



Inter-Parliamentary Union
For democracy. For everyone.

Guinea-Bissau

*Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*



© Facebook - Marciano Indi

GNB-13 - Marciano Indi
GNB-14 - Domingos Simões Pereira
GNB-15 - Angelo Regalla
GNB-16 - Banjai Bamba

Alleged human rights violations

- ✓ Abduction¹
- ✓ Threats, acts of intimidation
- ✓ Lack of due process at the investigation stage
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Violation of freedom of movement
- ✓ Arbitrary invalidation of the election of a parliamentarian
- ✓ Abusive revocation or suspension of the parliamentary mandate
- ✓ Failure to respect parliamentary immunity
- ✓ Other acts obstructing the exercise of the parliamentary mandate
- ✓ Impunity

Case GNB-COLL-01

Guinea-Bissau: Parliament affiliated to the IPU

Victims: Four opposition members of parliament

Qualified complainant: Section I.(1)(a) of the Committee Procedure (Annex I)

Submission of complaint: March 2024

Recent IPU decision(s): - - -

IPU mission(s): - - -

Recent Committee hearing: Hearing with the complainant during the 148th IPU Assembly in Geneva (March 2024)

Recent follow-up:

- Communication(s) from the authorities: - - -
- Communication from the complainant: March 2024
- Communication to the authorities: Letter to the President of the Republic: March 2024
- Communication to the complainant: March 2024

¹ This violation only concerns member of parliament Mr. Marciano Indi.

A. Summary of the case

The present case concerns the situation of four members of the National Assembly of Guinea-Bissau, including its speaker, Mr. Domingos Simões Pereira, Mr. Marciano Indi, Mr. Agnelo Regalla and Mr. Bamba Banjai, who have suffered human rights violations since 2020 for publicly criticizing the President of the Republic, Mr. Umaro Sissoco Embaló, and the Prime Minister, Mr. Nuno Gomes Nabiam.

On 23 May 2020, Mr. Marciano Indi, leader of the parliamentary group the United People's Alliance-Democratic Party of Guinea-Bissau *Alliance du Peuple Uni-Parti Démocratique de Guinée Bissau* (APU-PDGB), was abducted by individuals whom he identified as belonging to the National Guard, a security force that is under the authority and political auspices of the Ministry of the Interior. Shortly before his abduction, Mr. Indi had questioned the President's policy and calls to replace the opposition head of government.

Mr. Indi was beaten up, insulted and ill-treated by his kidnappers. The member of parliament nevertheless attempted to negotiate his release after overhearing a telephone conversation between one of the kidnappers and the Minister of the Interior. Mr. Indi was taken to the Ministry of the Interior, where he was placed in a cell for a few hours. According to the allegations, Mr. Indi had the opportunity to speak to the Minister of the Interior, who allegedly told him that everything would be resolved and begged him not to divulge anything to the media about what had happened. The member of parliament was then taken by his kidnappers to the house of the former Speaker of Parliament, where he was released. He was escorted back to his home by the former Speaker of Parliament. Having heard the telephone conversations between his kidnappers and the Minister of the Interior, as well as those between the former Speaker of Parliament and the President of the Republic, Mr. Indi understood that his kidnapping had been ordered by President Embaló and that he would receive no compensation for the harm he had suffered.

Regarding the situation of Mr. Agnelo Regalla, the member of parliament was shot outside his home on 7 May 2022 by uniformed armed men. Seriously injured, he was evacuated to Portugal for specialist medical treatment. The incident occurred the day after a press conference held at the headquarters of the African Party for the Independence of Guinea and Cape Verde (PAIGC), during which President Embaló's regime had been heavily criticized. The investigation opened by the judicial police was never completed.

On 3 February 2024, Mr. Bamba Banjai, a member of the parliamentary group MADEM-G15, to which the President of the Republic belongs, was arrested by the Secretary of State for Public Order at Bissau airport while awaiting the arrival of his party's leader. According to the complainant, the Secretary of State for Public Order was joined by several heavily armed police officers who took them to the Ministry of the Interior, where they were questioned and detained until 9 p.m. On 27 February 2024, after spending a few days in hiding due to serious death threats and attempts to re-arrest him, Mr. Banjai reportedly went to the Ministry of the Interior with his lawyer. On arrival, Mr. Banjai was allegedly subjected to intense interrogation for criticizing the regime during a press conference organized by the leaders of his political party. At 9 p.m., Mr. Banjai was allegedly taken to the Presidential Palace and continued to be questioned by President Embaló, who then ordered his release.

Concerning the Speaker of Parliament, Mr. Domingos Simões Pereira was arbitrarily deprived of his parliamentary mandate following the decision of the President of the Republic on 4 December 2023 ordering the dissolution of parliament following the legislative elections of 4 June 2023 on the grounds of an alleged coup d'état, the existence of which the opposition denies. According to the complainant, President Embaló's decision was prompted by the intervention of members of the National Guard to release two opposition ministers while they were being questioned by the judicial police. Clashes broke out between elements of the National Guard and the Presidential Guard special forces, resulting in at least two deaths. President Embaló reportedly decided to dissolve parliament after the security forces intervened on behalf of two opposition ministers.

