

£EQUATORIAL GUINEA

@Political reform without human rights

("What do human rights have to do with democracy?")

1. Introduction

"What do human rights have to do with democracy?" Santiago Eneme, Equatorial Guinean Foreign Minister at the time, asked this question of United Nations (UN) expert Professor Volio Jiménez during his visit to Equatorial Guinea in late 1991. For over 10 years, Professor Volio Jiménez, the expert who was appointed in 1980 to assist Equatorial Guinea's government in restoring fundamental human rights, has consistently urged the introduction of democratic reforms and respect for human rights in Equatorial Guinea. Santiago Eneme's question is an indication of the government's profound indifference towards human rights.

This report describes human rights violations and related developments in Equatorial Guinea during 1992. January 1992 marked what was expected to be the beginning of a new era in Equatorial Guinea. An amended constitution which had been approved in November 1991 to allow the introduction of a multi-party political system was complemented in January by several laws governing the exercise of basic freedoms. However, the new laws were hedged with restrictions which revealed the government's reluctance to install a democratic political system or to improve its poor human rights record. No effort has been made to bring the security apparatus within the confines of any law. Security officials continue to perceive themselves as above the law. Throughout 1992 there have been further reports of senior officials actively encouraging human rights violations. In November 1992 there were alarming reports from a variety of sources suggesting that the security forces have sometimes been under instructions to kill suspected government opponents rather than arresting them. At least three people were deliberately and arbitrarily killed by security officers in October and November 1992 and one other went into hiding fearing for his life. Over 100 government critics and their relatives and friends have been subjected to harassment and many have been arbitrarily detained or restricted to their homes. Some 20 of these cases are described below. There have also been reports of prisoners being sentenced to death for ordinary crimes. At least two are known to have been executed.

In February 1992, Professor Volio Jiménez' report on his 1991 visit to Equatorial Guinea was presented to the 48th Session of UN Commission for Human Rights. The report strongly criticized the Equatorial Guinea government for its lack of commitment to improving human rights. Professor Volio Jiménez noted that the government had taken little interest in his visit and that the human rights situation had deteriorated since his last visit in November 1984. The UN Commission on Human Rights requested its Chairman to appoint a special expert to investigate and report on human rights violations by the Equatorial Guinean government and decided to consider placing Equatorial Guinea under its agenda item 12, the item dealing with violations in specific countries, at its 49th session in 1993 unless there is a significant improvement in the human rights situation in 1992. This means that if the government fails to provide convincing evidence of an improvement, a special rapporteur will be appointed at the next session of the Commission in February 1993. So far there is very little evidence that the government has taken the warning seriously.

2. Background: human rights violations before 1992

Equatorial Guinea became independent from Spain on 12 October 1968. For the first 11 years President Francisco Macías Nguema presided over one of the bloodiest dictatorships in Africa. President Macías Nguema was overthrown on 3 August 1979 by his nephew, Colonel Obiang Nguema, who promised to restore respect for human rights. However, the repressive nature of his government soon became apparent. Opposition to his rule has been severely punished and although the gross human rights violations that characterized President Macías Nguema's rule ceased, disrespect for human rights continued to cause great concern. The decade of the 1980s was characterized by sporadic waves of arrests of suspected government opponents followed by unfair trials of the alleged ring-leaders, some of whom were executed. Torture and ill-treatment of political and other prisoners was routine. In late 1990 the focus shifted as Equatorial Guineans began to call more openly for political reform. The authorities responded by systematically and arbitrarily arresting and imprisoning political activists at more frequent intervals. Ill-treatment and torture of prisoners continued as in the past. Few trials of political opponents are known to have taken place in Equatorial Guinea in the last two years, but those that have occurred have been unfair.

Until 1990 there had been little opposition to the government but political reforms elsewhere in Africa put the Equatorial Guinean government under increased pressure to liberalize the political system. Until December 1991 the only legal party was the ruling *Partido Democrático de Guinea Ecuatorial* (PDGE), Equatorial Guinean Democratic Party, led by President Obiang Nguema. Demands for political reform have come from Equatorial Guineans living in exile and from the governments of countries donating aid to Equatorial Guinea, which, more and more, have made their aid conditional on improvements in the human rights situation.

Increasingly, pressure has also come from inside the country where opposition to the government has grown more daring in the last two years.



Female members of the ruling PDGE performing a traditional dance. courtesy of Antony Goldman

Since late 1990 hundreds of people suspected of favouring a multi-party political system have been imprisoned. One of the first to be arrested was **Antonio Ebang Mbele Abang**, the former Vice-President of the *Cámara de Representantes del Pueblo* (Chamber of People's Representatives) the Equatorial Guinean parliament. He was arrested in late November 1990 apparently for refusing to endorse the ruling party's view that Equatorial Guinea should remain a one-party state. Many others suspected of advocating political pluralism were detained during 1991¹. Some were detained for a few days only while others were imprisoned or confined to their homes or villages for longer periods. Others were arrested, released and re-arrested. Many of those who were imprisoned were tortured. In 1992 this pattern of arbitrary arrests, torture and ill-treatment of political activists has continued. It appears that the government has not yet accepted that its political reforms are virtually meaningless as long as they restrict fundamental freedoms and as long as the authorities continue to regard themselves as being above the law.

