

GUINEA-BISSAU

Human rights in war and peace

*This report is dedicated to all those who acted to defend human rights,
particularly those who did so under fire.*

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1 *A Bissau street showing sandbags for protection against shrapnel*

MAP OF BISSAU



DATA

(Statistics from *Africa South of the Sahara 1999*, Europa Publications Limited, unless otherwise indicated)

Area : 36,125 sq km

Population: 1.1 million (1996)

Life expectancy at birth: 44 years (1995)

GNP per capita: US\$250 (1996)

Currency: *Franc de la Communauté financière africaine* (CFA), African Financial Community franc. Guinea-Bissau joined the *Union économique et monétaire ouest-africain* (UEMOA), West African Economic and Monetary Union, in April 1997.

Economy: In 1996 Agriculture, mainly rice, accounted for 54% of Gross National Product (GNP) while industry accounted for 11% of GNP. Exploitation of bauxite, phosphate and off-shore petroleum deposits has not yet become economic.

Number of conflict related deaths : at least 500 civilians, an unknown number of loyalist and *Junta Militar* troops ¹

Number of internally displaced people : about 300,000 at the height of the conflict; about 45% had returned to their homes by July 1999 ²

Number of conflict related refugees: about 5,400 ²

1. European Centre for Conflict Prevention

2. United Nations High Commission for Refugees

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Introduction

News of Guinea-Bissau seldom makes the headlines, but the recent fighting in this small West African country sheds light on the debate about human rights and armed conflict. It also has implications for the current trend towards regional rather than United Nations (UN) peace-keeping.

Gunfire shattered the silence of dawn in Bissau, the country's capital, on Sunday 7 June 1998 as preparations were being made for President João Bernardo "Nino" Vieira to fly to Ougadougou, Burkina Faso, to attend a meeting of the Organization of African Unity (OAU). Soldiers, led by Brigadier Ansumane "Brik Brak" Mané, the Chief of General Staff of the Armed Forces who had been dismissed on 6 June, had risen in revolt.

Many observers initially thought that the revolt would soon be quelled. However, by 9 June troops from Senegal and the Republic of Guinea had arrived to assist President Vieira and this increased military and popular support for the rebels, who later adopted the title of *Junta Militar* (Military Junta). In the ensuing seven weeks many civilians were killed in heavy artillery fire in Bissau. Hundreds of civilians and security personnel were arrested, some were tortured, others were deliberately and arbitrarily killed. About 300,000 people, out of a population of just over a million, were displaced or became refugees.

Interventions by peace-makers, including the *Comunidade de Países de Língua Portuguesa* (CPLP¹), Community of Portuguese-speaking Countries, and the Economic Community of West African States (ECOWAS²), brought about a truce on 26 July and a cease-fire on 26 August. The momentum for peace slowed and fighting resumed in October, when the *Junta Militar*, which had gained widespread popular support, took control of nearly all of the country. The forces loyal to the president and their foreign allies were confined to part of Bissau city. Despite a peace agreement in November 1998 there was a new burst of fighting in Bissau from 31 January to 3 February 1999. Subsequently, the

1 The CPLP, established in 1996, comprises Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Portugal and São Tomé e Príncipe.

2 ECOWAS comprises Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo.

ECOWAS Cease-fire Monitoring Group (ECOMOG) completed deployment of 600 troops and a Government of National Unity was installed on 20 February. But the conflict was not yet over. In early May, a dispute over the disarming of the presidential bodyguard led to a further short burst of fighting in which the *Junta Militar* took control of the whole of Bissau. President Vieira was escorted by *Junta Militar* soldiers through a hostile crowd to the Portuguese embassy where he was later granted asylum. The *Junta Militar* reiterated that it had no intention of seizing political power and the Government of National Unity, led by Prime Minister Francisco José Fadul, continued to carry out its program which includes preparing for presidential and legislative elections scheduled for November 1999. In accordance with the Constitution, the President of the National Assembly, Malam Bacai Sanhá, was sworn in as acting President. In early June 1999 President Vieira left Bissau for the Gambia, then to Portugal, for medical treatment, on the understanding that he would return for trial on charges of treason. Also in early June ECOMOG left Guinea-Bissau.

This report briefly analyses the context of the war, showing how lack of government accountability as well as regional influences were significant causes. It describes the pattern of human rights abuses through each phase of the war. It also examines the peace-making efforts of intergovernmental organizations, which apparently paid scant attention to human rights, and shows how individuals — sometimes at considerable risk to themselves — and civil society groups in Guinea-Bissau actively promoted peace and human rights.

War often leads to human rights abuses, but where leaders take seriously their responsibility under international humanitarian law, these will be discouraged by commanders who know that they will be held responsible. In Guinea-Bissau, however, there were reports of human rights abuses and breaches of international humanitarian law by both sides.³ Most of the reported human rights violations, including torture, rape and extrajudicial executions, were attributed to national forces who remained loyal to President Vieira and to their Senegalese and Republic of Guinea allies, referred to collectively below as ‘loyalist forces’. The *Junta Militar* also held and ill-treated civilians. There were reports, needing further investigation, which suggest that captured or wounded soldiers were deliberately killed.

Amnesty International visited Guinea-Bissau in March 1999 and interviewed a wide range of people including victims of human rights abuses. Most of the accounts in this report were given by the victims themselves. Some were provided by witnesses or people who had

³ Amnesty International refers to human rights violations as being those acts carried out by government forces. When similar acts are carried out by members of armed opposition groups, the *Junta Militar* in this case, or when the identity of the perpetrators is not defined, the organization uses the term human rights abuses. The term human rights abuses is also used to include both human rights violations by governments and human rights abuses by armed political groups. Government forces loyal to President Vieira, *Junta Militar* troops and the forces of Senegal and Republic of Guinea are all bound by international humanitarian law.

other knowledge of an incident. In many cases independent sources provided corroborating information.

This report aims to contribute to discussions in Guinea-Bissau on how to address past human rights violations and how to develop effective systems of human rights protection. It shows the need for a two-track remedial approach: first, the truth of what happened must be revealed, those responsible for human rights crimes must be brought to justice and full and effective reparation should be provided for the victims; second, the criminal justice system must be reformed and given the independence, capacity and resources it needs to ensure future protection of human rights. The report also seeks to persuade intergovernmental and other agencies involved in conflict resolution to pay far greater attention to including human rights protection at all stages — prevention of conflicts, peace negotiations and post-conflict peace-building.

The conflict in Guinea-Bissau has left a legacy of instability which could undermine respect for human rights. It is particularly important that the government and non-governmental organizations inside the country work together and that the international community and donor governments assist in the task of rebuilding the country on a strong foundation of respect for all human rights.

Chapter 1: Why did war break out?

The immediate cause of the revolt was Brigadier Ansumane Mané's dismissal. He had been suspended on 12 January 1998 and accused of negligence in preventing the theft of arms which were subsequently smuggled across the border to armed separatists in the Casamance province of neighbouring Senegal. On 27 February the National People's Assembly set up a parliamentary commission of inquiry into the illegal traffic in arms composed of four deputies of the ruling *Partido Africano para a Independência da Guiné e Cabo Verde* (PAIGC), African Party for the Independence of Guinea (Bissau) and Cape Verde, and four opposition deputies.

The commission, which interviewed detainees and others suspected of involvement in the traffic, was due to report to the National Assembly on Monday 8 June 1998: the report was eventually presented on 13 April 1999. The following quotes from its conclusions point to some of the underlying causes of the war: instability caused by the conflict in Casamance, long-standing grievances within the army, and failure to respect basic human rights.

“This traffic of arms and ammunition, which increased after the frontier conflict between Guinea-Bissau and Senegal⁴, is carried out by various networks of national citizens and foreigners, particularly those from Casamance . . .”

“The Parliamentary Commission of Inquiry also concluded that this traffic is encouraged by the profound disorganization within the Armed Forces . . .”

“. . . the Parliamentary Commission of Inquiry noted the existence of beating and torture of detainees by the Joint Commission of Inquiry of the Ministries of Interior and Defence . . .”

The report concluded that high ranking military and security officials should be among those prosecuted for involvement in the traffic; and that the suspension of Brigadier Ansumane Mané and others had been illegal.

A history of political struggle

The root causes of the conflict lie in a long struggle for power within the historical ruling elite, challenged by a popular demand for democratic and accountable government.

President Vieira overthrew President Luís Cabral, the brother of the independence leader Amílcar Cabral, in November 1980. This caused a split in the PAIGC, the single party in both Guinea-Bissau and Cape Verde, and many of the Cape Verdeans holding government office returned to Cape Verde.

The first decade of President Vieira’s presidency was characterized by power struggles in the single-party political system. In March 1984 Prime Minister Victor Saúde Maria was accused of plotting to overthrow the government, dismissed and imprisoned. The position of Prime Minister was abolished and President Vieira formally assumed the role of Head of Government. In August 1985 about 100 soldiers and some civilians, mainly of the Balanta ethnic group, were dismissed or arrested in the context of another alleged plot to overthrow the government. After a grossly unfair trial, Paulo Correia, a popular independence war veteran who had become the First Vice President of the Council of State, was executed by firing squad together with five other prominent figures.

In 1990 preparations began for the introduction of a multi-party political system. Amendments to the Constitution in 1991 severed the links between the PAIGC and the armed forces, guaranteed a free market and introduced the rights to form and join political parties, trade union rights and press freedom. Rights to fair trial were increased. In March

⁴ Relations between Guinea-Bissau and Senegal deteriorated seriously in 1990. After several violations of the frontier, a troop of Senegalese soldiers illegally crossed the border, apparently in pursuit of Casamance separatists.

1992 the first opposition demonstration took place, when thousands of people protested against government corruption and human rights violations by members of the security forces. In a further constitutional amendment in 1993, human rights were again reinforced and the death penalty was abolished. However, little was done to ensure that constitutional rights were introduced into national laws — they remained paper promises.

In March 1993 the government alleged that another coup had been attempted. The commander of the Rapid Intervention Force, a paramilitary force responsible for the protection of the president, was shot in what appeared to be an army rebellion provoked by poor pay and conditions. João da Costa, a potential presidential candidate, and dozens of soldiers were arrested. At a trial in February 1994, João da Costa and two other defendants were acquitted and 14 were given prison sentences.

In the first multi-party elections in July 1994 the PAIGC gained 62 of the 100 National Assembly seats. President Vieira was re-elected. New elections were due in 1998. Between 1994 and 1998 political parties, trade unions, non-governmental organizations and independent newspapers and radio stations gained strength despite arbitrary restrictions on the rights to freedom of speech, information, association and assembly. For instance, an independent non-governmental human rights organization, the Guinea-Bissau Human Rights League, founded in 1991, had over 5,000 members, with offices in each province.

