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## 1999 Country Reports on Human Rights Practices

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### GUINEA-BISSAU

A military coup in May resulted in minor changes in the Government of National Unity that was set up in February under the November 1998 Abuja peace accords, drove President Bernardo Vieira into exile in Portugal, and ultimately led to the country's second multiparty national elections on November 28. The Government of National Unity inaugurated in February conducted the November elections with the assistance of a UN peace-building office (UNOGBIS) in accordance with a schedule established prior to the May coup, and initiated efforts to reverse the civil war's devastating effects. The November elections were considered generally free and fair by international observers, although they reported some irregularities. The elections significantly changed the composition of the 102-seat National Assembly, and the top two contenders among 12 candidates for President faced a runoff election on January 16, 2000. General Ansumane Mane, who began a rebellion in June 1998 after Vieira fired him as Armed Forces Chief of Staff and blamed him for illegal arms trafficking to rebels in the Casamance region of Senegal, played a role in the interim government as the head of a self-declared military junta. Mane and the Junta consistently declared that they would stay out of politics once a new civilian government was elected, but 2 weeks before the elections a "Magna Carta" was published demanding a 10-year role for the Junta. The Junta denied authoring the "Magna Carta" and repeated its commitment to return to the barracks after the elections; however, adequate and timely payment of soldier and veteran benefits is a continuing concern. The Constitution provides for an independent judiciary; however, it is subject to political influence and corruption. The judiciary, which ceased to function at the onset of fighting in June 1998, resumed minimal responsibilities with the inauguration of a government of national unity in February.

The police, under the direction of the Ministry of the Interior, have primary responsibility for the nation's internal security. However, following the June 1998 revolt, the police became ineffective, as the Military Junta, Economic Community of West African States Military Observer Group (ECOMOG) peacekeeping forces, and troops defending President Vieira were better equipped and openly carried arms on highly visible patrols

and checkpoints. Following Vieira's ouster in May, the withdrawal of all foreign troops, and efforts of the interim government to reinstate the rule of law, the police resumed many of their responsibilities; however, lack of resources and training continue to hamper their effectiveness. The armed forces are responsible for external security and may be called upon to assist the police in internal emergencies. A clear majority of soldiers joined the rebellion against President Vieira. Those who remained loyal, numbering no more than 300, generally took a secondary role to Senegalese and Guinean troops who entered the conflict at Vieira's request. ECOMOG peacekeeping forces were introduced and all Senegalese and Guinean troops were withdrawn by the end of March as agreed in the Abuja accords. ECOMOG forces were withdrawn in June following the defeat of loyalist forces and Vieira's departure to exile. The police, the military (both loyal and rebel), the Senegalese, and the Guineans were responsible for serious human rights abuses.

\_\_\_\_\_ \*On June 14, 1998 the United States Embassy suspended operations in the midst of heavy fighting in Bissau and all official personnel in the country were evacuated. This report is based on information obtained by embassies in neighboring countries and from other sources.

The population of 1.2 million relies largely upon subsistence agriculture and the export of cashew nuts. Both activities were affected negatively by the fighting. Annual per capita gross domestic product (GDP) prior to 1998 has been estimated at \$840. Due to the conflict, GDP declined by 28 percent in 1998 but was expected to reach 80 percent of pre-1998 levels by the end of the year. Exports of cashew nuts returned to 70 percent of preconflict levels. Commercial banks and other monetary institutions, which had ceased operations with the outbreak of hostilities in June 1998, reopened in July. The country remains burdened by heavy external debt and massive underemployment.

There continued to be serious problems in the Government's human rights record; however, the human rights situation improved during the year. Citizens were allowed to vote in generally free and fair elections. However, government forces, particularly under President Vieira, committed extrajudicial killings. The police and loyalist forces continued to use beatings, physical mistreatment, other forms of harassment, and arbitrary arrest and detention by police. The Government did not punish any members of the security forces for abuses. Prison conditions are poor. The Government at times used incommunicado detention. The judiciary is subject to political influence and corruption. The Government infringed on citizens' privacy rights. The Government at times limited freedom of the press, and journalists practiced self-censorship. The Government at times restricted freedom of movement. Violence and discrimination against women are problems. Female genital mutilation is widely practiced. Child labor and some forced child labor persist.

