



HUMAN RIGHTS ANNUAL REPORT OF EQUATORIAL GUINEA 2015



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EQUATORIAL GUINEA

HUMAN RIGHTS REPORT 2015/EG JUSTICE

BACKGROUND

There were numerous reports of human rights violations throughout the year, including arbitrary arrest and detention, unlawful detention of children, repression of fundamental freedoms such as freedom of expression, assembly, association and movement.

State institutions remained largely a façade behind which the presidential family monopolized all decision-making authority: even key state institutions, such as the government and the judiciary, are commonly dissolved and reconstituted at the president’s whim.

President Obiang disavowed commitments made to the Community of Portuguese Speaking Nations, and stated that he would oppose efforts to abolish the death penalty in Equatorial Guinea. During the same televised public address at the national convention of the ruling Partido Democrático de Guinea Ecuatorial – PDGE (Democratic Party of Equatorial Guinea), President Obiang suggested that the time had arrived to start punishing thieves by severing their tendons, so they can be recognizable in the streets.



President Teodoro Obiang Nguema Mbasogo during the 3rd extraordinary congress of the ruling Partido Democrático de Guinea Ecuatorial.

SUMMARY OF POLITICAL DEVELOPMENTS

Equatorial Guinea hosted the African Cup of Nations –AFCON- football games in January and February after Morocco, the designated host, withdrew its support citing concerns over the potential spread of the Ebola virus. Political opponents and civil society activists criticised

President Obiang's hasty decision to host the games, on the basis of the high non-budgeted expense to the country and the high risks posed by the Ebola virus.

A package of laws highlighted in November 2014 during the Round Table for National Dialogue—between the government and some political parties and civil society organizations—was amended by the government without discussions and promulgated in May. The laws, which regulated political parties, freedom of assembly and association, presidential and senate elections, reflected only minor amendments to existing laws. A month later, the political party *Unión de Centro Derecha* - UCD (Union of Centre Right) was legalized. In November, the political party *Ciudadanos para la Innovación* – CI (Citizens for Innovation) previously known as *Candidatura Independiente* (Independent Candidature) was legalized. The authorities had refused to legalize the party under its original name alleging that it was too confusing. In total, two political parties received legal status in 2015.

President Obiang unexpectedly dismissed the entire government in April, ostensibly in order to reduce its size, only to reshuffle and re-appoint the same cabinet members, with the notable exception of the Minister of Education, Lucas Nguema Esono. Then, in May, the President dissolved the entire judiciary, berating them as corrupt and a hindrance to foreign investment. For a month the country was left with no functioning judiciary, which resulted in a number of human rights violations.

The President promoted his eldest son and apparent successor, a civilian, “Teodorín” Nguema Obiang Mangué, to army colonel. In September, despite the unconstitutionality or questionable legal underpinnings for the post of Second Vice-President, Teodorín Nguema went on to represent the Head of State, his father, at the UN 70th General Assembly.

Notwithstanding the settlement reached in 2014 between the United States Department of Justice and Teodorín Nguema in the civil asset forfeiture case against US-based properties purchased by the Second Vice President, investigations in France and Spain into allegations of corruption and money laundering by President Obiang and his family continued. According to press reports, in January judicial investigators in France concluded that Teodorín Nguema had

laundered several hundred million Euros, the proceeds of illegal commissions charged to the public purse and to foreign enterprises. The investigation was completed in August and the case referred to the prosecutors for their decision, still pending at year-end.

In Spain, investigations regained strength, following the arrest and extradition from Panama of Vladimir, Julia, and Igor Kokorev, described by the Spanish judicial authorities as [“frontmen for high-level politicians from Equatorial Guinea who divert public funds.”](#)

Meanwhile in February, the Brazilian Federal Prosecutor’s Office opened a money-laundering investigation into an alleged donation by the family of some US \$3.5 million to the Rio de Janeiro samba school *Beija Flor*.