Disaffected soldiers

Dissatisfaction in the army increased sharply in the 1990s. During the war for independence, which was achieved in 1974, the *Forças Armadas Revolucionárias do Povo* (FARP), People's Revolutionary Armed Forces, were the armed wing of the PAIGC. President Vieira, a hero of the independence war who came to power with the support of the army, sought to modernize the FARP. Newly trained soldiers were promoted while many independence war veterans were demobilized. Conditions in the army deteriorated over the years. Salaries were irregularly paid and the barracks were said to be barely habitable. There were complaints of nepotism and political interference in the running of the army. It was estimated that about 90 per cent of the armed forces, including retired soldiers and those who had fought with the Portuguese colonial forces (hitherto somewhat ostracized), joined the *Junta Militar* in 1998. These soldiers all had strong community ties in all parts of the country and among all ethnic groups, another factor which helps to explain the popular support for the *Junta Militar*.

Conflict in Casamance

The conflict in Casamance, where the *Mouvement des forces démocratiques de Casamance* (MFDC), Movement of Democratic Forces of Casamance, is fighting for independence from Senegal, was, and remains, a source of instability. MFDC fighters have been able to blend with the tens of thousands of Senegalese refugees in Guinea-Bissau and

with Guinea-Bissau members of the same ethnic groups in Guinea-Bissau. In response, Senegal has conducted cross-border incursions, including air attacks. When President Vieira requested help from Senegal in June 1998, the Senegalese authorities would have considered the danger of the *Junta Militar* supporting the MFDC. There were reports that the *Junta Militar* received significant support from the MFDC, which the *Junta Militar* has denied.

Human rights abuses

In the long struggle for political control, protection for human rights was ignored. The criminal justice system was undermined by lack of resources, by political interference and by corruption. Supreme Court judges were nominated without regard to the principles set out in the Constitution, which cast doubt on their independence and impartiality. Inefficiency and corruption meant that many cases took years to reach judgment. Law enforcement was dominated by the paramilitary security police which had wide powers of arrest and detention. Torture was widespread, and extrajudicial executions also occurred but the perpetrators were very rarely held accountable. The capacity to protect human rights was further undermined throughout the system by defective recruitment and promotion procedures, poor training and inadequate pay and conditions of service.

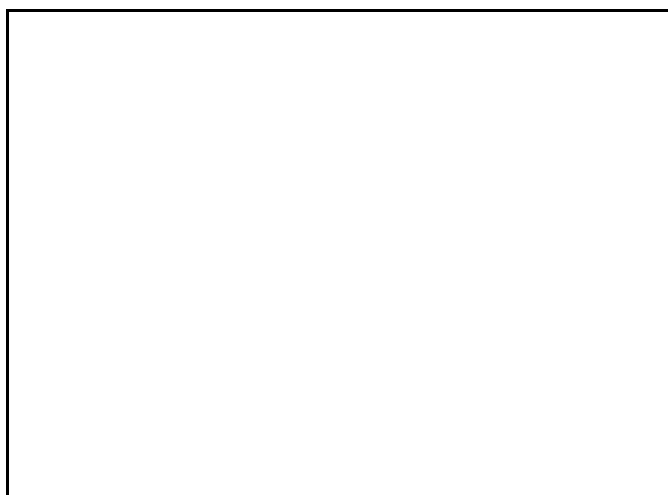
Human rights were also violated for political ends. There were numerous examples but the most flagrant cases occurred in connection with alleged coup attempts. Following the arrests of alleged coup plotters in October 1985 and March 1993 and of suspected arms smugglers in January 1998, *ad hoc* military and security commissions of inquiry were set up which by-passed the judicial structures and procedures. In each case detained suspects were tortured under interrogation.

The causes of the recent conflict in Guinea-Bissau require the Government of National Unity and the government which is to be elected in November 1999 to give urgent attention to ensuring accountability and protection for basic human rights.

Table 1: The phases of the conflict

7 June 1998 to 26 July 1998	The conflict started. Senegalese and Republic of Guinea troops arrived within two days. The <i>Junta Militar</i> gained control across the northwest of the country. A truce was negotiated by the CPLP on 26 July.
27 July 1998 to 9 October 1998	A period of tension in which there were a few violations of the truce agreement. On 26 August the CPLP and ECOWAS brokered a cease-fire agreement. The momentum for peace slowed and fighting broke out on 9 October.

10 October 1998 to 1 November 1998	After two days of fighting there was a short period of relative peace until fighting started again in Bafatá on 16 October and in Bissau on 18 October. The <i>Junta Militar</i> took control of nearly all the country except for central Bissau and the Bijagós islands. The Abuja peace agreement was signed on 1 November 1998.
2 November 1998 to 30 January 1999	Progress in implementing the Abuja agreement was slow and tension mounted. ECOMOG troops began to arrive in December and by the end of January about 100 were deployed. Fighting broke out again on 31 January.
31 January 1999 to 4 February 1999	There was heavy fighting in Bissau between 31 January and 3 February. A government delegation from Togo arrived and secured an agreement to end the fighting.
5 February 1999 to 6 May 1999	About 500 more ECOMOG soldiers arrived, the Government of National Unity was sworn in on 20 February, all foreign troops had left by 23 March and many of the internally displaced returned to Bissau. On 4 and 5 May a donors' conference in Geneva, Switzerland, pledged to assist with reconstruction projects and the preparation for elections in November 1999.
7 and 8 May 1999	Fighting broke out again after a dispute over the disarming of the presidential guard. The <i>Junta Militar</i> took control of Bissau, the loyalist forces surrendered and President Vieira was conducted to the Portuguese Embassy.



3 The 'Pouilon di Brá' - a tree marking the front line across the road to the airport.

Chapter 2: Human rights abuses during June and July 1998

On 7 June 1998, fighting broke out in the Bairro de (suburb of) Santa Luzia, the site of the Armed Forces General Headquarters, known as QG — *Quartel General*. Many higher ranking army officers, including Brigadier Ansumane Mané, lived in the area. On the other side of the city, officials preparing for President Vieira's trip to Burkina Faso were ambushed on the road to the airport. Eugenio Spain, the President's chief protocol officer, Rashid Saiegh, the Director of the Special Protection department of the Interior Ministry, and a captain of the presidential bodyguard were killed.

By 9 June the government appeared to have taken control of the QG and the Reconnaissance Company base in the Bairro de Santa Luzia, while the rebel soldiers had reinforced their positions in other military installations including the barracks at Brá, the Mechanized Brigade headquarters on the road to the airport and the Land Artillery Group at the Bissalanca Air Base. On 9 and 10 June Senegalese and Republic of Guinea troops arrived. The rebels announced that they had set up the *Junta Militar* and that they had 2,000 supporters. On 12 June Republic of Guinea troops disembarking in Cumere, where there is a military training centre, captured and tortured a civilian diver.

In the following few weeks the *Junta Militar* gained control of the northwest of the country while the loyalist forces held the strategic Mansoa garrison (see map) and controlled the northeast and south of the Gêba river. Senegalese forces inside Senegal reportedly shelled northern border towns including Incore and Bigene. There was heavy shelling in Bissau. Relief workers reported that hundreds had died and that over 300,000 people, out of a total population of just over a million, had been displaced. On 14 July, day 37 of the war, Senegal agreed to open the border to allow humanitarian aid into the country. In late July there were artillery battles in Cumere and Mansoa, which the *Junta Militar* forces captured on 24 July. A truce was signed on 26 July.

During the entire course of the conflict no state of siege or emergency was declared, yet the loyalist military and security forces assumed wide powers of arrest and detention in flagrant violation of the existing national laws. International human rights law states that fundamental rights must be respected at all times, that people may not be tortured or subjected to "disappearance" or extrajudicial execution.⁵

⁵ See, for example, the UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Declaration on the Protection of All Persons

International humanitarian law provides minimum human rights guarantees during armed conflict. All parties to a conflict should ensure the protection of civilians and infrastructure essential to the survival of civilian populations. Torture, rape, and deliberate and arbitrary killing of civilians and combatants who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, are forbidden. National forces loyal to the government and allied Senegalese and Republic of Guinea soldiers were therefore required, as a minimum, to refrain from these acts. In their dealings with unarmed civilians, especially when carrying out law enforcement functions, they were also obliged to act in conformity with national laws and their international obligations under treaties ratified by Guinea-Bissau. These include the African Charter on Human and Peoples' Rights which prohibits arbitrary arrest, torture and extrajudicial or arbitrary killings and other human rights violations.

During the fighting in June and July nearly all the reported human rights violations occurred in Bissau. After the first few days, when it became clear that it would not be easy to defeat the *Junta Militar*, the number of arrests of people suspected of supporting the *Junta Militar* increased. The arrests were apparently carried out in pursuit of military security: the ensuing torture and killing of prisoners resulted from lawlessness and impunity. Guinea-Bissau security personnel and Senegalese soldiers, while carrying out policing functions in the streets of Bissau, used tactics involving threats, beatings and killings. The accounts of former prisoners strongly indicate that senior national and Senegalese commanders were aware of some of these incidents but failed to take any remedial or preventive action.

Human rights violations by loyalist forces

Arbitrary arrests

Soon after the conflict started members of opposition political parties, journalists, human rights workers and other perceived political opponents began receiving threats. Many fled to areas under *Junta Militar* control, others crossed into Senegal or fled to other countries. Scores of suspected political opponents were arrested in the part of Bissau controlled by loyalist forces which was dubbed "*Bissauzinho*" (little Bissau). Most were held in cells in the army headquarters at the Amura fortress or at the navy headquarters, known as the "*Marinha*" near the port. Others were held in the *Segunda Esquadra* (Second Squadron) police station attached to the Ministry of Internal Administration (Interior Ministry), or in the ministry itself. Among them were civilians suspected of opposing government policies or supporting the *Junta Militar* but who had not used or advocated violence, who were

from Enforced Disappearance. International treaties for the protection of human rights to which Guinea-Bissau has acceded are listed on page 41.

regarded by Amnesty International as prisoners of conscience. Soldiers and police officers who failed to present themselves for duty or who were suspected of supporting the *Junta Militar* were also detained. Some detainees were questioned by a panel which usually included a Senegalese officer.

Several civilians were detained apparently because they were suspected of being in radio contact with the *Junta Militar*. They included Ezequiel Ferreira, a communications engineer, who was reportedly arrested on 15 June 1998 and briefly held at Amura. Edmundo Antero Luís Alfama “Yalá”, a civil construction engineer, and Eusébio Silva Pereira, a communications engineer, were reported to have been detained in the *Segunda Esquadra* for about a week in early July.

Sibiti Camara was arrested on 27 June 1998. He worked for *Rádio Mavegro*, a private station which the government had taken over at the start of the war. There was a burglary at the radio station premises and, on hearing that he was being sought by military or police officers, Sibiti Camara presented himself at the Interior Ministry for questioning. He was detained but instead of sending him to the cells at the *Segunda Esquadra* officials allowed him to stay in the ministry. A week later he was sent to Amura for questioning. No grounds were found to detain him and he was released.

