

**REPORT OF THE NETWORK OF HUMAN RIGHTS DEFENDERS OF
GUINEA-BISSAU FOR THE UNIVERSAL PERIODIC REVIEW**

PREPARATION

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ENGLISH VERSION

- SUPPORT FROM THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

UPR Guinea-Bissau

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4th cycle of Guinea-Bissau

ABOUT THE NETWORK OF HUMAN RIGHTS DEFENDERS OF GUINEA-BISSAU

The Network of Human Rights Defenders of Guinea-Bissau (RDDH-GB) was created on 9 September 2013, at a time when human rights were in danger and activists were the main targets of those in political power.

Threats and arrests of trade unionists, journalists and other activists were frequent, even within the very communities, so it was necessary to use the popular experience saying "unity is strength" as a way of protecting oneself from those in power and perpetrators of violations of the rights of human rights defenders.

RDDH-GB is a coalition made up of 30 human rights defence and promotion organisations in Guinea-Bissau. Since its creation, it has monitored the situation of violations of the rights of human rights defenders and worked on national and international mechanisms for the protection of human rights defenders as a way of mitigating discrimination, persecution and threats to defenders.

METHODOLOGY

The report's methodological approach is a process of distributing tasks to develop the content that forms part of this report. After Draft 0 had been collected, a small team of two editors worked on the coherence of the information gathered to produce the preliminary report based on the facts reported. On the other hand, in the process of gathering information, various sources of information were activated and the RDDH-GB also selected and evaluated 08 recommendations from the three cycles (1st, 2nd and 3rd) of the UPR.

Executive Summary

This RDDH-GB report corroborates the report produced by the Guinean Human Rights League on the human rights situation in Guinea-Bissau 2020-2022. It is based on material evidence through official data collected and systematised, which shows a country that has taken a serious step backwards in the protection of human rights defenders over the last four years. Although everyone knows that the work of human rights defenders is fundamental to the universal implementation of human rights, as well as to guaranteeing the existence of a democratic rule of law, violations continue to occur.

The role of human rights defenders has been and continues to be essential for the defence of citizens in states with dictatorial governments and in situations of political instability or armed conflict. Even in the context of democratic states, the role of human rights defenders continues to be important for strengthening or consolidating democracies. This is why the situation faced by human rights defenders in Guinea-Bissau has been of great concern to civil society organisations, especially those that defend and promote human rights.

In Guinea-Bissau, concern about the situation of human rights defenders has multiplied in recent years. They have been victims of attacks, kidnappings, threats and restrictions on access to information held by the state, with total impunity for the perpetrators of these violations. By silencing or creating restrictions on the work of human rights defenders, the right of access to justice for the population is being restricted, jeopardising the work of promoting and protecting human rights, verifying the correct functioning of public institutions, monitoring and providing legal support to victims of human rights violations, among other aspects essential to the proper functioning of a democratic state governed by the rule of law.

One of the objectives of this report is to demonstrate the levels of protection of human rights defenders, the levels and patterns of violations against those who exercise the defence of human rights in Guinea-Bissau, as well as to bring to the attention of the general public the special risk they face in carrying out their missions in favour of human rights.

Organisations and individuals who defend human rights play a fundamental role in the democratic rule of law, in democracy and in the fight against inequalities. These people

and organisations fight for justice, for the elimination of inequalities and human rights violations.

The security of human rights defenders depends very much on the level of consolidation of democracies in each country. In countries like Guinea-Bissau where democratic institutions are fragile, defenders who challenge political powers, large economic interests or human rights violators are exposed to various types of violence. In recent years, Guinea-Bissau has recorded numerous cases of violence against human rights defenders, most of whom have not yet been tried.

In 2023 there were several cases, including threats to journalists, preventing access to reporting sites, beatings of activists, bans on demonstrations, arbitrary arrests without complying with constitutional and criminal rules, attacks on sovereign bodies, in this case the Supreme Court of Justice. Some of these defenders are victims of the state itself, which, despite having a democratic political structure, is far from democratic in its actions.

The Network of Human Rights Defenders of Guinea-Bissau has evaluated eight recommendations from the three cycles (1st, 2nd and 3rd) of the UPR aimed at human rights defenders made by countries in the UN Human Rights Council to Guinea-Bissau. The analyses indicate a very serious situation, since not only have all the recommendations not been complied with, but many are going backwards.

This report portrays the weakening of the capacity of Guinean public institutions to serve human rights defenders, which amounts to a flagrant violation of Article 2 of the Declaration on Human Rights Defenders, and also ignores the request made by Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders, in March 2023, to countries to publicly recognise the great successes achieved by human rights defenders around the world¹.