Not surprisingly, at its congress in November, the PDGE confirmed President Obiang as its candidate for the upcoming 2016 presidential elections.

SUMMARY OF ECONOMIC AND SOCIAL ISSUES

In April, Parliament approved an amended budget for 2015 that took into account an estimated 58% reduction in oil revenues, attributable in part to the drop in world oil prices that started in mid-2014. Since then, thousands of workers in the oil and construction industries are reported to have lost their jobs, as a result of the contraction in these sectors.

In his speech to the UN General Assembly in late September, Second Vice President, Teodorín Nguema highlighted the Equatorial Guinea Government’s achievements in respect of the UN Millennium Development Goals (MDGs). He claimed a reduction of over 50% in the number of people living below the poverty line, from 76.8% in 2006 to 43.7% in 2011, with a further reduction to 17.38% projected by the end of 2015. The maternal mortality rate—allegedly—dropped by 81%, attributed to health services becoming more available and accessible. Infant mortality decreased by 50%. Child mortality—he also claimed—has been cut by 38%, while literacy supposedly increased to 95.7% for the population as a whole, and 96% among females.

There was no independent corroboration of these figures, which were vigorously disputed by opposition political parties and local independent observers.

According to the government's latest population and household census, published in September, Equatorial Guinea's population rose to [1,222,442](#), with about three quarters living on the mainland. The male population slightly exceeded the female. The number of foreign nationals residing legally in the country totaled just over 209,000. This last figure does not include unregistered aliens living in the country, a population that would have—as suggested in the census report—considerably increased the number of foreign nationals.

A [report on human trafficking](#) issued by the United States Department of State in June suggested that most foreign nationals, including women and children and undocumented migrants, came from neighboring countries, attracted to Equatorial Guinea by the demand for cheap labor in the construction and oil industries. The report highlighted some of the risks faced by foreign nationals including being subjected to forced labor or prostitution. The report was critical of the Equatoguinean Government's failure to comply with minimum standards for the elimination of trafficking, and for deporting undocumented migrants without due process, with no attempt to ascertain whether they were trafficking victims, or to provide any assistance if this indeed proved to be the case.

HUMAN RIGHTS VIOLATIONS

A key factor behind the routine violation of human rights was the absence of the rule of law, coupled with an inveterately weak judiciary, which fails to protect individuals against human rights abuses. Moreover, the judiciary itself was frequently engaged in corruption and/or responsible for human rights violations. Only the most basic rights are provided for in Equatorial Guinea's Constitution and laws: these include freedom of the press and expression; freedom of assembly and association; and freedom of movement, as well as the right not to be arbitrarily deprived of liberty. Torture is forbidden by law.

Throughout the year, security forces personnel committed human rights violations against wide sectors of the population, including children, with impunity. No investigations into human rights violations are known to have been carried out. No measures aimed at investigating incidents, establishing the relevant responsibilities, punishing perpetrators or providing reparation to victims were taken during the year.

Political opponents were harassed, arbitrarily arrested and detained, including without charge, over the 72 hours permitted by national law. Some suffered banishment, while others were subjected to malicious accusations and vexatious police investigations. Political activists, students, children, and other members of the civil society were also arbitrarily arrested and detained for exercising their rights. Many of these individuals were beaten by the police.

FREEDOM OF EXPRESSION

The authorities routinely suppressed freedom of expression: those who attempted to openly criticize the government were arrested and imprisoned for days or weeks before being released without charge.

Several people were arbitrarily arrested and detained in January for voicing criticism of the hosting of the Africa Cup of Nations football tournament and for calling for a boycott of the games. They included political activist Celestino Okenve, arrested in Bata, the main city on the mainland, while distributing leaflets promoting a boycott of the games; Antonio Nguema, arrested for enquiring about the reasons for Celestino Okenve's arrest, and Miguel Mbomio, arrested for possessing one of the leaflets. The three men were held in Bata police station and were released without charge two weeks later¹.