Detained military personnel included Colonel Antero João Correia, the Director of the State Information Services also known as “National Security”. On 10 June, when the fighting stopped in Bairro de Santa Luzia, where he lived, he went to his office. He was arrested and taken to Amura. He insisted on being interviewed. The panel, which consisted of two Senegalese and one Guinea-Bissau officer, all captains, found no grounds for his arrest but he was not released until 13 December.

Torture, ill-treatment and death in custody

Many of those arrested were severely beaten at the time of arrest or shortly afterwards. Ansumane Fati, a member of the opposition political party, *União para a Mudança* (UM), Union for Change, was arrested on 4 July 1998 and accused of criticizing President Vieira. Soon after the conflict began he had tried to organize a petition for peace. He believed that this was the reason for his arrest. At the central police headquarters he was severely beaten. One blow lacerated his right ear. After the beating he escaped.

Colonel Armando Soares da Gama was ill in bed when soldiers came to arrest him on 8 June. They beat him then took him to the *Marinha*. About 10 days later he was interviewed by a panel headed by a high ranking officer, who reportedly ordered that he should be beaten. He said that he was beaten with military belts and kicked in the ribs. He

was given no medical treatment. He was transferred to Amura in September and released in October 1998.

When the conflict started, Bitchofula Nafafe, a liberation war veteran, telephoned the Interior Ministry where he worked to say that he was ill. On 27 June two security officials arrested him at a market near his home in Bairro Pluba II. Bitchofula Nafafe said that the officials ordered him at gun point to get into their vehicle. At his feet was an anti-tank landmine "like a can of condensed milk, probably Russian made". As the vehicle passed a Senegalese patrol one of the security officials called out: "*tenho um grande rebelde*" (I've got a big rebel). Senegalese officers helped to tie his hands behind his back and put him in the boot of the vehicle. At the *Marinha* a panel of officers questioned him and sent him to a cell.

In early July another prisoner was brought to the *Marinha*. Samba Djaló was in a bad state: his arms and his testes were bleeding. He thought he was going to die and asked Bitchofula Nafafe to give a message to his family. Samba Djaló, a member of the *Junta Militar*, had been arrested at Jugdul. He was made to lie face down in a puddle of water and his arms were tied tightly at the elbows behind his back. This form of torture, known as "*cordas*" (cords), causes swelling while the cords usually cause severe lesions in the skin. Samba Djaló was held overnight in the nearby Mansoa military barracks. The next morning, looking through the barred window, he saw soldiers apparently preparing a firing squad. However, the soldiers apparently received orders by telephone that Samba Djaló should be taken to Bissau. In the meantime the officer in charge sent someone to buy sewing needles. The messenger came back with 10 and was sent to get 10 more. They took off Samba Djaló's trousers, threaded the needles with nylon and then inserted the needles into the skin of his penis - 10 facing one way and 10 facing the other way - and tightened the nylon thread. Samba Djaló was driven to Porto Gole and then taken by boat to the Pidjiguiti port. He had been tied up for 48 hours. A Senegalese Colonel at the *Marinha* ordered that the needles be removed. By this time four had disappeared beneath the skin.

Samba Djaló, Bitchofula Nafafe and 22 other prisoners escaped one evening in mid-July. For days they had scraped at the mortar round a concrete block in their cell and eventually made a hole large enough for them to escape from the prison. The *Junta Militar* subsequently arranged for them to go to hospital in Canchungo for medical treatment.

The conditions in which prisoners were held in the cells at the *Marinha* and in Amura amounted to cruel, inhuman and degrading treatment. In at least some, and probably many, cases there appeared to be no grounds for arrest: the continued detention of such prisoners also amounted to cruel, inhuman and degrading punishment.

Prisoners who had been held in the *Marinha* spoke of a cell with a floor space of about four square metres which contained up to 27 prisoners. The prison flooded at high tide and prisoners had to stand in water swilling with human waste. Several prisoners spoke of “*bichos*”, bugs or other vermin, in the cell. They were given very little food and water and little, if any, medical attention. There was another smaller cell in which more important prisoners were reportedly held. On one occasion, the Senegalese gave the detainees bottles of water and materials to clean the cell.

At Amura, a fortress not far from Bissau port, whose outer walls date from early colonial times, up to 50 prisoners were reportedly held in a cell designed for about 10. Another cell, big enough for three or four, was said to hold up to eight prisoners. It was very hot in the cells and there was no medicine. Prisoners held in Amura from June to December reported that the International Committee of the Red Cross (ICRC) had not visited them: the ICRC was reportedly given access only when there were few remaining prisoners. The government did not respond to the Guinea-Bissau Human Rights League’s requests for permission to visit the prisoners and for lists of their names.

During this period three prisoners were reported to have died of illnesses which were probably exacerbated by the prison conditions in Amura: João Dinis Cassama, a 50-year-old driver, Iere Sambú and Alhadji Mamadu Tcham. The third, a Senegalese trader aged about 28, reportedly died on 15 or 16 June 1998. He was said to have lost a lot of blood from a bullet wound in the right foot inflicted during his arrest five days earlier. A fellow prisoner said that prison guards failed to respond to his request for help.

Torture and ill-treatment were also used to “control” the civilian population in the streets of Bissau. Both national and Senegalese troops mounted checkpoints and patrolled the city. There were many reports of soldiers beating or threatening civilians for such acts as listening to *Rádio Junta Militar*, discussing the political situation, straying into sensitive areas or refusing to hand over money or other possessions.

In late June, Fernando, a mentally disturbed youth of about 20, had wandered near the front line. Senegalese soldiers from “*Pequeno Moscovo*” (Little Moscow) arrested him, reportedly on suspicion of being a member of the *Junta Militar*. “*Pequeno Moscovo*” is an area of blocks of flats on the road to the airport and near the front line. The soldiers reportedly bound his arms tightly with cord, beat him severely and then dripped molten plastic onto his skin. He subsequently fled and was taken to hospital.

Rádio Junta Militar reported that on 20 July 1998 Senegalese troops stopped a group of people who were trying to make their way out of Bissau and detained about 25 women for two days. The soldiers reportedly took the women to their barracks in the Bairro

Militar and raped them. Several people subsequently told Amnesty International that they had heard three of the victims speaking in radio interviews about their ordeal.

A Senegalese patrol stopped Capitão Quinhage, a 50-year-old civilian, late in the afternoon of 19 July as he returned to his home in Bairro Pluba II. Mistaking “Capitão” (captain) for a military rank, they accused him of being a member of the *Junta Militar*. They reportedly beat him with gun butts and pieces of iron and left him unconscious. Capitão Quinhage, after regaining consciousness, dragged himself home and was taken to a temporary health post. He was found to have multiple fractures. He was mentally traumatized: imagining that he was still being tortured, he begged “them” to stop. He was unable to swallow. He died three days later.

Extrajudicial executions and excessive use of force

There were several reports of fatal shootings by national and Senegalese officers of suspected looters or people who broke the evening curfew. These deaths may have resulted from excessive use of force. There were also killings which appeared to be extrajudicial executions.

An eyewitness reported that in mid-June, in Bairro do Reino, a group of five or six Guinea-Bissau security officials approached two youths and appeared to question them. One of the soldiers then opened fire, hitting one youth in the feet and the other in the stomach. The soldiers walked away. Only one person, a woman bystander, had dared to protest. She and other civilians went to the assistance of the two youths.

Omba Sambú was arrested with his cousin, Iere Sambú (mentioned above), and held in Amura. According to former prisoners, after being questioned he was taken into the yard and was shot dead near a mango tree. Soldiers then reportedly dragged his body outside the gate and claimed that he had been shot while trying to escape. This appears to have occurred in late June - informants were unclear about the exact date.

In the third week of June, Bacari Djassi and Farba Seidi, two unarmed security guards, were at their usual post at the gate of the United States of America Embassy. According to various sources, Senegalese soldiers drove past the embassy gate towards the town centre. The same vehicle returned soon afterwards and, as it passed the gate, one of the soldiers shot at the guards, hitting Bacari Djassi in the throat and wounding Farba Seidi in the cheek. Embassy staff took the two to hospital, where Bacari Djassi died. The motive for the shooting was unclear: sources said that it may have been a reprisal attack as a vehicle belonging to the security company had been commandeered by the *Junta Militar* and used to carry arms.

Eighteen-year-old Lai António Lopes Pereira was killed on 22 July 1998. A security officer suspected him of carrying out a robbery in the home of Rashid Saiegh (the presidential security officer who had been killed on 7 June). Witnesses said that the security officer arrived at Lai Pereira's house, kicked in the door and then took out a pistol and fired shots which hit the floor, before leaving a colleague on guard while he went for reinforcements. He returned in a double cabin Toyota with seven colleagues in camouflage uniforms. The officer punched Lai Pereira's pregnant sister in the stomach before entering the house randomly firing shots. Lai Pereira ran into the pantry where he was gunned down. Seven bullets entered his body. As he left, the security agent was reported to have said: "I've killed him. I'll call the Red Cross". Lai Pereira was buried in the garden at his home the next day.

Human rights abuses by the *Junta Militar*

Senior members of the *Junta Militar* informed Amnesty International in March 1999 that the *Junta Militar* had not carried out human rights abuses and that Brigadier Ansumane Mané had given specific instructions that no one should be tortured or killed. They rejected Amnesty International's request that they should investigate reports that the organization had received.

Soon after the conflict began there were reports that the *Junta Militar* was holding more than 200 foreign civilians, mostly Senegalese but including a few from other West African countries. It was reported that many of these prisoners had been tied up and beaten with gun barrels. Four were released on 19 June 1998 and others were reported to have been released subsequently.

Amadou Tall, a French citizen of Senegalese origin, was reportedly among four people arrested at a road block as they were traveling in a taxi from the Republic of Guinea to Senegal. Amadou Tall told journalists that he and his companions had been beaten, burned with cigarettes and subjected to a mock execution before their release in late July.

Guinea-Bissau civilians were also arrested. Leopoldo António Alfama, "Duki Djassi", was reportedly arrested in Bissorã on 30 June 1998 and held for four and a half months. Although an old man, he was reportedly obliged to sleep on the floor. Abubacar Djaló, a former Director General of the Interior Ministry, lived in a part of Bissau controlled by the *Junta Militar*. On 30 July he crossed a sensitive area and was arrested by *Junta Militar* officers. They reportedly said they suspected him of having contacted Senegalese troops by radio to help them aim their fire but provided no evidence of this assertion. Abubacar Djaló was held in a single cell in the Air Base prison until 20 October.

