

GUINEA-BISSAU

Human rights violations since the armed conflict ended in May 1999

1. Introduction

A civil war shook Guinea-Bissau from 7 June 1998 to 7 May 1999. During that period there was intermittent fighting, primarily in the capital, Bissau as the warring parties repeatedly violated truces and cease-fire agreements brokered by the Community of Portuguese Speaking Countries and the Economic Community of West African States. The war caused enormous suffering and destruction, and serious violations of international human rights and humanitarian law were committed by the warring parties. The conflict ended when troops loyal to the late Brigadier Ansumane Mané overthrew the former President, João Bernardo “Nino” Vieira, who subsequently went into exile in Portugal.

Amnesty International followed the conflict closely and repeatedly denounced the human rights violations that took place¹. The organization appealed to both the government forces and the rebel forces led by Brigadier Mané to respect human rights and to comply with the principles of humanitarian law as set down by the Geneva Conventions of 1949. It made recommendations to the two sides in the conflict, as well as to the international community

¹ See *Guinea-Bissau: Human rights under fire* (AI Index: AFR30/04/98) published in July 1998; *Protecting human rights – a new era?* (AFR 30/04/99) published in April 1999 and *Human rights in war and peace* (AFR 30/07/99) published in July 1999, all published in English and Portuguese. These reports described in detail the causes of the war and the human rights violations that took place.

engaged in the peace negotiations, to ensure that human rights were firmly entrenched in any peace agreement. Furthermore, it made a number of recommendations to the international community to assist in the post-conflict reconstruction of Guinea-Bissau, particularly to provide assistance for the criminal justice system in its role of protecting human rights.

The deep-rooted dissatisfaction within the armed forces over pay and conditions and government corruption was a major and immediate cause of the civil war, aggravated by the suspension and subsequent dismissal of Brigadier Ansumane Mané as Chief of Staff of the Armed Forces on suspicion of arms trafficking with the Casamance (Senegalese) armed opposition group, the *Mouvement des forces démocratiques de Casamance* (MFDC), Movement of Democratic Forces of Casamance. Corruption and human rights violations were also cited by observers as specific causes of the war. These factors remain a source of friction in Guinea-Bissau.

The conflict of 1998-9 left a legacy of insecurity and instability which has undermined respect for human rights. Reconciliation has not yet been achieved and the country has yet to be rebuilt. It is imperative that the government and local non-governmental organizations work together towards rebuilding and bringing reconciliation to the country on the basis of respect for human rights, and for the international community to assist Guinea-Bissau in that task.

The end of the civil war was supposed to usher in a new era in which human rights would be respected. However, for this to happen two key requirements were needed: the political will to protect human rights and the development of an independent criminal justice system

capable of upholding human rights and combating corruption and abuses of power.

Both the transitional government (Government of National Unity) in power from February 1999 to February 2000, and the elected government of President Kumba Ialá, in power since 2000, repeatedly stated their commitment to human rights. Some important steps were taken, such as initiating investigations into human rights violations committed during the war, which were welcomed by Amnesty International. Nevertheless, the human rights situation has again deteriorated since 2000. Abuses of power by civilian and military authorities persist. Members of the government have often interfered with the judicial system, ordering the arrest of their critics without regard for due legal process; political detainees have been held without charge or trial for long periods, including incommunicado, and the authorities have attempted to curb freedom of expression.

Amnesty International visited Guinea-Bissau in March 2001 to assess the human rights situation and changes effected since the end of the armed conflict, in particular under the new government. This report reflects the findings of that visit as well as investigations carried out before and since. The report examines the deterioration in the human rights situation and the political context which gave rise to it. It notes measures taken by the authorities to improve the situation and makes suggestions to the government and the international community to improve protection and respect for human rights. This report pays tribute to local non-governmental

organizations for their tireless efforts to consolidate peace in the country and secure respect for human rights.

2. The transitional government, February 1999 to February 2000

A transitional Government of National Unity led by Francisco José Fadul took office in February 1999, with President Vieira as head of state until he was overthrown on 7 May 1999. He had been head of state since 1980. The transitional government contained an equal number of members of the government of former President Vieira and civilians nominated by the *Junta Militar* (Military Junta), the faction of the armed forces that had opposed President Vieira's government during the civil war. In May 1999 President Vieira was replaced as head of state by Malam Bacai Sanhá, the President of the National Assembly (Parliament).

