



GUINEA-BISSAU

BRIEFING FOR INTERNATIONAL ELECTION OBSERVERS

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In the run-up to presidential elections in Guinea-Bissau, scheduled for 28 June 2009, Amnesty International calls on election monitors to include human rights monitoring as a central part of their brief and to consider following the recommendations below, which are general guidelines aimed at allowing the integrated monitoring of elections and human rights.

The presidential elections of 28 June were called following the killing by soldiers of the late President João Bernardo “Nino” Vieira, on 2 March 2009. The armed forces had accused President Vieira of ordering the killing of the Chief of the Staff of the Armed Forces, General Tagme Na Waie, who died in a bomb explosion a few hours earlier, on 1 March.

The European Union (EU) has announced that it would provide financial assistance for the elections and that it would send elections observers. The African Union (AU), the Economic Community of West African States (ECOWAS) and the Community of Portuguese-speaking Countries (*Comunidade de Países de Língua Portuguesa* - CPLP)¹ have also expressed willingness to send election observers. The elections will also be monitored by Guinea-Bissau observers drawn from civil society groups.

Previous elections in Guinea-Bissau have been monitored by observers from the AU, ECOWAS, EU and CPLP and have been generally free from violence. The last elections were held in November 2008 to elect a new parliament. They were praised by the UN for having been conducted in a transparent and orderly manner without any political or military interference. They were expected to stabilise the country. However, stability remains elusive.

Following the announcement of the election results in November 2008, the president of the Social Renewal Party (Partido da Renovação Social – PRS) claimed that a police group had tried to arrest him after he claimed the poll results were rigged. Two days later soldiers attacked the late President Vieira’s residence. Some commentators called it an attempted coup while others claimed it was an isolated action by mutinous soldiers. In January 2009, the late General Tagme Na Waie was shot at while driving near the presidential palace.

The fragility of the country has been exacerbated by the open tension between the civilian authorities and the armed forces, as well as by in-fighting within the armed forces, who have run the country openly or from behind the scenes. Owing to the weakness of civilian institutions different governments have

¹ Guinea-Bissau is a member state of both ECOWAS and the CPLP

depended on different factions within the armed forces for their survival. Drug trafficking in recent years has further threatened the country's stability and security, eroded state institutions, including the judiciary and has led to human rights violations. There have been numerous allegations that members of the armed forces and some politicians are involved in drug trafficking and journalists and human rights defenders and others who have denounced the drug trade have been harassed and threatened, arrested and beaten.

On 5 June 2009 four people, including two former ministers, one of whom was also a candidate in the forthcoming elections, were unlawfully killed by the armed forces who also arrested an undisclosed number of civilians including a former prime minister and the national director of the internal security services. The armed forces accused them of attempting to overthrow the government.

Ten of the 12 candidates approved by the National Electoral Commission will run for president. One, Pedro Infanda, withdrew his candidacy following the killing of candidate Baciro Dabó, fearing for his own security.

In the context of the elections, Amnesty International's concerns include:

- impunity for recent killings, arbitrary arrests, beatings and torture of civilians by soldiers;
- threats to freedom of expression. In recent months people who criticised the government or the armed forces have been arrested and beaten by soldiers. Following the killings of late President Vieira and General Tagme Na Wai, those who criticised the armed forces were threatened, arrested, beaten and tortured. They included members of the Guinea-Bissau Human Rights League, Francisco José Fadul who was the president of the Audit Court and former prime minister, as well as lawyer Pedro Infanda.

The ability to exercise the right to freedom of expression, peaceful assembly, association and movement is essential to create a climate in which people can participate in the election process without fear of intimidation or reprisals. Respect for human rights must be a central element to the election process and the Guinea-Bissau government must take steps to ensure that everyone is able to exercise these rights without fear of becoming a victim of human rights violations.

There is national and international pressure on Guinea-Bissau to hold violence-free elections, and to end the cycle of violence, insecurity and human rights violations in the country. At this crucial time the protection of human rights by all those involved in the election (candidates, supporters and observers) is of vital importance.

Assessing the conditions pertaining to the elections without taking into account human rights violations committed in the context of the elections will inevitably undermine public confidence in the election monitoring process.

Amnesty International is therefore calling on elections observers to Guinea-Bissau to include human rights monitoring as a central part of their brief and to take on board these recommendations:

1. The role of the international community

The intergovernmental organizations (IGOs) sending observers to monitor the elections in Guinea-Bissau should give attention to human rights concerns in observing the elections. Observers should assess whether the context in which the elections are to be held respect human rights and protect people from human rights abuses. Indicators that respect for human rights are a central element of the election process would include:

- o clear public signals from the government as well as from the body organizing the elections that human rights abuses will not be tolerated;
- o an effective system for registering and dealing with complaints about restrictions on the freedom to vote;

- o public awareness of how to complain about intimidation or other abuses;
- o clear instructions issued to the police authorities about how to ensure that people are free from intimidation and pressure;
- o clear instruction from the government issued to the armed forces to refrain from committing human rights violations and warning them that should they do so they will be prosecuted. In addition, the armed forces should be instructed to refrain from interfering in the electoral process, before, during and after the voting,

Amnesty International is calling on governments and IGOs who send observers to bring any shortcomings in these requirements to the attention of the relevant authorities in Guinea Bissau and review the situation both during and after the elections.