¹ See Equatorial Guinea: African Cup of Nations peaceful protesters must be released- joint press release by Amnesty International, the Asociación Pro Derechos Humanos de España, EG Justice, the Open Society Justice Initiative, and the Plataforma Portuguesa das ONGD (January 29, 2015)

Similarly, in March, Luis Nzo Ondó, a member of the political party *Fuerza Demócrata Republicana* - FDR (Democratic Republican Force) was arrested in the street in Malabo while distributing leaflets calling for the release of FDR's leader Guillermo Nguema Ela, who had been arbitrarily arrested and unlawfully confined to his village. Luis Nzo was also unlawfully banished to his village.²

In another incident in August, the Minister of Interior ordered the closure of the *Casa de la Cultura* (a Cultural Centre) in the town of Rebola, on the island of Bioko, and dismissed its management team. The minister had objected to the content of a hip-hop song by a local group, produced at the *Casa de la Cultura*. The lyrics, in the native Bubi language, were—according the government authorities—critical of the ruling PDGE³.

FREEDOM OF ASSEMBLY

Despite constitutional and legal provisions, the authorities did not allow freedom of assembly and demonstration, and people were unlawfully arrested and detained for exercising their rights.

Santiago Martín Engono, the leader of the youth movement of the political party *Convergencia para la Democracia Social -CPDS* (Convergence for Social Democracy), was arrested in Bata on January 14 for allegedly holding meetings to organize a demonstration against the African Cup of Nations. He was held at Bata police station and released three days later without charge.

Police and other security personnel used excessive force and teargas to disperse peaceful demonstrations on at least two occasions. On March 25 and 26, police used force and teargas against university students in Bata and Malabo who were protesting against the unfair allocation of scholarships. Scores of students were arrested in both cities. Those arrested in

² See Equatorial Guinea: Release human rights defender and opposition leader -Joint press release by Amnesty International and EG Justice (March 20, 2015)

³ see Equatorial Guinea: Freedom of expression under threat - press release (August 31, 2015)

Bata were released within 24 hours. However, in Malabo the police continued to arbitrarily and indiscriminately arrest students and other young people suspected of being protestors, taking them from the streets and their homes. Over 50 of those arrested in Malabo were held at Malabo Central Police station for between 10 and 15 days before they were released without charge⁴.

The security forces also used excessive force and teargas on August 25 to disperse a peaceful demonstration in Rebola by some 200 children and young adults who were protesting the closure of the Cultural Center and the dismissal of its director.⁵ No arrests were made during the demonstration. However, hours later, police arbitrarily and indiscriminately arrested nine people, who in fact had not taken part in the demonstration. They were held at Malabo Central police station for a week before being released without charge.

The authorities refused permission for a demonstration planned for November 8 in Bata by the political party *Candidatura Independiente* to demand its legalization. (The party was legalized two weeks later after changing its name - see above). The authorities alleged that the demonstration might lead to public disorder, though they presented no evidence to support the allegation.

FREEDOM OF ASSOCIATION

Despite constitutional provisions and the agreements signed during the National Dialogue in November 2014, several political parties and civic associations were still awaiting registration at year-end. The authorities turned down requests for registration by the FDR alleging that the documentation presented was incomplete. The FDR was one of the three parties that withdrew from the National Dialogue round table in protest, and together with the CPDS and Unión

⁴ See Equatorial Guinea: Crackdown of peaceful students protestors - press release (April 7, 2015)

⁵ See Equatorial Guinea: Freedom of expression under threat. op cit

Popular formed a coalition, *Frente de Oposición Democrática* – FOD (Democratic Opposition Front) in March. Its leaders suffered arrest, confinement and prosecution.

FREEDOM OF MOVEMENT

Freedom of movement continued to be severely restricted by illegal roadblocks, usually put up randomly by soldiers. Though the authorities claimed that the purpose of the roadblocks was to fight illegal immigration and terrorist infiltration, in practice the barriers were used more to facilitate the extortion of money from travelers, particularly foreign nationals. Those who refused to pay were often beaten and arrested.