¹See *Equatorial Guinea: Arrests of pro-democracy activists - a changing pattern of human rights violations* (AFR 24/03/91)

3. The amended Constitution and related laws

In response to international and internal pressure for political reform, the Equatorial Guinea Constitution was amended in November 1991 and a number of laws were passed in January 1992 to give effect to its provisions. While this may be seen as a step forward, at close examination the lack of political will to protect human rights becomes patent. Many important rights contained in the previous Constitution of 1982 were curtailed by the 1991 amendments. Some, such as the prohibition of torture and the right not to be arbitrarily arrested, were deleted. The amended Constitution was adopted after a referendum in which few people dared vote against it.²

Although the new Constitution contains new freedoms, such as the right to strike, generally the human rights provisions fall far short of the minimum standards established under international human rights law, including the African Charter of Human and Peoples' Rights and the International Covenant on Civil and Political Rights, to which Equatorial Guinea acceded in August 1986 and September 1987 respectively. Nor does the Constitution contain any guarantees against the erosion of constitutional rights by the state. It gives the Head of State the power to suspend all rights when danger, which is not further defined, is imminent. He also has the power to appoint Supreme Court judges, who serve for a period of five years. Supreme Court judges do not enjoy security of tenure as they can be dismissed any time at the will of the President. The Constitution places President Obiang Nguema above the law by exempting him from being prosecuted or called as a witness in respect of acts committed before, during or after his term as President.

The laws approved in January 1992, far from increasing constitutional rights, actually restricted the exercise of the rights they purported to protect.

The *Law on Political Parties* (Law No. 3/1992 of 6 January 1992) gave automatic recognition to the ruling PDGE, but new political parties were required to pay a deposit of 30 million CFA Francs (equivalent to 2,000 times the average yearly salary). Provincial Governors were empowered to stop any act of a political party which they believed might disturb the peace. Parties could be banned for various reasons including their failure to present candidates to

² The authorities claimed that the amended Constitution was approved by over 98% of the electorate in a referendum, but many people were forced to vote in its favour: at some polling stations slips marked "no" were not available and voting was not secret as even when the slips were folded the red "yes" or black "no" was visible through the paper.

contest a general election. Owing to the stringent conditions imposed, by October 1992 only six parties had been given provisional permission to operate pending full recognition. However, in response to the demands of opposition parties some of the most restrictive articles of the law have been removed.

Under the *Law on Freedom of Assembly and Demonstration* (Law No. 4/1992 of 6 January 1992) official permission is required for gatherings of more than 10 people and the organizers of gatherings can be imprisoned for crimes committed by other members of the gathering.

The law on the *Exercise on Freedom of Religion* (Law No. 4/1991 of 4 June 1991) which was amended in January 1992 includes clauses which make it an offence for ministers of religion to criticize or even question government action or policy and oblige them to maintain "good relations" with the state. Since the passing of the law in 1991 some ministers of religion have complained of death threats and attempts to arrest them.

These legal reforms conceding limited freedoms of expression and association have not been backed up by any guarantees to protect those who try to exercise their new freedoms from arbitrary arrest, imprisonment and torture.

Whatever the changes in law, little improvement in the human rights situation in Equatorial Guinea can be expected while the military and security forces are accountable only to a narrow political elite which includes close relatives of the President. The security apparatus, known as *Seguridad Nacional*, National Security Police, which apparently has no basis in law, comprises Equatorial Guinean military and police in addition to a Presidential Guard composed of Moroccan soldiers. The functions of these three forces overlap. The Moroccan guards, who are estimated to number between 600 and 800, were seconded to Equatorial Guinea under a bilateral agreement with the Kingdom of Morocco. Moroccan soldiers, together with Equatorial Guinean soldiers, are found all over the country manning barriers at crossroads and supervising prisons. The top positions in the National Security Police are held by a small group of high ranking military officers and government ministers, including some women. It is often these high-ranking officials who order arrests and the torture of prisoners.