The conflict that ended with the May coup caused massive civilian dislocation and hardship, but by June most of the 350,000 internally displaced persons had returned to their homes. Over 1,000 persons who sought refuge in neighboring countries repatriated spontaneously, and another 1,000 who fled are receiving assistance from international organizations to repatriate. About 1,800 refugees remain in Guinea and 720 remain in Gambia.

An estimated 2,000 persons were killed during the 11-month conflict. Reports continue of deaths and injuries from land mines and unexploded shells that remain in populated areas.

Rebel forces were responsible for killings, beatings, other forms of harassment, detention, robbery, and looting.

## **RESPECT FOR HUMAN RIGHTS**

### Section 1 -- Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

Political and extrajudicial killings occurred.

Troops loyal to or allied with President Vieira killed an unknown number of civilian noncombatants prior to the May coup.

Prior to the May coup, President Vieira took no action to encourage forces allied with him to minimize the loss of life among prisoners of war and the civilian population. During the May coup, reports indicate that loyalist forces based in the Marinha district of the capital Bissau fired at advancing rebel forces and killed 60 civilians who had sought refuge in a nearby mission school. Overall, an estimated 2,000 persons were killed during the 11-month conflict.

No suspect has yet been named in the August 22 murder of Nicandro Barreto, Justice Minister under President Vieira. Barreto was strangled at his home in Bissau.

The Interior Ministry never released the results of an internal investigation into the police shootings of two African deportees following demonstrations in 1996; one of the deportees died. To date no one has been charged with the shootings.

The 1992 death of Ussumane Quade, an army officer beaten to death while in police custody, remains unsolved. Two police officers were arrested in connection with the death in 1997, but neither was ever charged formally and both were released.

A mass grave uncovered on October 8 contained the remains of 28 persons and was believed to include those of former Vice President Paolo Correia, former Attorney General Viriato Pa, and military officers sentenced to death in 1985 by a military tribunal on charges of an attempted coup.

Rebel forces loyal to General Mane committed numerous killings. The attack by rebel troops on the presidential palace in May reportedly left 70 persons dead. Reports indicate that indiscriminate rebel shelling in civilian neighborhoods killed noncombatants.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits cruel and inhuman punishment, and evidence obtained through torture or coercion is invalid; however, prior to the May coup, the Government often ignored these provisions, and security forces beat, mistreated, and otherwise abused

persons. Security and police authorities historically have employed abusive interrogation methods, usually in the form of severe beatings or deprivation. The Government rarely enforced provisions for punishment of abuses committed by security forces.

Forces loyal to Vieira engaged in widespread harassment, including stopping civilians and subjecting them to degrading body searches without cause. After the fighting in January, there were reports that Senegalese soldiers entered the Simao Mendes hospital in Bissau and removed a junta soldier who had been wounded in the conflict. The soldier was returned the next morning with several cuts and what appeared to be cigarette burns, as well as gangrene, which may have been related to his original combat wound. The soldier died within a few days.

Human rights monitors reported several incidents in which police accused of rape or the mistreatment of prisoners prior to the May coup were not prosecuted.

There were credible reports that rebel soldiers beat and harassed civilians suspected of government sympathies.

Prison conditions are poor but generally not life threatening. Beatings and deprivation were used as a means of coercion. The June 1998 rebellion effectively stopped a program aimed at halting such methods. Prison authorities had very little control over inmates, many of whom simply left during the day. Following a request in 1998 by the Interior Minister for international donor assistance to rehabilitate the prisons, the European Union renovated two of them. However, many prisons were damaged during the fighting, the inmates escaped, and have not been recaptured.