The transitional government stated its commitment to human rights and started preparations for legislative and presidential elections. The government plan for the interim period included a number of important measures to increase human rights protection such as the rehabilitation of the criminal justice system, including rebuilding its infrastructure and reforming and training personnel; measures to combat impunity; human rights promotion in order to increase people's knowledge of their rights; and acceding to international human rights treaties. These measures were presented to a meeting of donor states in Geneva, Switzerland, on 4 and 5 May 1999, days before President Vieira was overthrown from power and

went into exile. Many of these measures could not be implemented in the short life of the transitional government. Nevertheless, they set the tone for reform for the government of President Ialá, which came to power in February 2000. Implementation of some of these measures required the active support of the international community, which initially pledged financial support for the reconstruction of the country but withdrew much of it following the overthrow of President Vieira.

Among the measures the transitional government was able to implement was the replacement of the notorious security police, which had been responsible for numerous human rights violations in the past, with an intelligence service, the *Serviço de Informação do Estado*, the State Information Service, with no powers of arrest or interrogation. The government began to tackle the legacy of impunity by initiating investigations into past violations of human rights, including torture and extrajudicial executions that occurred during the armed conflict. Cases included that of 18-year-old **Lai António Lopes Pereira** who was killed in cold blood at his home on 22 July 1998 by security officers who suspected him of involvement in a robbery at the home of a presidential security officer ². In August and September 2000, three security officers were tried and convicted on charges of human rights violations committed during the armed conflict of 1998-9, including the killing of Lai António Pereira. They were sentenced to periods of imprisonment varying from 13 to 20 years.

² For a detailed account on this case see *Guinea-Bissau: Human rights in war and peace* (AFR 30/07/99) of July 1999

This was a very important step taken by the Guinea-Bissau authorities to stamp out the pattern and practice of allowing perpetrators of human rights violations to escape punishment and provided a positive example not only in Guinea-Bissau but also in the whole region. However, during their visit to Guinea-Bissau in March 2001, Amnesty International delegates learned that these three people were not in prison, despite the fact that they had not been pardoned or benefitted from an amnesty.

The transitional government also put mechanisms in motion to accede to important international human rights treaties, which were subsequently signed by the new elected government during the UN Millennium Conference in New York in September 2000.

2.1 Human rights violations under the transitional government

The level of human rights violations decreased considerably under the transitional government. Human rights violations related primarily to the continued detention, mostly without charge or trial, of hundreds of loyalist soldiers held since the armed conflict. Civilians, former members of government and allies of the deposed President Vieira were also detained and charged with treason. They were held in overcrowded and harsh conditions which often constituted cruel, inhuman and degrading treatment. During this period, Amnesty International received reports of the beating and rape of civilians by soldiers.

By the end of the conflict in May 1999, the Junta Militar was

holding an estimated 500 prisoners, mostly soldiers. Approximately 380, including some civilians, were handed over to the judicial authorities at that time while the others were released. The detainees were held in the cells of several military barracks in Bissau, mostly in the Amura fortress and the navy headquarters, known as "Marinha", in conditions that amounted to cruel, inhuman and degrading treatment. They were held in hot and overcrowded conditions in cells which lacked ventilation and lighting, facilitating the spread of contagious and life-threatening diseases. At the Marinha, detainees' cells flooded at high tide.

The continued detention of these detainees was not authorized by a judge and they were not formally charged. Furthermore, in Guinea-Bissau, pre-trial detention is limited to 20 days before a provisional charge is made and a further 45 days before a specific charge is brought, with the possibility of an extension of 30 days. In addition, the Abuja peace agreement of 1 November 1998 stated that all persons detained in the context of the war, for reasons such as supporting one side or the other, but who had not committed a criminal offence were to be released. The inability of the authorities to try the military detainees contributed to dissatisfaction within the armed forces.

By the time the government of President Ialá came to power in February 2000, about 100 detainees remained in prison, the others having been released on bail. By the end of the year six detainees remained in custody, including Brigadier Humberto Gomes and

Lieutenant-Colonel **Afonso Te**, the former Chief of Staff of the Armed Forces and his deputy respectively, and **Sandji Fati**, former Chief of Staff of the Army. The six were tried between January and March 2001 on charges of treason and collaborating with foreign forces and were acquitted. Charges against those who had been released on bail were withdrawn for lack of evidence.

Several former ministers and business associates of former President Vieira were arrested in August 1999 and charged with incitement to war, giving financial assistance to President Vieira's war effort, collaborating with enemy forces and treason. Most were released on bail soon after they were arrested and the charges against them were eventually withdrawn. Two of them, former ministers and businessmen **Manuel dos Santos "Manecas"** and **Avito da Silva**, who had been refused bail, were tried in February 2000 on charges of treason, collaborating with enemy forces and financing President Vieira's war effort. They were both acquitted. The authorities had ignored a Supreme Court order granting Manuel dos Santos release on bail in December 1999. Failure of the prosecution to secure a conviction resulted in charges against the other accused being withdrawn and led to the dismissal of the Procurator General in April 2000.