4. The human rights situation since political reforms in November 1991

a. Short-term arrests in late 1991

Following the approval of the new Constitution of November 1991 the Equatorial Guinea government called on all exiles to return to the country to participate in the democratic process³. Hundreds of political opponents who responded to the invitation and returned from neighbouring Gabon in November and December 1991 were arbitrarily arrested on arrival and kept in prison for weeks without charge. After their release many were ordered to go to their villages and to remain there. They were forbidden to take part in political activities other than those in support of the PDGE. Apparently, a group of about 60 exiles, members of the then underground **Unión Democrática Social** (UDS), Social Democratic Union, returned to Bata from Gabon in canoes in November 1991. Without warning, the national police began to arrest all those they chanced upon, so they had to seek refuge in houses in the city. During his visit to Bata, on 2 December 1991, Professor Volio Jiménez was able to see two of the detainees, both members of the UDS, in the presence of the police. They told him they had vainly sought official permission to return and that following their arrest they had been interrogated and held incommunicado. In 1992 there have been further reports of harassment, arrest and restrictions to their homes of those who have returned from abroad.

b. The pattern of human rights violations in 1992

To complement the new laws, an amnesty was promulgated on 6 January 1992 for all political offences committed before 2 December 1991. Four prisoners of conscience, **Pedro Bacale**, **Joaquín Elema Borengue**, **Gaspar Mañana** and **Francisco Bonifacio Nguema Mba**, who were among a group of nine people convicted in an unfair trial in September 1988 for allegedly attempting to overthrow the government, were released⁴. Others who had been arrested throughout 1991 and arbitrarily imprisoned or restricted to their houses or villages, were also released under the terms of the amnesty. However, those who were released from prison were ordered by the prison authorities to return to their villages regardless of their place of residence or else face re-arrest. A number of people who had been restricted to their villages or placed under house arrest throughout 1991 did not have the restrictions officially lifted. They included **Ricardo Nvumba**, who had been restricted to his village and placed under house arrest in March 1991 for allegedly signing a letter which was addressed to President Omar Bongo of Gabon asking for his assistance in bringing democracy to Equatorial Guinea. Although he is no longer resident in his village, his restrictions had apparently not been lifted by October 1992.

³ Although exact figures are not available, the number of Equatorial Guinean refugees has been estimated at around 100,000 - approximately of the population. Unofficial sources claim there are about 60,000 in Cameroon and Gabon and at least 30,000 in Spain.

⁴ For more details on their cases see *Equatorial Guinea: Six prisoners of conscience* (AI Index AFR 24/04/90)

Pedro Motu Mamiaga, who was arrested in early December 1991, imprisoned in Bata and later transferred to Malabo, refused to return to his village and was reportedly rearrested in late February 1992. He was briefly imprisoned and then forcibly sent to his village where, apparently, he remains. According to some reports he was made to pay his own fare to Bata.

Despite the amnesty law, promises of democracy and the passage of laws purporting to increase civil and political rights, the authorities continue to suppress any expression of criticism or dissent. During 1992 Amnesty International has received further reports of the arbitrary arrest and harassment of political activists and people suspected of opposing the government, as well their relatives and friends. Such people are arbitrarily arrested and held for varying lengths of time without charge. Incommunicado detention remains common practice and detainees are unable to challenge their detention through *habeas corpus* and *amparo* procedures as no laws have been passed to give effect to these constitutional provisions⁵. Restriction orders compelling people to remain in their homes or villages, which appear to have no basis in law, are also used to intimidate political opponents. There is further evidence that those arrested since the introduction of a multi-party political system continue to be systematically tortured by members of the security forces who carry out the arrests. Senior members of the government usually order the arrests without any reference to the courts. There is substantial evidence that they are not only aware of, but sometimes encourage, torture or ill-treatment.

c. The case of Plácido Mikó Abogo

Plácido Mikó Abogo was among the first people to be arrested following the introduction of a multi-party political system. He is one of the leaders of the *Convergencia para la Democracia Social* (CPDS), Convergence for Social Democracy, a political party formed in Equatorial Guinea in January 1991. He is also the editor of the party's newspaper *La Verdad* (The Truth). His case is described in some detail as it illustrates the authorities' persistence in flouting their own laws in order to stamp out legitimate political expression.

Plácido Mikó Abogo was arrested in the afternoon of 9 February 1992 in the street in Malabo (the capital of Equatorial Guinea on Bioko island) by more than eight military officers and some security personnel. Neither of these forces is empowered to arrest people - this power is conferred on the police only by the Public Order Law No. 8/1981 of 9 June 1981. Nevertheless, soldiers and security officers regularly arrest people and

⁵ *Habeas Corpus* allows a detainee or anyone acting on his or her behalf to challenge the legality of the detention and *amparo* allows anyone whose constitutional rights have been infringed, or anyone acting in the victim's name to petition the court, to have those rights restored.

evidently consider themselves to be above the law. Plácido Mikó's arrest followed the interception at Malabo airport the previous day of a parcel containing CPDS documents and letters signed by him which a passenger was to take to Spain. Plácido Mikó and **Celestino Bacale**, another member of the CPDS and contributor to *La Verdad*, had personally taken the documents to the airport, but no attempts were made to arrest them there. The interception of the parcel blatantly violated the privacy of correspondence which is guaranteed by Article 13 (g) of the new Equatorial Guinean Constitution. When Plácido Mikó demanded to see the arrest warrant and refused to go to the police station he was immediately overpowered by several military and security officers who pointed their guns at him and, in the presence of eye-witnesses, started kicking him in his head and other parts of the body, causing him severe injuries. Eye-witnesses claim that Plácido Mikó Abogo did not resist arrest - indeed, he was not in a position to do so - although he was later charged with that offence.

