

GUINEA-BISSAU

AMNESTY INTERNATIONAL'S CONCERNS FOLLOWING THE COUP IN APRIL 2012

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INTERNATIONAL**



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Introduction

Several weeks after a military coup that deposed the civilian government in Guinea-Bissau, Amnesty International remains concerned at the continued attacks on human rights and the suppression of freedoms including freedom of expression and the press, assembly and movement.

Repressive measures imposed to stifle criticism of the self-styled Military Command that took control of the capital, Bissau, and their civilian supporters remain in place. Demonstrations have been banned and the Military Command has issued repeated warnings to those who attempt to protest. Several people, mainly members of the government, some political parties and civil society groups remain in hiding since the coup, fearing for their lives. Amnesty International continues to fear for their safety and calls for their protection. The organization is also concerned that the media can only operate under strict censorship and as long as they do not criticise the military authorities and their supporters.

Amnesty International urges the military and civilian authorities to restore and guarantee fundamental freedoms without delay and to end the persecution of all the deposed government officials and those who peacefully call for the restoration of the rule of law. The organization calls on the authorities to refrain from using force to disperse peaceful demonstrations, and to release all detainees arrested following the coup.

The coup

In the evening of 12 April 2012 the military staged a coup, took control of Bissau and attacked the residences of the former Prime Minister and presidential candidate Carlos Gomes Júnior¹ and the Interim President of the Republic, Raimundo Pereira², and arrested them. The persecution of political figures including most government ministers and civil society members ensued. Fearing for their lives, most took refuge in diplomatic delegations in Bissau where they remain over a month later. The military authorities said³ that the coup of 12 April was prompted by the presence of Angolan troops in the country whom they accused of being part of a plot devised by the government of former Prime Minister Carlos Gomes Júnior to annihilate the Guinea-Bissau armed forces and they were compelled to defend themselves⁴. The Angolan government denied the accusation.

Two days before the coup, the Angolan Minister of Foreign Affairs had announced in Bissau the withdrawal of the Angolan troops, in view of the mounting criticism and the accusations by the Guinean armed forces and some politicians, mainly some of the defeated candidates in the presidential elections of 18 March 2012.

¹ Carlos Gomes Júnior resigned his position as Prime Minister when he became the presidential candidate

² He assumed the interim presidency following the death in January 2012 of President Malam Bacai Sanha, as a result of illness.

³ Communiqué issued by the Military Command on 13 April 2012, cited widely by the media, including Le Monde, (12 April 2012). *Coup d'État en Guinée-Bissau: l'armée convoque les partis politiques*. Available at: http://www.lemonde.fr/afrique/article/2012/04/12/a-bissau-des-militaires-prennent-la-radio-nationale-et-descendent-dans-les-rues_1684899_3212.html

⁴ Angolan troops arrived in Guinea-Bissau in late March 2011 as part of the Angolan Military Mission to Guinea-Bissau (MISSANG) under the terms of a bilateral agreement between the two countries. The role of MISSANG was to assist with training and reforming the country's security sector, including the military, after the EU withdrew its mission for the reform of the security sector in September 2010, stating lack of willing within the armed forces and political instability in the country.

Several opposition political parties publicly supported the coup, including the Social Renewal Party (*Partido da Renovação Social*- PRS) and some of the defeated candidates in the first round of presidential elections held on 18 March 2012. A second round between the candidate of the ruling African Party for the Independence of Guinea-Bissau (*Partido Africano para a Independência da Guiné-Bissau* – PAIGC) Carlos Gomes Júnior, who had obtained most of the votes but failed to gain an absolute majority, and the second runner, the PRS leader Kumba Ialá was scheduled for 29 April.

The election had been declared free and fair by international and national observers. However, five of the defeated candidates complained that they had been rigged and Kumba Ialá then announced that he would not take part in the second round of elections. In such an event, in accordance with the Guinea-Bissau Constitution, Carlos Gomes Júnior would then be automatically proclaimed president.

The Guinea-Bissau Human Rights League (*Liga Guineense dos Direitos Humanos –LGDH*) and most civil society groups, as well as the ruling PAIGC and other political parties vehemently condemned the coup while ordinary people took to the streets in protest. The international community was unanimous in their condemnation too, and called for the restoration of the rule of law and the reinstatement of the legitimate government including the Interim President and the Prime Minister and called for their release; for the conclusion of the electoral process and respect for human rights; and threatened to impose sanctions on those responsible for the coup and their supporters. It rejected any government emerging from the coup. International organizations, financial institutions and individual countries cut all but essential humanitarian aid to the country and the African Union suspended Guinea-Bissau until the legitimate government was reinstated. On 3 May, the European Union imposed a ban from entering the EU as well as an asset freeze on six persons “that threaten the peace, security and stability of Guinea-Bissau”. Two weeks later, the UN also imposed a travel ban on the military leaders.