Conditions in the Air Base prison were not reported to have been inhumane. Former prisoners said that the prison was unhygienic at first but that later it was cleaned and prisoners, most of whom spent the day outside their cells, were given mattresses.

The *Junta Militar* made available lists of 28 prisoners it released in October 1998 and 16 released on 29 January 1999.

There were reports that soldiers who had surrendered to or were taken prisoner by members of the *Junta Militar* were deliberately killed, but Amnesty International has been unable to verify them independently. Some information suggests that Rashid Saiegh, the presidential security officer whose vehicle was ambushed on the road to the airport on 7 June, was not immediately killed but incapacitated and later deliberately shot dead.

Chapter 3: From 26 July to 9 October 1998 - an uneasy truce

A truce agreement was brokered by the CPLP on 26 July 1998. There were some breaches of the agreement: in late July each side accused the other of attacking some of its positions. In early August there were reports of loyalist forces moving towards



4 *A shattered home in Bissau*

Bafatá. The *Junta Militar* claimed that they included 300 Republic of Guinea troops. Despite the opportunity for peace-making presented by the onset of the rainy season, tension

between the CPLP and ECOWAS impeded progress. A reaffirmation of the cease-fire was signed in Praia, Cape Verde, on 26 August but little advance was made towards a full peace agreement. Tension also increased on the front line in Bissau where fighting broke out again on 9 October.

During this period of truce the pattern of human rights violations changed. While the fighting was raging, victims typically had been individuals targeted for their suspected support for the *Junta Militar* and others whose behaviour seemed suspicious. After the truce the number of reports of violations in Bissau dropped and victims were mainly those who returned to Bissau or crossed through the checkpoints on the outskirts of the city. In Bafatá, in the east of the country, Republic of Guinea troops responded to a report that the *Junta Militar* had arrested 30 Republic of Guinea soldiers by torturing a man suspected of spreading the report.

Several police or security officials suspected of dereliction of duty were arrested in late July or early August and held in the *Segunda Esquadra*. One had been accused of listening to the *Rádio Junta Militar*: several had absented themselves in order to take their families to safety during the shelling.

Maria (full name withheld), a 23-year-old mother, crossed the front line into central Bissau on 7 August 1998 when she was arrested by a group of Senegalese and national soldiers, one of whom had recognized her. He accused her of having criticized President Vieira in an interview she had given on *Rádio Junta Militar*. Maria said that the soldiers beat her and then bound her wrists and ankles. At the *Segunda Esquadra* she was beaten by four security police and later repeatedly raped by police wearing masks. She said that over the next 30 days she was again repeatedly raped, beaten and threatened with death. She escaped from the prison in September.

Joaquim Silva, an opposition political party official, was arrested on 26 August 1998 and accused of possessing arms which he said had been issued to him legally as a member of the paramilitary corps known as the *Guarda Florestal*, Forest Guard. He subsequently escaped from the *Segunda Esquadra*.

Senegalese soldiers at checkpoints and on patrols committed human rights violations. In September, at a checkpoint on the road between Bissau and Prábis, a group of national and Senegalese soldiers stopped a man and reportedly tried to provoke him by asking him about the *Junta Militar*. According to the report, the soldiers beat him with a 30cm long steel cable, drawing blood, then made him carry 20 kilogram blocks for 200 metres.

Republic of Guinea soldiers and national security officers in Bafatá tortured Augusto Abou Sanhá, a 49-year-old insurance worker. Augusto Abou Sanhá had spoken to a friend in

the street about a report that the *Junta Militar* had arrested 30 Republic of Guinea soldiers and impounded their vehicle. This reached the ears of Guinea-Bissau security officers who arrested him on 22 August. Augusto Abou Sanhá said that he was taken to public places and on each occasion forced at gun-point and blows from rifle butts to get out of the vehicle and declare that he had lied about the 30 soldiers. He was then taken to the military barracks. There, according to his account, several Republic of Guinea soldiers, including a captain, made him take off his shirt and trousers, place his palms on pebbles on the ground and do a hand-stand against a wall. Two soldiers held his feet and two others whipped his back. After this they let him get back on his feet then hit him with truncheons on his ribs and on his left temple. They then made him kneel on stones for a long time. Later they made him lie face down and six of them beat him with acacia sticks. Augusto Abou Sanhá said that the Republic of Guinea captain subsequently apologized for the beating. He was taken back to the police station and held for six days.

Chapter 4: From 9 October to 1 November 1998 - the dialogue of arms

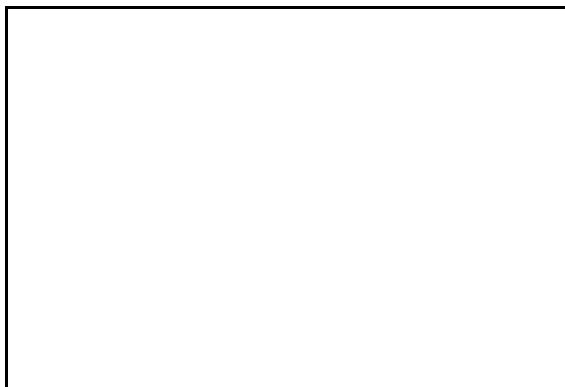
The truce collapsed on Friday 9 October 1998. Senegalese officers were quoted as saying that *Junta Militar* troops had crossed the front line. For two days there was fighting in Bissau. People once again fled or took cover in bunkers. After a period of calm, fighting started again on 16 October in Bafatá and on 18 October in Bissau. Confrontations were also reported in Quebo, Nhacra, Bambadinca and Fulacunda. Villagers from Bani, near Fulacunda, said that loyalist forces had attacked their village of 200 inhabitants and had raided and burned their homes. On 21 October the *Junta Militar* announced that it had captured Bafatá. On 22 October it took control of Gabú without firing a shot. Loyalist troops fled and a large number of Republic of Guinea soldiers were captured: they were released shortly afterwards. The *Junta Militar* had extended its control to virtually the whole country. By late October only part of Bissau and the Bijagós islands remained under loyalist control.

During this period, reports of harassment, threats, arrests and torture by loyalist forces came mainly from Bafatá and Gabú as the *Junta Militar* advanced. The harassment and threats seemed to be prompted by the desire to instil fear in order to prevent collaboration with the enemy. The torture of suspected spies was largely an act of vengeance.

Several police officers said they had been suspended without pay from June 1998 on suspicion of supporting the *Junta Militar* and had received death threats in September and October. In Gabú, a man who used to listen to *Rádio Junta Militar* at night with his friends said that he went into hiding after police threatened to blow up his house. Another civilian was arrested after praising the *Junta Militar* in the street — he said he was made to kneel on the floor and say “Nino (President Vieira) is my father”. Amadu Uri Só, a 57-year-old

member of the security police, was arrested in Gabú on 10 October and reportedly made to lie on the floor where police kicked him while interrogating him.

Republic of Guinea soldiers and national security officers in Bafatá collaborated in torturing a group of six people suspected of spying on behalf of the *Junta Militar*. Ana Maria Barbosa, a female traffic police officer, Honório Benjamin Correia, the Bolama regional police commander, Sergeant Malam Fofana, a police officer, Malam Manafa, a security officer, Filipe João Spencer “Patchana”, a civilian forestry worker, and Major António Camilo Silva, an army officer, were arrested in Bafatá on 19 October. According to the accounts of five of the victims, who were interviewed separately, all had their elbows tied tightly behind their backs with nylon cord and were then kicked and beaten with fists, military belts and rifle butts. Ana Barbosa was dragged along the ground and hit in the back with the butt of a rifle. She was kicked and beaten and one soldier ripped her clothing with a knife, leaving her in her underwear. One victim said that a soldier had urinated in his ear. Filipe João Spencer, the alleged ringleader, said that he had been taken onto a verandah and suspended by his feet from a roof beam and that he had also had molten plastic dripped over his back.



5 A victim of ‘cordas’

The victims said that security officials then prepared to execute them by firing squad. Late that night, and still tied up, they were “thrown like sacks of rice” into the back of a vehicle, which was also loaded with picks and spades, and driven towards Gabú. National security officers travelled behind them. Near Mafanco, the officer in the second vehicle indicated that the first vehicle should stop, but the driver of the first vehicle drove straight to the military barracks in Gabú. There, the officers from Bafatá suggested that the

six should be executed behind the barracks, but officers in Gabú opposed them. Still painfully trussed up, the victims were left in a small room for nearly two days without food or water. On 22 October the *Junta Militar* entered Gabú and the group’s captors fled. The six victims were sent to Canchungo for medical treatment. In March 1999 scars above the victims’ elbows, typical of the “*cordas*” torture, were still clearly visible.

Chapter 5: From 1 November to 8 May - peace agreement and outbreaks of fighting

In late October, after intense diplomatic activity, President Vieira and Brigadier Mané met in Banjul, the Gambia. From there they went to Abuja, Nigeria, where an ECOWAS summit was in progress, and signed the *Agreement between the Government of Guinea-Bissau and the Self-proclaimed Military Junta*, dated 1 November 1998 (see below). Over the following months, national troops and Senegalese soldiers resumed a policing role. Progress in implementing the agreement was very slow and tension remained high in Bissau. There were reports that President Vieira had recruited hundreds of youths of his own ethnic group and from the Bijagós islands and sent them to the Republic of Guinea for training. These militia became known as *Aguentas* (those who resist).

On 7 and 8 January 1999 there was sporadic shooting in Bissau. By the end of January only about 100 of a projected 600 ECOMOG peace-keepers had arrived. On 31 January, immediately after initialing an agreement concerning the deployment of the remaining 500 ECOMOG peacekeepers⁶, fighting began again and lasted for four days. Again there was intense diplomatic pressure to end the fighting. After a government delegation arrived from Togo⁷ on 3 February, the two sides agreed once more to restore peace.

On 20 February a Government of National Unity composed of ministers and vice-ministers nominated by President Vieira and the *Junta Militar* was sworn in. In early March Bissau was still fairly empty, although some commercial activities had resumed. By 23 March all Senegalese and Republic of Guinea troops were reported to have left the country and many more people returned to Bissau. Two more days of fighting in May resulted in the *Junta Militar* taking control of Bissau and troops loyal to President Vieira surrendered.

The human rights violations which were reported during this period were mostly those committed at military checkpoints. Again, soldiers carrying out what were essentially policing duties failed to respect basic international standards of law enforcement. In areas under *Junta Militar* control police arrested and ill-treated PAIGC members. During the fighting in February, there were new cases of people suspected of working with the *Junta Militar* being arrested and tortured.

Journalist and writer, João Carlos Gomes, who is also a UN employee, related his experience on 12 November 1998 of crossing checkpoints on the road from Bissau to Prábis, where many people had sought refuge from the shelling. At the first checkpoint he photographed Senegalese soldiers beating a young man and forcing him to bend over repeatedly, to the point of exhaustion. At the second checkpoint Senegalese soldiers sexually

⁶ The ECOMOG contingent comprised about 150 soldiers each from Benin, The Gambia, Niger and Togo.