3. The elected government and human rights from February 2000
- 3.1 The political context

In February 2000 Kumba Ialá, the leader of the *Partido da Renovação Social* (PRS), the Social Renewal Party, was sworn in as President of Guinea-Bissau. He had received 72 per cent of the votes in the second round of presidential elections in January. A coalition government, formed by the PRS and the *Movimento*

Bafatá-Resistência da Guiné, Bafata Movement-Guinean Resistance, and led by Prime Minister Caetano Ntchama, was also sworn in. The new government immediately stated its commitment to human rights, democracy and reconciliation. However, the political will has not always been present to fulfil these commitments, and the legacy of insecurity and instability created a climate conducive to violations of human rights. Corruption set in and the new government was accused of favouring the Balanta ethnic group, to which President Ialá belongs. Criticism mounted at the government's lack of progress on democratic reform and the critical economic situation, and the government was confronted with demands for payment of civil services salary arrears. In addition, the authority of the government was increasingly challenged by the military authorities who saw themselves as saviours of the country. Many Guineans too saw the armed forces as a counterweight to the excesses and corruption of the civilian authorities. Discontent within the armed forces increased as ordinary soldiers saw the gains made since the end of the armed conflict -- such as being paid and fed regularly-- being eroded. Divisions began to emerge in the armed forces as officers of the Balanta ethnic group were promoted at the expense of other groups. This triggered off Brigadier Mané's insubordination in November 2000.

With the coming to power of the government of President Ialá, the *Junta Militar* disbanded and the military returned to barracks. Brigadier Ansumane Mané, the Junta Militar leader, turned down a government post, reportedly saying that the armed forces had pledged political neutrality and that the aims of the revolt of 1998 had been achieved in setting up of "genuine armed forces" and "peace and justice". He was no longer head of the armed forces but continued to exert influence over both the military and the civilian authorities. The armed forces continued to carry out policing functions and were responsible for human rights violations.

Tension between civilian and military authorities, already visible under the transitional government in 1999, escalated in 2000. Acts of indiscipline by senior military officers increased. They challenged the new President and would not take orders from anyone but Brigadier Mané. In April 2000 the Chief of Staff of the Navy, Commodore Mohamed Laminé Sanhá, refused to leave his post when he was dismissed by President Ialá for alleged negligence and a crisis was averted only after the intervention of Brigadier Mané. Local human rights and other non-governmental organizations (NGOs) appealed to the government to guarantee stability and respect for human rights. They called on the military authorities to ensure training and discipline within the armed forces and to commit themselves to national reconstruction and respect for the Constitution and human rights.

The government demonstrated commitment to increase protection for human rights by signing important international human rights treaties during the UN Millennium Conference in New York in September 2000. These included:

- the International Covenant on Civil and Political Rights (ICCPR);
- the Optional Protocol to the ICCPR;
- the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty;
- the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
- the International Convention on the Elimination of All Forms of Racial Discrimination;
- the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

3.2

Human rights violations

The human rights situation deteriorated sharply in 2000. The *Serviço de Informação do Estado* and the presidential security service, together with the military, arrested and beat people, often for trivial reasons or no reason at all, with impunity. As far as Amnesty International is aware, none of these forces have any legal powers of arrest or interrogation. Allegations of attempted coups have served to

justify the arbitrary detention without charge or trial of hundreds of political opponents and critics and military personnel. Detainees have been held in conditions that amounted to cruel, inhuman and degrading treatment. Freedom of expression has come increasingly under attack. The authorities have failed to carry out investigations into human rights violations, including into killings which may have been extrajudicial executions.

There have been reports of interference by the members of government in the legal process: government critics have been arrested and released on the orders of the President or a minister, while detainees who were set free by a judge were retained in prison on the specific orders of individual members of the government and in at least one case a judicial order for the release of detainees ignored (for further details see page 9 below).

3.2.1 The alleged coup plot, November 2000

The most serious challenge to the government came in November 2000 when Brigadier Ansumane Mané openly criticized President Ialá's promotion of some armed forces officers, apparently all from the Balanta ethnic group, and accused the President of meddling in military affairs. He publicly stripped the officers of their rank, placed the Chief of Staff of the Armed Forces under house arrest and declared himself the new Chief of Staff. Weeks of failed negotiations ended on 22 November when soldiers loyal to President Ialá arrested several officers suspected of supporting Brigadier Mané. The next day

in Bissau, loyalist forces attacked the air base at Bissalanca, where Brigadier Mané lived, forcing him, his family and a few supporters to flee.