The Human Rights League was given access to most prisoners, including 600 loyalist troops detained as prisoners of war following the May coup.

#### d. Arbitrary Arrest, Detention, or Exile

Security forces arbitrarily arrested and detained persons.

The law provides for procedural rights, such as the right to counsel, the right to release if no timely indictment is brought, and the right to a speedy trial. In practice the judicial system generally failed to provide these rights.

Police detained suspects without judicial authority or warrants, occasionally through the device of house arrest. Prior to the May coup, the Government held detainees without charges or trial for extended periods of time, sometimes incommunicado. The authorities did not routinely observe bail procedures.

Following the May coup, the Government detained as prisoners of war about 600 of the loyalist forces who had defended Vieira; 180 of these soldiers were released immediately, and another 50 were released within a month. More than 385 remain in detention. On October 7, the Attorney General announced that 80 of these would be released soon, but they remained in detention at year's end.

The Government does not use forced exile. Following the May coup, the Military Junta allowed President Vieira safe passage to leave the country for Gambia to receive medical

treatment, reportedly with the understanding he would return to Guinea-Bissau to stand trial on charges of corruption and human rights abuses. After leaving the country, Vieira traveled to Portugal and was granted asylum. In October, the Attorney General traveled to Portugal to present evidence of human rights abuses by Vieira and to request his return to Guinea-Bissau to stand trial. The Government of Portugal stated that it had not received a request for Vieira's extradition.

In October former President Luis Cabral, who had been living in exile since being deposed in a 1980 coup, was issued a passport, and he returned to Guinea-Bissau in November.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, judges are trained and paid poorly, and sometimes are subject to political pressure and corruption. The Supreme Court is especially vulnerable to political pressure, as its members are appointed by the President and serve at his pleasure. The judiciary is reluctant to decide cases of a political nature. Cases against several former and current members of the Government were delayed. The Supreme Court failed to deal impartially with highly charged political cases. In 1997 the Court took up the issue of the constitutionality of the manner in which the President named his new Government. The decision ultimately rendered was in favor of allowing the Government to remain in office, but was issued only after the President brought significant pressure to bear on the Court.

Trials involving state security are conducted by civilian courts. Under the Code of Military Justice, military courts try only crimes committed by armed forces personnel. The two Senegalese who, prior to the rebellion, were supposed to be tried in a military court in violation of the law escaped or were released during the fighting in 1998; the Government is not pursuing the case. The Supreme Court is the final court of appeal for both military and civilian cases. The President has the authority to grant pardons and reduce sentences.

Citizens who cannot afford an attorney have the right to a court-appointed lawyer.

Traditional law still prevails in most rural areas, and urban dwellers often bring judicial disputes to traditional counselors to avoid the costs and bureaucratic impediments of the official system. The police often resolve disputes.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Home, or Correspondence

The Constitution provides for the inviolability of domicile, person, and correspondence; however, the Government does not always respect these rights. The police do not always use judicial warrants and have forced entry into some private homes.

Loyalist forces reportedly searched private residences in Bissau without cause and without warrants. Loyalist forces allegedly were guilty of theft from both private homes and stores.

International and domestic mail at times was opened; however, this violation was by poorly paid postal employees in search of money or other valuables, not by security personnel. Limited mail service resumed in June after a 1-year shutdown following the destruction of the country's main post office building during the 1998 rebellion.

Rebel forces allegedly stole from private homes and stores.

## Section 2 -- Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press; however, the Government at times limited these rights in practice, and journalists continued to practice self-censorship.

Prior to the outbreak of hostilities in June 1998, the print media consisted of one independent daily, three independent weeklies, one government-owned biweekly, and one independent monthly. All of the newspapers were published sporadically due to financial constraints. The national printing press, the only facility for publishing newspapers in the country, often lacked the raw materials to publish them. In late August, sporadic publication of one government-owned biweekly and one independent monthly resumed.

