This list should not be read out loud and should be given to the person designated to attend board meetings on behalf of HCR and IRC and no one else; and (3) to provide HCR with a list of the names of any refugees who are defendants in our cases. Guinea and HCR share responsibility for their defense.

### **KOLA & LAINE PROCEDURES**

During weekly camp visits, the team will accomplish 3 primary tasks: (1) The team will conduct intake on new clients, and provide them with legal and referral advice and press charges on their behalf; (2) the team will follow up on cases previously filed with the BCR; and (3) the team will provide status reports to existing clients.

- STEP 1:** Team members should travel to camp and go to the IRC office to meet with the community worker. The office in the camps will be the IRC office/Women's Center in Kola and the ARC Compound in Laine.
- STEP 2:** Upon arrival each week, the IRC community worker will provide a list of potential clients and the details of their allegations. The team will review the information with the community worker and decide which potential clients should be interviewed for possible legal representation. (As long as the case falls within the category of cases the clinic has agreed to handle, the potential client should qualify for an interview.)
- STEP 3:** The IRC community worker will locate those who qualify and invite them to come to the Women's Center/ARC Compound for a confidential consultation with the team. In addition to the cases given to the team by the IRC community worker, there will be other women who will come directly to team members during their

weekly camp visits. Team members will also receive referrals from Red Cross, MSF, ACT and possibly other sources.

**STEP 4:** The intake procedures and most of the steps will be the same as those outlined for N'Zerekore. The primary difference will be where clients press charges and the follow-up. Further, some of the clients will have already pressed charges.

**STEP 5:** **For camp clients who filed cases with the BCR before the team's arrival and/or pending cases filed by the Clinic:** The team will follow up with BCR to make sure that they issued the convocation or arrest warrant; if they have not, the team will find out why and make sure that it is delivered while they are there in the camp. BCR should be able to issue it immediately if the suspect lives in the camp. If the convocation was already delivered and the suspect did not show, the team will request that the suspect be arrested. The team will accompany the client in identifying the suspect and ask to observe the interrogation. The team will also provide witnesses, medical records, etc, as requested, to aid the BCR in their investigation. If the suspect has already been in custody for 48 hours or more, the team should ask that he be transferred to N'Zerekore. If BCR refuses, and/or decides to release the suspect and we have proof that he is the guilty party, the team will notify the lead lawyer who will go directly to the prosecutor to prevent BCR from releasing the suspect and have him transferred to N'Zerekore. (Be sure to provide existing clients with a verbal status report before leaving the camp.)

**STEP 6:** **For camp clients who have not filed charges:** After walking through the intake form and providing the client with legal and referral advice, if the client wishes to file charges, the team will assist her in drafting a statement and then will take her to the BCR office to present her statement and press charges.

**STEP 7:** The BCR will issue the convocation and the suspect will be required to respond just like in N'Zerekore. It is very important to give the BCR detailed information about the case, including the location of the suspect, names and locations of witnesses, medical records and other evidence, because team members will only be in the camp once a week and follow up will be difficult. (They will have to rely on the IRC community worker to send messages regarding follow-up and emergencies.) Just like in N'Zerekore, the lawyer should be able to observe the BCR in their interrogation of the suspect and witnesses and the collection of evidence. If the case is severe and there is sufficient evidence, the lawyer should request an immediate arrest of the suspect and present the evidence to the BCR. This is especially true in cases of rape, death, or threats.

**STEP 8:** Upon return to N'Zerekore, the team will inform the lead lawyer of all new cases and BCR's follow up on pending cases. This should be done as soon as possible. Doumbuya may decide that the prosecutor needs immediate notification on certain cases in the camps so that the suspect in BCR custody can be transferred to N'Zerekore as soon as possible. He will also want to notify Gaspar. Maintaining close contact with Gaspar is strongly recommended. He should also be informed of all new cases in the camps. Upon the team's return and notification to Doumbuya, Doumbuya should brief Gaspar. In addition, if the team observes misconduct, or misuse or tampering with evidence, or any other failure by the BCR during any stage of the law enforcement process, the team will notify the lead lawyer who will inform Gaspar and take the case directly to the prosecutor.