Four other members of the CPDS, who heard that they too were about to be arrested - **Celestino Bacale**, **José Luis Nvumba**, a lawyer and former director of the ministry of justice and the son of Ricardo Nvumba who had been confined to his village following his arrest in March 1991, **Arsenio Molonga** and **Fernando Abaga** - took refuge in foreign embassies and the Malabo office of the United Nations Development Programme (UNDP). The four left their refuge after signing statements which accused them of insulting the Head of State. They were not allowed to leave Malabo.

Following his arrest, Plácido Mikó Abogo was taken to the National Police Headquarters, which is also Malabo's main police station, where he was briefly questioned several times. In the face of his refusal to admit to the accusations of resisting arrest and assaulting members of the security forces he was threatened by a senior security officer who, reportedly told him that "tonight you are going to sing". Later that night he was taken out of the police headquarters and brutally tortured in the presence of senior government officials. He testified later that he had his arms and legs pulled behind his back and tied. A metal bar was then passed between the bent elbows and legs and he was suspended. He was then beaten and kicked while he was hanging from the bar. After the torture he was taken in a semi-conscious state to a security cell in Black Beach prison, Malabo's main jail (see map on page 19) where he was kept by himself in a cell, without a single relative or friend being allowed to visit him, until his release on 3 June 1992. He did not receive medical treatment for the injuries sustained as a result of the beatings and torture. The officer in charge in Black Beach prison gave him some form of first aid treatment but made him pay for it.

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Plácido Mikó Abogo, who was arrested in February 1992

April. He asked for the assistance of legal counsel but was told that he did not need a lawyer until he had been charged. He complained to the judge in charge of pre-trial procedures that he had been denied access to legal counsel and that he had been subjected to torture by the police. His complaints were not registered in the statement. Furthermore, important documents had been removed from his file. He was not given access to legal counsel until a few days later. From the start his defence counsel met with numerous obstacles which made communications difficult. A prison guard was always present at the interviews and often prison officials had to be bribed to ease the obstructions. The lawyer's petition of *habeas corpus* and *amparo* on behalf of Plácido Mikó was turned down.

On 27 April Plácido Mikó, José Luis Nvumba, Celestino Bacale, Fernando Abaga and Arsenio Molonga were formally charged with insulting the Head of State and resisting arrest. José Luis Nvumba and Celestino Bacale were arrested immediately after they were charged and were held in Black Beach prison until they were released, untried, on 3 June. Arsenio Molonga and Fernando Abaga evaded arrest once again by remaining in the offices of the UNDP where they worked. The trial of the five, which was to be before a Malabo court was scheduled for early June. An Amnesty International delegate travelled to Malabo to observe the trial but a few days after his arrival the prisoners were released. Plácido Mikó and his co-

defendants received a special pardon on 3 June on the occasion of President Obiang Nguema's 50th birthday. As a pardon is a measure of clemency granted to those who have been found guilty by a court, and as neither Plácido nor the other accused had been convicted of any crime, this "pardon" made a mockery of their fundamental right to be considered innocent until proved guilty.

A number of people who had been convicted in unfair trials in previous years were also released as a result of the pardon on 3 June. Among them were **Andrés Ondo Mayé** and **José Eneme**. Both had been convicted after unfair trials of offences which were not in themselves political but had, in fact, been imprisoned for political reasons. It has been common practice in Equatorial Guinea for prisoners arrested for political reasons to be charged with ordinary criminal offences. Some are tried by civilian courts, under procedures which do not guarantee fairness; others are tried by military courts with even fewer safeguards for defendants.

Andrés Ondo Mayé was charged on 7 July 1991 with false testimony, defamation and threats against a private citizen but he was not imprisoned until after his trial which was held on 19 July 1991. The charges against him arose when he complained to the authorities that a certain person had made death threats against members of his family⁶. Under Equatorial Guinean law an action of defamation and insult can only be initiated by the plaintiff, which did not occur in this case. Indeed, the plaintiff himself was convicted, at the same trial, of making the threats and given a six-months' prison sentence while Andrés Ondo Mayé was sentenced to three years' imprisonment. Furthermore, despite the fact that they were civilians charged with common criminal offences, Andrés Ondo Mayé and his co-defendant were tried by a military court

José Eneme was Equatorial Guinea's consul in Douala, Cameroon. He was known to be critical of the government and was suspected of having ties with government opponents. He was arrested in January 1990 and accused of causing the death of the vice-consul, who died in a car accident, by using magic. The government often accuses political opponents of using a form of magic, known as "*kong*", in order to justify their imprisonment. Jose Eneme was very badly tortured in prison. He was tried in May 1990 by a civil court and sentenced to death, but his sentence was subsequently commuted to life imprisonment.

d. Other short-term arrests in 1992

⁶ Andrés Ondo Mayé is the brother of two prominent government critics, a Catholic priest whom the authorities have reprimanded several times for allegedly disseminating political propaganda from the pulpit, and a former ambassador to Moscow who was briefly placed under house arrest in 1991 following the appearance in the streets of Malabo of pamphlets criticising the government.