Prior to the rebellion, there were three independent radio stations and one government-controlled station in Bissau. In addition Radio Portugal and Radio France International broadcasts were received from Lisbon and Paris. There were also three community radio stations run by the indigenous NGO Action for Development. One independent station rebroadcast the British Broadcasting Corporation and another rebroadcast the Voice of America.

The government-controlled national radio transmits from Radio Mavegro facilities that it took over in June 1998. The Voice of the Military Junta broadcasts from facilities that formerly broadcast Radio Bombolom, whose owner sympathized with the rebels. Neither Radio Pidjiguiti nor the NGO-assisted community stations have resumed operations.

Unlike the previous year, there were no reports of harassment of journalists by government or allied troops, by rebel forces, or by ECOMOG troops. Many foreign journalists were able to circulate and report on the fighting and associated political developments.

Academic freedom generally was observed until the outbreak of fighting. Schools and research institutions that ceased to function after the June 1998 rebellion reopened in most parts of the country in March.

### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government respected this right in practice. Government approval is required for all assemblies and demonstrations. Prior to the June 1998 rebellion and following the May coup, the Government approved all such requests. There were no public assemblies or demonstrations between June 1998 and May. Following the May coup, numerous organizations held rallies, some of which

were critical of the Government. In November and December, unarmed soldiers conducted unannounced 1-day protests of nonpayment of salaries by blocking roads and access to schools and businesses.

The Constitution provides for freedom of association, and the Government respected this right in practice. The Government did not prohibit or discourage the formation of associations; however, all private associations were required to register with the Government. There were no reports of associations being denied registration.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respected this right in practice. While religious groups must be licensed by the Government, no applications were refused. There are no recent reports that any applications have been made. Various faiths, including Jehovah's Witnesses, continued missionary activities during the year. The Government includes members from all major religious groups. There were no indications that either the Government or the rebel forces attempted to interfere with religious freedom following the outbreak of fighting.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Prior to the June 1998 uprising, the Government generally did not restrict movement within the country, foreign travel, or emigration; however, checkpoints and police harassment occurred frequently. After the outbreak of fighting, vehicle traffic was curtailed severely. Both government and rebel forces blocked the road from Bissau to the interior and interfered with the free movement of traffic. The Government carefully controlled movement within Bissau, prohibiting most traffic. Movement in the interior was less restricted but still subject to occasional interference by both government and rebel forces. The land borders with Senegal were closed to travelers during the early stages of the conflict. Later, Senegal allowed humanitarian convoys to transit the border. Land borders with Guinea generally remained open. The national airport, which had remained under rebel control after the outbreak of fighting, was reopened to commercial traffic in May.

Passports are issued by the Minister of the Interior. In February the issuance of passports resumed, after having ceased with the outbreak of hostilities in June 1998. Citizens have the right to return and are not subject to political revocation of their citizenship.

The conflict that ended with the May coup caused massive civilian dislocation and hardship, but by June most of the 350,000 internally displaced persons had returned to their homes. Over 1,000 persons who sought refuge in neighboring countries or Europe repatriated spontaneously, and another 1,000 who fled are receiving assistance from international organizations to repatriate. About 1,800 refugees remain in Guinea and 720 remain in Gambia.

Prior to the conflict, the Government allowed refugees to stay if they feared persecution at home. There are no formal provisions to recognize refugee status, but it was granted on a case-by-case basis. No refugees were deported forcibly to a country where they feared persecution. Foreign refugees who fled Bissau with the outbreak of fighting are believed

to have done so voluntarily. The Government provided first asylum to refugees from the conflicts in Liberia, Sierra Leone, and the Casamance region of Senegal. A January 1998 UN High Commissioner for Refugees (UNHCR) census revealed the presence of just under 5,000 Senegalese refugees in Guinea-Bissau. The majority of these were found along the country's western border with Senegal. Prior to the outbreak of hostilities, the UNHCR established a refugee camp south of the border region at Jolomete, which housed about 700 refugees. After the May coup, the UNHCR continued efforts to relocate these refugees, most of whom were displaced internally when the fighting erupted within Guinea-Bissau.

