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Guinea-Bissau: Judiciary under attack

Amnesty International is very concerned about the arrests of Dr. Emiliano Nosolini dos Reis and Dr. Venâncio Martins, respectively former president and former vice-president of the Supreme Court on 13 and 14 November 2001. They had been dismissed from their posts two months earlier.

Although no immediate reasons are available for the arrests, Amnesty International believes that they are part of a concerted attack by the government of President Kumba Ialá on the independence of the judiciary.

In [Guinea-Bissau: Attack on the independence of the judiciary](#), a report published today, the organization outlines various threats faced by the judiciary and asserts that the dismissals, on 7 September 2001, of the Supreme Court judges and other officials were solely for political reasons.

"Such actions seriously undermine the authority of the judiciary and contravene the Constitution of Guinea-Bissau as well as international human rights standards, including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights (ICCPR), which guarantee the independence of the judiciary," Amnesty International said.

The judges were removed without recourse to due process. Neither were any reasons given for their dismissal, although it was widely

reported that in August, during a meeting with members of the Muslim community in Bissau, President Ialá had described the Supreme Court judges as "corrupt, mediocre, liars and false" and threatened to "overthrow all judges in the courts". However, no specific allegations of corruption have been made against those dismissed.

According to reports, the dismissals may have been related to judicial decisions which apparently displeased the authorities. Amnesty International is concerned that these dismissals constitute an attack on the judiciary's ability to try cases before them fairly and impartially.

"The independence of the judiciary is indispensable for the effective protection of human rights, including fair trial guarantees. The independence of the judiciary requires other branches of the State, including the executive, to refrain from conduct that may undermine or diminish the legitimacy of the judiciary," the organization said.

In a related development involving press freedom, the owner and director of the *Diário de Bissau* newspaper, João de Barros, was arrested on 14 November 2001. The police are reportedly also looking for one of the newspaper's journalist, Athizar Mendes. They had previously been arrested on 17 and 19 June 2001 respectively after the paper published an article by Athizar Mendes criticizing the government's mishandling of public funds and corruption. They were released on bail two days later, pending trial on charges of defamation.

On 29 October 2001 the Procurator General ordered the closure of *Diário de Bissau* and another newspaper, *Gazeta de Notícias*, alleging that they were operating without a license.

Background

The dismissal of the Supreme Court judges in Guinea-Bissau follows a number of incidents in which President Ialá is reported to have threatened the independence of the courts and coerced magistrates.

According to several reports, in October 2000, he attempted to suspend elections to the Supreme Court on the grounds that he had not appointed representatives to the Higher Council of Magistrates. Following the elections that eventually went ahead, he was reported to have said during the swearing-in ceremony that he would end the independence of the judiciary "if there was manipulation and corruption in the justice system".

On 10 January 2001, an investigating judge at the Bissau Regional Court ordered the release on bail of four detainees. Generals Armando Soares da Gama and Bouta Na N'Batcha, Major Augusto Mário C6 and another officer, Saia Braia Na Nhapkba, had been arrested in November 2000 on suspicion of involvement in an alleged attempted coup. But they were sent back to prison, reportedly on the orders of President Ialá, and remained in detention until they were released on bail in June 2001.

In July 2001, President Ialá sought to annul a decision taken by the Higher Council of Magistrates to remove some judges from litigation concerning an internal dispute between two factions of the political party, the *Resist6ncia da Guin6-Bissau-Movimento Bafat6* (RGB-MB), Guinea-Bissau Resistance - Bafat6 Movement. The same report suggested that President Ialá was displeased with the Supreme Court's subsequent ruling in favour of one of the factions.

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