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## **Guinea Bissau: Any peace agreement should include human rights protection**

Talks to end the conflict in Guinea-Bissau are due to begin on 31 July, and Amnesty International is appealing for any peace agreement to include provisions for the protection of human rights.

Fighting began on 7 June 1998 after the government sacked the army chief of staff whom they suspected of involvement in the traffic of arms to separatist groups in the Casamance region of Senegal. Senegalese troops were called in to help the government but soon most of the Guinea-Bissau army had joined the rebels.

During the 50-day conflict international humanitarian laws protecting the lives and physical integrity of non-combatants were repeatedly flouted. Now, in the aftermath of the conflict it is possible that feelings of vengeance and distrust may lead to human rights abuses.

All forces involved in the conflict abused human rights. Government and Senegalese troops deliberately killed unarmed civilians they suspected of supporting the rebels or of looting. Other non-combatants were arrested and tortured. The rebels also held prisoners,

mostly Senegalese civilians, many of whom were beaten.

The social and economic rights of Guinea-Bissau citizens were also ignored. Many buildings in the capital, Bissau, were damaged by bombardment. In the countryside the planting of crops for next year's harvest has been seriously delayed, and there are fears of epidemics breaking out among over 250,000 internally displaced people.

Amnesty International has written to the mediators - representatives of the Community of Portuguese Speaking Countries - to urge them to ensure that any peace accord contains, as a minimum, the following six guarantees to protect human rights, both in the short and longer term.

1. The parties should commit themselves to upholding human rights.

The parties to the agreement should commit themselves to upholding human rights, specifically those contained in Guinea-Bissau's Constitution and in international human rights laws and standards. The government should also agree to ratify important human rights treaties such as the International Covenant on Civil and Political Rights and its Optional Protocols.

2. There should be independent human rights verification

The peace agreement should provide for effective and independent human rights verification. This would help to prevent human rights abuses and thus contribute to increasing trust in the authorities. Monitoring could be carried out exclusively by international human rights observers or jointly with Guinean human rights activists. In the latter case it would be vital for

international observers to be present until it is clear that local monitors are able to carry out their work effectively, objectively and without fear of harassment. Monitors should have adequate powers to investigate allegations of human rights violations, to bring these to the attention of the relevant authorities and to make recommendations for increased human rights protection. The monitoring agency should publish regular reports on its investigations and recommendations and indicate the extent to which the authorities have implemented its recommendations.

### 3. Release of detainees arrested in the context of the conflict who do not face criminal charges

The peace agreement should provide for the release of non-combatants arrested merely on suspicion of supporting the opposing side and for the prompt and fair trial of any who are suspected of recognizably criminal offences. An appropriate agency such as the International Committee of the Red Cross should be appointed to oversee the release of all prisoners who are not to be charged with recognizably criminal offences.

### 4. Accounting for torture and for the deliberate and arbitrary killing of non-combatants

The torture of prisoners and the deliberate and arbitrary killing of non-combatants are prohibited under Common Article 3 of the Geneva Conventions of 1949 which is applicable to all parties to the conflict. It is important that cases of such war crimes be investigated and those responsible be brought to justice and tried in accordance with international standards for fair trial. Sweeping pre-conviction amnesties should not be part of any peace settlement.

Issues leading to the conflict -- the allegations of arms smuggling and disaffection in the armed forces -- have on previous occasions led to political unrest and also to arrests, torture and unfair trials. Those responsible for human rights violations were never brought to justice, a failure which encouraged further abuses. Amnesty International urges that the peace agreement should provide for a process for ending impunity for human rights violations.

### 5. Long-term measures for human rights protection

Any peace agreement should provide for an assessment of the law enforcement and judicial institutions whose task it is to protect human rights so that any necessary assistance may be provided to enable these institutions to ensure protection of human rights in the immediate future and in the longer term. The role of the judiciary and its independence should be entrenched in the peace agreement so that anyone accused of a crime would be given a prompt and fair trial.

### 6. Refugees

The conflict in Guinea-Bissau has generated an estimated 13,000 refugees. The peace agreement should stipulate that refugee repatriation should be carried out in accordance with international refugee law and under international supervision. The principle of non-refoulement should be strictly implemented and those who voluntarily return, as well as internally displaced people, should be provided assistance and protection to ensure their safe reintegration into their communities.

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