From 23 to 30 November, the authorities issued several conflicting reports regarding the capture of Brigadier Mané. According to official reports, on 30 November, he and three of his companions were killed in an armed confrontation with loyalist forces in Blom de Benjemita in the Biombo area of Quinhamel. Amnesty International has received several unofficial reports suggesting that he had been captured alive, beaten to death and that shot had subsequently been fired to make it appear that he had been shot dead. Despite national and international appeals, no independent commission of inquiry was set up to investigate the deaths. The authorities have said that an investigation would serve no purpose other than to open old wounds and revive old hatreds.

Some 10 leaders of opposition political parties, including several parliamentarians, who had earlier criticized the government handling of the promotions, were arrested without warrant between 24 and 26 November 2000. Amnesty International considered them to be prisoners of conscience, detained solely on account of their criticism of the government. They were held at the *Segunda Esquadra* (Second Squadron) police station in Bissau conditions which amounted to cruel, inhuman and degrading treatment. They were accused of plotting with Brigadier Mané to overthrow the government but were not formally charged. They were released on bail within a week, reportedly on the orders of the

President who also ordered that they should be placed under house arrest and ordered to report twice a week to the judicial authorities. The restrictions on their movements were not lifted until March 2001.

Two of them were reportedly beaten at the time of their arrest or immediately after. **Caramba Turé**, an opposition member of parliament for the *União para a Mudança* (UM), Union for Change, who was arrested at his home on 24 November 2000, by approximately 15 members of state security and armed forces officers. He was taken to the Presidency where he was reportedly beaten on the head, back and left ear in the presence of a government minister and senior military officers. He was released without charge on 26 November and placed under house arrest for two weeks. His arrest violated Article 82 of the Guinea-Bissau Constitution which gives members of the National Assembly immunity from arrest on account of the expression of their opinions or without the consent of the National Assembly unless caught in the act of committing an offence.

Another opposition leader, **Fernando Gomes**, president of the *Aliança Socialista da Guiné* (ASG), Socialist Alliance of Guinea-Bissau, and former president of the *Liga Guineense dos Direitos Humanos* (LGDH), Guinea (Bissau) Human Rights League, was arrested at his home on 25 November by about 50 soldiers and state security police. He was severely beaten in the presence of his family and neighbours and, although seriously ill as a result of the

beating, was denied medical treatment while in detention. After his release on 30 November, he was refused permission to travel abroad for treatment until January 2001.

Another detainee held as a prisoner of conscience was **Agnelo Regalla**, a member of the UM and owner of the independent radio station *Rádio Bombolom* who was arrested at home in the early hours of the morning of 26 November. A few hours earlier he had given an interview to the British Broadcasting Corporation in which he denounced the arrest of political leaders. He too was released uncharged on 30 November.

About 200 military and paramilitary officers were arrested between 22 and 30 November, mainly in Bissau. Some were released after a few days. However, 124 of them, some of whom were possibly prisoners of conscience, remained in detention without charge or trial until their release on bail, pending charges, in May and June 2001. Those arrested included several senior officers who were known, or suspected, supporters of Brigadier Mané. Most of them were held at the *Segunda Esquadra* and the others in the cells of the military barracks at the Amura fortress, *Marinha* and the Bissalanca airbase known as *Base Aérea*. The conditions of their detention were harsh.

One of the detainees, Major **Tijane Djassi**, deputy commander of the Northern Zone, told Amnesty International delegates that he was held incommunicado for 24 days in a cell without sanitary facilities and was not allowed to leave the

cell even to go to the toilet. On 16 December a delegation of the LGDH visited the cell at the Mansoa barracks and asked that the detainees be allowed to leave their cells for such purposes.

The detention for six months without charge or trial of these 124 officers violated Guinea-Bissau law as well as the international human rights treaties to which the government is a signatory. They were arrested without a warrant and not brought before the judicial authorities as required by law. On 10 January 2001, the investigating judge at the Bissau Regional Court ordered the release on bail of four of the detainees, Generals **Armando Soares da Gama** and **Bouta Na N'Batcha**, Major **Augusto Mário Co** and another officer, **Saia Braia Na Nhapkba**. However the authorities ignored the court order and they were not released until the same court ordered their release on bail in June 2001. In January 2001, the Bar Association of Guinea-Bissau filed *habeas corpus* writs on behalf of most of the detainees. However, it was reported that both the Bissau Regional Court and the Supreme Court ruled that they did not have jurisdiction to hear the applications. `