APPENDIX E: CLIENT INTAKE FORM FOR CRIMINAL CASES

**CLIENT INTAKE FORM FOR CRIMINAL CASES**

Case Number (Internal): \_\_\_\_\_

Case Number (Law enforcement): \_\_\_\_\_

Case Number (Judicial): \_\_\_\_\_

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***This document is confidential and contains privileged information that is protected by the attorney-client privilege. Any unauthorized review or use of its contents is a violation of the law.***

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**A. General Information:**

1. Today's date:
2. Name of intake officers (attorney and assistant):
3. Location of interview:
4. Referral source, if any:
5. Name, gender and age of client:
6. Address of client:
7. Residence of client and names of people with whom client lives (before the incident):
8. Current residence of client (after the incident):
9. Nationality of client:
10. Refugee status of client:
11. Marital status:
12. Name of spouse:
13. Nationality of spouse:
14. Refugee status of spouse:
15. Number and ages of children and location:
16. Languages spoken by client:
17. Refugee card or registration number available (this is not required for legal services, but if the client has a number it will help us to access medical, psych/social services for her):
18. Name of client's quarter chief and camp chair:
19. Employer or other sources of income:
20. Location of other family members:
21. Date of incident causing the client to seek the services of the legal clinic:
22. Type of case:
  - a. Sexual violence
  - b. Physical violence
  - c. Domestic violence
  - d. Forced or child prostitution
  - e. Exploitation or abuse of authority involved
  - f. Kidnapping
23. Other aspects of case:
  - a. Were any threats made?
  - b. Is the client a minor; Is there have parental consent?
  - c. Were weapons involved?







**C. Checklist for client's description of the incident** (Be sure to request the following information from the client):

1. \_\_\_\_ All injuries (physical and mental)
2. \_\_\_\_ Current physical condition; does she need or want medical care
3. \_\_\_\_ Name, sex, age, nationality and description of perpetrator(s)
4. \_\_\_\_ Identifying characteristics of the perpetrator
5. \_\_\_\_ Address/quarter/camp where the perpetrator lives; description of his residence; where can he be found now, if known
6. \_\_\_\_ Name of the perpetrator's employer, if known
7. \_\_\_\_ Languages spoken by the perpetrator
8. \_\_\_\_ Words spoken by perpetrator, if known
9. \_\_\_\_ Relationship between perpetrator and client: stranger, spouse, boyfriend, friend, relative, aid worker, neighbor, or acquaintance
10. \_\_\_\_ Describe previous incidents between the perpetrator and the client, if any
11. \_\_\_\_ Description and explanation of any accomplices present; give addresses and where they can be found, if known
12. \_\_\_\_ Name of quarter chief and camp chair or community leader where the perpetrator and accomplices reside
13. \_\_\_\_ Time of day and location of the incident being reported now
14. \_\_\_\_ Name, age, description and contact information of anyone who tried to help the client or stop the incident
15. \_\_\_\_ Other witnesses to the incident, including before, during and after; name, age, description, contact information
16. \_\_\_\_ If the client has been threatened, list name, age, description, contact information of any witnesses to the threat
17. \_\_\_\_ Contact information of anyone willing to testify
18. \_\_\_\_ What was the client doing just before the incident; walk through all of her steps and the perpetrator's steps before, during, and after the incident to find out who may have witnessed the incident
19. \_\_\_\_ Names of any businesses, restaurants and/or people who live or work near the location of the incident
20. \_\_\_\_ Client's assessment of her psychological status; does she want treatment or counseling
21. \_\_\_\_ Client's assessment of her safety; does she need help finding a safe place to stay
22. \_\_\_\_ Does the client believe she was specifically targeted or that the attack was random; explain
23. \_\_\_\_ Does the client have any physical evidence of the crime, e.g.,



**D. Advice provided to the client by the team:**

**E. Client's response:**

1. Did the client request to file charges?
2. Did the client request assistance through the referral process?
3. Did the legal assistant read the verification and authorization statement and release of records form to the client (see attached)?
4. Did the client sign both forms?

