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£GUINEA-BISSAU

@Provisional release of 10 people accused of involvement in the "17 of March case"

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Ten people, including **João da Costa**, president of the opposition *Partido da Renovação Democrática* (PRD), Democratic Renewal Party, and **Tagmé Na Waié**, a member of the *Resistência da Guiné-Bissau - Movimento Bafatá* (RGB-MB), Guinea-Bissau Resistance -Bafatá Movement were provisionally released from prison on 14 June 1993. They were among scores of people who had been arbitrarily arrested and accused of complicity in a coup attempt in Guinea-Bissau in March 1993 in which a senior military officer was killed. They had been denied their rights to due process of law.

This brief report updates a report published by Amnesty International in June 1993, *Guinea-Bissau: In defiance of the law* (AI Index: AFR 30/04/93) which described in detail the events leading to the arrest of João da Costa and Tagmé Na Waié and the ways in which the proceedings were flawed.

The release of ten prisoners on 17 June 1993

João da Costa, and Tagmé Na Waié were among 10 people released from prison on 14 June 1993 on the orders of the Military Prosecutor in charge of the case. But they were ordered to remain in Bissau city; to leave the city they require the permission of the military authorities. They were also forbidden to engage in public political activities. Although they had not been charged with any specific offence by the time of their release, their "provisional" release suggests that the authorities are still pursuing investigations concerning them.

João da Costa and Tagmé Na Waié had been arrested arbitrarily on 14 April 1993 after a man accused of murdering a military officer claimed that he had been acting on João da Costa's orders: there were no arrest warrants and they were not told why they were being detained. The other eight people released on 14 June were among dozens of soldiers and retired soldiers arrested after Major Robalo Gomes de Pina was shot dead on 17 March 1993 during a mutiny by some military units in Bissau. Thirty-nine reportedly remain in detention without charge or trial.

Various aspects of the proceedings in the "17 March Case", as it is known in Guinea-Bissau, violated both national law and international human rights standards. Amnesty International's June 1993 report, *Guinea-Bissau: In defiance of the law*, gives details of flaws in the proceedings. In May, the spokesman of the Commission of Inquiry set up to investigate the case suggested that, if found guilty, the detainees could face the death penalty, despite the fact that the death penalty had been abolished in a constitutional amendment in February 1993; he implied that abolition would only be in force once it was announced in the official government gazette. It was printed in early June 1993. The new constitution reportedly forbids the trial of civilians before military courts. It is therefore not clear why João da Costa and Tagmé Na Waié apparently remain under military jurisdiction, particularly as they have not been charged with any offence.

After his release, João da Costa gave a news conference, despite the fact that the released detainees were forbidden to engage in public political activities. There appears to be no legal basis for such a ban.

Recommendations

Amnesty International welcomes the release of João da Costa and Tagmé Na Waié and eight other people from prison on 14 June 1993 but remains concerned about the restrictions attached to their release and urges that they be lifted, particularly as they have not been charged with any offence.

The organization remains concerned about the 39 others, still held without charge or trial and

- urges the authorities that, unless they are promptly charged with a recognizably criminal offence, they be released;
- that those who are charged with a recognizably criminal offence are tried without unnecessary delay in accordance with international fair trial standards.

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