Their detention constituted arbitrary detention and violated Article 9(1) of the ICCPR, which states that: "Everyone has a right to liberty and security of the person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law". Article 9(3) of the ICCPR also states that detainees must be brought before a judge promptly to

assess whether sufficient legal reason exists for their arrest; to assess whether the detention before trial is necessary; to safeguard the well-being of the detainees; to ensure that the detainees are properly treated; and to prevent violations of the detainees' fundamental rights. Failure of the courts to hear writs of *habeas corpus* without delay contravenes the guarantees of Article 39 of the Guinea-Bissau Constitution, Article 7.1 (a) of the African Charter on Human and Peoples' Rights (African Charter), which Guinea-Bissau ratified in 1986, as well as Article 9 (4) of the ICCPR, all of which guarantee detainees the right to challenge the legality of their detention. In addition, Principle 32 (2) of the Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment states that the procedures for *habeas corpus* should be "simple and expeditious".

3.2.2

Conditions of detention

There is only one civil prison in Bissau, at Bra, but it is not in use as it was largely destroyed during the civil war. The prisons used are military prisons and the cells at the main police station. Their conditions are for the most part appalling. In the regions the only detention facilities are those attached to the police stations. They too are inadequate: they are overcrowded and lack sanitation facilities. Food is not provided. In addition there are no procedures to register prisoners. There are no prison guards and police officers or soldiers carry out these functions.

Prison conditions in Guinea-Bissau are generally poor and there are high levels of ill-health among prisoners. Many detainees held in military barracks and the *Segunda Esquadra* after the alleged coup plot of November 2000 suffered appalling conditions. Most were held at the *Segunda Esquadra* in severely overcrowded conditions. The overcrowding was such that a group of about 10 detainees slept in the corner of a courtyard. The largest cell was approximately 12 metres long, seven metres wide and four metres high, and housed 19 detainees. There was a room attached to it containing six toilets and four hand basins to serve all the detainees in the prison. However, they were not functioning. There were no other sanitary facilities and the detainees were forced to use a corner of one of the yards as a toilet. The remaining seven cells were considerably smaller, measuring on average five metres long, 3.5 metres wide and four metres high, and housing between six and eight detainees each. Two cells had no a window. There was much debris and human waste around, and the prison stank.

Overcrowding was also very severe and sanitation facilities lacking at the *Marinha* and the *Amura* fortress. Conditions at the *Marinha*, by the sea, were aggravated at high tide when the cells and the yard were flooded. Detainees at the *Amura* fortress reported that a small room they used for sanitation during the day could not be used at night because of snakes. Conditions at the *Base Aérea* were poor but did not amount to cruel, inhuman or degrading treatment

Several detainees in the four prisons contracted serious diseases while in detention. Colonel **Baba Dajassi**, held at the *Segunda Esquadra*, was transferred to hospital only the day before he died, on 4 February 2001, reportedly of typhoid. The health of others, suffering from chronic illnesses such as hypertension and diabetes, deteriorated. They did not receive medical treatment until the end of February 2001 when, following appeals by the LGDH and Amnesty International, a doctor working for the United Nations (UN) started visiting once a week and UNICEF started to provide water to the military detainees.

Amnesty International delegates were able to speak freely, individually and in confidence to all the detainees in the detention centres and learned that they had not been tortured or ill-treated in detention. While the conditions of detention were harsh, the detainees confirmed that they were treated with respect, dignity and humanity by the soldiers and police officers guarding them.

3.2.3 Other cases of detention without charge or trial

At least eight further officials have been detained on suspicion of coup-plotting. They were arrested between 8 and 24 February 2001 and have since been held without charge or trial. The then head of Presidential Security, who ordered the arrests, publicly stated that they had been arrested for plotting a coup and to kill the President. They included four soldiers: **Braima Turé**, **Landim Camará**, **Umarú**

Badjé and Mandú Cissé. **Alférez Laminé Keita**, a driver in the Presidential Guards, **Mailiqui Biai**, a former presidential bodyguard, **Landim Madjam**, a police officer, and **Carlos Sambaro Condé**, an immigration official, were also arrested at night on 16 February in their homes.

The detainees were held incommunicado for at least two weeks at the *Serviço de Informação do Estado*, in the Ministry of Interior. They were transferred to the *Primeira Esquadra* (First Squadron) police station at the beginning of March 2001, where they were held incommunicado for at least another two weeks in underground cells without light or ventilation. Following several appeals by the LGDH, on 12 June 2001 they were transferred to the *Segunda Esquadra* where they remain uncharged. It has been alleged that at least one of them, **Alférez Laminé Keita**, was arrested for not reporting a remark critical of the government by another of the detainees.

