

## Zogota massacre legal actions factsheet

Questions & Answers – November 2023

On the night of August 4, 2012, security forces of the Republic of Guinea invaded the village of Zogota in retaliation for the community's opposition to an iron mining project. This Q&A provides information on the massacre that ensued, and the legal and advocacy actions that the community and its allies have undertaken to obtain justice for violations of their human rights.

### What happened in Zogota, Guinea, in 2012?

In 2012, the area surrounding the village of Zogota in Guinée Forestière (the forested region of southeastern Guinea) was the site of iron ore exploration by VBG, a joint venture owned by Brazilian mining giant Vale and BSG Resources, a company controlled by Franco-Israeli diamond mogul Beny Steinmetz. Conflicts soon surfaced – the company was alleged to have mismanaged funds and failed to employ local youths, and the local Prefect was believed to have misappropriated the percentage of VBG's royalty payments that were destined for community development. Moreover, exploration activities were causing environmental damage and desecration to a mountain that was sacred to the local population's ancestors.

When the community's attempts to raise their concerns with local authorities were ignored, they turned to a more extreme course of action: they occupied the mine site and prevented company personnel from entering. Eventually, the company airlifted security forces to the area to retake the site. The villagers withdrew peacefully, relying on a promise by high-level government officials that they would meet with concerned community members about their complaints.

At approximately 1:00 a.m. on August 4, 2012 – the night before the planned meeting, a joint task force of gendarmes, police, and military [attacked the village of Zogota](#). As the sleeping villagers roused themselves to investigate the invasion, they encountered a hail of gunshots and tear gas canisters. Five villagers were killed on the spot, and a sixth died of his wounds in the following days. Over a dozen villagers were arrested, some of whom were tortured by gendarmes. Homes and other buildings were torched, and almost the entire village fled.

In 2013, the VBG concession was canceled due to a massive corruption scandal, and mining has never returned to Zogota. In 2019, it was announced that Niron Metals – another company associated with Beny Steinmetz, was in discussions with the Guinea government for control of the Zogota concession, but no arrangement to restart operations has ever been confirmed.

## What legal actions were brought against the persons involved in the Zogota massacre?

Shortly after the attack, a Guinean human rights NGO, Les Mêmes Droits pour Tous (MDT), filed a criminal complaint against the military, gendarme, and police commanders responsible for the attack. However, the complaint never moved forward – the defendants refused to show up in court, and the case was eventually transferred to military jurisdiction, where it languished.

In July 2017, Advocates for Community Alternatives (ACA), an NGO, and MDT traveled to Zogota to investigate the status of the criminal case and collect testimony. They uncovered clear evidence that VBG conspired with the security forces to organize and launch the attack on Zogota.

In September 2018, MDT filed [a renewed criminal complaint](#), adding VBG as a defendant.

In February 2019, a Guinean court formally opened a criminal investigation into the massacre, based on MDT's renewed complaint, but the case has not moved forward because VBG no longer exists, and its parent companies are no longer present in Guinea.

## What is the ECOWAS Court of Justice?

The Economic Community of West African States (ECOWAS) is a regional organization created by the Treaty of Lagos in 1975, composed of fifteen States: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Sierra Leone, Senegal and Togo.

When the ECOWAS Treaty was revised in 1993, the Member States included the principle of "respect, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights" in the list of fundamental principles of ECOWAS.

The ECOWAS Court of Justice has jurisdiction over disputes relating to the application and interpretation of the ECOWAS treaties, as well as in cases of human rights violations in any Member State. It delivers judgements that are binding on Member States, Community institutions and natural and legal persons.

## What did the ECOWAS Court of Justice decide in its Judgment of November 10, 2020?

In October 2018, survivors, MDT and Advocates for Community Alternatives (ACA) [filed a lawsuit](#) in the ECOWAS Court of Justice against the Republic of Guinea, seeking to hold the state responsible for the massacre, torture, and illegal detention of the people of Zogota.

On November 10, 2020, the ECOWAS Court of Justice [declared the Republic of Guinea responsible](#) for violations of the rights to life; to be free of torture and cruel, inhuman, and degrading treatment; to not be subject to

arbitrary arrest or detention; and to an effective remedy. The Court ordered the State to pay 4.56 billion Guinean francs (approximately 436,000 U.S. dollars at the time) to the victims and their surviving family members.

On May 24, 2021, the ECOWAS Court of Justice sent a warrant of execution to the Republic of Guinea, declaring the judgment immediately enforceable.

Between May 2021 and October 2023, the survivors and the civil society organizations supporting them wrote letters to the state judicial authorities, held press conferences, and organized meetings with the Ministry of Justice to secure payment of the compensation that the ECOWAS Court of Justice had ordered, but the State never took any steps to satisfy the judgment.

### What does the *exequatur* of a foreign judgment mean?

Under French private international law, foreign judgments or arbitral awards are not automatically enforceable. In order to be enforced in France, foreign judgments need to be granted *exequatur* by a judge, provided that they meet certain conditions (i.e., competence of the foreign jurisdiction that rendered the judgment, compliance with international policy rules, absence of fraud).

Once they have been recognised through *exequatur*, foreign judgments can be enforced by compulsory execution, which could include the seizure and liquidation of Guinean property in France to satisfy the ECOWAS Court's compensation order.

### Why are the massacre survivors seeking *exequatur* of the ECOWAS judgment in France?

On October 31, 2023, survivors of the massacre and their civil society allies filed an *exequatur* action at the Tribunal Judiciaire in Paris, France, seeking recognition of [the ECOWAS judgment](#), with a view to satisfying the compensation due to the massacre survivors by seizing Guinean state assets held in France.

### Which organizations are involved in the action at the Tribunal Judiciaire in Paris?

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

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

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

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