2. Proper preparation of observers

Election observers should be properly trained and equipped to monitor human rights abuses that take place in the context of elections. In particular, observers should monitor respect for human rights in the following key areas:

- freedom of expression, association and movement of candidates and their supporters and voters
- the right to peaceful assembly at public gatherings of candidates and their supporters
- harassment and intimidation of candidates and their supporters and voters.

Observers should be provided with the texts of relevant human rights standards including the United Nations Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. They should also be provided with appropriate manuals, for instance, Human Rights and Elections – A handbook on Legal, Technical and Human Rights Aspects for Elections, Professional Training Series (No. 2), Centre for Human Rights, United Nations, Geneva, 1994;

3. No international "silent witnesses"

All international election observers should report through explicit and proper channels any human rights abuses they may witness or allegations of human rights abuses they receive. The IGOs involved should take appropriate steps to raise these issues with the government without delay.

4. Broad human rights observation

In order for citizens to participate freely and without intimidation in elections, the authorities must ensure that all the rights that are pivotal to such participation can be enjoyed by all without discrimination. Observers should record human rights abuses which impact on people's ability to exercise their right that occur both before and after the actual dates of polling. Often abuses occur away from polling stations. There should not only be monitoring of the actual voting procedure but of the environment and human rights conditions away from the polling stations as well.

5. Human rights monitoring at polling stations

On the day of the voting, election observers should have unhindered access to all polling stations, to be able to observe any human rights abuses, such as violence against those presumed to be opposing party supporters and intimidation of voters including threats and assertions that their voting is not secret. The observers should be mandated to be able to ask the authorities urgently to take remedial action. They should record and report what action the authorities take or refrain from taking.

6. Public reporting of human rights abuses

Election observers must publicly report any concerns about politically motivated violence and intimidation. This is important to ensure, as far as possible, a climate conducive to the holding of free and fair elections in which everyone is free to exercise his or her rights to freedom of association, movement, assembly and expression.

7. The role of the police and security forces

Election observers should monitor the conduct of the national police and security forces, in particular

the armed forces to ensure that they do not commit human rights violations and to verify their adherence to the law and international human rights standards when dealing with any human rights abuses arising in the context of the elections. Observers should note whether their action is prompt, appropriate and proportionate in accordance with international policing standards. Election observers are advised to carry with them the texts of international human rights standards relevant to the conduct of the police and security forces.

8. Support for non-governmental organizations (NGOs) and local election observers

Some national NGOs have run voter education workshops and trained local observers to monitor the elections. This work may be seen as support for specific parties and lead to intimidation and harassment. It is therefore important that election observers work together with national NGOs and where appropriate, devise effective ways to protect local observers.

9. Continued protection of human rights either side of the elections

International observers should be deployed well in advance of the election in order to monitor the campaign. They should urgently bring to the attention of the authorities any human rights abuses they notice so that these could be remedied or addressed prior to election days. Some international observers should remain in the country for as long as necessary after the elections, to help ensure the elections aftermath is free from human rights abuses and, if it is not, to continue publicly reporting and lobbying for problems to be addressed.

10. Documenting political discourse

Election observers should note the language used and statements made by candidates and officials of the ruling party and opposition parties and their supporters, as well as the language used by the media that has a bearing on human rights. Writing down the exact words used in a threat, or a pledge of commitment to upholding human rights, and the date and location where they were spoken, will be important means to measure adherence to and respect for human rights within the context of the election process.

11. Freedom of expression, association and movement of candidates and their supporters

Some parties have complained that the National Electoral Commission banned their candidates from standing, in some cases on grounds that they were out of the country when presenting their candidacy. This rule was not applied fairly to all and some candidates were allowed to stand despite being away from the country or even living abroad on a regular basis. Some civil society groups have expressed concern at the reduced campaigning period which, according to the law, should last 21 days. The campaign should have started on 8 June. However, owing to the unlawful killings of 5 June, the start of the campaign was delayed. There are concerns that the shorter campaign will benefit the candidate from the ruling party and that it will affect the voters' ability to make an informed decision as candidates' time to campaign and make their programmes known is seriously curtailed.

Access to the state media, especially radio and television, by all candidates is crucial. It is important, therefore to monitor if there is a balanced access to the print and broadcast media by all candidates, their ability to address voters and freedom of movement, including access to all areas. Observers should also monitor access to the media by those candidates which failed to be registered for the election or which have chosen not to participate.

12. The right to peaceful assembly

Election observers should monitor public meetings, including policing, actions by the government officials and the armed forces, acts of disruption or harassment by political rivals, arrest, ill-treatment of candidates, party workers or the public. They should document these incidents and report them to the relevant authorities and publicly. Actions between rival candidates and their supporters and the response of the authorities to any violence should be monitored to ensure the protection of candidates.