The Guinea-Bissau authorities have not responded to Amnesty International's appeals on behalf of these detainees.

3.2.4 Effects of the war in Senegal on human rights in Guinea-Bissau

The 19-year internal conflict in the Casamance region of neighbouring Senegal has long been a source of human rights abuses in the border

area of Guinea-Bissau, perpetrated by the Senegalese armed forces and the forces of the opposition MFDC. Recently, as Guinea-Bissau increasingly became actively involved in the conflict, the Guinea-Bissau authorities are alleged to have expelled Senegalese refugees on suspicion of being members of the MFDC and detained others without charge or trial for long periods.

The secessionist war in Casamance precipitated the civil war of 1998 to 1999 in Guinea-Bissau in which Senegal supported the forces of former President Vieira.

After conflict in the border area of Guinea-Bissau in 2000 between the Senegalese armed forces and MFDC forces, a joint commission was set up to tackle the growing unrest and the continuing arms trafficking. After further incursions by the MFDC into Guinea-Bissau in January 2001 in which 13 Guinean soldiers were killed, the Guinea-Bissau army claimed to have killed 30 MFDC combatants. However, the MFDC said that those killed were civilian refugees.

Reports of human rights abuses along the border have been difficult to verify. With the militarization of the border, civilians and journalists have been prevented from reporting on the area. Much of the information available is from official sources. Many of the abuses of human rights are said to be committed by members of the MFDC.

However, the Guinea-Bissau security forces have also been responsible for human rights violations in the area. In January 2001,

a 28 year-old man called **Mama** was reportedly shot in the village of **Sancoma**. According to reports, soldiers and border police officers dragged him from his home and shot him in cold blood in front of his father's house. A month earlier **Mama** had reportedly advised his father not to buy a gun from the same army commander who subsequently led the officers who killed him. In spite of the efforts of the **LGDH**, no inquiry into this case has been carried out and the perpetrators have not been brought to justice.

Six refugees from **Casamance**, **Laminé Badji**, **Aliou Badji**, **Aloiu Goudiaby**, **Nono Goudiaby**, **Tijane Djedjo** and **Mamadú Tamba**, were arrested at their home in **São Domingos** on 5 January 2001. They were accused of being **MFDC** combatants and taken to **Bissau**. One of them, **Tijane Djedjo**, died in a car accident as he was being transferred to **Bissau**. After being interrogated by the state security police for two days, the remaining five were taken to the *Segunda Esquadra* where they continue to be held without charge.

Between 6 and 12 February 2001, the security police arrested several refugees from **Casamance** in their homes in **Bissau** at night, including **Sene Djedjo**, **Sidi Djedjo**, **Ibo Djata**, **Laminé Sambu** and **Aliou Candé**. They were accused of being "rebels" from **Casamance** but were detained without charge until 12 July when **Sene Djedjo**, **Seidi Djedjo** and **Ibo Djata** were reportedly released. **Amnesty International** has not yet been able to establish whether the other detainees have also been released.

Another man suspected of supporting the MFDC, **Braima Badjo**, was shot and wounded when security police officers went to arrest him at his at 2 am on 12 February 2001. When he opened the door, an officer shot him breaking his arm. The police later said that Braima Badjo had made a gesture which appeared threatening. No investigation is known to have been carried out into this incident.

In March 2001 about a dozen people from the village of Budjing, near Suzana, were reportedly detained for five days and beaten by the local security police on suspicion of possessing firearms, and made to pay "fines" before they were released.

3.2.5

Freedom of expression under threat

Freedom of expression was one of victims of the civil war of 1998 to 1999. Most media outlets were forced to close and many journalists left the country fearing for their lives. Those that remained became partisan and were taken over by both sides in the conflict.

Under the government of President Ialá criticism has not been tolerated and there have been numerous attempts to curb freedom of expression. Human rights defenders, political opponents and journalists have been harassed and arbitrarily detained for criticizing government corruption or denouncing abuses of power by soldiers. In May 2000, a senior military officer threatened leading members of the LGDH, after it issued a statement expressing concern about reports that soldiers had beaten civilians. A few days later, soldiers fired shots and threatened journalist **Bakary Mané** at the premises of the newspaper

Diário de Bissau which had published criticism of President Ialá's wife. The newspaper's director, **João de Barros**, had previously received a death threat in December 1999 following complaints by soldiers regarding the newspaper's coverage of military issues.

Television news editor **Paula Melo** and newsreader **Yussufe Queta** were arrested on 27 May 2000 and detained without charge after a news bulletin carried a statement by opposition leader Fernando Gomes accusing the then Prime Minister Caetano Ntchama of corruption. Fernando Gomes was also detained. All three were released two days later after a court ruled their detention illegal.