In the following chapter, we present the lack of structured public policy for the protection of the rights of human rights defenders; even the National Strategy for Human Rights 2022-2026, officially launched on 23 April 2024, did not take into account or give importance to the role of human rights defenders, despite the fact that organisations and

¹ UN News, Global Perspective Human Reports.

individuals defending human rights play a fundamental role in a Democratic State of Law, in democracy and in the fight against inequalities.

Faced with the challenges presented, we make an urgent appeal to the institutions of the republic, especially the government, to reverse the ongoing setbacks. Examples of the impediment to the exercise of freedom of the press include the attack on journalist Serifo Tawel of Radio Capital FM in 2020 by a group of men in uniform, the attack and vandalization of Radio Capital FM in July 2020 by a group of armed men, another shooting attack on Radio Capital FM in 2022 and the wounding of journalists and staff. There is also talk of the arrest and beating of journalist Sulai Seidi from Radio Bombolom FM in January 2021 while he was reporting on the students' march, an attempted kidnapping of the journalist and editor of the blog Ditadura de Consenso in Bissau on 6 March 2021. Furthermore, on 9 March, the violation of his physical integrity was consummated through kidnapping, beating and abandonment by a group of armed and hooded men.

On 26 February 2021, the President of the Republic threatened to close down radio stations without a definitive licence, given that the 49 radio stations operating in the country only have provisional broadcasting licences, renewable every six months, with the exception of Rádio Difusão Nacional. On 9 April², the Ministry of Social Communication closed 79 radio stations for non-payment of the broadcasting licence in a communiqué issued by the Council of Ministers.

Still in the wake of intimidation and silencing uncomfortable voices that speak out against some illegal acts of the installed regime, the Bar Association was evicted in February 2021. Journalists Sumba Nansil and Sabino dos Santos, both from Rádio Capital FM, were placed under an identity and residence document (TIR) for their statements in the context of the attack on Radio Capital FM. Lawyer and political analyst Marcelino Intupe was beaten, taken from his home and abandoned on its outskirts by men in uniform on 29 November 2022.

The exercise of trade union freedom is a fundamental right that is constitutionally guaranteed to all workers. Unfortunately, trade union freedom has suffered a huge setback since 2020 as a result of the persecution of trade union leaders by the government and

² The study "The Media Profile in Guinea-Bissau" (2022).

national authorities. For example, on 5 May 2021, two trade union leaders and four members of the national trade union committee of the General Directorate of Contributions and Taxes were arrested at the premises of the Public Order Police (POP) for refusing to sign a Memorandum proposed by the government.

On 17 May 2021, the Minister for the Civil Service called a meeting with the UNTG-CS negotiating team, at which the President of the Republic, General Umaro Sissoco Embaló, appeared. After noting the absence of Júlio António Mendonça, UNTG Secretary General, he threatened the trade unionists present and expelled them from the room.

Throughout 2023, the National Union of Guinean Workers - Central Trade Union (UNTG-CS) suffered several attacks on its headquarters, intimidation of its leaders and threats of beatings, flagrant violations of its constitutional rights, provided for under the terms of art. 45 CRGB, as well as freedom of association, Law no. 08/91.

Guinea-Bissau continues to be a dangerous place for human rights defenders, especially social activists and human rights activists. As we were writing this summary, on the 18th of May 2024, the Ministry of the Interior flooded the streets of Bissau with security agents, as it did in the main capitals of the country's regions, with clear orders to mistreat and detain anyone who came to the march. Defenders and civil society activists, through the Popular Front Movement, organised a peaceful demonstration to show their dissatisfaction with hunger, violence and the destruction of democracy. During the march, 94 people were arrested, including 6 human rights defenders, 03 of whom were held in jail for 10 days.

In order to reverse this scenario, the Guinean state must return to defending democratic principles, acting in accordance with the Constitution. Despite the data already showing setbacks that have caused us to lose a legislature that could have served as an investment in various sectors analysed here, RDDH-GB will continue to be committed to the rights of human rights defenders and will work to ensure that Guinea-Bissau returns to the path of sustainable, inclusive and fair development for all Guineans and foreigners who have chosen the country to live in.

Network of Human Rights Defenders of Guinea-Bissau, June 2024

Total recommendations assessed: 08

Recommendation 65.77 on arbitrary detention, torture and other ill-treatment is not being complied with.