Although the Constitution was not formally suspended, the People’s National Assembly (*Assembleia Nacional Popular*), and all state institutions were paralysed. A week after the coup, the Military Command and their civilian supporters agreed to a two-year transition and started negotiations to form a transitional government. The Military Command rejected the international community’s demand for a return to the constitutional order. Mediation by the Economic Community of West African States (ECOWAS) to resolve the political crisis and restore constitutional order continued and resulted, on 3 May 2012, in an agreement for a one-year transition, which ruled out the return of the ousted leaders, to be led by Military Command’s nominee Serifo Manuel Nhamadjo, one of the defeated presidential candidates, as interim president. On 16 May he appointed Rui Duarte Barros, an economist and former minister of finances, as prime minister. ECOWAS also committed to sending troops to Guinea-Bissau to ensure a peaceful transition and the first contingent arrived in Bissau on 17 May 2012, the same day the new prime minister was sworn in.

The LGDH and other civil society organizations, as well as several political parties publicly condemned the agreement, accused ECOWAS of legitimising the coup, and stated they did not recognise the new government. Implicitly or explicitly, the international community also indicated that it did not recognise the new government, and continued to call for meaningful negotiations to restore constitutional order⁵.

⁵ On 12 May the Cape Verde Prime Minister was explicit when he stated that his government did not recognise the new authorities in Guinea-Bissau (See Voice of America (14 May 2012). *Governo de Cabo-Verde não reconhece Serifo Nhamadjo*. Available at: http://www.voanews.com/portuguese/news/05_14_12_cape_verde_reaction-151418855.html

Others countries and institutions were implicit in their rejection of the new authorities. See for instance, Security Council SC/10640 AFR/2386. *Security Council Press Statement on Guinea-Bissau*. Available at: <http://www.un.org/News/Press/docs//2012/sc10640.doc.htm> and Angop (6 May 2012). *CPLP demands re-instatement of Guinea president, premier*. Available at: http://www.portalangop.co.ao/motix/en_us/noticias/politica/2012/4/18/CPLP-demands-instatement-Guinea-president-premier,a7d3d82c-1a06-4554-8a56-9d8c3b9a28a3.html

On 18 May 2012, the Military Command and allied political parties signed a Political Agreement (*Acordo Politico*) which sets out the political agenda of the transitional authorities. Among others, the signatories agreed to have the People's National Assembly approve an amnesty law for the perpetrators of the 12 April 2012 coup. Such a law would perpetuate the prevailing impunity for human rights violations by the armed forces, and the political instability the country has experienced for over a decade.

The coup exacerbated the political instability and fragility of Guinea-Bissau and accentuated the tension between the military and civilian authorities, and was a setback to the tenuous democratic and human rights gains made in recent years. For years, peace, security and stability in Guinea-Bissau have been threatened by rampant impunity for human rights violations by the armed forces, including stalled investigations into the killings of political and military figures since 2009, the urgent need to reform the security forces, including the military who have long interfered in politics, and suspicions that several military officers and other officials are involved in international drug trafficking. Coups, attempted coups and military revolts that have plagued the country since its independence from Portugal in 1974 became more frequent after 2000.

The effects of the coup have also been felt on the economy and social life. Media and civil society organizations have estimated that up to 10,000 people fled Bissau since the coup, although the exodus has now subsided. Those displaced inevitably put pressure on already weak and impoverished rural communities. Shortages of some basic foodstuffs and medical supplies have been reported and epidemics, particularly cholera, are feared. Amnesty International was informed that the price of a 50 kg sack of rice, staple food, increased from 20,000 to 25,000 cfa francs since the coup. Food shortages are feared as the planting season will be missed owing to the lack of seeds. Because of the coup, farmers have also been unable to sell their cash-crop, cashew nuts, in the international market.

Human rights violations following the coup

Human rights were one of the first casualties of the coup. Freedom of expression, movement and assembly were suppressed. Other human rights violations were committed, including arbitrary arrest, incommunicado detention, ill-treatment and harassment of politicians and their families and associates and those who opposed and protest against the coup and peacefully called for the restoration of constitutional order. Nobody has been brought to justice for these violations. In a press release issued on 17 April 2012⁶, Amnesty International expressed concerns for the safety and physical integrity of detainees and others and called on the military authorities to release all detainees and to protect and respect human rights, including the rights to freedom of movement, peaceful assembly and expression.

