

Decision No. 5/1994 (Guinea-Bissau)

Communication addressed to the Government of the Republic of Guinea-Bissau on 20 September 1993.

Concerning: Fô Na Nsofa, Nimle Na Inghada, Buan Na Lona, Mansoa Na Nkassa and Ntampassa Na Bion, on the one hand, and the Republic of Guinea-Bissau, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with concern that till date no information has been forwarded by the Government concerned in respect of the cases in question. With the expiration of more than ninety (90) days of the transmittal of the letter by the Working Group, the latter is left with no option but to proceed to render its decision in respect of the cases of alleged arbitrary detention brought to its knowledge.

3. (Same text as para. 3 of decision No. 43/1993.)

4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Guinea-Bissau. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the cases, especially since the facts and allegations contained in the communication have not been challenged by the Government.

5. The communication, a summary of which has been transmitted to the Government of Guinea-Bissau, alleges that the five above-named persons have been held in solitary confinement, without having been charged, in the police station in the village of Banta, in southern Guinea-Bissau, since their arrest in June and early July 1993. They have been denied the right of access to counsel and their relatives have not been allowed to visit them. It is alleged that they were beaten by the police at Banta. They are said to be members of the opposition party "Resistencia da Guiné-Bissau Movimento Bafatá" (RGB-MB), other members of which are said to have been subjected in the past to arbitrary detention and other forms of harassment. According to the source, Fô Na Nsofa was arrested at his home in the village of Banta, Buba sector, on 23 June in connection with the possession of a hand-gun which he had owned for several years. The police was made aware of the existence of this gun when the son of Fô Na Nsofa (whose age was not indicated but who is said to be mentally deficient) was seen carrying it. It is alleged that Fô Na Nsofa was beaten following his arrest and apparently forced to name his "accomplices" in the crime which the authorities suspected him of having committed. This is said to have led to the later arrest of Nimle Na Inghada and Buan Na Lona on 24 June 1993 and of Mansoa Na Nkassa and Ntampassa Na Bion in the week commencing 4 July.

6. The facts, as described above, indicate that the sole ground for the detention without charge and the holding in solitary confinement of Fô Na Nsofa, Nimle Na Inghada, Buan Na Lona, Mansoa Na Nkassa and Ntampassa Na Bion is their membership of an opposition party, while all they did was freely and peacefully exercise their right to freedom of opinion, expression and association, a right guaranteed by articles 19 and 20 of the Universal Declaration of Human Rights and articles 19 and 22 of the International Covenant on Civil and Political Rights.

7. In the light of the above, the Working Group decides:

The detention of the above-named persons is declared to be arbitrary, being in contravention of articles 19 and 20 of the Universal Declaration of Human Rights and of articles 19 and 22 of the International Covenant on Civil and Political Rights and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

8. Consequent upon the decision of the Working Group declaring the detention of the persons in question to be arbitrary, the Working Group requests the Government of Guinea-Bissau to take the necessary steps to remedy the situation in order to bring it into conformity with the norms and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 18 May 1994.