Scores of people have been arrested for political reasons all over the country in 1992. Some had openly declared their opposition to the government while others were presumed to be opponents by virtue of their kinship ties with members of opposition parties. The government continues to accuse political opponents of criminal offences and of using "*kong*" to imprison them. It uses the Political Information and Awareness Committees set up by the PDGE in February 1991, ostensibly to explain the process of democratization to the population, as an instrument of intimidation whose object appears to be to prevent members of the PDGE from defecting to other parties. The cases described below relate mainly to people arrested in Malabo and Bata. They are among scores of people who were arrested throughout the country in 1992.

In April **Andrés Angue Abeso**, an elder of the Sen-Esason village council, was accused of using magic against the authorities. He was severely thrashed and tied to a pole and left in the sun for five hours. **Andrés Essi**, from the same village, was punished for not treating the Political Information and Awareness Commission with due respect. In Bata a man was apparently detained for non-payment of his fees to the ruling party and for defecting to another party. He was released after 48 hours but was reportedly threatened with unspecified punishment if he renounced his PDGE membership.

Eusebio Elá Ovono, a French teacher, and two students, **Tomás Eyá Oná** and **Juan Esono Obiang**, were arrested in Malabo on 20 May 1992, apparently because they are related to the president of an unregistered opposition party. They are apparently still being held without charge or trial.

Pilar Mañana was arrested in the afternoon of 10 June 1992 as she was fanning herself with a copy of the CPDS newspaper *La Verdad* in her bar in Malabo which is frequented by members of opposition parties. Apparently she was arrested for being in possession of the newspaper. An additional reason for her arrest was probably the fact that Pilar Mañana is the aunt of Jose Luis Nvumba Mañana, who had been released from prison a week earlier, and the sister-in-law of Ricardo Nvumba who had been restricted to his village for political reasons in 1991. The two plain-clothes security officers who arrested Pilar Mañana did not identify themselves and failed to produce an arrest warrant. Her arrest occurred after a customer, said to be a police informer, saw another woman in the bar reading *La Verdad* and called the police. Pilar Mañana and her 16-year-old daughter Raquel, who was not arrested, were beaten and roughly-handled by the arresting officers.

Following her arrest Pilar Mañana was taken to the police station where she remained until Saturday 13 June 1992 when she was released and ordered to appear in court the following Monday to be charged. After waiting all day in court she was taken to Black Beach prison still uncharged. There Pilar Mañana fell sick - she suffers from hypertension (high blood pressure) and arthrosis (a degenerative disease of the joints, a form of arthritis). She was taken to hospital

two days later where she remained under guard until 27 June when she was taken back to prison on the direct orders of the Director General of Security and against medical advice. She was made to walk the short distance from the hospital to the prison and fainted half way. Inmates from the prison were called and had to carry her the rest of the way to prison. Pilar Mañana was reportedly held incommunicado until 29 July 1992 when she was formally charged with slandering and insulting the Head of State and resisting arrest, almost identical charges as those made against Plácido Mikó and his co-defendants. Pilar Mañana did not have access to medical attention while she was in prison. She was released, apparently unconditionally, in late August 1992.

In early June two political parties were provisionally legalised: the *Convención Liberal Democrática* (CLD), Liberal Democratic Convention and the *Unión Popular* (UP), Popular Union. A few weeks later five members of the CLD were reportedly arrested in Mbini, in the continental part of Equatorial Guinea, and held in Bata prison for over a month. They were released uncharged in late July.

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Members of the CLD holding their first meeting. Courtesy of Antony Goldman

Ebebiyín and M Micomeseng and held in Bata until they were released uncharged in late August. According to reports they were arrested for holding a meeting which the authorities claimed was illegal. Those arrested included **Jose Martínez Bikie**, the provincial coordinator of the UP who had been released from prison a few days earlier. This time he was reportedly

accused of suggesting, while he was in detention after his previous arrest, that another prisoner, a soldier, should kill an army officer.

Some reports indicated that **Pedro Motu Mamiaga**⁷, also a member of the UP, was among those arrested. However, other reports imply that because he feared arrest he went into hiding. He was apparently still in hiding at the end of October 1992.