Arbitrary arrests and detention

Soon after the coup Amnesty International was informed that the military had arrested civilians as well as soldiers opposed to the coup. However, it was difficult to confirm the information as the military authorities failed to release information regarding the number of people arrested, their identity and whereabouts, despite calls by national and international organizations, including the UN Security Council, to do so⁷. Therefore, it remains unclear to Amnesty International how many people have been detained following the coup and whether

⁶ See Amnesty International press releases - Guinea-Bissau: Increasing repression in wake of military coup, of 17 April 2012 (AI Index: AI Index: PRE01/203/2012) ([/www.amnesty.org/en/for-media/press-releases/guinea-bissau-increasing-repression-wake-military-coup-2012-04-17](http://www.amnesty.org/en/for-media/press-releases/guinea-bissau-increasing-repression-wake-military-coup-2012-04-17)) and Guinea-Bissau: Coup attempt underscores human rights concerns, of 13 April 2012 (AI Index: PRE01/192/2012) www.amnesty.org/en/for-media/press-releases/guinea-bissau-coup-attempt-underscores-human-rights-concerns-2012-04-13

⁷ Statement by the President of the UN Security Council on Guinea-Bissau of 21 April 2012 (S/PRST/2012/15)

they remain in detention.

The Military Command only acknowledged the arrest and detention of Carlos Gomes Júnior and Raimundo Pereira, claiming that it was for their safety. The two men were arrested in their respective homes by military personnel at the time of the coup and taken to military barracks in Bissau before being transferred to Mansôa barracks, about 60km north of Bissau, on Saturday 14 April, where they were held incommunicado for most of their detention. According to information given to Amnesty International, they were held in a small cell with no water or toilet and infested with mosquitoes. Two days after their arrest, a Red Cross delegation was able to visit the two detainees and to provide medicines. Human rights officers of the UN Integrated Peacebuilding Office for Guinea-Bissau (UNIOGBIS), were also able to visit the two detainees the day before their release. Apart from those two occasions, the detainees were denied access to their families and lawyers. During their visit, neither the Red Cross nor the UNIOGBIS delegations were able to see other detainees, including soldiers and civilians arrested in December 2011, whom the military had accused of attempting a coup.

On 27 April 2012, Carlos Gomes Júnior and Raimundo Pereira were released from military custody and sent on what appears to be forced exile. They were first taken to Abidjan from where they flew to Portugal two weeks later, unable to return to their country.

In addition, nine days after the coup, on 21 April, the Secretary of State for the Veterans of the Liberation War (*Antigos Combatentes da Libertade da Pátria*), Brigadier-General Fodé Cassamá, his driver Domingos Imbale and his adviser Sabino Pinto Sanca, were arrested by soldiers in the town of Farim, in the northern Oio region, where they were at the time of coup. They were reportedly arrested in the street, beaten, tied, thrown onto a military lorry and taken to an unknown destination. Some days later it was found that Brigadier-General Fodé Cassamá had been transferred to Mansôa barracks, while his aides appeared to have been released. Fodé Cassamá was also released on 27 April. It appears that the Military Command suspected him of plotting a counter coup.

Amnesty International was also informed of the arrest of a man, Octávio Morais, the owner of a hotel in São Domingos, a town in the north along the border with Senegal, on 15 April. According to the information received by Amnesty International, a group of soldiers who had been eating in his hotel beat Octávio Morais and took him away. A day after his arrest his whereabouts or the reasons for his arrest remained unknown. Amnesty International and the LGDH have not been able to establish what happened to him; the Military Command has not released any information about this case.

Persecution and harassment of politicians and activists who opposed the coup

Following the coup, a climate of fear and uncertainty set on Bissau. Government ministers and other officials, human rights defenders and members of civil society groups went into hiding in the hours following the military take over, fearing for their lives. A few were able to leave the country and remain abroad. Most took refuge in foreign diplomatic delegations in the country where government ministers and other officials remain, still afraid to leave. Some civil society activists left their refuge after a few days, others some weeks later. Some still remain in hiding as they are still being sought by military authorities. The LGDH's president, Luis Vaz Martins and Filomeno Cabral, another LGDH member and secretary-general of the Guinea-Bissau General Confederation of Independent Trade Unions (*Confederação Geral dos Sindicatos Independentes da Guiné-Bissau* – CGSI-GB), and several other human rights activists and members of civil society had already received anonymous death threats via the telephone after the elections in March. They had publicly criticised the defeated candidates who had complained about rigging of the elections.