⁷ Togo had assumed the presidency of ECOWAS in November 1998.

assaulted women by touching sensitive parts of their body on the pretext of searching them. On João Carlos Gomes' return through the first checkpoint, Senegalese soldiers ordered him to hand over his camera. He tried to resist and one of the soldiers lunged at his stomach with a knife or bayonet and cut one of his fingers: others beat him with rifle butts. Some women protested and they too were beaten. The soldiers threatened to execute João Carlos Gomes, but after a national soldier intervened they took him to the *Marinha* where he was given a warning and released.

In Bafatá police briefly arrested and questioned several members of the PAIGC about the activities of *Firkidja* (pillar), a faction of the party. Security officers who arrested Arnaldo Gomes on 18 December 1998 reportedly said that they were acting on the orders of a *Junta Militar* officer. At the police station Arnaldo Gomes was interrogated for several hours about *Firkidja*. He had been held for four days when the Bafatá chapter of the Guinea-Bissau Human Rights League obtained his release. He was again questioned on 14 January 1999 and detained for a week, apparently on suspicion that he had passed information to a loyalist security officer and radio broadcaster.

Amnesty International learned of two incidents involving human rights violations during the four days of fighting which broke out at the end of January 1999. On 3 February João Domingos Alvarenga, a shipping company director, was arrested in Bissau and held for several hours. He used a radio telephone for his business, apparently giving rise to suspicion that he was communicating with the *Junta Militar*. While in the *Segunda Esquadra*, João Domingos Alvarenga discovered that one of his relatives had been arrested earlier the same day and badly beaten under interrogation. Both men were eventually released.

Senegalese soldiers reportedly entered the Simão Mendes hospital in Bissau and removed a wounded *Junta Militar* soldier, saying that he was to be interrogated. The next morning the soldier was returned to hospital with cuts on his chest and back and what appeared to be cigarette burns. He had signs of gangrene, which may have been caused by the battle wound, and died a few days later.

Immediately after the fighting there were several reports of suspected political opponents being harassed. Foreign journalists were said to have received threats. A government official announced in a radio broadcast that officials of political parties in Bissau were forbidden to leave the city and that those outside were forbidden to enter. Security officials entered the Bissau home of one party official but he was not at home.

On 9 March 1999 the Civil Society Movement for Peace, Democracy and Development, a grouping of over 100 non-governmental, professional, trade union and religious organizations formed in October 1998, held a march for peace and the withdrawal of foreign troops. It began at the *Junta Militar* headquarters near the airport and thousands

of people from all over the country marched peacefully towards Pidjiguiti port, where there is a monument to mark Guinea-Bissau's independence.

As the march approached the monument, one member of the loyalist *Aguenta* militia reportedly took out a knife or bayonet and threatened a demonstrator. There were scuffles, stones were thrown and several people were hurt. The leaders redirected the march to another site. Amnesty International delegates at a hotel nearby saw *Aguenta* militia who had followed the marchers beating demonstrators and onlookers with long sticks and military belts. One of the soldiers chased an onlooker, 21-year-old Mohamed Ali Turé, and hit him on the back twice with a long stick, then kicked him in the stomach and punched him in the face. The victim's younger sister, Mariana, was also hit.



6 "We demand peace." Demonstration on 9 March 1999.

During February and March 1999 there were reports of violations by police in areas under the *Junta Militar* control. These were apparently not politically motivated. Hamiro Djaló, a 60-year-old farmer and trader, was briefly detained in February after a dispute with a neighbour. Police reportedly interrogated him at pistol-point and threatened to kill him. Bubacar Bá, a 19-year-old shoe-polisher from the Republic of Guinea, said he had been accused of stealing a bicycle and beaten with a broken fan belt from a car.

On 23 March Júlio Sami's body was found in the foundations of an unfinished building not far from the front line. Relatives said that a Senegalese soldier had arrested him on 6 October 1998 after he had hit the soldier, who wanted to place an artillery piece in Júlio Sami's yard on the loyalist side of the front line. Relatives subsequently heard that he had been taken to *Pequeno Moscovo*. Júlio Sami's wrists had been tied together and his head

was completely disfigured. Human rights workers alerted the authorities and the state forensic doctor examined the body.

The swift response on the part of the authorities in this case and the opening of inquiries into others, including the death of Lai Pereira in July 1998, were welcome signs of the Government of National Unity's responsiveness to the need to protect human rights. However, the results of the inquiries into the death of Lai Pereira and into the violence at the 9 March demonstration had not been published by mid-June 1999.

The peace agreement broke down on 6 May 1999, after a dispute over the disarming of the presidential bodyguard. According to a protocol to the peace agreement, the bodyguard was to consist of 30 soldiers. When the president's soldiers refused to hand over their arms, Brigadier Mané reportedly insisted that the *Junta Militar* should have an equal number of weapons. He summoned the ECOMOG commander and in his presence opened a container of arms. This led to fighting in which hundreds of soldiers and civilians were killed. They included 60 civilians who had sought refuge in a mission school and who were killed by shells reportedly fired from the *Marinha* in the direction of the advancing *Junta Militar* troops.

Junta Militar troops surrounded the Presidential Palace and, on 7 May 1999, President Vieira and his forces surrendered. *Junta Militar* officers reportedly escorted President Vieira through a hostile crowd to the Portuguese Embassy, where he was subsequently granted asylum. In the hours that followed, the Presidential Palace and the French Cultural Centre, which was being used as the French Embassy, were hit by mortar fire and then sacked and pillaged. *Junta Militar* soldiers thought that President Vieira had fled to the Cultural Centre. About 20 French embassy staff emerged carrying white flags but two senior *Junta Militar* officials arrived in time to ensure that they were not harmed by the crowd.⁸

On 8 May there was another skirmish on the airport road. Other foreign embassies and the homes of some officials loyal to the president were also attacked and criminals took advantage of the chaos to loot some other properties. The disorder reportedly lasted for two days.

Junta Militar forces detained over 500 soldiers and police and security officials. Most were officially reported to be detained for their own safety. Others suspected of crimes were to be held for judicial investigations. The Guinea-Bissau Human Rights League

⁸ The hostility shown towards the French Embassy was reportedly exacerbated by reports which had circulated in Guinea-Bissau during the conflict, particularly during the fighting in February, that French military personnel had assisted the loyalist forces. The French officially denied these reports.

and the ICRC were given access to the prisoners. None were reported to have been tortured or ill-treated: prison conditions were reported to be poor but not inhumane. Subsequently about 200 prisoners were released.

Chapter 6: Other abuses of human rights and humanitarian law

The people of Guinea-Bissau have had many other rights overturned since 7 June 1998, in addition to the abuses described above. The internally displaced, particularly those who were crowded into camps in Safim, Prábis, Cumura and Bula, endured hunger and disease. In Bissau and other areas where the internally displaced were given shelter by relatives who could barely afford to keep themselves, there were complaints about poor arrangements for the distribution of food. Also, humanitarian aid convoys proceeding from Dakar, Senegal, were prevented from entering Guinea-Bissau — reportedly through deliberately slow and inefficient bureaucracy.

There were reports of indiscriminate killings by both loyalist and *Junta Militar* forces. Both sides fired shells in what appeared to have been an indiscriminate manner at military targets in predominantly civilian centres. Various sources said that artillery pieces were mounted near hospitals or camps for the displaced and that sometimes soldiers complied with requests to move them but on other occasions they refused to do so. Shells fired by the *Junta Militar* also fell in predominantly civilian areas. Further investigations of such reports should be carried out by military and international humanitarian law experts.

An estimated 2,000 to 3,000 mines were laid in Bissau during the conflict⁹, although none of the parties to the conflict admit to having laid them. Senegal and the Republic of Guinea have ratified and Guinea-Bissau has signed the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, which came into force in March 1998. At least a dozen people have been killed or maimed by landmines and non-governmental organizations are working to raise awareness of the danger. ECOMOG soldiers were involved in removing mines and on 25 May 1999 the *Junta Militar* exploded nearly 2,000 in a ceremony to raise public and international awareness of the problem.

Brief mention has been made above of reports of the deliberate killing of soldiers placed “*hors de combat*” because they surrendered, or were captured or wounded. These reports were second or third hand but they deserve further investigation.

⁹ *Landmine Monitor Report 1999 - Toward a Mine-Free World*, Editor: International Campaign to Ban Landmines, Publisher: Human Rights Watch 1999.

There were reports of very young soldiers fighting on both sides. One source reported meeting a *Junta Militar* soldier in Quinara who was just 14 years old. On 13 May, 186 young *Aguenta* militia, including several aged between 15 and 17 years, were released and returned to their families. The Guinea-Bissau Human Rights League, in collaboration with other non-governmental organizations, arranged seminars, which included counselling and civic education, to help the young soldiers return to civilian life.

Since the start of the conflict, both sides had issued threats in radio broadcasts against perceived political opponents. Amnesty International delegates heard a broadcast in March 1999 in which a loyalist security officer issued veiled threats against a politician. In June 1999 a *Rádio Junta Militar* broadcast threatened the physical safety of three people who had spoken out, in terms deemed offensive to the *Junta Militar*, against President Vieira's departure from Gambia to Portugal. This apparently contravened an agreement that he should not leave Gambia except to return to Guinea-Bissau to face trial. Subsequently the Committee for the Establishment of the Guinea-Bissau Journalists Union criticized these threats.

Response of the Government of National Unity

The Government of National Unity's plan for the period before the elections due on 28 November 1999 includes important measures to increase protection for human rights. The document it presented to a round-table donors' conference in Geneva, Switzerland, on 4 and 5 May 1999 included the following objectives: putting the judicial system in working order; reducing impunity; increasing people's knowledge of the law and their rights; and training police and soldiers to respect human rights and the law.

The Government of National Unity has also disbanded the security police, whose members had been responsible for human rights violations, replacing it with a state information service with no powers of arrest or interrogation. It has also undertaken to initiate a process of acceding to all international human rights treaties to which Guinea-Bissau is not yet a party.

Chapter 7: International peace-making pays scant attention to human rights

There is ample evidence from conflicts around the world that human rights abuses are usually among the causes of conflict. Amnesty International believes that unless human rights issues are taken into account in peace negotiations and in peace agreements, the likelihood of success is greatly reduced.

It is in this light that Amnesty International examines the international community's response to the conflict in Guinea-Bissau. This report considers the engagement of the CPLP and ECOWAS and also the role played by the OAU and the UN. Other efforts,

which received much less media attention, but which contributed substantially to the peace efforts, include the part played by the diplomatic representatives in Bissau of Sweden, Portugal and France. Those who remained in Bissau during the worst phases of the war often acted at great personal risk.