Journalists have also been harassed and arrested for publishing articles and organizing radio debates on issues deemed sensitive by the authorities. On 27 January 2001, **Bacar Tchernó Dolé**, a journalist on national radio and the weekly newspaper *No Pintcha*, was detained and threatened by police and military officers for two days for reporting an attack by the MFDC on São Domingos.

On 14 March 2001, **Adolfo Palma**, the correspondent of the Portuguese news agency *Lusa*, was threatened with charges of defamation by an official in the Presidency after he reported the arrest of four people on 17 February on suspicion of plotting to overthrow the government. The official said that only three people had been arrested, although it later appeared that the number detained was in fact eight.

Other attempts to stifle press criticism included an invitation issued by the Deputy Procurator-General during a press conference in early March 2001 for journalists to exercise “self-censorship” in the interest of the security of the state and national reconciliation. This followed debates in the Guinea-Bissau media about the alleged coup plot of November 2000. On 30 March, a live debate on the privately owned radio station, *Radio Bombolom* on the armed conflict of 1998 to 1999 and events of November 2000, was interrupted half way through by a senior military officer who accused *Radio Bombolom* of fomenting instability and war, and reportedly threatened to bomb the radio station in the event of future conflict.

An article published in *Diário de Bissau* on 15 June 2001, which accused the government of corruption, led to the arrest without warrant of João de Barros on 17 June 2001 by the state security police. Athizar Mendes, a journalist on the same newspaper, was arrested the next morning at the newspaper premises. The two were held in the State Security Department within the Ministry of Interior until their release on bail on 19 June 2001, to await trial on charges of defamation. They have to report to the Bissau regional court every two weeks.

4. Amnesty International’s concerns and recommendations

In 1999 Amnesty International stated that, while the task of rebuilding Guinea-Bissau and ensuring respect for human rights was primarily the responsibility of the government and people of Guinea-Bissau, the international community also had an obligation to assist in the reconstruction of the country, particularly in areas related to

human rights protection. The organization made a number of specific recommendations to the Guinea-Bissau government and the international community for the post-conflict rebuilding of the country, including the institutionalization of human rights³. Many of those recommendations were not implemented and are reiterated below. While some require the financial assistance and support of the international community, others require only the political will of the Guinea-Bissau authorities to implement them.

4.1 Recommendations to the government of Guinea-Bissau

The government of Guinea-Bissau has on several occasions made commitments to uphold human rights. It is imperative that those stated commitments are translated into practical measures to protect human rights. The organization is aware of the many challenges faced by the government. However, the government is obliged to respect and protect fundamental rights at all times.

- The authorities must break with the long tradition of impunity for perpetrators of human rights violations and introduce a culture of respect for human rights. This requires determination to bring suspected violators to justice. Amnesty International calls on the Guinea-Bissau authorities to carry out, without further delay, investigations into the human rights violations described in this report, with a view to bringing perpetrators to justice.

In August and September 2000 three security officers convicted of human rights violations during the armed conflict were sentenced to long periods of imprisonment. Amnesty International is concerned that those convicted, although not officially released, are reportedly no longer in prison. It is essential that convicted perpetrators of human rights violations are brought to justice, which includes serving a sentence commensurate with the severity of the crime. Failure to do so will send wrong signals to perpetrators of human rights violations that human rights violations are tolerated, and will perpetuate the culture of impunity. The organization calls on the Guinea-Bissau authorities to set up an independent inquiry into the apparently unlawful release of these prisoners.

- Amnesty International is also calling for an investigation into the killings of Brigadier Mané and the three soldiers who died with

³ See *Guinea-Bissau: Protecting human rights - a new era?* April 1999 (AFR 30/04/99) and *Human rights in peace and war* July 1999 (AFR 30/07/99)

him in November 2000, and into other unlawful killings including that of Mama by the security forces in São Domingos, and the numerous reports of torture and beatings by soldiers and members of the security police.

The organization repeatedly urged the authorities to set up as a matter of urgency, a thorough and impartial investigation into the death of Brigadier Mané and those killed with him to establish without doubt whether or not they were extrajudicially executed and, if so, to identify those responsible and bring them to justice. Only by doing so will the government dispel fears of official complicity in the suspected execution of Brigadier Mané. Uncovering and making known the truth about the death of Brigadier Mané, and other human rights violations of the past is essential for the people of Guinea-Bissau, if they are to come to terms with the past and effect true national reconciliation.