Amnesty International remains concerned for the safety of Desejado Lima da Costa the president of the National Election Commission; as well as Iancuba Ndjai, the leader of the Labour and Solidarity Party (*Partido da Solidaridade e Trabalho*) and spokesperson of the National Front Against the Coup (Frente Nacional anti Golpe – FRENAGOLPE), a platform of political parties and civil society groups set up to contest the coup. They are still being sought by the military authorities and remain in hiding.

For several days after the coup, soldiers looking to arrest ministers and other officials went to their houses and

not finding them, they beat and threatened their relatives, associates and employees, vandalised their houses, stole property and took away their official and private cars. The morning after the coup, soldiers who went to the house of Fernando Gomes, Minister of Interior and founder of the LGDH, who had already gone into hiding, beat one of his employees, the only person in the house, vandalised his house and took his cars.

On 14 April, soldiers also went to the house of Dulce Pereira, a local singer who had publicly condemned the coup and beat her.

Since 8 May, an anonymous list has been circulating in Bissau which contains the names of 38 people, including the deposed ministers, PAIGC members, civil society activists, parliamentarians and business people who are accused of being responsible, in varying degrees, for the political killings that have occurred since 2009. Although most of those named are already in hiding, the existence and public circulation of such a list puts their lives at further risk. As far as Amnesty International is aware, the military authorities have not taken action to find out the identity of the authors of the list, nor have they issued any statement to the effect that any activity that put lives at risk would not be tolerated.

Freedom of expression and press

All private radio stations were shut down in the immediate aftermath of the military take over and remained off the air for about 48 hours and only the national broadcaster, *Rádio Nacional da Guiné-Bissau* was allowed to broadcast intermittently, primarily to broadcast the Military Command's *communiqués*. Private radio stations re-opened on Sunday 15 April in the morning. However, as they criticised the military, by the evening they were ordered off the air again. In the evening of the next day, the military authorities met with private broadcasters and ordered them to resume broadcasting but warned them not to criticise the military or the coup or report on demonstrations so as not to create panic and insecurity, and threatened them with closure and other measures, which were not specified, if they disobeyed. In view of the censorship imposed on them, at least one radio station, *Rádio Pindjiquiti*, decided to remain closed.

One journalist, António Aly Silva, was arrested in the morning of 13 April for naming in his blog the Chief of Staff of the Armed Forces as the leader of the coup. He was taken to Amura barracks and beaten with the butt of a gun and had an ear cut. He was released later that evening. However, the military authorities confiscated, among others, his computer, mobile phone, and camera which he has not yet recovered.

Other journalists were molested when they tried to cover demonstrations in Bissau. On 17 April, four journalists including the correspondent of *Rádio Difusão Portuguesa* (Portuguese national radio) were briefly retained by soldiers as they were covering a demonstration. Soldiers also took their cameras, tape recorders and microphones although they later returned them.

Freedom of assembly- demonstrations

The Military Command has banned all demonstrations and has repeatedly issued orders reiterating the ban and threatening to take "severe measures", which were not specified, against demonstrators protesting the coup and calling for the restoration of constitutional order. Spontaneous peaceful demonstrations by women and youth staged soon after the coup were repressed by soldiers.

On Saturday 14 April a group of women and youths concentrated outside Parliament to demand the release of the former Prime Minister and the interim President were dispersed by soldiers using teargas. At the time, military officer and allied political parties were meeting to discuss the establishing of a government.

The next day, a peaceful demonstration, marching toward Parliament was also violently dispersed by soldiers before they reached Parliament. Protestors were beaten with guns by soldiers and two men were injured. One was reportedly stabbed in the leg by a soldier and had to be taken to hospital for treatment.

On 16 April, a demonstration planned by the Women's Political Platform (*Plataforma Política das Mulheres*) to coincide with the arrival of an ECOWAS delegation was abandoned after soldiers arrived at the place where about two dozen demonstrators had already concentrated. Another demonstration organised by the Movement of

Civil Society (*Movimento da Sociedade Civil*) for that day in the afternoon dispersed when two lorries carrying soldiers appeared. About 50 people had concentrated in an area in the Avenida dos Combatentes da Libertação da Pátria when the soldiers arrived. As the demonstrators dispersed, soldiers caught and beat three of them but did not arrest them.

The Military Command then issued a communiqué prohibiting demonstrations throughout the country and said that demonstrations would be severely repressed. This was repeated four days later after the LGDH and the Movement of Civil Society announced they were planning a demonstration for 20 April, which was then cancelled. Further warnings have been issued almost daily.

On 11 May the Military Command issued another order prohibiting a demonstration organised by FRENAGOLPE for the next day, warning that those who challenged the Military Command's order would be held responsible for whatever happened during the demonstrations. In the event, the demonstration was cancelled. FRENAGOLPE had called the demonstration to protest ECOWAS' support for the Military Command and the appointment of Serifo Nhamadjo as the country's interim president.