Benjamín Balinga, the leader of the *Partido Social Demócrata* (PSD), Social Democratic Party, and brother of well-known government opponents, was arrested in August 1992, ostensibly for not paying a debt, and was held in Black Beach prison. He was released

see *Equatorial Guinea: Arrests of pro-democracy activists - a changing pattern of human rights abuses* (AFR 24/03/91) for details about his previous arrest.

uncharged in the second week of September. Benjamín Balinga had borrowed some money from a private citizen shortly before he fled the country for political reasons in late 1990. He returned to Equatorial Guinea in January 1992 and was reportedly detained then for a short period of time. He went to Malabo in May 1992 and made it known that he intended to repay his debt as soon as he received a sum of money he was expecting. In June, fearing arrest, he went into hiding: he was arrested in August. Opposition sources believe that the authorities had ordered Benjamin Balinga's arrest to prevent him using the money to finance the activities of his political party. His wife, **Mercedes Balinga**, was detained from 20 to 25 June 1992. Apparently her arrest was ordered by a judge who, by detaining her, hoped that her husband would emerge from hiding. The PSD was provisionally legalised at the beginning of September and Benjamín Balinga was released some weeks later. However, on 31 October two other members of the party, **Marcos Nguema Ntutumu** and **Fernando Nguema Nsomo**, were reportedly arrested in Akonibe, in the hinterland of Río Muni province on the mainland, for trying to set up a PSD office there. A month later they remained detained without charge at Akonibe's police.

On 1 September 1992 the police raided the office of the *Partido del Progreso de Guinea Ecuatorial* (PPGE), Equatorial Guinea Progress Party, in Malabo. The PPGE had been openly operating in Equatorial Guinea for several months prior to obtaining official recognition on 16 October 1992. The raid on its office occurred after 10 opposition parties, including the PPGE, set up a *Plataforma de Oposición Conjunta* (POC), Joint Opposition Platform. Sources close to the PPGE said that on that day a young man, whom they believed to have links with the security forces, entered the party's office saying he wanted to buy the party's newspaper. The man suddenly began to scream and 20 policemen arrived immediately and then beat and arrested 18 people -all those present except the customer. Those arrested were severely beaten. The police then ransacked the office and took away the files containing the names and other details of PPGE members. Eleven other PPGE members were arrested in the following four days.

The majority of those arrested were held at the Directorate of National Police for a few days and then released uncharged. However, eight of the detainees, **Demetrio Alfara, Tomás Buechecu, Julio Esono, Enrique Ndong, Felipe Ndong, Pablo Ndong, Gaspar Ondo** and **Guadalupe Ngue**, a woman, were taken to Black Beach prison. Apparently the eight were later charged with disturbing public order but they were never brought to trial. They were released on 21 October 1992, five days after the PPGE was legalized. All 29 detainees were reportedly subjected to beatings on the soles of their feet while held at the Directorate of National Security and one, Guadalupe Ngue, was still unable to walk some weeks later. There are also unconfirmed reports that between 60 and 100 military officers have been confined to their barracks as a result of the police seizure of the PPGE's files because they are suspected of belonging to the PPGE.

Felipe Ndong Ecua, a former sergeant with the customs police, has been arrested several times in recent years. He was arrested in August 1988 with other members of the PPGE for allegedly attempting to overthrow the government but was soon released untried. Later he was arrested again and confined to his village but he subsequently escaped and fled the country. He returned to Equatorial Guinea after the January 1992 amnesty. Since his return to Equatorial Guinea he had reportedly been detained for short periods on at least three occasions. He is believed to have been badly tortured following his arrest on 1 September 1992.

In late October two Spanish businessmen who were long-term residents in Equatorial Guinea, **Salvador Vilarrasa** and **Santiago Hanna**, were arrested in Bata and charged with conspiring to overthrow the government. Their arrest occurred after they had imported four lorries and some items of clothing which had been previously used by the Dutch army, for which they had a license from the Equatorial Guinea government. The imported items had apparently been certified as of non-military use by the Dutch authorities. Salvador Vilarrasa and Santiago Hanna were tried and convicted on 25 November by a military court. Their trial was blatantly unfair. A week before the trial their Spanish defence lawyer was refused a visa to enter the country and the Equatorial Guinean lawyer who took over their defence had only two days to prepare the case. Furthermore, no evidence was presented in court to support the charge against both men or to suggest that the items imported were to be used to overthrow the government. They were sentenced to 12 years' imprisonment and ordered to pay a fine equivalent to 60.000,000 Spanish pesetas (about US\$ 200,000) each. Although their prison sentences were subsequently commuted by the government, they were forbidden to leave the country until they paid the fine.

All the arrests described above were arbitrary and a violation of human rights. They were carried out by military and security officers and in most cases seemed to have been ordered by senior political figures rather than judicial officials. The detentions which followed such arrests paid little attention to the detention procedures set down by the law, as both arrests and releases seem essentially to have been the result of political decisions.

5. The use of torture

Torture has been used routinely in Equatorial Guinea to make prisoners confess to offences they did not commit or as a form of punishment. Where political prisoners are concerned there are consistent and well substantiated reports that the group of senior government officials who appear to control the security apparatus often attend torture sessions; they are even alleged to participate in acts of torture. In the past there were numerous allegations that Moroccan soldiers actively participated in torture. However, in 1992 those allegations were less frequent.