Table 2 gives brief details of the main peace-making initiatives.

At the outbreak of war in Guinea-Bissau, foreign governments and intergovernmental organizations condemned the revolt against a democratically elected government. The UN Secretary-General, Kofi Annan, in a statement on 10 June, condemned non-constitutional force but also called for dialogue and urged the parties to the conflict not to take any action which could endanger civilian lives. Unanimity on how to resolve the crisis proved more difficult to achieve.

The governments and intergovernmental organizations which became involved in the search for peace each had their own perspective on the situation and their own history of relations with Guinea-Bissau, Senegal and the Republic of Guinea. These relationships sometimes brought misunderstandings or rivalries to the negotiating table. Intergovernmental organizations might be expected to be impartial, but if influential member states are involved in the conflict, objectivity may be undermined.

The role of the UN

The UN, which has the primary responsibility for matters of international peace and security, is crucial in all peace-making initiatives and peace-keeping operations, even when it delegates this authority to regional or other organizations.

As UN Secretary-General Kofi Annan noted in a recent speech: “there has been a regrettable tendency for the Security Council not to be involved in efforts to maintain international peace and security”.¹⁰ This has been particularly true where regional organizations such as ECOWAS and other groupings such as the CPLP have taken the initiative. It is disturbing that the UN Security Council has not always upheld its responsibilities in the maintenance of peace and security; it has failed in some cases to unite in confronting massive violations of human rights and humanitarian law which have been committed during armed conflicts. While states are the ultimate guarantors of human rights, the UN, as the guardian of the UN Charter, has a responsibility to uphold the ideals enshrined within it, including the protection of human rights.

¹⁰ *The Effectiveness of the International Rule of Law in Maintaining International Peace and Security*, first International Peace Conference, Hague, 18 May 1999.

The UN Security Council played a very limited part with regard to the conflict in Guinea-Bissau. Its Presidential Statement of 6 November 1998¹¹ and Resolutions 1216 of 21 December 1998 and 1233 of 6 April 1999 contained the ritual exhortations to all sides to respect international law, but, despite the presence of a UN observer at the signing of the peace accord, no human rights provisions were included in the accord.

The failure of the Security Council to provide a strong message to the warring parties and those involved in peace-making and peace-keeping in Guinea-Bissau was a missed opportunity for the human rights cause.

On 3 March 1999 the UN Security Council approved the Secretary-General's proposal of 26 February 1999 to establish a Post-Conflict Peace-Building Support Office in Guinea-Bissau (UNOGBIS)¹². It was to be headed by a Representative of the Secretary-General and was mandated, among other things, to help to build democracy and the rule of law and to organize free and transparent elections; to work with all involved to facilitate the implementation of the Abuja agreement; and to harmonize the activities of the UN agencies working in Guinea-Bissau. UNOGBIS is to include two officers responsible for monitoring human rights and providing technical assistance for measures to protect human rights, including during the election period. On 28 April 1999 Samuel C. Nana-Sinkam, a Cameroonian national, was appointed as the Secretary-General's Representative in Guinea-Bissau. At the time of writing, he was expected to arrive in Guinea-Bissau on 24 June 1999.

Although the UN presence in Guinea-Bissau is welcome, the delay in its establishment is regrettable. The UN was also late in returning to Guinea-Bissau after leaving the country at the start of conflict. These delays have had an impact on the UN's credibility and its capacity to assist in the promotion and protection of human rights.

The role of the CPLP and ECOWAS

The efforts of the CPLP and ECOWAS to bring lasting peace to Guinea-Bissau had their successes and failures. The failures included tensions and delays which contributed to the prolongation of the conflict, and led to missed opportunities to promote respect for human rights.

Between July and October 1998 the CPLP and ECOWAS tried to work together, but efforts to turn the truce into a cease-fire agreement and to finalize a peace agreement

11 UN Doc: S/PRST/1998/31

12 UNOGBIS is managed by the UN Department of Political Affairs which is responsible within the UN system for post-conflict peace-building and for the systematic integration of human rights into all post-conflict peace-building.

met serious obstacles. Points of disagreement included the question of which organization should take the lead. There were also deep disagreements on the issue of the peace-keeping force to be deployed. At their meeting in Abidjan, Côte d'Ivoire, on 15 September 1998, ECOWAS reportedly advocated a force of about 5,000 deployed throughout the country while the CPLP called for a smaller armed force on the border and a team of unarmed military observers. Senegal, which was already involved in the conflict on the side of the government, reportedly proposed that it should contribute troops to the ECOWAS peace-keeping force. It was not surprising, given these two positions, that the parties to the conflict and others felt that ECOWAS and the CPLP respectively reflected the views of the government and the *Junta Militar*. One of the casualties of this disagreement was the failure to consider how human rights should be protected.

The 26 July truce agreement was witnessed by representatives of the UN, OAU, ECOWAS and the European Union. It contained no reference to human rights. There was also no mention of human rights in the cease-fire agreement of 25 August.

What difference could human rights provisions in these agreements have made? Some would argue that there would have been little change in the behaviour of the parties and that the provisions would have been breached. However, setting out human rights standards and a mechanism to enforce them or, at the very least, to oversee them, has two major advantages in a peace agreement:

- ! it defines clearly the commitments of the warring parties to each other, to the people of the country, and to the international community;
- ! it creates a basis on which to scrutinize observance of human rights commitments and, if the mechanism is sound, it ensures that the warring parties are held to account for these commitments.

In Guinea-Bissau, the inclusion in the truce and cease-fire agreements of a requirement to respect, at the very least, international humanitarian law would have been a reminder to the belligerents that the international community was attentive to these issues. This would have paved the way for the inclusion of additional human rights provisions in the 1 November Abuja agreement. The agreements could also have provided for access to prisoners by independent bodies, particularly the ICRC and local non-governmental organizations, which could have led to the alleviation of the inhuman and degrading prison conditions and the prevention of torture.

The Abuja agreement reaffirmed the 26 August cease-fire. It called for the withdrawal of the foreign forces simultaneously with the deployment of an ECOMOG force. It also provided for the setting up of a Government of National Unity; and for elections to take place before the end of March 1999. It was signed in the presence of representatives of ECOWAS, the UN and the OAU. It referred to the free movement of people and

humanitarian aid but made no mention of human rights, protection of the civilian population or international humanitarian law.

Amnesty International considers that all peace agreements should specifically require that the parties abide by international humanitarian law. Normally, it is only governments which are bound by international human rights standards. However, peace treaties should reiterate the responsibilities of both governments and rebel forces, and should also elaborate those principles which both sides must respect.

The Abuja peace agreement provided no implementation mechanism. The parties to the agreement set up a Joint Executive Committee to implement the agreement which operated on the basis of consensus. In the absence of any specific rules for dealing with such matters as human rights violations, it is unlikely that any commission operating on a consensus basis will have the political will to censure or remedy politically motivated human rights abuses. Provision should have been made for an independent body to monitor human rights and to seek appropriate remedies.¹³

Amnesty International raised these points in letters to all those involved in seeking a peaceful end to the conflict. It also made extensive recommendations to ECOWAS concerning an ECOWAS treaty on conflict management of 31 October 1998. These letters received no official response.

Amnesty International called for any Status of Forces Agreement on the deployment of an ECOMOG force in Guinea-Bissau to include provisions to ensure that the peace-keepers adhere to the highest standards of international humanitarian and human rights law. The organization urged the establishment of a disciplinary mechanism empowered to investigate any allegations of human rights violation by peace-keepers, so that suspected perpetrators could be brought to justice in accordance with international standards of fairness. A Status of Forces Agreement for the ECOMOG troops in Guinea-Bissau was reportedly initialled in January but not signed until March 1999.

In the event, ECOMOG troops in Guinea-Bissau were well behaved and remained neutral during the period of tension and subsequent fighting in May 1999. On 25 May 1999, at a meeting in Lomé, Togo, ECOWAS decided to withdraw ECOMOG and declared that an ECOWAS Committee of Nine on Guinea-Bissau would continue to monitor the situation closely. The last ECOMOG soldiers left Guinea-Bissau in early June 1999.

¹³ Amnesty International welcomes the fact that despite the absence of such provisions, the Government of National Unity has taken some steps to protect human rights.

Table 2: Peace-making efforts by intergovernmental organizations

1998 18 June	Gambian Foreign Minister met President Vieira in Bissau but renewed shelling prevented his meeting with Brigadier Mané.
23 June	ECOWAS Executive Secretary, Lansana Kouyaté, began a round of consultations with ECOWAS states and said that ECOMOG could be deployed if necessary.
28 June	Angolan and Portuguese Foreign Ministers met President Vieira in Bissau and a meeting between the opposing parties aboard the Portuguese ship was proposed.
3 July	ECOWAS Foreign and Defence ministers meeting in Abidjan, Côte d'Ivoire, decided to work to reassert the authority of the government of President Vieira through a combination of negotiations, sanctions and the possible use of force.
11 July	The Angola-Portugal peace bid failed after President Vieira accused Portugal of supplying a satellite telephone to the <i>Junta Militar</i> .
16 July	The CPLP summit in Praia, Cape Verde, set up a Contact Group to promote peace which was to hold discussions with ECOWAS.
26 July	Government and <i>Junta Militar</i> representatives met the CPLP Contact Group aboard a Portuguese ship off Bissau. A Memorandum of Understanding on a truce was signed in the presence of representatives of the UN, OAU, ECOWAS and European Union.
5 August	ECOWAS reaffirmed its support for the actions of Senegal and the Republic of Guinea and said that ECOWAS should take the lead in the peace negotiations. The chairperson of the CPLP Contact Group proposed a meeting between ECOWAS and the CPLP to clarify misunderstandings. Various meetings took place in the following days.
11 August	After a meeting between ECOWAS and the CPLP in Côte d'Ivoire, the peace talks which had been scheduled for 18 August were postponed.
17 August	The ECOWAS Committee of Seven met President Vieira in Bissau.
19 August	Representatives of the government and the <i>Junta Militar</i> met in Cape Verde and agreed to joint ECOWAS - CPLP negotiations.
25 August	Government and <i>Junta Militar</i> representatives agreed, under the joint mediation of ECOWAS and CPLP, to a cease-fire.
15 September	Representatives of the parties to the conflict met the ECOWAS and CPLP teams in Abidjan, Côte d'Ivoire. The only point of agreement was that 150 military observers should be deployed.

