



Inter-Parliamentary Union  
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# Guinea-Bissau

*Decision adopted unanimously by the IPU Governing Council at its 214th session  
(Geneva, 17 October 2024)*



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

## Alleged human rights violations

- ✓ 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
- ✓ Impunity

## A. Summary of the case

The present case concerns the situation of four members of the People's 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.

## Case GNB-COLL-01

**Guinea-Bissau:** Parliament affiliated to the IPU

**Victims:** Four opposition members of parliament

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

**Submission of complaint(s):** March 2024

**Recent IPU decision(s):** March 2024

**IPU mission(s):** - - -

**Recent Committee hearing:** Hearing with the delegation of Guinea-Bissau during the 149th IPU Assembly in Geneva (October 2024)

### Recent follow-up:

- Communication from the authorities: April 2024
- Communication from the complainant: September 2024
- Communication to the authorities: Letter to the Minister Director of Cabinet (September 2024)
- Communication to the complainant: September 2024

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 Mr. Agnelo Regalla, he 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 along with other supporters of his party 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 him and the aforementioned other supporters 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, he 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 the 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 People's National 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 parliamentary delegation of Guinea-Bissau, led by the Speaker of the People's National 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, as well as a second attempt in February 2022. In May 2022, the President had decided to dissolve parliament resulting from the March 2019 legislative elections and scheduled new elections for December 2022. In the end, these were not held until June 2023.

The delegation of Guinea-Bissau 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 had 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.

In their letter of 3 April 2024, the executive authorities called into question three elements: (i) the unconstitutional nature of the dissolution of the Assembly could only be judged by the Supreme Court of Justice instead of the Constitutional Court; (ii) the events that led to the dissolution of parliament were the result of the denunciation by the members of parliament of a substantial payment to contractors; and (iii) the decision by the Speaker of the Assembly to order the release of the two members of the government questioned in connection with this payment and his plan to release other detainees of the putsch of 1 February 2022. In the same letter of 3 April 2024, the executive authorities also denounced Mr. Pereira's mobilization of several members of his coalition to cause disorder in front of the Assembly building. Finally, as regards the human rights violations of the members of parliament included in this case, the executive authorities did not provide any relevant information.

On 31 July 2024, the Public Prosecutor issued a public notice ordering Mr. Pereira to report to his office by 15 August 2024 in connection with a corruption case dating back to 2015. The Prosecutor accused Mr. Pereira of fleeing from justice and the National Assembly of not lifting his parliamentary immunity.

After several months in exile, Mr. Pereira returned to Guinea-Bissau where he convened an extraordinary session with the parliamentary parties on 20 September 2024 under Article 48 of Law 1/2010 to examine and deliberate on several issues approved by the Bureau. During this meeting, the Standing Committee reiterated that the dissolution of the Assembly was unconstitutional and took a number of decisions aimed at strengthening the prerogatives of the Assembly, promoting the independence of the judiciary and improving dialogue with the President of the Republic. Following this meeting, the military forces allegedly again occupied the Assembly premises, denying access to Mr. Pereira and all the members of parliament who took part in the sitting on 20 September. Mr.

Pereira was accused of a coup d'état and was replaced by the Second Deputy Speaker of the Assembly, who is close to President Embaló.

During the 149th IPU Assembly in Geneva, the Speaker of the National Assembly, Mr. Domingos Simoes Pereira was prevented by the customs authorities from leaving Guinea-Bissau to attend the work of the IPU Assembly. A two-person delegation was nevertheless able to represent him and discussed his situation with the Committee, as well as the political context in the country.

According to the delegation, the National Assembly faced institutional challenges that prevented it from playing its role in an effective manner. Both its dissolution – considered unconstitutional by all its members of parliament – and the lack of independence of the Supreme Court, which is under the control of the President of the Republic, impede the work of the National Assembly, according to the delegation, and contribute to a resurgence of human rights violations against all its members of parliament, in particular its Speaker. The delegation stated that the violations of the Speaker's freedom of expression and assembly and the undue invalidation of his mandate were compounded by the violation of his free movement, since he was henceforth banned from travelling.

The delegation said that Mr. Pereira had been on the point of boarding a plane destined for Geneva to attend the work of the IPU and represent the Guinea-Bissau Parliament, when an official from the customs authorities informed him that he did not have the right to leave the country. This travel ban was not established in any legal document that could be contested before the courts. This decision sets a new precedent in the country, as it is the first time that the Speaker of the National Assembly has been prevented from travelling, in the absence of a legal ban. The delegation also confirmed that Mr. Pereira had been officially removed from his functions as Speaker of the National Assembly by an official from the Ministry of the Interior, who had assigned this role to the Second Deputy Speaker of the National Assembly.

Furthermore, in the context of the forthcoming legislative elections scheduled in Guinea-Bissau for 24 November 2024, the President of the Republic has reportedly established a committee to ban certain people, including Mr. Pereira and the president of the MADEM party, from participating in future elections. According to the delegation, Mr. Pereira is already disqualified, as he has not received an essential document to validate his candidature. The delegation also expressed doubt that the elections would be held on the scheduled date, in the absence of crucial institutions to guarantee free and fair elections. They said that the Supreme Court did not have a quorum and was under the control of the President of the Republic, and that the national electoral commission was not operational as the National Assembly had not been able to elect its members in 2022 because of the Assembly's first dissolution.

## **B. Decision**

The Governing Council of the Inter-Parliamentary Union

1. *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 149th IPU Assembly;
2. *Deplores* the new violations suffered by Mr. Pereira, in particular the violation of his rights to freedom of expression, assembly and movement, the undue invalidation of both his parliamentary mandate and his function as Speaker of the National Assembly, and the blocking of his future candidacy in the legislative elections for purely political reasons; and *urges* the relevant authorities in Guinea-Bissau to end the abuse inflicted on Mr. Pereira and to refrain from instrumentalizing the justice system with the aim of removing him from political life;
3. *Expresses its concern* regarding future legislative elections in Guinea-Bissau being held in a climate likely to encourage new violations against opposition members of parliament, in the alleged absence of an independent judiciary capable of protecting the rights of parliamentarians; and *calls on* the relevant authorities in the country to take all necessary measures to guarantee the fundamental rights of all parliamentarians, including the rights to freedom of expression, assembly and association, in order to guarantee that political debate reflects all opinions, including those that criticize the President of the Republic and government policy;

4. *Regrets* the lack of concrete replies from the executive authorities in their letter of 3 April 2024 concerning the abduction of Mr. Indi, the violent attack perpetrated against Mr. Regalla and the arbitrary arrest of Mr. Banjai; *deplores* the continued 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; and *urges* the relevant authorities in Guinea-Bissau to take all necessary steps to carry out serious investigations into these violations in order to ensure that the perpetrators of these crimes are held responsible;
5. *Remains concerned* at the dissolution of the Parliament of Guinea-Bissau, which has seriously impeded its work, has deprived the citizens of Guinea-Bissau of political representation and continues to affect the individual rights of members of parliament, including the Speaker Mr. Pereira; *expresses its solidarity* once more with the Parliament of Guinea-Bissau; and *hopes* for a rapid 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.