- The government should issue clear orders to all members of the security forces to act in accordance with the UN Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

- In addition, the authorities must adhere to the laws of the country and encourage respect for the rule of law by obeying promptly court orders. They should put an end to the arbitrary detention without charge or trial of political opponents, including incommunicado detention. Amnesty International is calling on the Guinea-Bissau authorities to either charge those detainees currently held with a recognizably criminal offence or else release them.

- The authorities should guarantee the rights to freedom of expression and freedom of the press which are guaranteed by the Guinea-Bissau Constitution, as well as by international human rights treaties to which Guinea-Bissau is committed to. Article 51.1 of the Constitution guarantees the right to express an opinion, to inform and be informed, while article 56.1 guarantees freedom of the press. In addition, the government of Guinea-Bissau is bound by international law to uphold the right to freedom of expression, which includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers and in any media. Article 9 of the African Charter also guarantees the right to freedom of expression, including the right to received and give information freely.

Under international law, the government may not restrict this right, even in the interest of national security, unless it can demonstrate that the restriction is prescribed by law and is necessary for the

protection of a legitimate national security interest. The right to freedom of expression is essential in any country. In Guinea-Bissau, where reconciliation following the armed conflict is still to be achieved, its citizens have a right to know what has happened in order to make a contribution towards reconciliation, including the development of a culture of respect for human rights. Furthermore, the curtailment of the rights of freedom of expression and freedom of information provides a cover under which other fundamental rights may be denied. Consequently, Amnesty International calls on the Guinea-Bissau authorities to guarantee the protection of journalists from harassment and arbitrary detention and to promote and protect the right to freedom of expression and information under its constitution and other international human rights treaties it has signed and ratified.

- Amnesty International encourages the government of Guinea-Bissau to ratify the important human rights treaties it signed during the UN Millennium Conference in New York in September 2000, as well as other international and regional human rights treaties, including the African Charter on the Rights and Welfare of the Child, and to implement directly and fully those human rights treaties which the government has already ratified.

- The criminal justice system remains to be overhauled. There is a need to rebuild the infrastructure as well as to carry out a thorough reform and training of the personnel of all its branches. To facilitate that, a thorough study of the criminal justice system should be carried out to identify the needs and priorities and possible solutions, and to seek, where necessary, the assistance of the international community, financial and otherwise.

The judiciary: The authorities must respect and guarantee the independence of the judiciary and put an end to all interference in due judicial process. In addition, the judiciary must be provided with adequate resources.

There is an acute lack of resources, material as well as human, at all levels of the court system, and a need for training. In 2000 the UN Office in Guinea-Bissau provided training for 25 magistrates. However, many more magistrates are needed. Two of the country's regions are without court houses or personnel. All training should include training in human rights protection, particularly on the protection of the human rights of women and children and other vulnerable members of society.

The police: The government of national unity had identified the restructuring and

retraining of the police as a priority. However, this remains to be carried out. It is imperative that the police are professionally trained. In addition, they must be trained in the observance and protection of human rights. In 2000 the LGDH organized seminars for the police in several regions, which the police welcomed. While the number of reports of human violations by the ordinary police have decreased, abuses by the political police have continued.

Amnesty International is not aware of laws or regulations governing the powers and procedures of the state security police. The government should, therefore, make public any laws or regulations which exist and ensure that they are in accordance with its obligations under international and regional human rights treaties.

The military: Amnesty International urges the government of Guinea-Bissau to ensure that the armed forces are made accountable to the civilian authorities and abide by the rule of law, and that all military personnel are trained in human rights and humanitarian law.

Prisons: There is an urgent need to build civilian detention centres and prisons and reform existing ones. Amnesty International welcomed the attempts recently made by the Minister of Justice to improve the conditions of the detainees by building latrines at the *Segunda Esquadra*. However, much more needs to be done, and the thorough rehabilitation of the prison system should be carried out as a matter of urgency to provide basic facilities.

4.2 Recommendations to the international community

The stability and future development of Guinea-Bissau will depend on the ability of the government to rebuild it based on good governance, the rule of law and human rights.

Amnesty International urges donor governments to promote and provide resources for the rehabilitation and reform of the criminal justice system, including the judicial and legal system and the police. The long-term protection of human rights depends on both an effective legal system which is enforced by an independent, impartial and accessible judiciary with adequate resources, and on a police force which is fully trained in international human rights law and which is accountable to the community it serves and protects.

The international community should also

provide resources for the promotion of human rights programs in schools and among the public in general.

In addition, there is vibrant civil society in Guinea-Bissau which has played a very important role in bringing peace to the country and protecting human rights. However, human rights and other non governmental organizations need training and financial support, as well as protection from political repression. The international community should pay attention to civil society groups in Guinea-Bissau and support them to enable them to carry out their work in the defence of human rights.