Following the dissolution of parliament, the military reportedly used excessive force to prevent members of parliament from accessing the National Assembly's premises and holding their meetings. The operating budget of the National People's Assembly, approved in plenary session, was frozen on the orders of President Embaló. According to the complainant, President Embaló's decision to dissolve parliament is contrary to the Constitution, which prohibits the dissolution of parliament within

12 months of its inauguration (article 94 of the Constitution). The complainant accuses the President of the Republic of seeking to disrupt the functioning of parliament and change its current composition, which is dominated by the opposition.

During a hearing before the Committee on the Human Rights of Parliamentarians at the 148th IPU Assembly in March 2024, the Bissau-Guinean parliamentary delegation, led by the President of the National People's Assembly, thanked the Committee for its interest and for its invitation to a hearing. The Speaker of Parliament acknowledged the many difficulties his country had faced in achieving political stability. Regarding the cases under examination by the Committee, the Speaker of Parliament explained that they were related to the November 2019 presidential elections, which had resulted in the disputed victory of President Embaló. After being declared the winner by the Electoral Commission in February 2020, Mr. Embaló had ended the PAIGC-led government by appointing a new prime minister. In October 2021, a coup d'état had reportedly been foiled, followed by a second attempt in February 2022. In May 2022, the President had decided to dissolve the parliament resulting from the March 2019 legislative elections, with legislative elections scheduled for December 2022. In the end, these were not held until June 2023.

The Bissau-Guinean delegation explained that the legislative elections in June 2023 represented a glimmer of hope and an opportunity for political parties to end to their differences. The PAIGC-led opposition came first with 54 of the 102 seats in parliament. According to the delegation, despite the different political opinions, parliament was functioning and an understanding seemed to be developing between the opposition and the majority, heralding a new era of political stability in the country. The delegation therefore questioned the reasons behind President Embaló's dissolution of parliament. In addition, the delegation pointed out that, from a constitutional point of view, the dissolution contravenes article 94 of the Constitution and the relevant rules on the matter because, if the President had valid reasons for dissolving parliament, he would have to present them to parliament and its standing committee, which would have to examine them. These provisions have not been respected.

According to the delegation, the political instability and arbitrary measures taken by President Embaló, including the dissolution of parliament, the dismissal of the President of the Supreme Court and several of its members, and the lack of independence of the Prosecutor General, facilitate human rights violations in Guinea-Bissau. Anyone who dares to criticize the President may find themselves kidnapped, beaten up and detained before being released without justice being done. The delegation reiterated that the opposition of all the political parties and public opinion to the dissolution of parliament was not a choice but a necessity, given that the absence of a parliament and of all the institutions guaranteeing the rule of law in Guinea-Bissau could lead to a disastrous situation in the country.

The parliamentary delegation said that the only way out of the crisis was for parliamentary functions to resume and for there to be a gradual return to the rule of law. On the eve of its hearing, the delegation had received information that the President of the Republic might be on the verge of reaching such a conclusion, as the Prime Minister had reportedly announced the withdrawal of military forces from parliament.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the complaint concerning the case of Mr. Domingos Simões Pereira, Mr. Marciano Indi, Mr. Agnelo Regalla and Mr. Bamba Banjai is admissible, considering that the complaint: (i) was submitted in due form by qualified complainants under section I.1(a) of the Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns incumbent members of parliament at the time of the alleged facts; and (iii) concerns allegations of abduction, threats, acts of intimidation, lack of due process at the investigation stage, violation of freedom of opinion and expression, violation of freedom of assembly and association, violation of freedom of movement, arbitrary invalidation of the election of a parliamentarian, abusive revocation or suspension of the parliamentary mandate, failure to respect parliamentary immunity, other acts obstructing the exercise of the parliamentary mandate, and impunity, which are allegations that fall within the Committee's mandate;

2. *Thanks* the parliamentary authorities of Guinea-Bissau for the information provided during their meeting with the Committee on the Human Rights of Parliamentarians at the 148th IPU Assembly;
3. *Denounces* the violations suffered by the four parliamentarians, in particular the abduction of Mr. Indi, the violent attack perpetrated against Mr. Regalla and the arbitrary arrest of Mr. Banjai, violations which have so far gone unpunished even though the identity of the alleged perpetrators is known; and *regrets* the absence of serious judicial investigations into these various cases and the failure of the Bissau-Guinean justice system to protect the physical integrity of these parliamentarians and to ensure that their rights are respected, including their right to freedom of expression and assembly;
4. *Urges* the competent authorities in Guinea-Bissau to take all necessary steps to ensure that the violations suffered by these four parliamentarians are properly investigated and that the perpetrators of these crimes are held accountable; and *stresses* that offences of this kind against opposition parliamentarians, particularly if they go unpunished, encourage their repetition and contribute to a climate of impunity in which other critical voices in society can no longer be heard, with potentially serious repercussions;
5. *Expresses its concern* at the dissolution of the Parliament of Guinea-Bissau in disregard of the relevant constitutional provisions, which is likely to have serious consequences for the democratic functioning of the country; *expresses its solidarity* with the Parliament of Guinea-Bissau; *stresses* that its dissolution directly affects the individual rights of members of parliament, including its President, Mr. Pereira, and deprives the citizens of Guinea-Bissau of political representation; and *hopes*, in view of the information received at the hearing, that parliamentary functions will be restored as soon as possible to facilitate a return to the rule of law in the country;
6. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the complainant and any third party likely to be in a position to supply relevant information;
7. *Requests* the Committee to continue examining the case and to report back to it in due course.