### Section 3 -- Respect for Political Rights: The Right of Citizens to Change Their Government

In November voters were able to choose their government freely for the second time in the nation's history. The African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC), the country's only legal party from 1974 to 1991 and the majority party in the National Assembly until the November elections, won 24 of the 102 seats in the National Assembly, while opposition parties gained a majority. The Partido de Renovacao Social (PRS) won 38 seats, and the Resistencia da Guine-Bissau (RGB) won 29 seats, while 4 other parties will split the remaining 11 seats. The elections, which included candidates from 13 parties, as well as several independents, were judged to be generally free and fair by international observers, although they reported some irregularities. Local elections have been promised since 1995, but they had not been held by year's end, and no substantive progress has been made to prepare for them.

In preparation for the elections, the National Electoral Commission, with the assistance of the UNOGBIS, conducted a voter registration program among the estimated 1.2 million population. Compared with 395,000 voters registered for the country's first multiparty elections in 1994, the current rolls show 525,367 voters. About 400,000 persons voted in the November 28 elections.

PRS leader Koumba Yala and interim President Malan Bacai Sanha of the PAIGC led a field of 12 candidates for president. Neither candidate secured an absolute majority as required by law, and Yala and Sanha will face each other in a second round of voting on January 16, 2000. The inauguration of the new government is expected to follow soon thereafter.

Joao Bernardo Vieira, who had been elected President in the country's first multiparty elections in 1994, fled to exile in Portugal following the May coup. He had ruled the country since taking power in a 1980 coup. Prior to the November 28 elections, the PAIGC held 62 of 100 seats in the National Assembly, where 4 other parties were represented.

General Mane and the Junta consistently declared that they would stay out of politics once a new civilian government was elected, but 2 weeks before the elections a "Magna Carta" was published demanding a 10-year role for the Junta. The Junta denied authoring the "Magna Carta" and repeated its commitment to return to the barracks after the elections; however, adequate and timely payment of soldier and veteran benefits is a continuing concern.

Women are underrepresented in the National Assembly, where they occupy only 9 of the 102 seats. In the Government of National Unity inaugurated in February, 1 of 10 cabinet ministers was a woman.

#### Section 4 -- Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not interfere with the Guinea-Bissau Human Rights League (LGDH), and international human rights groups continued to investigate human rights abuses without government harassment. International and nongovernmental human rights groups, which effectively ceased operations with the outbreak of hostilities in June 1998, resumed activities following the inauguration of a government of national unity in February.

#### Section 5 -- Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and law prohibit discrimination on the basis of sex, race, and religion. However, in practice, the Government does not enforce these provisions effectively.

##### Women

Physical violence, including wife beating, is an accepted means of settling domestic disputes. Although police intervene in domestic disputes if requested, the Government has not undertaken specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

Discrimination against women persists, although officially it is prohibited by law. Women are responsible for most work on subsistence farms and have limited access to education, especially in rural areas. Women do not have equal access to employment. Among certain ethnic groups, women cannot own or manage land or inherit property.

##### Children

The Government allocates only limited resources for children's welfare and education.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is widely practiced within certain ethnic groups, especially the Fulas and the Mandinkas. The practice is increasing as the population becomes more Muslim, and is being performed not only on adolescent girls, but also on babies as young as 4 months old. The Government has not outlawed the practice. However, it has formed a national committee, which is conducting a nationwide education campaign to discourage it. International NGO's, including the Swedish group Radda Barnen and Plan International, as well as several domestic NGO's, such as Friends of Children and Sinim Mira Nasseque, are working through the national committee to eliminate FGM. The efforts of both domestic and international groups, largely suspended after the outbreak of fighting in June 1998, resumed in many parts of the country in February.