Nevertheless there have been reports in 1992 that Moroccan soldiers have been present sometimes when prisoners were being tortured.

Although political prisoners are particularly singled out for torture, prisoners suspected of ordinary offences are also subjected to torture. The practice of torture in Equatorial Guinea was described in detail in an Amnesty International report in August 1990.⁸ The report recommended the introduction of specific safeguards against torture but, regrettably, the government has ignored these recommendations. One of the recommendations was that an independent and impartial body should be set up to examine reports of torture. In response, the government set up a Human Rights Commission to examine complaints of abuses but this Commission has been ineffective. Its members are predominantly government officials and National Assembly representatives appointed by President Obiang Nguema and it is therefore unable to act or to be seen to act independently or impartially. Torture continues unabated and torturers continue to act with impunity.

In 1992 there were further reports about the systematic torture of both political and other prisoners. The methods used to torture Plácido Mikó Abogo and the PPGGE members whose cases are described above are typical of those reported in previous years - beatings with batons, whips and truncheons to the soles of the feet, back and buttocks, electric shocks applied to genitals and hanging prisoners by their feet or arms in the air. The following examples of torture in non-political cases are based on information received since June 1991.

Diosdado Abaga Nvó died after being severely tortured. He was detained on 29 June 1991 by three policemen. He had apparently attempted to recover 50,000 CFA Francs (approximately US\$ 3,600) which he had lent to the Governor of Luba, a town on Bioko island. His wife claimed that he had been interrogated by policemen and civilians under the direction of a sorcerer who accused him of using "kong". He died in hospital three days after his arrest, apparently as a result of torture. A military court subsequently sentenced two policemen who had taken part in the interrogation to three years' imprisonment but they were reportedly still free in November 1992. The alleged sorcerer, apparently the sister of a government minister, received a six months' suspended sentence. Diosdado Abaga Nvó's wife and sister were also reportedly beaten by security officials after they protested about Diosdado Abaga Nvó's torture, and as a result one of them suffered a miscarriage.

Teófilo Ndongo Nguema and **Venancio Ebezogo** were reportedly tortured in the police station in Bata following their arrest in Niefang on 21 December 1991 on suspicion of theft. In January they were taken to Black Beach prison in Malabo where they remained without charge or trial in November 1992.

⁸*Equatorial Guinea: Torture (AI Index: AFR 24/05/90)*

María Nieves Olomo Asún was also tortured while she was in police custody after her arrest on 23 May 1992, which followed a quarrel in which another woman was injured. She was held in the police station for five days. On 27 May she was taken to Black Beach prison. There had been no report of her having been tried or released by the end of October 1992.

In November scores of people were arrested throughout the county for suspected political dissent. Following a reportedly peaceful student demonstration in Bata on 24 November to protest against the harassment of some teachers by the security forces, 40 students and teachers were arrested and held for a few days at the police station. All were reportedly tortured or ill-treated in police custody, including an eight-month pregnant woman. Furthermore, the women among the students were said to have been made to dance naked in front of security officers. Reports from several sources indicate one of the demonstrators, **Alfredo Bijuán**, a member of the *Unión de Trabajadores y Estudiantes* (UTE), Workers and Students Union, was sought by the security forces and went into hiding, fearing for his life.

Although torture is most commonly inflicted on detainees while they are in police custody following their arrest, there have been reports of convicted prisoners, particularly common criminals, being taken out of prison by the security forces and tortured. **Esteban Juan Mbomio Nchama**, a prisoner sentenced to four years' imprisonment in June 1988 for selling weapons, was reportedly tortured on the night of 8 June 1991 by a group of security officers who questioned him about fellow prisoners accused of murder. He was taken to a police station where he was blindfolded, tied hand and foot, beaten on the head and body, and then suspended by the wrists for six hours, when his left arm was broken. The next morning members of the group of senior officials involved in security matters went to the police station and one reportedly asked why the prisoner had not been shot. The prisoner was later taken back to Black Beach prison where he spent seven months in a punishment cell. He received no medical attention.

A prisoner recently released from Black Beach prison claimed that he had been forced to stand for hours under a dripping water tap. This is the first time Amnesty International has heard of this method being used in Equatorial Guinea. It is not only very painful but it can lead to insanity.

6. Prison conditions

Prison conditions in Equatorial Guinea are extremely harsh. This appears to be due mainly to the government's lack of will to ensure that prisoners are treated humanely. Although prisons in

Equatorial Guinea are administered by the Ministry of Justice, they are effectively under military jurisdiction. Prison officials of all ranks are soldiers or security officers and as many as half of the guards at all prisons are Moroccan soldiers. The authorities have justified military and security control of prisons by saying that most prisons are within military compounds and Black Beach prison in particular is situated in the grounds of the Presidential Palace. The Minister of Justice appears to lack the power to ensure that prisoners are not subjected to torture or conditions which amount to ill-treatment.