On May 16, a police officer reportedly beat a Nigerian vice-consul at a roadblock in Bata. According to Nigerian press reports, the officer stopped the taxi in which the diplomat was traveling, demanded to see his identification documents and pulled him out of the car. When the passenger produced his diplomatic identity card, the officer ignored it and began hitting and kicking him all over the body until the diplomat nearly fainted. It appears that despite a formal complaint and a request for an apology, no such apology was forthcoming, and no one was brought to justice.

Police and civilian authorities also restricted the movement of political opponents and unlawfully confined or banished them to their home villages. After being arbitrarily arrested, Guillermo Nguema Ela and Luis Nzo Ondo (see above), were unlawfully banished to their respective villages of origin, where they remained at year-end.

In May, police at Malabo airport prevented Andrés Esono, CPDS' Secretary General, from boarding a plane to travel to the city of Bata. They told him there was a judicial order forbidding him to leave the city of Malabo, but gave him no further explanation. He was confined to Malabo until mid-August⁶.

⁶ See, Equatorial Guinea: Opposition leader at risk of arrest - press release (May 13, 2015) and Timeline The Ebola (August 20, 2015)

VIOLATIONS OF CHILDREN'S RIGHTS⁷

The authorities violated children's rights on several occasions, including by unlawfully arresting and detaining them and holding them in cells together with adults.

Children were among some 300 youngsters arrested and beaten by police in Malabo following disturbances during the African Cup of Nations semi-finals on February 5. At least a dozen were under 16 years of age (the age of criminal responsibility in Equatorial Guinea), including four children between 9 and 11 years of age. The majority of the children were arrested in the streets away from the stadium or in their homes at night. The detainees were held in appalling conditions in overcrowded and poorly-ventilated cells already occupied by adult criminal suspects, at Malabo Central Police Station. They were reportedly flogged. Some were released after their families paid bribes to the police, while 150 were held for over a week before being released without charge on February 13.

Police also arrested a 13-year old child on March 26, as he used his mobile phone to film the police making arrests and forcing entry into the homes of suspected student protestors. He was detained at Malabo Central Police Station for almost two weeks⁸.

In late July, two children aged 9 and 11 were arrested and held for 26 hours in the cell of the military post in Rebola. They were accused of stealing a mobile phone, which they said they had found on the road next to an apparently abandoned car. The soldier on duty made no attempt to establish the facts and ignored appeals by some local authorities to release the children. They were released after their parents paid the imposed "fines."

⁷ EG Justice uses the definition of the UN Convention on the Rights of the Child which defines a child as a person under the age of 18.

⁸ See, Equatorial Guinea: Arbitrary Arrest and Detention Including that of a Child- press release (April 9,2015)

No investigation appears to have been carried out by the Equatorial Guinea authorities into allegations of sexual abuse of children in Bangui, Central Africa Republic –CAR-, committed by Equatoguinean peacekeeping forces who had been deployed to the CAR as part of a French-led peacekeeping mission⁹.

TORTURE AND ILL-TREATMENT

Torture is forbidden by law. However there were consistent reports that torture of suspected criminals and convicted prisoners was continuing unabated. Police beat and ill-treated political opponents, including Celestino Okenve and Luis Nzo and students at the time of their arrest. They also beat children and young people arrested in the context of the football disturbances, on arrival at Malabo Central Police Station. EG Justice continued to receive numerous reports of persistent ill-treatment of foreign nationals at roadblocks and during police raids on their homes and neighborhoods.

RULE OF LAW AND THE JUDICIARY

The lack of an impartial and independent judiciary, judicial corruption, and the absence of a solid legal framework that takes human rights into account contribute to create a complete rule of law vacuum.

The presidential dissolution of the judiciary in May resulted in various human rights violations, as detainees were not brought before a judge within the 72 hours stipulated by law, and were thus unlawfully deprived of their freedom. They were kept in inhumane and cruel conditions in police cells, which quickly became severely overcrowded.