##### People with Disabilities

There is no legislation mandating accessibility. The law does not prohibit discrimination against the disabled specifically, and the Government does not ensure equal access to employment and education. The State has made some efforts to assist disabled veterans through pension programs, but these programs do not address adequately veterans' health, housing, and food needs.

## Section 6 -- Worker Rights

### a. The Right of Association

The Constitution provides all civilian workers with the freedom to form and join independent trade unions. However, the vast majority of the population works in subsistence agriculture. Most union members are government or parastatal employees; only a small percentage of workers are in the wage sector and are organized.

The Government registers all labor unions. There are 11 labor unions registered and operating. All unions are officially independent of the Government, but seven unions are affiliated with the National Trade Union Confederation (UNTG), which retains close informal ties with the PAIGC. The law does not favor UNTG-affiliated unions over others. The Constitution provides for the right to strike and protection for workers from retribution for strike activities.

The only legal restriction on strike activity is the requirement for prior notice. Legal strikes have been conducted by several unions, with no retribution against the strikers in the past; there were no strikes during the year.

Both enforcement of the law and the functioning of the formal economy, which largely ceased after the outbreak of hostilities in June 1998, returned to preconflict levels following the inauguration of a government of national unity in February.

All unions are able to affiliate freely with national confederations and international labor organizations of their choice.

### b. The Right to Organize and Bargain Collectively

The Constitution does not provide for or protect the right to bargain collectively, and there were no instances of genuine collective bargaining. Most wages are established in bilateral negotiations between workers and employers, taking into consideration the minimum salaries set annually by the Government's Council of Ministers.

The Government's provisions for the protection of workers against antiunion discrimination have very little effect due to low union membership. Although the Government adopted no laws to establish penal sanctions against employers practicing such discrimination, no workers have alleged antiunion discrimination, and the practice is not believed to be widespread.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor, including that performed by children, is prohibited by law, and these prohibitions generally are enforced in the formal sector; however, children often are forced by their parents or guardians to work as street traders or agricultural laborers in the informal sector (see Section 6.d.). The Government has not taken action to combat such practices.

In 1996 the Armed Forces Chief of Staff, General Ansumane Mane, was arrested after several children died in an explosion that occurred when they were forced to prepare shell cases for sale to Casamance rebels. Mane was placed under house arrest, but never formally charged; he ultimately was pardoned and reinstated by President Vieira.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The General Labor Act of 1986 established a minimum age of 14 years for general factory labor and 18 years for heavy or dangerous labor, including all labor in mines. These minimum age requirements generally are followed in the small formal sector, but the Ministry of Justice and Labor does not enforce these requirements in other sectors. Children in cities often work in street trading, and those in rural communities do domestic and field work without pay. The Government does not attempt to discourage these traditional practices.

Forced or compulsory labor by children is not permitted by law; however, while this prohibition generally is enforced in the formal sector, such labor occurs in the informal sector (see Section 6.c.).

#### e. Acceptable Conditions of Work

The Government's Council of Ministers annually establishes minimum wage rates for all categories of work but does not enforce them. The lowest monthly wage is approximately \$15 (9,000 cfa francs). This wage is insufficient to provide a decent standard of living for a worker and family, and workers must supplement their income through other work, reliance on the extended family, and subsistence agriculture. The maximum number of hours permitted in a normal workweek without further compensation is 45, but the Government does not enforce this provision. With the breakdown of the formal economy in June 1998, most of the country returned to barter, and both the Government and the private sector lacked the funds to pay salaries. Following the inauguration of a government of national unity in February, activity in the formal economy started to return to preconflict levels, and the Government was able to pay most salary arrearages.

The Ministry of Justice and Labor establishes legal health and safety standards for workers, with the cooperation of the unions, which are then adopted into law by the National Assembly. However, these standards are not enforced, and many persons work under conditions that endanger their health and safety.

Workers do not have the right to remove themselves from unsafe working conditions without losing their jobs. In view of high unemployment, a worker who left for such reasons would be replaced readily.

#### Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked in, to, or from the country.

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