8 October	ECOWAS and CPLP agreed to a new round of negotiations on 13-15 October. This meeting was preempted by an outbreak of fighting which lasted two days.
16 October	Fighting broke out in Bafatá and, on 18 October, in Bissau.
21-28 October	Intense diplomatic activity by all involved. President Vieira announced a unilateral cease-fire on 22 October. Portugal's Foreign Minister obtained agreement that President Vieira and Brigadier Mané would meet.
30 October	President Vieira and Brigadier Mané and their delegations, after meeting in Banjul at the invitation of President Yahya Jammeh of the Gambia, flew to Abuja, Nigeria, where an ECOWAS summit was taking place.
1 November	The Abuja peace agreement was brokered by ECOWAS.
12 November	A Joint Executive Committee was set up in Bissau to oversee the implementation of the Abuja agreement.
26 November	Benin, Gambia, Niger and Togo agreed to contribute troops to an ECOMOG peace-keeping force and France agreed to provide financial and logistical assistance for a battalion.
27 November	The Joint Executive Committee agreed the structure of a Government of National Unity.
26 December	A contingent of 110 Togolese ECOMOG began to arrive in Bissau.
1999 17 January	The <i>Junta Militar</i> expressed concern about the delay in deployment of ECOMOG troops and called for deployment before the end of January.
17 January	Tension in Bissau, which had risen in January, appeared to have been defused after agreement was reached on the deployment of 600 ECOMOG troops.
30 January	A draft additional protocol to the Abuja agreement concerning the deployment of ECOMOG was agreed. Senegalese and Republic of Guinea troops were to withdraw by 10 February.
31 January	Conflict resumed.
4 February	Fighting ceased. After intense diplomatic activity Togo's Defence and Foreign Ministers arrived in Bissau and concluded an agreement on the deployment of ECOMOG. A total of 300 ECOMOG troops, whose arrival had been prevented by renewed conflict, were deployed immediately: 200 others arrived subsequently.
14 February	President Vieira and Brigadier Mané met in Bissau during the visit of Emma Bonino, the European Union commissioner for humanitarian affairs.
17 February	President Vieira and Brigadier Mané visited Togo and, in a meeting with President Eyadema, agreed never to take up arms against each other again.

20 February	The Government of National Unity was sworn in.
3 March	The UN Security Council supported the decision of the UN Secretary-General to establish a Post-Conflict Peace-Building Support Office in Guinea-Bissau (UNOGBIS).
23 March	Final group of foreign soldiers left Guinea-Bissau.
6-7 May	Fighting began after a disagreement about the presidential bodyguard. The <i>Junta Militar</i> took control of Bissau. President Vieira sought asylum in Portugal.

Chapter 8: Civil society works for human rights and peace

“The international community signs agreements and leaves. Those who remain have to live with the problems”

Member of the Goodwill Commission, interviewed in March 1999

Community leaders, prominent individuals, religious groups and non-governmental organizations, collectively referred to as “civil society”, have been active in seeking peace and defending human rights, sometimes placing themselves in danger. Their efforts were not widely reported but their contribution behind the scenes was significant.

Internal attempts to end the fighting began two days after it started. The major role was played by the Goodwill Commission of parliamentarians, representatives of the three main religious groups and of non-governmental organizations. It was led by the late Bishop of Bissau, Dom Settimio Arturo Ferrazzetta, who died, aged 75, on 27 January 1999. His health had undoubtedly been undermined by the strenuous efforts he made to end the fighting. A group set up by members of the PAIGC also assisted in these efforts.

Members of the Goodwill Commission met President Vieira and Brigadier Mané and tried to bring the belligerents to a less extreme point of view in order to expand the opportunities for agreement. For example, they urged the *Junta Militar* to accept ECOWAS as a mediating partner. They acted in liaison with the CPLP and ECOWAS. In September, when it seemed that the CPLP and ECOWAS had failed to reach a common understanding, the Goodwill Commission decided to pursue internal mediation in liaison with the diplomatic representatives of Sweden, Portugal and France. They helped pave the way for the Abuja agreement.

In addition to its mediation work, the Goodwill Commission, with the three ambassadors and others, mounted an operation to ensure the safety of *Junta Militar* members who had been stranded for over 20 days in Banjul, The Gambia, after the 15 September Abidjan meeting. They had to be brought back in helicopters which could only land in the part of Bissau under loyalist control. Members of the commission and the ambassadors sat on either side of each *Junta*

Militar member to protect them from possible snipers and deter other attacks, both in the helicopters and in cars which took them from the centre of Bissau back to their base near the airport.

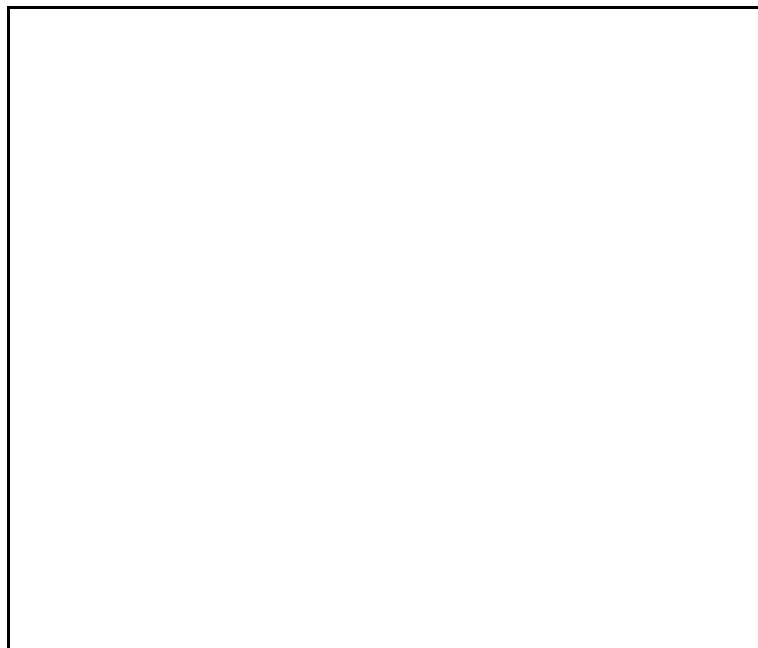
The advocacy of peace and human rights was also taken up by community leaders in exile. One group travelled to Praia, Cape Verde, in August and Abidjan, Côte d'Ivoire, in September to encourage the peace-makers. They lobbied the decision-makers to include human rights and other guarantees in any agreement.

The leading members of the Guinea-Bissau Human Rights League were scattered during the conflict. A few stayed in Bissau throughout, but their work was severely limited by the bombardments and the breakdown in communications systems. Nevertheless, in each of the main countries of exile — Cape Verde, the Gambia, Republic of Guinea, Portugal and Senegal — the League's members formed "cells" who assisted each other and collected information about human rights from newly arrived exiles. In August 1998 the League set up an International Human Rights Observatory in Cape Verde, in collaboration with other non-governmental human rights organizations. It aimed to monitor human rights and press the parties to the conflict to respect human rights. It published a monthly magazine, "*Observatório*". In December 1998, when it seemed that the war had ended, the Observatory was closed and the League resumed its normal work in Guinea-Bissau.

Another significant initiative was the creation of a network of national non-governmental organizations (NGOs) whose leaders were in exile, and foreign, mainly European, *NGOs* acting in cooperation with a network of NGOs set up in Guinea-Bissau, the *Célula da Crise das ONGs*, NGO Crisis Cell. Coordinated from Lisbon, Portugal, this network provided information about human rights, humanitarian and political developments in Guinea-Bissau and provided a forum for coordinating humanitarian aid. It organized three conferences at which members could share views and plan their contribution during the war and for the reconstruction of the country. From October 1998 the Civil Society Movement for Peace, Democracy and Development (mentioned above) was also active.

Coming to terms with the past is a question which civil society groups are currently discussing. Revealing the truth about human rights violations in the past is seen as an essential ingredient of reconciliation.

The engagement of civil society groups in the search for peace and relief of the effects of the conflict was strong. It is possible that they have been strengthened by this experience. Such groups have an understanding of the causes, course and effects of the conflict which should not be ignored by the intergovernmental organizations and others involved in conflict resolution, peace-keeping and post-conflict peace-building. They should be consulted and supported to enable them to continue their work as far as possible in the circumstances.



7 Diamantino Monteiro points to his portrait of Bishop Ferrazzetta, part of an exhibition to promote peace.

Chapter 9: Recommendations

“Respect for human rights and the rule of law are necessary components of any effort to make peace durable. They are cornerstones of good governance. By signaling its commitment to respecting human rights, a government can demonstrate its commitment to building a society in which all can live freely.”
UN Secretary-General, Kofi Annan, 13 April 1998¹⁴

The tasks of rebuilding Guinea-Bissau and ensuring respect for human rights fall mainly on the government and people of Guinea-Bissau, but also on the international community. Both the government and its international partners need strong political commitment to institutionalizing protection for human rights. Section 1 of this chapter makes recommendations to the government for increasing human rights protection in Guinea-Bissau. Section 2 makes recommendations to the international community.

1. Recommendations to the Government of National Unity

The Government of National Unity has given repeated assurances that it intends to uphold human rights. Despite its mandate, which is limited in time and scope, it has a good opportunity to introduce a new culture of respect for human rights. Many of Amnesty International’s recommendations will require the support and financial aid of donor governments who, in the round-table conference in Switzerland on 4 and 5 May 1999, pledged to support the government’s plan which includes measures to protect human rights.

1.1 Introducing a new culture of respect for human rights

A break with the past culture of tolerating human rights violations is vital. This can only be achieved if the authorities show a determination to bring suspected violators of international humanitarian and human rights law to justice. In March 1999 government authorities began investigating several cases of alleged human rights violations including the extrajudicial execution of Lai Pereira. It is vital that the perpetrators of this killing and other well-known cases of human rights violations should be promptly charged and given a fair trial. Early attention should be given, for example, to investigating the reports of torture of suspected *Junta Militar* supporters in Bafatá and Gabú in October 1998, of suspected arms traffickers in January 1998 and reports of the killing of soldiers who were *hors de combat*.

Amnesty International recommends that the authorities consider setting up a commission of inquiry into breaches of international humanitarian and human rights law with a view to bringing the alleged perpetrators to justice and to provide full and effective reparation to the victims.

¹⁴ *The causes of conflict and the promotion of durable peace and sustainable development in Africa*, Report of the UN Secretary-General to the Security Council, 3 April 1998.

1.2 Reforming the criminal justice system

Carrying out a thorough reform of the criminal justice system is beyond the capacity of an interim government. However, certain measures have already been taken, including the important step of replacing the old security police with a state information service under the final authority of the Prime Minister and without powers of arrest, detention or interrogation.

Other measures are equally vital, such as increasing the independence and capacity of the judiciary, retraining police and improving prison facilities in accordance with international standards. The activities of the courts, the police and the prison service are interconnected and any reform must take into consideration its impact on the system as a whole. The retraining should include instruction and advice on special protection for the rights of women and children.

Amnesty International has already recommended to the government that it request international assistance to carry out a thorough survey of the system as a whole to identify needs and priorities and to seek donor assistance. The consideration and implementation of a coherent reform program would be the task of the government to be elected in November 1999.