⁹ See Equatorial Guinea: Government must Investigate Abuse of Children (24 June 2015)

In addition, police and judicial officials failed to follow procedures pertaining to arrest and detention, in contravention of national and international law. Police ordinarily carried out arrests without a warrant and failed to bring detainees before a judge within the legal timeframe to rule on the legality of their detention, as required by law, and seldom informed them of the reasons for their arrest and detention. FDR leader, Guillermo Nguema (mentioned above), was not given a reason for his warrantless arrest and subsequent unlawful banishment. Santiago Aparicio Abeso, a former member of the CPDS, was arrested and detained at Malabo Central Police Station on February 6, when he was visiting a relative detained there. Santiago Aparicio was held for four days and was not informed of the reason for his detention.

Foreign nationals from neighbouring countries suspected of being undocumented migrants, usually arrested at roadblocks or in police raids of their homes, were held without charge for months. Some were released after paying bribes, while others were expelled from the country without due process, regardless of whether they had a legal right to be in the country¹⁰.

The judicial authorities were also responsible for human rights violations, through acts of both commission and omission. For instance, in disregard for the law and the rights of children, on February 11, the Bioko Norte Provincial Court in Malabo authorized the continued detention and transfer of children under the age of 16 to Black Beach prison, a prison designated for adult convicted prisoners.

The case of Italian businessman Roberto Berardi is also illustrative of the dearth of the rule of law in Equatorial Guinea. The judicial authorities violated the law as well as his right to personal freedom when they refused to release him on May 19, upon completion of his 28-month sentence for alleged misappropriation of company funds. They refused to credit him with the time he spent in pre-trial detention under police custody and house arrest, and extended his sentence for six weeks. In further disregard for the law and Berardi's rights, on July 7, on his

¹⁰ See Equatorial Guinea: Dozens Remain Unjustly Detained (July 24,2015);

revised release date, the court in Bata was closed, with all judicial officials away attending a funeral in another town. Roberto Berardi was finally released on July 9¹¹.

In another egregious example of the lack of the rule of law, the judicial authorities in Malabo opened an investigation into unfounded and malicious allegations made by a government official against the CPDS' Secretary-General, Andrés Esono. In February the government official accused Andrés Esono and other exiled political leaders of attempting to provoke an outbreak of the Ebola pandemic by deliberately trying to introduce the virus into the country. The judicial authorities in violation of the law initiated an investigation against Andrés Esono while a case for defamation filed in March by CPDS against the official was still pending. Although Andrés Esono was never charged, at the end of April the judicial authorities issued an order forbidding him from leaving Malabo, thus violating his right to freedom of movement and his constitutional right to the presumption of innocence. In addition, the courts failed to respond to an appeal by Andrés Esono's lawyer, requesting a revision of the case on the grounds of violation of procedures, for the court to proceed with the defamation case filed by CPDS, and to lift the order confining Andrés Esono to Malabo. The cases remain unresolved.¹²

¹¹ See, Equatorial Guinea: Another miscarriage of justice- press release (May 22, 2015); Timeline: Berardi, Timeline of an injustice (July 9, 2015)

¹² See Equatorial Guinea: the Government Uses Ebola to Discredit the Opposition (April 15, 2015) and Timeline The Ebola saga (August 20, 2015)

PUBLICATIONS /ACTIONS

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"Freedom of Expression under Threat." *EG Justice*. 31 Aug. 2015. <<http://www.egjustice.org/post/freedom-expression-under-threat>>

"Timeline: Andrés Esono and the Ebola Saga." *EG Justice*. 20 Aug. 2015. <<http://egjustice.org/post/timeline-andres-esono-ebola-saga>>

Submission to the UN Working Group on Arbitrary detention regarding the arrest and confinement of Guillermo Nguema Ela and Luis Nzo (April 2015)

Letter to the authorities urging an investigation into allegations of sexual abuse of children by Equatoguinean soldiers. (July 2015)