- **65.77. Take all appropriate measures to prevent the arbitrary detention, torture and other ill-treatment of persons exercising their fundamental rights, including freedom of expression or opinion and assembly, and bring the perpetrators of such acts to justice in accordance with international fair trial standards. It was made by Israel in 2010.**

This recommendation is not being complied with, because on 16 May there was an attempt to arrest the lawyer and commentator Augusto Na Sambé without any judicial warrant, and on 18 May 2024, a group of 06 human rights defenders were arbitrarily detained and tortured in the cells of the second police station in Bissau and three of them remained in the cells for ten days, violating the detention period.

Recommendations 65.89, 65.89, 1197, 119.78 on the exercise of the right to freedom of expression and peaceful assembly are not being complied with and are going backwards.

- **65.89. Ensure that all citizens can exercise their right to freedom of expression. It was made by Slovenia in 2010.**
- **96.112. Prioritise guaranteeing the protection of freedom of expression. It was made by Australia in 2010.**
- **119.77. Safeguard the right to freedom of expression by refraining from interfering in peaceful assemblies and ensuring that cases of excessive use of force by law enforcement officials are properly investigated. It was made by the Netherlands in 2020.**
- **119.78. Create and maintain, in law and in practice, a safe and enabling environment for civil society and human rights defenders, including by providing adequate protection for the right to freedom of expression and peaceful assembly and by taking steps to decriminalise defamation and insult, and inserting them into the Civil Code, in line with international standards. It was made by Ireland in 2020.**

Since February 2020, when President Umaro Sissoco Embaló took office, the right to freedom of expression has been going backwards. All those who have dared to express their ideas against the current regime's form of governance have been severely persecuted,

threatened with death and attacked in their homes. The cases we are going to illustrate are those of political analysts Rui Landim, Marcelino Intupe and Augusto Na Sambé, who were victims of attacks in their homes.

Regarding freedom of assembly/peaceful demonstration, despite the fact that the law on demonstrations only requires a warning to the authorities, all demonstrations in recent years have been prevented or their authorisation was refused, always citing the security situation and the promoters persecuted and humiliated. An example is what happened in Bafatá, where a group of young demonstrators were forced to swim in a pool of dirty water on 6 July 2021 by security forces.

Recommendations 65.79, 65.87, which deal with the investigation of cases of violations against human rights defenders and journalists, are not being complied with.

- **65.79. Ensure that crimes and violations against human rights defenders and journalists are effectively investigated and prosecuted, and that those responsible are punished. It was made by Norway in 2010.**
- **65.87. Protect journalists and human rights defenders and carry out investigations into any threats against them. It was made by Canada in 2010.**

Not a single case of violation of the rights of human rights defenders and journalists has been conclusively investigated, the perpetrators have not been identified and not a single case has been tried and sentenced by a judge. No perpetrator has been punished, despite the fact that human rights organisations have always demanded serious investigations into cases of violations of the rights of human rights defenders and journalists, but have never succeeded in their demands.

Recommendation 96.108, which deals with a legal framework for the protection of whistleblowers who testify about corruption-related offences, is not being complied with.

- **96.108. Create a legal framework that gives sufficient protection to "whistleblowers" who testify in corruption-related offences. It was made by Sweden in 2010.**

In Guinea-Bissau, there is no special law to protect whistleblowers. As there is no such law, any whistleblower or the channel on which that report was broadcast can be the target of harassment and/or intimidation, as happened to the journalist and acting director of Rádio Privada Galáxia de Pindjiguiti, Tiano Badjana, who was the target of intimidation

and attempted arrest on 10 October 2022, by men in police uniform, for having broadcast a story about drug trafficking involving the Secretary of State for Public Order, Augusto Cabi.

RECOMMENDATIONS:

To the national authorities:

I. to guarantee, in all circumstances, the physical and psychological integrity of all human rights defenders in Guinea-Bissau.

II. to put an end to all acts of persecution against human rights defenders.

III. to investigate abuses relating to the demonstrations held in 2023 and 2024 and convict, through criminal, civil and disciplinary proceedings, those responsible for these offences.

IV. to adopt legislative measures, especially the National Law for the Protection of Human Rights Defenders and the law for the protection of whistleblowers.

To the Member States of the United Nations

V. to assess Guinea-Bissau's compliance with the recommendations set out in this report.

To the Member States of the European Union and the European Commission

VI. to raise the concerns referred to in this report with the authorities of Guinea-Bissau on the basis of the European Union Guidelines on Human Rights Defenders.

To the international community

VII. to support human rights monitoring by NGOs in the forthcoming elections and other related electoral activities.