If such a survey is commissioned, the instructions given to the survey team should prioritize the protection of human rights. The survey should examine existing legislation, structures and practices, including recruitment and training. It should make recommendations for inspections and complaints procedures which would provide increased protection of human rights.

1.3 Protection of human rights during the elections

Preparations are already underway for presidential and legislative elections in November 1999. It is vital, in view of the recent conflict, that there should be an intensive campaign to inform people not only of their right to vote but also of the role of law enforcement officers, of what constitutes intimidation or pressure and how to report attempts to influence their ballot choice.

Many police and other law enforcement personnel actively participated in the conflict. Others were harassed for not doing so. It is particularly important that full consideration is given to the training of personnel who will maintain law and order during the elections. There should be clear chains of command and responsibility. Thorough training in upholding the rights which are particularly sensitive in election periods should be provided at all levels. Precautions should be taken to ensure impartiality, avoid arbitrary arrests and detention and to ensure protection of the right to freedom of expression.

Amnesty International also recommends that the election authorities give careful consideration as to how the behaviour of law enforcement personnel should be monitored during the election. Such monitoring may require some knowledge of policing and there may be international monitors who could be deployed with this specific task. Monitors should also ensure

that the media is governed by principles which ensure both freedom of expression and respect for the fundamental rights of others.

1.4 Acceding to international human rights treaties

Guinea-Bissau is not yet a party to key human rights treaties. As a matter of urgency it should accede to the following:

- ! International Covenant on Civil and Political Rights and its two additional protocols;
- ! International Covenant on Economic, Social and Cultural Rights;
- ! UN Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment;
- ! African Charter on the Rights and Welfare of the Child.

Guinea-Bissau acceded to the UN Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights in 1990. It has yet to submit its first periodic reports to the bodies which oversee implementation of these treaties. The government should take prompt action to prepare and submit the reports. Technical assistance for this should be provided by relevant UN agencies.

Guinea-Bissau's international treaty obligations

Guinea-Bissau is a party to:

- 9 UN Convention on the Status of Refugees and its protocol (acceded 11 February 1976)
- 9 UN Convention on the Prevention and Punishment of the Crime of Genocide (acceded 18 April 1983)
- 9 UN Convention on the Elimination of All Forms of Discrimination Against Women (ratified 23 August 1985)
- 9 UN Convention on the Rights of the Child (20 August 1990)
- 9 International Labour Organization (ILO) Convention 98 - Right to Organize and Collective Bargaining (ratified 21 February 1977)
- 9 ILO Convention 105 - Abolition of Forced Labour (ratified 21 February 1977)
- 9 International Committee of the Red Cross (ICRC) Geneva Conventions I, II, III and IV (acceded 21 February 1974)
- 9 ICRC Additional Protocol I (acceded 21 October 1986)
- 9 ICRC Additional Protocol II (acceded 21 October 1986)
- 9 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (acceded 12 July 1990)

2. Recommendations to the international community

2.1 Recommendations to the United Nations :

"... today's human rights violations are the causes of tomorrow's conflicts."
Mary Robinson, UN High Commissioner for Human Rights, 11 November 1997

Had the international community paid adequate attention to the long-standing pattern of human rights violations in Guinea-Bissau, it is possible that the conflict which broke out in 1998 might never have occurred. Amnesty International therefore urges the international community to learn the lessons from Guinea-Bissau and to integrate human rights concerns more systematically in conflict prevention efforts.

The UN is the overall international guarantor of the ideals enshrined in the UN Charter, including the promotion and protection of human rights. The UN should therefore ensure that, where conflict has broken out, the UN presence in the area includes a capacity to monitor and report on abuses of human rights and to carry out other necessary functions for the protection and promotion of human rights. This is essential in order to establish accountability under international law, to convince the parties to the conflict that human rights matter and are the concern of the entire international community, and to create a climate for the protection of human rights in the future. The following recommendations are designed to improve the response to crises and conflicts such as occurred in Guinea-Bissau, as well as to suggest actions for the future in Guinea-Bissau.

The UN must explicitly condemn all violations of human rights and humanitarian law in all of its resolutions and statements and call on all parties to conflicts to uphold human rights.

Peace processes must incorporate human rights protection in order to address the causes of conflict, to protect those who have been affected by conflict and to ensure the long-term reconstruction of systems and mechanisms to protect and promote human rights. To this end the UN Security Council must:

- C ensure that peace settlements specify the rights and standards which the parties are bound to respect in transition and post-settlement periods, and a clear and workable human rights verification mechanism. The same standards should apply when the peace settlements are negotiated by regional organizations. The UN Security Council should not endorse peace settlements which do not contain explicit human rights provisions, as was the case in Guinea-Bissau.
- C ensure that UN and regional human rights bodies and experts are fully involved in the design, planning, implementation and follow-up of the human rights requirements in the peace settlement, in particular, through the deployment of properly resourced human rights field officers.
- C there should be no international "silent witnesses"; it must be accepted that it is the responsibility of international field personnel to report on abuses of human rights which they may witness or any serious allegations which they may receive. The UN should take appropriate measures to address any abuses reported.

UNOGBIS:

- I Once the UN has established its presence at the political level in Bissau and once the two human rights officers are in post, they must quickly establish a clear strategy for the re-establishment of human rights, in close co-ordination with the government and civil society.
- C As set out in the terms of reference of the human rights monitors, UNOGBIS should provide ongoing human rights monitoring and reporting and ensure that appropriate follow-up is provided.
- C As part of its leadership role in promoting and developing systems and institutions for the protection of human rights, UNOGBIS should oversee a review of the criminal justice system which includes reform and training of national police and security forces to ensure their accountability and adherence to international human rights and criminal justice standards.

United Nations Children’s Fund (UNICEF):

In addition to its critical role in supporting the re-establishment of basic health, education and other essential services for children and their families, key priorities must include:

- I supporting the reform of the justice system to ensure the establishment of a juvenile justice system that complies with international standards;
- I encouraging and supporting civic education on children’s rights for adults and children alike;
- I supporting the government to provide its long-overdue reports to the Committee on the Rights of the Child;
- I encouraging the government to ratify the African Charter on the Rights and Welfare of the Child.

United Nations Development Program (UNDP):

According to the UNDP’s human rights policy paper, “Reconciliation, reconstruction and recovery cannot progress without basic human security and strong national institutions that protect fundamental human rights”.¹⁵ As the lead UN agency for the development process in Guinea-Bissau, the UNDP can and must ensure the implementation of the UN system’s human rights strategy. In particular, the UNDP should:

- C provide support for institutions of governance including state institutions — the legislature, the executive and the judiciary — as well as civil society organizations and the media;
- C develop a human rights approach to sustainable human development recognizing that participation and accountability depend upon respect for fundamental freedoms and human rights;

¹⁵ “Integrating human rights with sustainable human development” UNDP, 1998.

- C contribute to the human rights policy dialogue at all levels of government and society, and to national implementation of human rights treaties.

World Bank:

The World Bank is increasingly recognizing that an active civil society, good governance and the rule of law and a free press are essential for economic development.

Therefore, the most important action that the Bank can take is to send a clear message through its words and actions that it recognizes the inextricable link between the protection of human rights and sustainable economic development and poverty alleviation.

The World Bank, working with others, particularly donors and the UN system, must provide support to improve the government's transparency and accountability and strengthen its capacity to protect and defend human rights. Particular attention should be paid to the development of comprehensive strategies for improving the effectiveness of the criminal justice system, including enhancing the independence of the judiciary; increasing access to justice, particularly of the poor; police and prison reform; and comprehensive training schemes.

2.2 Recommendations to the OAU

In late June 1998 the OAU said that it was to send a fact-finding mission to Senegal, The Gambia, the Republic of Guinea and to Guinea-Bissau. The mission, which took place from 25 June to 5 July visited Senegal and the Republic of Guinea and participated in an ECOWAS meeting in Abidjan, Cote d'Ivoire on 3 July. OAU representatives were also present at the conclusion of the 26 July 1998 truce and the 1 November 1998 Abuja agreement.

The OAU established a Mechanism for Conflict Prevention, Management and Resolution in 1993 to facilitate the resolution of conflicts. Amnesty International is concerned that the OAU apparently did not seek to ensure that measures for the protection of human rights were considered during the peace negotiations and included in the peace agreement. It recommends that the OAU should now consider ways to assist the country to institutionalize protection for human rights as a contribution to preventing any further destabilization.

2.3 Recommendations to ECOWAS

A number of the recommendations made above to the UN also apply to all organizations involved in conflict prevention, resolution and peace-keeping. As ECOWAS brings into operation the Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security, established in a treaty signed in October 1998, Amnesty International recommends that it should particularly consider institutionalizing the following points.

- ECOWAS, as the principal sub-regional intergovernmental organization, is well placed to monitor human rights as a key indicator of impending conflicts. It should therefore

explicitly condemn violations of human rights and promote human rights protection as a means of preventing conflict.

- In the process of negotiations to end a conflict, ECOWAS should raise human rights issues with the parties to the conflict, encourage the parties to end patterns of human rights abuse and discuss ways in which human rights protection can be increased.
- ECOWAS should include explicit provisions for human rights in all truce, cease-fire and peace agreements. Every peace agreement should also lay down effective independent mechanisms for monitoring and remedying human rights abuses during the transition period.
- ECOWAS should develop detailed regulations to ensure that all military forces acting with its authorization adhere to the highest international humanitarian and human rights standards at all times.
- ECOWAS should include in its terms of reference provisions for close cooperation with others involved in any conflict situation, particularly the UN and the OAU, to ensure that all efforts to protect human rights are harmonized.
- ECOWAS should make it a requirement that protection for human rights is central to post-conflict institution-building programs.
- In the search for peace and in designing peace-keeping operations as well as in any post-conflict institution-building, ECOWAS should seek the views and encourage the contributions of civil society groups.

2.4 Recommendations to the CPLP

In May 1999 the CPLP discussed the creation of a peace-keeping force. If the CPLP decides to develop its capacity for conflict resolution, Amnesty International recommends that it should take account of the need to make considerations of human rights central to conflict prevention and resolution as well as peace-keeping. The recommendations made above to ECOWAS would also apply to any CPLP conflict resolution mechanism.

As the CPLP countries are tied by official language and as there are strong similarities in their criminal justice systems, the CPLP is well qualified to provide specific assistance to Guinea-Bissau. Amnesty International urges that it should consider in particular:

- providing assistance to ensure free and fair elections, including the provision of civic education and international monitors;
- contributing to the rebuilding of the criminal justice system.

2.5 Recommendations to donor governments

The ability of the government and intergovernmental agencies to implement these recommendations will be seriously diminished without the support of key donor governments. Amnesty International appeals to donor governments to use their political influence and financial resources to support programs to promote and protect human rights in Guinea-Bissau.