Freedom of Movement

Initially, a curfew prohibiting people from being in the street between 9pm and 7am was imposed following the coup. This has now been lifted. In addition, soon after the coup and for at least a week, soldiers were reportedly placed in strategic parts of Bissau and road blocks were set up throughout the city, with cars routinely stopped and searched.

The military authorities have also stopped people from leaving the country. On 9 May, the President of the Supreme Court, Maria do Céu Monterio Silva, was prevented from leaving the country. Amnesty International was informed that she had completed the check-in at the airport and when she went to embark soldiers stopped her. Three days later, the Minister of Justice, Adelino Mano Queta, who has taken refuge in an embassy, was also prevented from leaving. He had sent someone else to the airport to do the check-in on his behalf but that person was informed that the minister was not allowed to travel.

Meanwhile, on 9 May the Military Command issued a list of 58 people who are not allowed to leave the country. It includes most of the deposed ministers and other government officials, parliamentarians, members of the PAIGC and other political parties and local businessmen.

National and International obligations

The Constitution of Guinea Bissau in force since 1993, guarantees 'fundamental human rights and freedoms'. Freedom of expression, including freedom of the press, is guaranteed by the Constitution and by national law.

According to the Constitution, all constitutional and legal proceedings related to fundamental human rights must be interpreted in harmony with the Universal Declaration of Human Rights. The Constitution further defines the Defence and Security Forces as non-partisan, whose mission is the defence of country's sovereignty and territorial integrity, and forbids them from interfering in political life.

Both the Constitution and national law prohibit arbitrary arrest and detention. Except in cases of in flagrante delicto⁸, arrests may only be carried out by the police, with a warrant issued by a judicial authority. Military authorities do not have the power to arrest civilians, or military personnel except for purely military matters

Guinea Bissau is a member of the UN and has signed, ratified or acceded to several international and regional instruments that contain human rights standards which safeguard freedom of expression and the press; assembly, association and movement and forbid arbitrary arrest and detention and the use of torture, ill-treatment and cruel, inhuman and degrading treatment,. They include: the International Covenant on Civil and

⁸ That is when the person is caught in the act of committing a crime

Political Rights and its Optional protocol; the International Covenant on Economic, Social and Cultural Rights; the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the African Charter on Human and Peoples' Rights.

Conclusions and recommendations

The coup of 12 April 2012 has isolated the country internationally, led to further divisions internally and to the perpetuation of military interference in the political affairs of the country. It increased instability and was a set back to the tenuous gains made in development, democracy and human rights in the last few years.

The challenge faced now by Guinea-Bissau is to recognise that there cannot be peace, stability and development unless full respect for human rights and law and order are instituted without delay. For the country to regain stability and move forward based on the rule of law, there is a pressing need to tackle human rights issues.

One of the reasons for the recent political instability, coups and military rebellions and political killings is failure to end impunity and to protect human rights. To date, the suspected perpetrators of human rights abuses have been shielded from prosecution by a series of amnesty laws and by the interference of the military in the judiciary and politics. A new amnesty law would offer another blanket amnesty to soldiers who committed human rights violations.

Amnesty International opposes amnesties or similar measures of impunity which block the emergence of the truth, prevent those responsible for human rights violations from being brought to justice and deny the right of victims and their families to seek judicial recourse and reparation, as set out in international law.

Amnesty International urges the authorities to:

- respect and protect human rights;
- fully restore and guarantee fundamental freedoms, including freedom of expression and the press, freedom of assembly and association and freedom of movement without delay;
- end the persecution and harassment of all deposed government officials and those who peacefully call for the restoration of the rule of law;
- refrain from using force to disperse peaceful demonstrations,
- release all detainees arrested following the coup;
- not to adopt any political or legal measures, such as amnesty provisions, which could prevent reparation for victims of human rights violations, or stop perpetrators being held to account;
- ensure the armed forces return to their barracks, allowing law enforcement duties to be fully resumed by the police force.

The organization calls for independent and thorough investigations into all reports of human rights violations, and for all perpetrators of human rights violations to be brought to justice, in trials that conform to international standards for fair trials.

Amnesty International appeals to the international community and in particular those involved in negotiations with those in power in Guinea-Bissau, to make human rights central to any further negotiations and future agreements. The organization calls on ECOWAS to ensure that human rights are respected in Guinea-Bissau and ensure the troops that it deploys to Guinea-Bissau not only refrain from committing human rights abuses themselves but actively protect human rights.

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