**VERIFICATION AND AUTHORIZATION STATEMENT**

I have read the foregoing information to the client and she has confirmed the truth and accuracy of the information contained herein. The client has been informed of the penalties associated with filing false claims. I have also read the above stated legal and referral advice to the client and she has confirmed that she understands the advice provided. At this time, the client has requested to press charges and has given the Cabinet Maitre Alpha Bakar Barry’s Legal Aid for Women and Children Clinic (“The LAW Clinic”) permission to take all steps necessary and appropriate to file charges on her behalf and to prosecute her case, including but not limited to collecting evidence from witnesses and documents from psychological, social and health care providers. She has also given the law firm permission to refer her case to those who can assist her with medical, psychological, social and safety concerns. I have also read this paragraph to the client and she has confirmed that she understands and agrees with its contents.

\_\_\_\_\_  
Signature of Client

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Lawyer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Legal Assistant

\_\_\_\_\_  
Date

**CONSENT TO RELEASE RECORDS**

I \_\_\_\_\_, do hereby grant permission to all medical, social, and psychological care providers to release any and all records related to the services provided to me to the lawyers and/or legal assistants associated with: THE CABINET MAITRE ALPHA BAKAR BARRY, LEGAL AID FOR WOMEN AND CHILDREN CLINIC ("The LAW Clinic"), located in N'Zerekore, Guinea.

\_\_\_\_\_  
Signature of Client

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

APPENDIX F: CLIENT FOLLOW-UP FORM FOR CRIMINAL CASES

**CLIENT FOLLOW-UP FORM FOR CRIMINAL CASES**

Case Number (Internal): \_\_\_\_\_

Case Number (Law enforcement): \_\_\_\_\_

Case Number (Judicial): \_\_\_\_\_

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***This document is confidential. Any unauthorized review or use of its contents is a violation of the law.***

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**A. General information**

(Use the intake form to answer these questions)

1. Gender, age and nationality of client:
2. Location of client (indicate Kola, Laine or N'Zerekore):
3. Date the client reported the crime to The LAW Clinic:
4. Name of individual who conducted the intake:
5. Name of individual who was assigned to the case:
6. Type of crime reported and briefly describe the crime without naming the client:
  - a. Sexual violence
  - b. Physical violence
  - c. Domestic violence
  - d. Forced or child prostitution
  - e. Sexual exploitation or abuse of authority involved
  - f. Kidnapping

**B. Questions to be answered upon return from filing charges:**

1. Where was the charge filed (prosecutor's office, police station or brigade mix (BCR) on camp):
2. When was the charge filed:
3. Did the team accompany the client to the police station to file charges; if not, explain:
4. Name of the officer with whom the charge was filed:
5. Was the convocation sent immediately (attach a copy or write the information contained in the convocation):
6. Who from the police department (or brigade mix on camp) was responsible for delivering the convocation to the suspect:
7. Did the team inform the police of the suspect's residence or possible location(s):

8. Was the convocation delivered to the quarter chief or to the suspect:
9. If delivered to the quarter chief, who was the quarter chief:
10. Did a team member accompany the police officer in delivering the convocation to the quarter chief:
11. Did the quarter chief know the suspect and his residence:
12. Did the police officer accompany the quarter chief in delivering the convocation to the suspect:
13. Was the client directed to the referral system (Red Cross, MSF, Nze Hospital, ACT, IRC, HCR); explain:
14. Who from IRC accompanied the client through the referral/treatment process:
15. Where is the client sleeping:
16. Date, time and location of next client meeting:
17. Has a timeline been started on the case (see attached):
18. Has a contact list been started on the case (see attached):

**C. Questions to be answered as the case progresses:**

19. Was the first convocation successfully delivered; if not, explain and describe subsequent attempts:
20. State the date that the convocation was actually delivered to the suspect, and the date and time given to the suspect to report to the police station for questioning:

21. Did the suspect voluntarily report to the police station in response to the convocation; if so, state the date and time he reported:
  
22. Was an arrest warrant issued; explain why or why not and state the date it was issued and the date the suspect was arrested and taken into custody:
  