In recent years Amnesty International has been able to build up a picture of the conditions that prevail in prisons, based on the detailed information provided by former prisoners. Understandably the best documented prisons are those in Malabo and Bata where conditions are appalling and where there is but a flimsy division between political and common-law prisoners and between male and female inmates. Conditions for the latter are even harsher than for men. In both Black Beach and Bata, women, usually four or five, are kept in a small cell in one corner of the prison, without effective separation from the men and vulnerable to all kinds of abuses. They also lack separate sanitary facilities. Women prisoners, most of whom are in prison for failure to compensate their husbands following separation or divorce, are forced to work as servants in the houses of ministers and to sell sexual favours to prison guards to pay for their keep and to repay their debts. They are constantly harassed by guards and other prisoners and cases of rape are known to occur. Basic facilities for all prisoners are conspicuous by their absence and they have to rely on food and other items provided by relatives or friends. The daily food ration consists of one piece of bread and water for breakfast and supper; occasionally a tin of sardines is added to the menu.

There are no medical facilities in any of the prisons: a medical orderly, usually with no medical training, visits at a prisoner's request. Prisoners rarely have access to qualified doctors or to hospital treatment. **Gaspar Mañana**, one of the four prisoners of conscience unfairly convicted in 1988 for his involvement in an alleged attempted coup, complained to Professor Volio Jiménez in December 1991 that he was denied medical treatment for his ailments and had to be treated with traditional methods by one of the women prisoners. Family visits are also sporadic and prisoners often have to pay prison officials to allow families to visit. Some reports suggest that since mid-June 1992 the families of prisoners in Black Beach prison have had to show their PDGE membership card, instead of their identity card, in order to visit or bring food to their relatives.

Political prisoners are normally kept in individual cells within one of the large buildings where conditions are slightly better than those experienced by common-law criminals. Nevertheless, prison cells in both Malabo and Bata are small and lack the most basic facilities. Pedro Motu Mamiaga was kept in solitary confinement in Black Beach prison for about a year in a cell which measured about 1 x 1.5 metres. He was unable to move about and was only

allowed out of his cell for washing once a week. Such conditions are a clear violation of the international minimum standards for the treatment of prisoners.

Although forced labour is forbidden by Equatorial Guinean law, prisoners, particularly common-law criminals, are forced to work in the plantations belonging to the President and other senior government officials. Normally political prisoners are not forced to work but following their imprisonment in late April 1992 Jose Luis Nvumba and Celestino Bakale were forced to work cutting weeds with a machete in the palace grounds. According to reports, people arrested and detained without charge in Black Beach prison and the National Security Directorate in Malabo are also routinely forced to work in plantations and building houses for senior government officials.

7. The use of the death penalty

No death sentences are known to have been passed for political offences since 1988 when two soldiers were sentenced to death,⁹ but had their sentence commuted, for allegedly trying to overthrow the government. However, Amnesty International has learnt that the death penalty has remained mandatory for murder and that executions are often carried out within a few hours after the sentence is passed. Although the organization has been informed that several common-law criminals have been sentenced to death and executed since 1990, few details are available as the cases did not receive publicity. However, there are reports that at least two people convicted of ordinary crimes were executed between September and November 1992 in Bata. One, **Angel Marcos Asumu Esono**, a cook in the Presidential palace in Malabo and a member of the Presidential Security Guard, was convicted of murder and sentenced to death by a military court in Bata on 30 November 1992. Those convicted by military courts have no opportunity to exercise their internationally recognized right of appeal. He was reportedly executed only two hours after being sentenced.

6. Recommendations

Amnesty International has repeatedly brought its concerns about individual victims of human rights violations to the attention of the government and has repeatedly urged the authorities to introduce and implement safeguards to prevent arbitrary arrests and detention, torture and ill-treatment and unfair trials. These recommendations have largely been based on the provisions of the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights which the government pledged itself to respect in 1986 and 1987. However,

⁹ see *Equatorial Guinea: Six prisoners of conscience* (AFR 24/04/90)

as this report shows, where the government has introduced reforms, these have been largely cosmetic and have been followed by repeated violations of the rights concerned.

Amnesty International would welcome any practical steps to introduce into law the human rights safeguards which are central to any meaningful political reforms and, more importantly, to put them into practice. As a first step towards more far-reaching reforms, the government should immediately:

- ! stop detaining people for expressing their non-violent political views;
- ! stop arbitrarily arresting people suspected of criticizing government policies;
- ! stop torturing prisoners;
- ! ensure that detainees have prompt access to their families and to legal counsel, who should always be present during interrogations;
- ! ensure that any official suspected of committing human rights violations, such as those described in this report, is brought to justice and fairly tried.

Amnesty International would welcome any practical reform in Equatorial Guinea which leads to the protection of fundamental human rights, in particular any steps to implement the provisions of the international human rights standards to which Equatorial Guinea is a party. Such reforms remain conspicuous by their absence.