23. State the total number of convocations issued in the case:
  
24. Did the client identify the suspect; if so, when:
  
25. Which team member(s) attended the identification with the client:
  
26. Was the lawyer permitted to observe the interrogation of the suspect; if not, why not; if so, did the lawyer witness any abuse of authority during the interrogation; if so, describe:
  
27. Who interrogated the suspect:
  
28. Was the lawyer permitted to attend law enforcement's questioning of witnesses, explain:
  
29. Were any witnesses harmed; if so, explain:
  
30. Who interrogated the witnesses during the investigation:
  
31. Did the team collect medical, psychological and social records pertaining to the client, explain:

32. Did the team supply evidence to law enforcement; if so, what evidence was provided, aside from the client's statement:

33. Was the case transferred to the prosecutor; if so, when; if not, why not:

34. Was the police commissioner or prosecutor asked to intervene at any stage during the law enforcement proceedings; if so, explain:

35. Provide the names of helpful law enforcement officers:

36. Provide the names of those officers who were difficult to deal with and explain the problems encountered and actions taken in response:

37. Describe the level of assistance provided by law enforcement:

38. Describe the level of assistance provided to the client by HCR, ACT, TWIN, IRC, MSF, Red Cross, N'Zerekore Hospital, ARC:

39. Describe problems or concerns relating to the case (use additional pages if needed):

40. Describe the investigation conducted by the Prosecutor's office, and the Clinic's involvement:

41. Did the prosecutor submit the case to the court; if so, when; if not, why not:

42. Where was the trial:

43. How long was the trial:

44. Was it public:

45. Who was the Prosecutor:

46. Who was the Clinic Lawyer/Legal Assistant:

47. Who was the Judge:

48. Who was the Tribunal Secretary:

49. What was the charge and what sentence was requested:

50. Did the defendant have a lawyer:

51. Who represented the defendant:

52. Was the defendant a refugee:

53. Was HCR notified that the defendant was a refugee and given an opportunity to provide a defense:
54. [For Doumbuya] After consulting with the team assigned to the case, were the defendant's rights respected throughout the law enforcement proceedings and the judicial process; if not, explain and provide recommendations:
55. Describe the type of evidence that was presented at trial:
56. How many court hearings were held before the trial:
57. What was the date of the verdict:
58. How much time passed from the end of the trial to the date of the verdict:
59. What was the final verdict and prison sentence in the case:
60. Does the defendant have the possibility of parole; if so, when:
61. Explain the level of assistance provided by the judiciary:
62. At any stage in the law enforcement or judicial proceedings, did the team and/or lead lawyer suspect that bribes had been offered or accepted, or that any type of corruption had transpired, explain and describe actions taken in response:

63. Describe and itemize costs paid by the Clinic throughout the case and indicate which costs were reimbursed:

64. Was the client satisfied with the result; explain:

65. Was the case appealed by either party; if so, state where was the appeal was conducted, describe the process, the Clinic's involvement, and the final result:

66. Would the client be willing to speak publicly about the Clinic's assistance:

67. Was the team satisfied with the result, explain:

68. Was the lead lawyer satisfied with the result, explain:

69. Recommendations on ways to improve the procedures of the LAW Clinic, and the forms and filing system used by the LAW Clinic:

70. Recommendations on ways to improve law enforcement proceedings:

71. Recommendations on ways to improve judiciary proceedings:

72. Recommendations on ways to improve the referral system:

73. Recommendations on ways to improve the substantive laws that were involved in this case:

74. Recommendations on ways to improve the procedural laws that were involved in this case:

75. ADDITIONAL NOTES ABOUT THE CASE (lessons learned, concerns, hopes for future, etc):







## **WITNESS INFORMATION CHART**

(This chart is to help the team organize information. Use it only if it is helpful.)

Name	Age	Employer	Relationship to Survivor	Address	Description of the Witness	Description of What Was Witnessed
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**WITNESS INFORMATION CHART cont.**


**MEDICAL/PSY/SOCIAL TREATMENT CHART**

(This chart is to help the team organize information. Use it only if it is helpful.)

Name of Person/ Organization	Date of Report/ Treatment	Relationship to Survivor	Contact Information	Description of Actions Taken
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